

VOLUNTARY PARTNERSHIP AGREEMENT**between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

and

THE REPUBLIC OF THE CONGO, hereinafter referred to as 'Congo',

hereinafter referred to together as 'the Parties',

IN VIEW OF the close working relationship between the Union and Congo, particularly in the context of the Partnership Agreement between Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, revised in Luxembourg on 25 June 2005, hereinafter referred to as the 'Cotonou Agreement',

CONSIDERING the communication from the Commission to the Council and the European Parliament on an EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) ⁽²⁾ is a first step towards tackling the urgent issue of illegal logging and associated trade,

REFERRING to the Yaoundé Ministerial Declaration on Forest Law Enforcement and Governance in Africa of 16 October 2003,

AWARE of the importance of the principles set out in the Convention on Biological Diversity signed in June 1992 in Rio de Janeiro, and in the 1992 Rio de Janeiro Declaration in the context of securing sustainable forest management, and in particular of Principle 10 concerning the importance of public awareness and participation in environmental issues and of Principle 22 concerning the vital role of indigenous peoples and communities and other local communities in environmental management and development, and of the United Nations Declaration on the Rights of Indigenous Peoples of 13 September 2007,

REFERRING to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and in particular the requirement that CITES export permits issued by the Parties for specimens of species listed in Annex I, II or III be granted only under certain conditions, including that such specimens were not obtained in contravention of the laws of that State for the protection of fauna and flora,

CONSIDERING the importance attached by the Parties to development objectives agreed at international level and to the Millennium Development Goals of the United Nations,

CONSIDERING the importance attached by the Parties to the principles and rules which govern multilateral trading systems, in particular the rights and obligations in GATT 1994 and in other multilateral agreements establishing the World Trade Organisation (WTO) and to the need to apply them in a transparent and non-discriminatory manner,

REFERRING to Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community ⁽³⁾,

CONSIDERING that the Congolese system for verifying the legality of timber and derived products applies to all exports and not just those intended for the Union,

CONSIDERING Congo's desire to work towards the sustainable management of forest resources pursuant to international agreements and treaties, in particular the Treaty of 5 February 2005 on the conservation and sustainable management of forest ecosystems establishing the Central Africa Forests Commission, to the constitutional provisions of 20 January 2002 and to Law 16-2000 of 20 November 2000 setting out the forestry code,

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ COM(2003) 251 final, 21.5.2003.

⁽³⁾ OJ L 347, 30.12.2005, p. 1.

HEREBY AGREE AS FOLLOWS:

Article 1

Objective

The objective of this Agreement, consistent with the Parties' common commitment to the sustainable management of all types of forest, is to provide a legal framework aimed at ensuring that all timber and derived products covered by this Agreement that are imported into the Union from Congo have been legally produced and in doing so to promote trade in this timber and these derived products.

In addition, this Agreement provides a basis for dialogue and cooperation between the Parties to facilitate and promote the full implementation of this Agreement and enhance forest law enforcement and governance.

Article 2

Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (a) 'Import into the Union' means the release for free circulation of timber and derived products into the Union within the meaning of Article 79 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾ and which cannot be qualified as 'goods of a non-commercial nature' as defined in point 6 of Article 1 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾;
- (b) 'Export' means the physical leaving or taking out of timber and derived products from any part of the geographical territory of Congo, except for timber and derived products in transit through Congolese territory under the control of the customs authorities of Congo;
- (c) 'Timber and derived products' means the products listed in Annex I;
- (d) 'HS nomenclature' means a six digit code as set out in the Harmonised Commodity Description and Coding System established by the International Convention on the Harmonised Commodity Description and Coding System of the World Customs Organisation;
- (e) 'FLEGT licence' means a licence which refers to a shipment of legally produced timber or derived products;
- (f) 'Licensing authority' means the authority designated to issue and validate FLEGT licences;
- (g) 'Competent authorities' means the authorities designated by the Member States of the Union to receive, accept and verify FLEGT licences;
- (h) 'Shipment' means a quantity of timber and derived products covered by a FLEGT licence that is sent by a consignor or a shipper and is presented for release for free circulation at a customs office in the Union;
- (i) 'Legally produced timber' is deemed to be any timber from acquisition, production and marketing processes that meets all of the statutory and regulatory provisions in force in Congo applicable to forest management and logging as set out in Annex II.

Article 3

FLEGT licensing scheme

1. A 'Forest Law Enforcement, Governance and Trade licensing scheme' (hereinafter referred to as 'FLEGT licensing scheme') is hereby established between the Parties to this Agreement. It establishes a set of procedures and requirements aimed at verifying and attesting, by means of FLEGT licences, that timber and derived products shipped to the Union were legally produced. In accordance with Regulation (EC) No 2173/2005, the Union shall only accept such shipments from Congo for import into the Union if they are covered by FLEGT licences.

2. The FLEGT licensing scheme shall apply to the timber and derived products listed in Annex I.

Article 4

Licensing authority

1. Congo shall designate the licensing authority and notify contact details of the licensing authority to the European Commission. Both Parties shall make this information available to the public.

2. The licensing authority will verify that timber and derived products have been legally produced in accordance with the legislation identified in Annex II. According to the terms set out in Annex III, it will issue FLEGT licences covering shipments of timber and derived products that have been legally produced, acquired or imported in Congo and are for export to the Union and any documentation required for timber and derived products in transit through Congolese territory under the control of the customs authorities of Congo.

⁽¹⁾ OJ L 302, 19.10.1992, p. 38.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

3. The licensing authority shall not issue FLEGT licences for any timber and derived products that are composed of, or include, timber and derived products imported into Congo from a third country unless it has been proven that this timber and these derived products, imported in accordance with the terms specified in Annex III, have been produced and exported pursuant to the laws of the third country concerned.

4. The licensing authority shall maintain and make publicly available its procedures for issuing FLEGT licences. The licensing authority shall also maintain records of all shipments covered by FLEGT licences and, consistent with national legislation concerning data protection, shall make these records available for the purposes of an independent audit, while respecting the confidentiality of information regarding exporters' industrial property.

Article 5

Competent authorities of the Union

1. The European Commission shall inform Congo of the contact details of the competent authorities designated by the Member States of the Union.

2. The competent authorities shall verify that each shipment is the subject of a valid FLEGT licence prior to releasing that shipment for free circulation in the Union. The release for free circulation of the shipment may be suspended and the shipment detained where there are doubts regarding the validity of the FLEGT licence. The procedures governing release for free circulation in the Union for shipments covered by a FLEGT licence are described in Annex IV.

3. The competent authorities shall maintain and publish annually a record of FLEGT licences received.

4. According to national legislation on data protection, the competent authorities shall grant persons and bodies designated by Congo as Independent Auditor access to the relevant documents and data.

5. The competent authorities of the Union shall refrain from the action described in Article 5(2) for timber and derived products produced from species listed under the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to the extent that these are covered by the provisions for verification set out in Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein⁽¹⁾. The FLEGT licence scheme shall nonetheless provide assurance of the legal harvesting of these products.

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

Article 6

FLEGT licences

1. FLEGT licences shall be issued by the licensing authority as a means of attesting that timber and derived products have been legally produced.

2. FLEGT licences shall be laid out on a French form.

3. The Parties may, by agreement, establish an electronic system for the issuing, transmission and receipt of FLEGT licences.

4. The procedure for issuing FLEGT licences and the technical specifications are set out in Annex V.

Article 7

Legality matrices

For the purposes of this Agreement, documentation including criteria and indicators that shall serve as proof of compliance with such regulations, called legality matrices, is given in Annex II.

Article 8

Verifying the legality of timber

1. Congo shall implement a system for verifying that timber and derived products for shipment have been legally produced and that only shipments verified as such are exported to the Union. The verification system should include checks of compliance in order to provide assurance that the timber and derived products destined for export to the Union have been legally produced and that FLEGT licences are not issued in respect of shipments of timber and derived products that have not been legally produced or are of unknown origin. The system shall also include procedures to ensure that timber of illegal or unknown origin does not enter the supply chain.

2. The system for verification that shipments of timber and derived products have been legally produced is set out in Annex III.

Article 9

Application of the system for verifying the legality of all timber and derived products produced in Congo

Congo shall use the system for verifying the legality of timber and derived products in respect of all timber and derived products irrespective of the intended market.

*Article 10***Consultation on the validity of licences**

1. If any doubt arises as to the validity of a licence, the competent authority concerned may ask the licensing authority for additional information. If no answer is received from the licensing authority within 21 calendar days, the competent authority shall act in accordance with applicable national legislation and shall not accept the licence. If, following the provision of additional information, it is established that information on the licence does not correspond to the shipment, the competent authority shall act in accordance with applicable national legislation and shall not accept the licence.

2. Where persistent disagreements or difficulties arise in consultations concerning FLEGT licences, the matter may be referred to the Joint Implementation Committee of the Agreement.

*Article 11***Independent auditor**

1. The Parties shall agree on the need to call on the services of an independent auditor at agreed intervals to check the performance and efficiency of the FLEGT licensing scheme as set out in Annex VI.

2. The independent auditor shall submit its observations to the Parties in reports in accordance with the procedure described in Annex VI.

3. The Parties shall facilitate the work of the independent auditor, including by ensuring that the latter has access to information as required in territories of both Parties in order to carry out its functions. However, the Parties, in accordance with the respective legislation on data protection, can keep any information that they are not allowed to disclose.

*Article 12***Irregularities**

The Parties shall inform each other if they suspect or have found evidence of any circumvention of, or irregularities conflicting with, the FLEGT licensing scheme, including in relation to the following:

- (a) circumvention of trade, including by re-direction of trade from Congo to the Union via a third country where there is reason to believe that this has been done with the intention of avoiding applying for a licence;
- (b) FLEGT licences being issued for timber and derived products that include imports of suspicious origin from third countries; or
- (c) fraud in obtaining or using FLEGT licences.

*Article 13***Date of introduction of the FLEGT licensing scheme**

1. The Parties shall notify each other through the Joint Implementation Committee of the Agreement when they consider they have made all the necessary preparations for the FLEGT licensing scheme to become fully operational.

2. The Parties, through the Joint Implementation Committee of the Agreement, shall commission an independent assessment of the FLEGT licensing scheme using the criteria set out in Annex VII. The assessment will determine whether the legality assurance system underpinning the FLEGT licensing scheme as described in Annex III adequately fulfils its functions and whether the procedures for receiving, verifying and accepting FLEGT licences, as set out in Article 5 and Annex IV, are in place in the Union.

3. On the basis of the recommendations of the Joint Implementation Committee of the Agreement, the two Parties shall agree on a date from which the FLEGT licensing scheme should start full operation.

*Article 14***Schedule for implementation of the Agreement**

1. The Parties hereby agree to the implementation schedule set out in Annex VIII.

2. The Parties, working through the Joint Implementation Committee of the Agreement, shall evaluate progress in implementation with reference to the schedule set out in Annex VIII.

*Article 15***Other relevant measures**

1. The Parties hereby agree on the following as other relevant measures set out in Annex IX of this Agreement:

- (a) increasing the capacity of the General Forest Economy Inspectorate;
- (b) increasing the capacity of civil society;
- (c) legislation and regulations to be supplemented;
- (d) implementing a communication plan;
- (e) setting up a technical office for the Congolese party responsible for monitoring the Agreement.

2. The Parties have identified the areas set out in Annex IX as those in which there is a need for additional technical and financial resources in order to implement this Agreement.

3. The provision of such additional resources shall be subject to the normal procedures for programming aid to Congo in the Union and the Member States of the Union as well as the budgetary procedures of Congo itself.

4. The Parties shall consider the need for a joint arrangement by which financing and technical contributions of the European Commission and the Member States of the Union are coordinated to support these processes.

5. Congo shall ensure that strengthening its capacity to implement this Agreement is included in national planning instruments, such as poverty reduction strategies.

6. The Parties shall ensure that activities carried out under this Agreement are coordinated with relevant existing and future development programmes and initiatives.

7. The provision of such resources is subject to the procedures governing Union aid as set out in the Cotonou Agreement and those governing bilateral aid given to Congo by Member States of the Union.

Article 16

Stakeholder involvement in the implementation of the Agreement

1. Congo shall involve the stakeholders in the implementation of this Agreement in accordance with the international and subregional commitments it has signed up to, in particular the Convention on Biological Diversity of June 1992 and the Treaty of 5 February 2005 on the conservation and sustainable management of forest ecosystems establishing the Central Africa Forests Commission.

2. The Union shall hold regular consultations with stakeholders on the implementation of this Agreement, taking into account its obligations under the 1998 Aarhus Convention on access to information, public participation in the decision-making process and access to justice in environmental matters.

Article 17

Social safeguards

1. In order to minimise any adverse impacts, the Parties hereby agree to develop a better understanding of the livelihoods of potentially affected indigenous and local communities, including those engaged in illegal logging.

2. The Parties shall monitor the impact of this Agreement on those communities, while taking reasonable steps to mitigate any adverse effects. The Parties may agree on additional measures to address such adverse effects.

Article 18

Market incentives

Taking into account its international obligations, the Union shall strive to promote favourable access to its market for the timber and derived products covered by this Agreement. Such efforts shall include:

- (a) the encouragement of public and private procurement policies that recognise efforts to ensure a supply of legally harvested forest produce, in particular timber and derived products; and
- (b) the promotion of FLEGT-licensed products within the Union market.

Article 19

Joint implementation committee of the Agreement

1. The Parties shall establish a Joint Implementation Committee of the Agreement to facilitate the monitoring and review of this Agreement. It also facilitates dialogue and the exchange of information between the Parties.

2. Each Party shall name its representatives on the Joint Implementation Committee of the Agreement, which shall take its decisions by consensus.

3. The Joint Implementation Committee of the Agreement:

- (a) shall meet at least twice a year on dates and at places agreed by the Parties;
- (b) shall prepare the agenda for its work and terms of reference for joint actions;
- (c) shall establish its own rules of procedure;
- (d) shall preside over its meetings by a co-chair arrangement;
- (e) shall ensure that its work is as transparent as possible and that information about its work and decisions is made available to the public;
- (f) may set up working groups or other subsidiary bodies for areas of work requiring specific expertise;
- (g) publishes an annual report. Details of the content of this report are given in Annex X.

4. The specific functions of the Joint Implementation Committee of the Agreement are described in Annex XI.

5. In the period between the signing of the Agreement and its entry into force, a joint mechanism for dialogue and monitoring shall be set up to facilitate implementation of the Agreement.

Article 20

Communication on implementation of the Agreement

1. The representatives of the Parties responsible for official communications concerning implementation of this Agreement are:

For Congo	For the European Union
Minister of Sustainable Development, Forestry Economy and Environment	Head of the Union Delegation in Congo

2. The Parties shall provide one another with the information necessary for implementing this Agreement.

Article 21

Reporting and public disclosure

1. Public disclosure of information is one of the key provisions of this Agreement for promoting governance. Information facilitates the implementation and monitoring of the system, increasing transparency. Information also allows better provision of accounts and greater accountability of the various parties involved. The information that will be divulged and made available to the public is specified in Annex X.

2. Each Party shall consider the most appropriate mechanism (media, documents, Internet, workshops, annual reports) for publishing the information. In particular, the Parties shall endeavour to provide the various stakeholders associated with the forestry industry with reliable, relevant and up-to-date information. These mechanisms are described in Annex X.

Article 22

Confidential information

1. Each Party agrees to maintain, to the extent required under its laws, the confidentiality of confidential information exchanged under this Agreement. Neither Party shall disclose to the public, nor permit its authorities to disclose to the public, information exchanged under this Agreement that constitutes trade secrets or confidential commercial information.

2. Subject to paragraph 1, the following information shall not be considered confidential:

(a) the number of FLEGT licences issued by Congo and received by the Union and the volume of timber and derived products exported from Congo and received by the Union;

(b) the names and addresses of licence holders and of importers.

Article 23

Territorial application

This Agreement shall apply to the territory in which the Treaty on the Functioning of the European Union is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of Congo, on the other.

Article 24

Settlement of disputes

1. The Parties shall seek to resolve any dispute concerning the application or interpretation of this Agreement through early consultation.

2. If a dispute has not been settled by means of consultation within 3 months from the date of the initial request for consultation, either Party may refer the dispute to the Joint Implementation Committee of the Agreement, which shall endeavour to settle it. The Committee shall be provided with all relevant information for an in-depth examination of the situation with a view to finding an acceptable solution. To this end, the Committee shall be required to examine all possibilities enabling the effective implementation of this Agreement to be maintained.

3. In the event that the Joint Implementation Committee of the Agreement is unable to settle the dispute, the Parties may:

(a) jointly seek the good offices of, or request mediation by, a third party;

(b) seek arbitration. If the dispute cannot be settled in accordance with paragraph 3(a), either Party may notify the other of the appointment of an arbitrator; the other Party must then appoint a second arbitrator within 30 calendar days of the appointment of the first arbitrator. The Parties shall jointly appoint a third arbitrator within two months of the appointment of the second arbitrator. The arbitrators' decisions shall be taken by majority vote within six months of the third arbitrator being appointed. The award shall be binding on the Parties without right of appeal.

4. The Joint Implementation Committee of the Agreement establishes the working procedures for arbitration.

*Article 25***Suspension**

1. Either Party may suspend the application of this Agreement. The decision on suspension and the reasons for that decision shall be notified to the other Party in writing.
2. The conditions of this Agreement shall cease to apply 30 calendar days after such notice is given.
3. Application of this Agreement shall resume 30 calendar days after the Party that has suspended its application informs the other Party that the reasons for the suspension no longer apply.

*Article 26***Amendments**

1. Either Party wishing to amend this Agreement shall present the proposal at least 3 months before the next meeting of the Joint Implementation Committee of the Agreement. The latter shall discuss the proposal and, if consensus is achieved, it shall make a recommendation. Each Party shall consider the recommendation and, subject to its agreement, it shall approve it in accordance with its own procedures.
2. Any amendment so approved by both Parties shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.
3. The Joint Implementation Committee of the Agreement may adopt amendments to the annexes to this Agreement.
4. Notification of any amendment shall be sent to the joint depositaries for this Agreement.

*Article 27***Annexes**

The annexes to this Agreement shall form an integral part thereof.

*Article 28***Entry into force**

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other in writing of the completion of the procedures necessary for this purpose.
2. Notification shall be sent to the Secretary-General of the Council of the European Union and to the Congo Ministry of Foreign Affairs and French-Speaking Countries, who shall be the joint depositaries for the Agreement.

*Article 29***Duration and extension**

This Agreement shall remain in force for a period of seven years and shall be extended for consecutive periods of five years, unless a Party renounces the extension by notifying the other Party in writing at least one year before expiry of the Agreement.

*Article 30***Notice of termination of the Agreement**

Notwithstanding Article 29, either Party may terminate this Agreement by notifying the other Party in writing. This Agreement shall cease to apply 12 months after the date of such notification.

*Article 31***Authentic texts**

This Agreement shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being authentic. In case of divergence of interpretation, the French text shall prevail over the other language texts.

Съставено в Брюксел на седемнайсети май две хиляди и десета година.

Hecho en Bruselas, el diecisiete de mayo de dos mil diez.

V Bruselu dne sedmnáctého května dva tisíce deset.

Udfærdiget i Bruxelles den syttende maj to tusind og ti.

Geschehen zu Brüssel am siebzehnten Mai zweitausendzehn.

Kahe tuhande kümnenda aasta maikuu seitsmeteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εφτά Μαΐου δύο χιλιάδες δέκα.

Done at Brussels on the seventeenth day of May in the year two thousand and ten.

Fait à Bruxelles, le dix-sept mai deux mille dix.

Fatto a Bruxelles, addì diciassette maggio duemiladieci.

Briselē, divi tūkstoši desmitā gada septiņpadsmitajā maijā

Priimta du tūkstančiai dešimtų metų gegužės septynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év május havának tizenhatedik napján.

Magħmul fi Brussell, fis-sbatax-il jum ta' Mejju tas-sena elfejn u għaxra.

Gedaan te Brussel, de zeventiende mei tweeduizend tien.

Sporządzono w Brukseli dnia siedemnastego maja roku dwa tysiące dziesiątego.

Feito em Bruxelas, em dezassete de Maio de dois mil e dez.

Întocmit la Bruxelles, la șaptesprezece mai două mii zece.

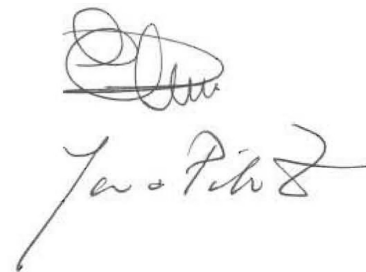
V Bruseli dňa sedemnásteho mája dvetisícdesať.

V Bruslju, dne sedemnajstega maja leta dva tisoč deset.

Tehty Brysselissä seitsemäntenätoista päivänä toukokuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den sjuttonde maj tjugohundratio.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



За Република Конго
 Por la República de Congo
 Za Konžskou republiku
 For Republikken Congo
 Für die Republik Kongo
 Kongo Vabariigi nimel
 Για τη Δημοκρατία του Κονγκό
 For the Republic of Congo
 Pour la République du Congo
 Per la Repubblica del Congo
 Kongo Republikas vārdā
 Kongo Respublikos vardu
 A Kongói Köztársaság részéről
 Ghar-Repubblika tal-Kongo
 Voor de Republiek Congo
 W imieniu Republiki Kongo
 Pela República do Congo
 Pentru Republica Congo
 Za Konžskú republiku
 Za Republiko Kongo
 Kongon tasavallan puolesta
 För republiken Kongo



ANNEX I

LIST OF PRODUCTS SUBJECT TO FLEGT LICENSING

The following products are subject to FLEGT licensing:

HS codes	Description of the goods
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4406	Railway or tramway sleepers (cross-ties) of wood
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm
4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm
4412	Plywood, veneered panels and similar laminated wood
44 09	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed
44 01 10	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms
44 01 30	Sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
44 02 90	Wood charcoal (including shell or nut charcoal), whether or not agglomerated
44 10 11	Particle boards
44 14 00	Wooden frames for paintings, photographs, mirrors or similar objects
44 15 10	Cases, boxes, crates, drums and similar packings; cable-drums of wood
44 15 20	Pallets, box pallets and other load boards of wood; pallet collars of wood
44 17 00	Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees of wood
44 18 10	Builders' joinery and carpentry of wood: windows, French-windows and their frames
44 18 20	Builders' joinery and carpentry of wood: doors and their frames and thresholds
44 18 90	Builders' joinery and carpentry of wood: parquet panels
94 03 30	Wooden furniture of a kind used in offices
94 03 40	Wooden furniture of a kind used in kitchens
94 03 50	Wooden furniture of a kind used in the bedroom
94 03 60	Other wooden furniture

ANNEX II

LEGALITY MATRICES FOR TIMBER SOURCED FROM NATURAL FORESTS AND FOREST PLANTATIONS IN CONGO

Introduction

Annex II of the Voluntary Partnership Agreement consists of the following:

- a matrix for assessing the legality of timber produced in natural forests,
- a matrix for assessing the legality of timber produced in forest plantations.

These two matrices for assessing legality therefore cover all timber and derived products produced and sold in Congo ⁽¹⁾.

Legality is defined as follows:

Any timber from acquisition, production and marketing processes that meet all of the statutory and regulatory provisions in force in Congo applicable to forest management and logging is deemed to be legal.

The legality matrices constitute the basic document for verifying legality.

The legality matrices have been produced as part of a participative process involving representatives of stakeholders in the sustainable management of forests, namely: the public sector, the private sector and civil society in Congo. These matrices were also tested on the ground in February 2009 in order to verify the relevance of indicators and verifiers and make improvements to them.

Any amendment of statutory and regulatory provisions will result in a corresponding amendment of the legality matrices. Proposed amendments of this Annex, together with supporting evidence, will be submitted for approval to the Joint Implementation Committee of the Agreement in accordance with Annex XI of this Agreement.

It should be emphasised that the management plan for each forestry concession will be adopted under a separate decree. That is why the details of these regulations cannot be given in the legality matrices.

Besides the logging, processing and trade of timber, the legality matrices take the following into account in accordance with the definition of legality:

- conditions stipulated for the existence of a forestry company,
- compliance with tax rules,
- environmental protection and conservation,
- worker conditions,
- the involvement of local and indigenous populations and respect for their rights,
- provisions governing the transporting of timber.

All logging rights, as defined under Articles 65 to 70 of law 16-2000, are covered by the legality matrices:

- the management and processing agreement (CAT),
- the industrial processing agreement (CTI),
- plantation timber harvesting permits,
- special permits (PS).

⁽¹⁾ The case of *Eucalyptus Fibre Congo* is currently the only exception, pending adjustment (cf. Annex IX). Here, State plantations covering around 48 000 ha were transferred in April 2008 for management by EFC under a long lease. For this purpose, the intention is to adopt the legislation setting out the conditions of transfer of plantations to third parties. Ultimately, the legality of this timber and these derived products will be shown in the legality matrix for timber produced in plantations.

1. Legality matrix for timber produced in natural forests in Congo

The legality matrix for timber produced in natural forests consists of 5 principles, 23 criteria, 65 indicators and 162 verifiers.

The matrix for timber produced in natural forests includes timber produced in any logging operations:

- the exploitation of annual harvesting sites (annual harvest licence, completion licence, clearing licence),
- logging by special permit,
- the construction of main evacuation roads or minor roads within forestry concessions and the installation of base camps and industrial sites on the basis of an installation licence,
- the completion of development projects relating to the construction of social and economic infrastructures (roads, hydroelectric dams, etc.). This is timber harvesting by deforestation licence.

	Reference of the legislation or regulations	Articles	Type of permit
Principle 1: The company legally exists in Congo.			
Criterion 1.1: The company is properly registered with the competent authorities.			
Indicator 1.1.1: The company is properly registered with the economic, fiscal and judicial authorities.			
Verifier 1.1.1.1. Trading licence	— decree No 2008-446 of 15 November 2008	1, 3 and 9	CAT, CTI, PS
Verifier 1.1.1.2. Business, credit and real estate register	— law 19-2005 of 24 November 2005	18 and 40	CAT, CTI
Indicator 1.1.2: The company is properly registered with the social security and employment authorities.			
Verifier 1.1.2.1. Certificate of registration with the national social security fund (CNSS)	— law No 004/86 of 25 February 1986	172	CAT, CTI
	— law 19-2005 of 24 November 2005	18 and 40	CAT, CTI
Verifier 1.1.2.2. Declaration of existence	— law 45/75 of 15 March 1975	181	CAT, CTI
	— order No 3020/IGT/LS of 29 September 1953	1, subparagraph 2	CAT, CTI
Indicator 1.1.3: The company is properly registered with the relevant Forestry Authority.			
Verifier 1.1.3.1. Consent	— decree 2002-437 of 31 December 2002	48	CAT, CTI, PS
Verifier 1.1.3.2. Licence	— decree 2002-437 of 31 December 2002	48	CAT, CTI, PS
Criterion 1.2: The company is not subject to any judicial decisions or administrative measures resulting in temporary or permanent suspension of its business.			
Indicator 1.2.1: The company's business has not been suspended by a judicial decision.			
Verifier 1.2.1.1. Judicial decision	— OHADA uniform act of 10 April 1998 organising summary debt collection procedures	8	CAT, CTI, PS
	— law 19-2005 of 24 November 2005	28, 42 and 43	CAT, CTI, PS
	— law 6-1994 of 1 June 1994	26	CAT, CTI, PS

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 1.2.2: The company's business has not been suspended by an administrative measure.			
Verifier 1.2.2.1. Suspension note	— OHADA uniform act relating to general commercial law	10	CAT, CTI
	— law 6-1994 of 1 June 1994	26	CAT, CTI
Principle 2: The company owns legal rights of access to forestry resources in its operation area.			
Criterion 2.1: The certificate of exploitation of forestry resources in the operation area was properly granted by the competent authorities.			
Indicator 2.1.1: All steps leading up to the granting of the certificate of exploitation were properly followed by the company including compliance with deadlines stipulated under national laws and regulations.			
Verifier 2.1.1.1. Call for tenders order	— law 16-2000 of 20 November 2000	73	CAT, CTI
	— decree 2002-437 of 31 December 2002	148	CAT, CTI
Verifier 2.1.1.2. Minutes of the meeting of the Forestry Commission	— decree 2002-437 of 31 December 2002	164	CAT, CTI
Verifier 2.1.1.3. Notification of approval of the file by the Forest Economy Director General	— decree 2002-437 of 31 December 2002	165	CAT, CTI
Indicator 2.1.2: The company has a valid certificate of exploitation.			
Verifier 2.1.2.1. Agreement	— law 16-2000 of 20 November 2000	65 and 66	CAT, CTI
Verifier 2.1.2.2. Special permit	— law 16-2000 of 20 November 2000	77	PS
Criterion 2.2: The company holds all periodic licences allowing it to carry out its business.			
Indicator 2.2.1: All the steps leading up to the granting of installation, annual harvest, completion and clearing licences have been respected.			
Verifier 2.2.1.1. Installation, annual harvest, completion and clearing licence application file	— decree 2002-437 of 31 December 2002	71	CAT, CTI
Verifier 2.2.1.2. Verification reports on the annual harvest, completion harvest and control of non-evacuated timber	— decree 2002-437 of 31 December 2002	72, 74, 101 and 172	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 2.2.2: Installation, annual harvest, completion and clearing licences granted by the relevant department of the Forestry Authority are still valid.			
Verifier 2.2.2.1. Installation, annual harvest, completion and clearing licences	— decree 2002-437 of 31 December 2002	74, 75, 101 and 172	CAT, CTI
Indicator 2.2.3: The documents and other licences periodically provided by economic, financial, fiscal and forestry authorities are still valid.			
Verifier 2.2.3.1. Patents	— General Tax Code	277 and 314	CAT, CTI, PS
Verifier 2.2.3.2. Consent of the authorised customs inspector	— Customs Regulations	112 to 119	CAT, CTI
Verifier 2.2.3.3. Consent	— decree 2002-437 of 31 December 2002	48	CAT, CTI, PS
Principle 3: The company involves civil society and local and indigenous populations in the management of its concession and respects the rights of these populations and workers.			
Criterion 3.1: The company involves civil society and local and indigenous populations in the management of its forestry concession.			
Indicator 3.1.1: The company has a mechanism for functional dialogue between the stakeholders with respect to the sustainable management of its concession.			
Verifier 3.1.1.1. Minutes of the meeting of the committee monitoring and reviewing the management plan	—	—	CAT
Indicator 3.1.2: Local and indigenous populations are sufficiently well informed of their rights and of the management of the forestry concession.			
Verifier 3.1.2.1. Minutes of information meetings	— decree approving the management plan	—	CAT
Criterion 3.2: The company respects the rights, customs and practices of local and indigenous populations in accordance with national legislation and regulations and international conventions.			
Indicator 3.2.1: The company respects the customs, practices and rights of local and indigenous populations.			
Verifier 3.2.1.1. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Verifier 3.2.1.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 81	CAT, CTI
Indicator 3.2.2: The company meets its commitments with respect to local and indigenous populations.			
Verifier 3.2.2.1. Terms and conditions/Memorandum of understanding	— law 16-2000 of 20 November 2000	72	CAT, CTI
	— decree 2002-437 of 31 December 2002	168	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 3.2.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 81	CAT, CTI
Verifier 3.2.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Indicator 3.2.3: If property belonging to local and indigenous populations is destroyed by the company, compensation meets the requirements of applicable legislation and regulations.			
Verifier 3.2.3.1. Report	— decree 86/970 of 27 September 1986	10	CAT, CTI, PS
Verifier 3.2.3.2. Compensation receipts	— decree 86/970 of 27 September 1986	1 and 9	CAT, CTI, PS
Criterion 3.3.: The company, civil society and local populations have put mechanisms in place for monitoring and settling disputes.			
Indicator 3.3.1: A procedure for recording and handling requests and complaints established within the company.			
Verifier 3.3.1.1. Minutes of meetings of platforms for dialogue between the company and local populations.	— decree approving the management plan	—	CAT
Indicator 3.3.2: Civil society and local and indigenous populations are informed of procedures for managing disputes and are involved in the mechanisms for settling them.			
Verifier 3.3.2.1. Minutes of meetings of platforms for dialogue between the company and local populations.	— decree approving the management plan	—	CAT
Criterion 3.4: The social partners at the company are sufficiently well informed of their rights.			
Indicator 3.4.1: The company guarantees freedom of and legal and regulatory means for union activities.			
Verifier 3.4.1.1. Existence of staff representatives and union branches	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 173 and 210-3	CAT, CTI
Verifier 3.4.1.2. Existence of union premises	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	210-5	CAT, CTI
Verifier 3.4.1.3. Existence of records of complaints and claims	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	210-7 and new 179	CAT, CTI
	— order No 1110/MTFPSS/DGT of 24 June 1996	27	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 3.4.2: Staff representatives and members of union branches have received various training to help them carry out their functions.			
Verifier 3.4.2.1. Memorandum of placement on leave for worker education	— law 06/96 of 6 March 1996	new 179	CAT, CTI
Indicator 3.4.3: Company employees have access to the various documents relating to labour, employment and social security rights.			
Verifier 3.4.3.1. Documents available	— Agreement No 98 (OIT, 1949)	7	CAT, CTI
Criterion 3.5: The company respects workers' rights.			
Indicator 3.5.1: The company meets its commitments with respect to its social partners.			
Verifier 3.5.1.1. Minutes of meetings	— order No 1110/MTFPSS/DGT of 24 June 1996	26	CAT, CTI
Indicator 3.5.2: Relations between the company and its employees are formalised in accordance with the provisions of the labour code and the social security code.			
Verifier 3.5.2.1. Employer register signed	— law 45/75 of 15 March 1975	182	CAT, CTI
Verifier 3.5.2.2. Employment contract	— law No 022/88 of 17 September 1988	13 to 16	CAT, CTI
	— law 45/75 of 15 March 1975	75	CAT, CTI
	— general order No 3815 of 1 December 1953	6	CAT, CTI
Verifier 3.5.2.3. Internal rules displayed	— law No 004/86 of 25 February 1986	172	CAT, CTI
Verifier 3.5.2.4. List of workers registered with the National Social Security Fund	— law No 004/86 of 25 February 1986	172	CAT, CTI
Indicator 3.5.3: The company pays its workers in accordance with employment regulations and legislation and with the applicable collective agreement.			
Verifier 3.5.3.1. Pay registers signed	— law No 45/75 of 15 March 1975	90	CAT, CTI
Verifier 3.5.3.2. Pay slips	— law No 45/75 of 15 March 1975	90	CAT, CTI
Indicator 3.5.4: Worker health and safety conditions comply with applicable legislation and regulations.			
Verifier 3.5.4.1. Health and Safety Committee reports	— order 9030 of 10 December 1986	9	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 3.5.4.2. Medical check-up registers	— law 6-96 of March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 145-1	CAT, CTI
	— order 9033 of 12 December 1986	22	CAT, CTI
Verifier 3.5.4.3. Accident in the workplace registers	— law 6-96 of March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 141-2	CAT, CTI
Verifier 3.5.4.4. Safety registers	— law 6-96 of March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 141-2	CAT, CTI
Verifier 3.5.4.5. Reports of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Indicator 3.5.5: The company adheres to the working hours laid down by legislation and regulations.			
Verifier 3.5.5.1. Working hours displayed	— decree 78-361 of 12 May 1978	5	CAT, CTI
Verifier 3.5.5.2. Authorisation of overtime by the Departmental Employment Office	— decree 78-361 of 12 May 1978	10	CAT, CTI
Indicator 3.5.6: Worker recruitment meets the conditions laid down under national legislation and by the International Labour Organisation.			
Verifier 3.5.6.1. Copy of the job offer sent to National Office of Employment and Labour (ONEMO)	— law 022-88 of 10 September 1988	9 and 10	CAT, CTI
Verifier 3.5.6.2. Employment contract	— law 022-88 of 10 September 1988	16	CAT, CTI
Principle 4: The company complies with legislation and regulations relating to the environment, management, forestry, processing of timber, and tax.			
Criterion 4.1. Environmental impact studies have been carried out in accordance with legal and regulatory requirements and formulated mitigating measures have been implemented.			
Indicator 4.1.1: Procedures for carrying out environmental impact studies have been followed.			
Verifier 4.1.1.1. Approval of the office carrying out the study	— law 003-91 of 23 April 1991	2	CAT, CTI
	— decree 86/775 of 7 June 1986	1 and 4	CAT, CTI
	— order 835/MIME/DGE of 6 September 1999	4 and 5	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.1.1.2. Impact study report	— law 003-91 of 23 April 1991	2	CAT, CTI
	— decree 86/775 of 7 June 1986	1 and 4	CAT, CTI
Verifier 4.1.1.3. Minutes of the meeting approving the impact study report	— law 003-91 of 23 April 1991	2	CAT, CTI
Indicator 4.1.2: The measures contained in the approved impact study reports aimed at protecting biodiversity have been carried out.			
Verifier 4.1.2.1. Land inspection and audit reports	— law 003-91 of 23 April 1991	39	CAT, CTI
	— order 1450/MIME/DGE of 19 November 1999	16, 17 and 18	CAT, CTI
Verifier 4.1.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82	CAT, CTI
Verifier 4.1.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Indicator 4.1.3: Measures aimed at protecting public health and cleaning up base camps and industrial sites have been carried out.			
Verifier 4.1.3.1. Order approving the personnel of the company's socio-sanitary centre	— law 45/75 of 15 March 1975	142 and 143	CAT, CTI
	— order No 9033/MTERFPPS/DGEF/DSS of 10 December 1986	12	CAT, CTI
Verifier 4.1.3.2. Order authorising performance of the Ministry in charge of health	— order No 3092 MSP/MEFB of 9 July 2003	2	CAT, CTI
Verifier 4.1.3.3. Minutes of meetings of the Health and Safety Committee	— order No 9030/MTERFPPS/MTERFPPS/DGEF/DSS of 10 December 1986	9	CAT, CTI
Verifier 4.1.3.4. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Criterion 4.2: The provisions of national regulations and legislation and international agreements and conventions ratified by Congo relating to the environment have been observed.			
Indicator 4.2.1: The company disposes of waste produced from its activities in accordance with legal and regulatory requirements.			
Verifier 4.2.1.1. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82	CAT, CTI
Verifier 4.2.1.2. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Indicator 4.2.2: The company meets its commitments regarding the protection of fauna and the prevention of poaching.			

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.2.2.1. The company's internal rules	— law 45/75 of 15 March 1975	74	CAT, CTI
Verifier 4.2.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82	CAT, CTI
Verifier 4.2.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—	CAT
Criterion 4.3: Management documents have been drawn up in accordance with regulatory time-frames and standards and approved by the Forestry Authority and the stakeholders.			
Indicator 4.3.1: Inventory reports and supplementary studies and the management plan have been drawn up in accordance with the standards established by the forestry authority and forestry concession management directives.			
Verifier 4.3.3.1. Inventory report	— order 5053/MEF/CAB of 19 June 2007	5	CAT
Verifier 4.3.3.2. Supplementary study report	— order 5053/MEF/CAB of 19 June 2007	5	CAT
Verifier 4.3.3.3. Management plan	— law 16-2000 of 20 November 2000	55 and 56	CAT
	— decree 2002-437 of 31 December 2002	54	CAT
Indicator 4.3.2: Inventory reports and supplementary studies have been approved by the forestry authority and the management plan by the stakeholders.			
Verifier 4.3.2.1. Minutes of the meeting approving inventory reports and supplementary studies	— order 5053/MEF/CAB of 19 June 2007	5	CAT
Verifier 4.3.2.2. Minutes of the meeting approving the management plan	— order 5053/MEF/CAB of 19 June 2007	5	CAT
Indicator 4.3.3: Administrative plans and exploitation plans have been approved in accordance with national forestry concession management directives and regulatory provisions by the forestry authority.			
Verifier 4.3.3.1. Minutes of the meeting approving the administrative plan	— order 5053/MEF/CAB of 19 June 2007	5	CAT
Verifier 4.3.3.2. Annual harvest licence	— order 5053/MEF/CAB of 19 June 2007	8	CAT
	— decree 2002-437 of 31 December 2002	68	CAT
Criterion 4.4: The boundaries of the various subdivisions of the forestry concession are clearly defined and respected.			
Indicator 4.4.1: Forest maps have been produced in accordance with standards approved by the forestry authority and the boundaries shown on the maps are clearly marked and regularly maintained on the ground in accordance with the applicable regulations.			

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.4.1.1. Forest maps	— decree 2002-437 of 31 December 2002	24	CAT, CTI
Verifier 4.4.1.1. Inspection reports of the Departmental Forest Economy Office and of the Central Authority	— decree 2002-437 of 31 December 2002	80, 81	CAT, CTI
Indicator 4.4.2: The company carries out all of its logging activities within its concession and inside the boundaries of its annual harvesting sites.			
Verifier 4.4.2.1. Annual harvest licence	— decree 2002-437 of 31 December 2002	81, 82	CAT, CTI
Verifier 4.4.2.2. Inspection reports of the Departmental Forest Economy Office and of the Central Authority	— decree 2002-437 of 31 December 2002	80 and 81	CAT, CTI
Verifier 4.4.2.3. Activity reports of the Departmental Forest Economy Office and of the Central Authority	— decree 2002-437 of 31 December 2002	82	CAT, CTI
Criterion 4.5: Roads have been built in accordance with the rules on activities in forest areas.			
Indicator 4.5.1: The road network has been planned, mapped and opened in accordance with regulatory requirements and the management plan.			
Verifier 4.5.1.1. Management plan	— law 16-2000 of 20 November 2000	55, 56	CAT
Verifier 4.5.1.2. Exploitation plan	— decree 2002-437 of 31 December 2002	24	CAT
	— decree 2002-437 of 31 December 2002	68	CAT, CTI
	— order 5053/MEF/CAB of 19 June 2007	8	CAT, CTI
Verifier 4.5.1.3. Road network map	— decree 2002-437 of 31 December 2002	99	CAT, CTI
Verifier 4.5.1.4. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37, 81	CAT, CTI
Criterion 4.6: The company complies with the regulations regarding timber felling and marking.			
Indicator 4.6.1: The company complies with the species to be taken, felling diameters and volumes to be taken as laid down in the regulations and the management plan.			
Verifier 4.6.1.1. Management plan	— law 16-2000 of 20 November 2000	55, 56	CAT
	— decree 2002-437 of 31 December 2002	24	CAT

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.6.1.2. Exploitation plan	— order 5053/MEF/CAB of 19 June 2007	8	CAT, CTI
	— decree 2002-437 of 31 December 2002	68	CAT, CTI
Verifier 4.6.1.3. Annual harvest licence	— decree 2002-437 of 31 December 2002	72,74	CAT, CTI
Verifier 4.6.1.4. Worksite book	— decree 2002-437 of 31 December 2002	87	CAT, CTI
Verifier 4.6.1.5. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37, 81	CAT, CTI
Indicator 4.6.2: Stumps, trunks and logs are marked in accordance with applicable forestry regulations.			
Verifier 4.6.2.1. Worksite book	— decree 2002-437 of 31 December 2002	87	CAT, CTI
Verifier 4.6.2.2. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37, 81	CAT, CTI
Indicator 4.6.3: The worksite and timber transportation documents are filled in and updated regularly.			
Verifier 4.6.3.1. Worksite book	— decree 2002-437 of 31 December 2002	87	CAT, CTI
Verifier 4.6.3.2. Waybill	— decree 2002-437 of 31 December 2002	121	CAT, CTI
Verifier 4.6.3.3. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI
Criterion 4.7: The company does not abandon timber of commercial value.			
Indicator 4.7.1: Timber is only abandoned in accordance with applicable regulatory provisions.			
Verifier 4.7.1.1. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI
Verifier 4.7.1.2. Inspection and activity reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	82	CAT, CTI
Verifier 4.7.1.3. Worksite book	— decree 2002-437 of 31 December 2002	87	CAT, CTI
Criterion 4.8: The company complies with legislation and regulations regarding timber processing.			
Indicator 4.8.1: The company complies with the processing quota laid down under the applicable regulations.			
Verifier 4.8.1.1. Annual production reports	— decree 2002-437 of 31 December 2002	90	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.8.1.2. Report of the Inspectorate of Forestry Products for Export	— decree 2002-437 of 31 December 2002	130, 131	CAT, CTI
Verifier 4.8.1.3. Verification report on annual production of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	88	CAT, CTI
Indicator 4.8.2: The processing unit has been set up in accordance with the regulations.			
Verifier 4.8.2.1. Agreement	— decree 2002-437 of 31 December 2002	65, 66, 67	CAT, CTI
Verifier 4.8.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI
Indicator 4.8.3: Logs that supply the processing unit are properly recorded in the documents prescribed under the regulations.			
Verifier 4.8.3.1. Register of timber entering the plant	— decree 2002-437 of 31 December 2002	119	CAT, CTI
Verifier 4.8.3.2. Waybill	— decree 2002-437 of 31 December 2002	121	CAT, CTI
Verifier 4.8.3.3. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81 and 82	CAT, CTI
Indicator 4.8.4: If the company receives supplies of timber from other operators, it ensures that all the sources of supply are known and legal.			
Verifier 4.8.4.1. Certificate of exploitation of the partner	— decree 2002-437 of 31 December 2002	65	CAT, CTI
Verifier 4.8.4.2. Contract	— decree 2002-437 of 31 December 2002	118	CAT, CTI
Verifier 4.8.4.3. Annual harvest licence	— decree 2002-437 of 31 December 2002	71 and 72	CAT, CTI
Verifier 4.8.4.4. Inspection and activity report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81 and 82	CAT, CTI
Criterion 4.9: Formal undertakings given by the company to make a greater contribution to local development have been respected.			
Indicator 4.9.1: Contractual clauses aimed at ensuring that the company contributes to the construction or improvement of social, economic and cultural infrastructures are complied with.			
Verifier 4.9.1.1. Special terms and conditions of the agreement	— decree 2002-437 of 31 December 2002	168	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Verifier 4.9.1.2. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI
Verifier 4.9.1.3. Inspection and activity reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	82	CAT, CTI
Indicator 4.9.2: The company meets its obligations regarding the financing of a local development fund within the framework of the management of the community development package in accordance with the management plan.			
Verifier 4.9.2.1. Copies of cheques	— order relating to the organisation and functioning of the local development fund	—	CAT
Verifier 4.9.2.2. Minutes of meetings of the fund management committee	— order relating to the organisation and functioning of the board of consultation for the community development package	—	CAT
Indicator 4.9.3: The company complies with national plans and standards for construction of social and cultural infrastructures specified in the special terms and conditions of the agreement.			
Verifier 4.9.3.1. Terms and conditions	— decree 2002-437 of 31 December 2002	169 and 170	CAT, CTI
Verifier 4.9.3.2. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI
Verifier 4.9.3.3. Activity reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	82	CAT, CTI
Criterion 4.10: Tax returns correspond to the activities of the company.			
Indicator 4.10.1: Tax returns are prepared in accordance with the regulations and submitted within the prescribed deadlines.			
Verifier 4.10.1.1. Income tax return	— General Tax Code, Volume I	124 to 124 b	CAT, CTI
Indicator 4.10.2: Declarations regarding exports and/or imports comply with the regulations.			
Verifier 4.10.2.1. Customs declaration	— CEMAC customs regulations	110 and 111	CAT, CTI
Verifier 4.10.2.2. Export declaration	— law 003/2007 of 24 January 2007	14 and 27	CAT, CTI
Verifier 4.10.2.3. Import declaration	— law 003/2007 of 24 January 2007	6 and 27	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 4.10.3: The company sends the tax authorities, within the prescribed deadlines, a balance sheet of its activities for the previous year and sends the National Social Security Fund (CNSS) an annual salary statement.			
Verifier 4.10.3.1. Company balance sheet	— General Tax Code	31, 46, 47	CAT, CTI
	— decree 2002-437 of 31 December 2002	191	CAT, CTI
	— uniform act relating to trading companies and economic interest groups	137	CAT, CTI
	— uniform act harmonising company accounts	23	CAT, CTI
Verifier 4.10.3.2. Annual salary statement	— General Tax Code	179	CAT, CTI
Criterion 4.11: All taxes and social security contributions to which the company is subject have been paid within the deadlines.			
Indicator 4.11.1: The company pays any dues and taxes relating to forestry within the prescribed deadlines.			
Verifier 4.11.1.1. Copies of cheques	— law 16-2000 of 20 November 2000	87	CAT, CTI, PS
Verifier 4.11.1.2. Tax register/payment receipt	— General Tax Code, Volume I	124 to 124 b	CAT, CTI, PS
	— law 16-2000 of 20 November 2000	87	CAT, CTI, PS
Indicator 4.11.2: The company duly pays all taxes and fees associated with importing products.			
Verifier 4.11.2.1. Statement of payment of fees and taxes	— CEMAC customs regulations	132 to 135	CAT, CTI
	— General Tax Code	461	CAT, CTI
Verifier 4.11.2.2. Copies of cheques	— General Tax Code, Volume I	462	CAT, CTI
	— CEMAC customs regulations	134	CAT, CTI
Verifier 4.11.2.3. Payment receipt	— CEMAC customs regulations	134	CAT, CTI
	— General Tax Code	462 and 463	CAT, CTI
Verifier 4.11.2.4. Establishment agreement	— decree No 2004-30 of 18 February 2004	33	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 4.11.3: The company pays in good time all taxes, fees and duties from which it is not exempt and which are applicable in national territory.			
Verifier 4.11.3.1. Copies of cheques	— General Tax Code, Volume I	462	CAT, CTI
Verifier 4.11.3.2. Payment receipts	— General Tax Code, Volume I	461, 462 and 463	CAT, CTI
Indicator 4.11.4: The company pays its contributions in arrears.			
Verifier 4.11.4.1. Payment certificate	— law 004/86 of 24 February 1986	171	CAT, CTI
Verifier 4.11.4.2. Copies of cheques/payment slips	— General Tax Code, Volume I	461 to 463	CAT, CTI
	— Social Security Code, law 004/86 of 24 February 1986	147bis	CAT, CTI
Indicator 4.11.5: The company carries out, within the prescribed deadlines, its transactions relating to forestry, customs, tax, trade and social security.			
Verifier 4.11.5.1. Infringement reports	— law 6-94 of 1 June 1994	21, 22, 23 and 26	CAT, CTI
	— law 16-2000 of 20 November 2000	111	CAT, CTI, PS
	— General Tax Code, Volume I	387(5) and 399	CAT, CTI
	— CEMAC customs regulations	308	CAT, CTI
Verifier 4.11.5.2. Transaction certificate	— law 6-94 of 1 June 1994	21, 22, 23 and 26	CAT, CTI, PS
	— General Tax Code, Volume I	463	CAT, CTI, PS
	— law 16-2000 of 20 November 2000	134	CAT, CTI, PS
	— CEMAC customs regulations	327 and 328	CAT, CTI
Verifier 4.11.5.3. Copies of cheques	— CEMAC customs regulations	134	CAT, CTI
	— General Tax Code, Volume I	462, 463	CAT, CTI, PS
	— law 16-2000 of 20 November 2000		CAT, CTI, PS
Verifier 4.11.5.4. Payment receipts	— General Tax Code, Volume I	461, 462 and 463	CAT, CTI, PS
	— CEMAC customs regulations	134	CAT, CTI

	Reference of the legislation or regulations	Articles	Type of permit
Criterion 4.12: The company subcontracts work to other companies in accordance with the rules.			
Indicator 4.12.1: The company ensures that all of its subcontractors have the necessary licences and pay their employees in accordance with legal requirements.			
Verifier 4.12.1.1. Licences granted by the relevant authorities	— uniform act relating to the law for trading companies and the economic interest group of 17 April 1997	10 and 15	CAT, CTI
	— uniform act relating to general commercial law	16, 17, 18, 23, 24 and 40	CAT, CTI
Verifier 4.12.1.2. Company contract	— uniform act relating to the law for trading companies and the economic interest group of 17 April 1997	173	CAT, CTI
Indicator 4.12.2: The company encourages and supports subcontracting in recycling abandoned timber and the by-products of processing.			
Verifier 4.12.2.1. Contract	— decree 2002-437 of 31 December 2002	118	CAT, CTI
Indicator 4.12.3: The company complies with contracts concluded with subcontractors.			
Verifier 4.12.3.1. Company contract	— uniform act relating to the rights of trading companies and the economic interest group	173	CAT, CTI
Verifier 4.12.3.2. Staff secondment agreement	— law No 6-96 of 6 March 1996	73-3	CAT, CTI
Principle 5: The company complies with regulations regarding timber transportation and marketing.			
Criterion 5.1: Timber is transported in accordance with applicable legislation and regulations.			
Indicator 5.1.1: The various means of transporting forestry products have been registered with the competent authorities.			
Verifier 5.1.1.2. Vehicle registration document	— decree 2003-61 of 6 March 2003	2 and 3	CAT, CTI, PS
	— order 2844 of 12 April 2005	10 and 11	
Verifier 5.1.1.3. Insurance	— General Tax Code (Book V)	503	CAT, CTI, PS

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 5.1.2: Consents and licences for transporting forestry products are in order and regularly updated.			
Verifier 5.1.2.1. Transport authorisation	— decree 90/135 of 31 March 1990	5	CAT, CTI, PS
Verifier 5.1.2.2. Seaworthiness certificate	— CEMAC interior navigation code	23	CAT, CTI, PS
Verifier 5.1.2.3. Consent	— order 5694 of 17 September 2001	1 to 9	CAT, CTI, PS
Verifier 5.1.2.4. Consent	— decree 2002-437 of 31 December 2002	48	CAT, CTI, PS
Indicator 5.1.3: Means of transport are regularly inspected.			
Verifier 5.1.3.1. Technical check-up report	— order No 11599 of 15 November 2004	9	CAT, CTI, PS
Verifier 5.1.3.2. Vehicle technical inspection certificate	— order No 11599 of 15 November 2004	1 to 24	CAT, CTI, PS
	— CEMAC community highway code	23	CAT, CTI, PS
Indicator 5.1.4: The company complies with obligations or restrictions regarding timber transportation.			
Verifier 5.1.4.1. Waybill	— decree 2002-437 of 31 December 2002	121	CAT, CTI, PS
Verifier 5.1.4.2. Manifest/bill of lading (boat)	— CEMAC/RDC interior navigation code	1, 2, 3, 4	CAT, CTI
Verifier 5.1.4.3. Cargo identification note	— order 1033 of 14 May 2008	3	CAT, CTI
	— decree 98-39 of 29 January 1998	3 and 4	CAT, CTI
Criterion 5.2: Marketed products are clearly identifiable and their origin can be traced.			
Indicator 5.2.1: Timber transported by the company bears markings in accordance with applicable regulations which enable it to be traced back to its place of cutting.			
Verifier 5.2.1.1. Markings on the timber	— decree 2002-437 of 31 December 2002	86	CAT, CTI, PS
Verifier 5.2.1.2. The company's marking hammer	— law 16-2000 of 20 November 2000	75	CAT, CTI, PS
Verifier 5.2.1.3. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81	CAT, CTI, PS

	Reference of the legislation or regulations	Articles	Type of permit
Indicator 5.2.2: Documents accompanying transported and marketed timber comply with applicable regulations and are properly drawn up.			
Verifier 5.2.2.1. Certificate of origin	— law 3/2007 of 24 January 2007	20 and 27	CAT, CTI
Verifier 5.2.2.2. Specification sheet	— decree 2002-437 of 31 December 2002	135	CAT, CTI
Verifier 5.2.2.3. Phytosanitary certificate	— order 1.142 of 12 June 1945	3 and 8	CAT, CTI
Verifier 5.2.2.4. Pro forma of the commercial invoice	— law 3/2007 of 24 January 2007	18 and 27	CAT, CTI
Verifier 5.2.2.5. Customs declaration	— CEMAC customs regulations	110 and 111	CAT, CTI
Verifier 5.2.2.6. Export declaration	— law 3/2007 of 24 January 2007	6, 14 and 27	CAT, CTI
Verifier 5.2.2.7. Import declaration	— law 3/2007 of 24 January 2007	6, 14 and 27	CAT, CTI
Verifier 5.2.2.8. Delivery note	— law 3-2007 of 24 January 2007	27	CAT, CTI

2. Legality matrix for timber produced in forest plantations

The legality matrix for timber produced in plantations consists of 5 principles, 20 criteria, 56 indicators and 141 verifiers.

	Reference of the legislation or regulation	Article
Principle 1: The company legally exists in Congo.		
Criterion 1.1: The company is properly registered with the competent authorities.		
Indicator 1.1.1: The company is properly registered with the economic, fiscal and judicial authorities.		
Verifier 1.1.1.1. Trading licence	— decree No 2008-446 of 15 November 2008	1, 3 and 9
Verifier 1.1.1.2. Business, credit and real estate register	— law 19-2005 of 24 November 2005	18 and 40
Indicator 1.1.2: The company is properly registered with the social security and employment authorities.		
Verifier 1.1.2.1. Certificate of registration with the national social security fund (CNSS)	— law No 004/86 of 25 February 1986	172
Verifier 1.1.2.2. Declaration of existence	— law 19-2005 of 24 November 2005	18 and 40

	Reference of the legislation or regulation	Article
	— law 45/75 of 15 March 1975	181
	— order No 3020/IGT/LS of 29 September 1951	1, paragraph 2
Indicator 1.1.3: The company is properly registered with the relevant Forestry Authority.		
Verifier 1.1.3.1. Consent	— decree 2002-437 of 31 December 2002	48
Verifier 1.1.3.2. Licence	— decree 2002-437 of 31 December 2002	48
Criterion 1.2: The company is not subject to any judicial decisions or administrative measures resulting in temporary or permanent suspension of its business.		
Indicator 1.2.1: The company's business has not been suspended by a judicial decision.		
Verifier 1.2.1.1. Judicial decision	— OHADA uniform act of 10 April 1998 organising summary debt collection procedures	8
	— law 19-2005 of 24 November 2005	28, 42 and 43
	— law 6-1994 of 1 June 1994	26
Indicator 1.2.2: The company's business has not been suspended by an administrative measure.		
Verifier 1.2.2.1. Suspension note	— uniform act relating to general commercial law	10
	— law 6-1994 of 1 June 1994	26
Principle 2: The State owns the rights over the land on which the forest plantations have been set up.		
Criterion 2.1: The title deed relating to the land on which the plantations have been set up has been properly granted by the competent authorities.		
Indicator 2.1.1: All steps leading up to the granting of the title deed were properly followed by the company including compliance with deadlines stipulated under national laws and regulations.		
Verifier 2.1.1.1. File containing notarised deeds and any other document sent in authentic form	— law 17-2000 of 31 December 2000	60
Verifier 2.1.1.2. Demarcation map	— law 17-2000 of 31 December 2000	24
Verifier 2.1.1.3. Demarcation report	— law 17-2000 of 31 December 2000	24

	Reference of the legislation or regulation	Article
Indicator 2.1.2: The company has a valid title deed.		
Verifier 2.1.2.1. Land register or land volume	— law 17-2000 of 31 December 2000	102
Verifier 2.1.2.2. Copy of the title deed	— law 17-2000 of 31 December 2000	37
Criterion 2.2: Forest plantations have been classified in accordance with legal and regulatory provisions with respect to forestry.		
Indicator 2.2.1: The procedure for classifying forest plantations has been followed.		
Verifier 2.2.1.1. Minutes of the consultative meeting between the Forestry Authority, government authorities and local and indigenous populations	— law 16-2000 of 20 November 2000	15
Verifier 2.2.1.2. Forest authority reports on the surveying of the area to be classified	— law 16-2000 of 20 November 2000	15
Verifier 2.2.1.3. Letters of complaint from local populations to the classification committee	— law 16-2000 of 20 November 2000	17
Verifier 2.2.1.4. Minutes of the classification meeting	— law 16-2000 of 20 November 2000	19
Verifier 2.2.1.5. Classification decree	— law 16-2000 of 20 November 2000	14
Criterion 2.3.: Exploitation rights for the State's forest plantations have been properly granted.		
Indicator 2.3.1: The steps leading up to exploitation, by means of permission for a third party to cut timber from the State's plantations, have been properly followed.		
Verifier 2.3.1.1. Report on the inspection to check the availability of parcels carried out by the Forest Economy Directorate-General	— decree 2002-437 of 31 December 2002	61
Verifier 2.3.1.2. Forest Economy Directorate-General notice	— decree 2002-437 of 31 December 2002	62
Verifier 2.3.1.3. Writ	— law 27 of 20 August 1992	2
	— OHADA uniform act organising collection procedures and methods of performance of 10 April 1998	92
Verifier 2.3.1.4. Joint order of the Minister responsible for forests and the Minister responsible for finances setting sale prices	— law 16-2000 of 20 November 2000	102
Verifier 2.3.1.5. Minutes of the meeting of the sale committee	— decree 2002-437 of 31 December 2002	64

	Reference of the legislation or regulation	Article
Indicator 2.3.2 The company has a valid certificate of exploitation		
Verifier 2.3.2.1. Plantation timber harvesting permit	— law 16-2000 of 20 November 2002	65, 76
	— decree 2002-437 of 31 December 2002	178
Criterion 2.4: The company holds all periodic licences allowing it to carry out its business.		
Indicator 2.4.1: The documents and other licences periodically provided by financial and fiscal authorities are valid.		
Verifier 2.4.1.1. Patent	— General Tax Code	277 and 314
Verifier 2.4.1.2. Consent of the authorised customs inspector	— Customs Regulations	112 to 119
Verifier 2.4.1.3. Consent	— decree 2002-437 of 31 December 2002	48
Principle 3: The State that manages the forest plantations involves civil society and local populations in their management and respects the rights of these populations and workers.		
Criterion 3.1: The State involves civil society and local populations in the protection of plantations and in drawing up and monitoring development programmes.		
Indicator 3.1.1: The State has a mechanism for functional dialogue between the stakeholders with respect to the management of forest plantations.		
Verifier 3.1.1.1. Committee monitoring and reviewing implementation of the management plan	— decree approving the management plan	—
Verifier 3.1.1.2. Platform for dialogue between the State and local populations	— decree approving the management plan	—
Indicator 3.1.2: Local populations are sufficiently well informed of their rights and the management of forest plantations.		
Verifier 3.1.2.1. Minutes of meetings of the platform for dialogue	— decree approving the management plan	—
Criterion 3.2: The State respects the rights, customs and practices of local and indigenous populations in accordance with national legislation and regulations and international conventions.		
Indicator 3.2.1: The State respects the customs, practices and rights of local and indigenous populations.		
Verifier 3.2.1.1. Minutes of meeting of the platform for dialogue	— decree approving the management plan	—
Verifier 3.2.1.2. Report of the committee monitoring and reviewing implementation of the management plan	— decree approving the management plan	—

	Reference of the legislation or regulation	Article
Verifier 3.2.1.3. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 81
Indicator 3.2.2: The State meets its commitments with respect to local and indigenous populations		
Verifier 3.2.2.1. Terms and conditions/Memorandum of understanding	— law 16-2000 of 20 November 2000	72
	— decree 2002-437 of 31 December 2002	168
Verifier 3.2.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 81
Verifier 3.2.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—
Verifier 3.2.2.4. Minutes of meeting of the platform for dialogue	— decree approving the management plan	—
Indicator 3.2.3: If property belonging to local and indigenous populations is destroyed by the company, compensation meets the requirements of applicable legislation and regulations.		
Verifier 3.2.3.1. Report	— decree 86/970 of 27 September 1986	10
Verifier 3.2.3.2. Compensation receipts	— decree 86/970 of 27 September 1986	1 and 9
Criterion 3.3: The social partners of the company are sufficiently well informed of their rights.		
Indicator 3.3.1: The company guarantees freedom of and legal and regulatory means for union activities.		
Verifier 3.3.1.1. Existence of staff representatives and union branches	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 173 and 210-3
Verifier 3.3.1.2. Existence of union premises	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	210-5
Verifier 3.3.1.3. Existence of records of complaints and claims	— law 06/96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	210-7 and new 179
	— order No 1110/MTFPSS/DGT of 24 June 1996	27
Indicator 3.3.2: Staff representatives and members of union branches have received various training to help them carry out their functions.		
Verifier 3.3.2.1. Memorandum of placement on leave for worker education	— law 06/96 of 6 March 1996	new 179

	Reference of the legislation or regulation	Article
Indicator 3.3.3: Company employees have access to the various documents relating to labour, employment and social security rights.		
Verifier 3.3.3.1. Documents available	— agreement No 98 (OIT, 1949)	7
Criterion 3.4: The company respects workers' rights.		
Indicator 3.4.1: The company meets its commitments with respect to its social partners.		
Verifier 3.4.1.1. Minutes of meetings	— order No 1110/MTFPSS/DGT of 24 June 1996	26
Indicator 3.4.2: Relations between the company and its employees are formalised in accordance with the provisions of the labour code and the social security code.		
Verifier 3.4.2.1. Employer register signed	— law 45/75 of 15 March 1975	182
Verifier 3.4.2.2. Employment contract	— law No 022/88 of 17 September 1988	13 to 16
	— law 45/75 of 15 March 1975	75
	— general order No 3815 of 1 December 1953	6
Verifier 3.4.2.3. Internal rules displayed	— law No 004/86 of 25 February 1986	172
Verifier 3.4.2.4. List of workers registered with the National Social Security Fund	— law No 004/86 of 25 February 1986	172
Indicator 3.4.3: The company pays its workers in accordance with employment regulations and legislation and with the applicable collective agreement.		
Verifier 3.4.3.1. Pay registers signed	— law No 45/75 of 15 March 1975	90
Verifier 3.4.3.2. Pay slips	— law No 45/75 of 15 March 1975	90
Indicator 3.4.4: Worker health and safety conditions comply with applicable legislation and regulations.		
Verifier 3.4.4.1. Health and Safety Committee reports	— order 9030 of 10 December 1986	9
Verifier 3.4.4.2. Medical check-up registers	— law 6-96 of 6 March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 145-1
	— order 9033 of 12 December 1986	22

	Reference of the legislation or regulation	Article
Verifier 3.4.4.3. Accident in the workplace registers	— law 6-96 of March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 141-2
Verifier 3.4.4.4. Safety registers	— law 6-96 of March 1996 supplementing and amending certain provisions of law 45/75 of 15 March 1975	new 141-2
Verifier 3.4.4.5. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—
Indicator 3.4.5: The company respects working hours in accordance with legal and regulatory provisions.		
Verifier 3.4.5.1. Working hours displayed	— decree 78-361 of 12 May 1978	5
Verifier 3.4.5.2. Authorisation of overtime by the Departmental Employment Office	— decree 78-361 of 12 May 1978	10
Indicator 3.4.6: Worker recruitment meets the conditions laid down under national legislation and by the International Labour Organisation.		
Verifier 3.4.6.1. Copy of the job offer sent to National Office of Employment and Labour (ONEMO)	— law 022-88 of 10 September 1988	9 and 10
Verifier 3.4.6.2. Employment contract	— law 022-88 of 10 September 1988	16
Principle 4: The State complies with legislation and regulations relating to the environment, management, forestry, processing of timber and tax.		
Criterion 4.1. Environmental impact studies have been carried out in accordance with legal and regulatory requirements and mitigating measures formulated have been implemented.		
Indicator 4.1.1: Procedures for carrying out environmental impact studies have been followed.		
Verifier 4.1.1.1. Approval of the office carrying out the study	— law 003-91 of 23 April 1991 — decree 86/775 of 7 June 1986 — order 835/MIME/DGE of 6 September 1999 — law 003-91 of 23 April 1991	2 1 and 4 4 and 5
Verifier 4.1.1.2. Impact study report	— decree 86/775 of 7 June 1986	1 and 4
Verifier 4.1.1.3. Minutes of the meeting approving the impact study report	— law 003-91 of 23 April 1991	2

	Reference of the legislation or regulation	Article
Indicator 4.1.2: The measures contained in the approved impact study reports aimed at protecting biodiversity have been carried out.		
Verifier 4.1.2.1. Land inspection and audit reports	— law 003-91 of 23 April 1991	39
	— order 1450/MIME/DGE of 19 November 1999	16, 17 and 18
Verifier 4.1.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82
Verifier 4.1.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—
Indicator 4.1.3: Measures aimed at protecting public health and cleaning up base camps and industrial sites have been carried out.		
Verifier 4.1.3.1. Order approving the personnel of the company's socio-sanitary centre	— law 45/75 of 15 March 1975	142 and 143
	— order No 9033/MTERFPPS/DGEF/DSS of 10 December 1986	12
Verifier 4.1.3.2. Order authorising performance of the Ministry in charge of health	— order No 3092 MSP/MEFB of 9 July 2003	2
Verifier 4.1.3.3. Minutes of meetings of the Health and Safety Committee	— order No 9033/MTERFPPS/MTERFPPS/DGEF/DSS of 10 December 1986	9
Verifier 4.1.3.4. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—
Criterion 4.2: The provisions of national regulations and legislation and international agreements and conventions ratified by Congo relating to the environment have been observed.		
Indicator 4.2.1: The company disposes of waste produced from its activities in accordance with legal and regulatory requirements.		
Verifier 4.1.1.1. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82
Verifier 4.1.1.2. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—
Indicator 4.2.2: The company meets its commitments regarding the protection of fauna		
Verifier 4.2.2.1. The company's internal rules	— law 45/75 of 15 March 1975	74
Verifier 4.2.2.2. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37 and 82
Verifier 4.2.2.3. Report of the committee monitoring and reviewing the management plan	— decree approving the management plan	—

	Reference of the legislation or regulation	Article
Criterion 4.3: Management documents have been drawn up in accordance with regulatory time-frames and standards and approved by the Forestry Authority and the stakeholders.		
Indicator 4.3.1: Inventory reports and supplementary studies and the management plan have been drawn up in accordance with the standards established by the forestry authority and forestry concession management directives.		
Verifier 4.3.3.1. Inventory report	— order 5053/MEF/CAB of 19 June 2007	5
Verifier 4.3.3.2. Supplementary study report	— order 5053/MEF/CAB of 19 June 2007	5
Verifier 4.3.3.3. Management plan	— law 16-2000 of 20 November 2000	55 and 56
	— decree 2002-437 of 31 December 2002	54
Indicator 4.3.2: Inventory reports and supplementary studies have been approved by the forestry authority and the management plan by the stakeholders.		
Verifier 4.3.2.1. Minutes of the meeting approving inventory reports and supplementary studies	— order 5053/MEF/CAB of 19 June 2007	5
Verifier 4.3.2.2. Minutes of the meeting approving the management plan	— order 5053/MEF/CAB of 19 June 2007	5
Indicator 4.3.3: Administrative plans and annual operation plans have been approved in accordance with national forestry concession management directives and regulatory provisions by the forestry authority.		
Verifier 4.3.3.1. Minutes of the meeting approving the administrative plan	— order 5053/MEF/CAB of 19 June 2007	5
Verifier 4.3.3.2. Annual harvest licence	— order 5053/MEF/CAB of 19 June 2007	8
	— decree 2002-437 of 31 December 2002	68
Criterion 4.4: The boundaries of the plantations and the logging standards are clearly defined and respected.		
Indicator 4.4.1: Forest maps have been produced in accordance with standards approved by the forestry authority and the boundaries shown are marked and regularly maintained on the ground in accordance with the applicable regulations.		
Verifier 4.4.1.1. Forest maps	— decree 2002-437 of 31 December 2002	24
Verifier 4.4.1.2. Inspection and activity reports of the Departmental Forest Economy Office and of the Central Authority	— decree 2002-437 of 31 December 2002	37 and 82

	Reference of the legislation or regulation	Article
Indicator 4.4.2: The cutting of trees is carried out and recorded in accordance with the annual operation plan.		
Verifier 4.4.2.1. Annual operation plan/logging plan	— decree 2002-437 of 31 December 2002	68
	— order 5053/MEF/CAB of 19 June 2007	8
Verifier 4.4.2.2. Worksite register	— decree 2002-437 of 31 December 2002	183
Verifier 4.4.2.3. Inspection and activity reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	37, 81, 82
Indicator 4.4.3: Plantation parcels are exploited in accordance with the provisions of the management plan.		
Verifier 4.4.3.1. Rotation	— decree approving the management plan	—
Verifier 4.4.3.2. Number of parcels exploited	— decree approving the management plan	—
Verifier 4.4.3.3. Volume exploited	— decree approving the management plan	—
Indicator 4.4.4: Waybills for the transporting of logs are filled in before their removal from the worksite.		
Verifier 4.4.4.1. Waybills	— decree 2002-437 of 31 December 2002	121
Verifier 4.4.4.2. Inspection reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81 and 82
Criterion 4.5: The company complies with legislation and regulations regarding timber processing.		
Indicator 4.5.1: The processing unit has been set up in accordance with the regulations.		
Verifier 4.5.1.1. Consent to the setting-up of the industrial unit	— decree 2002-437 of 31 December 2002	114, 115
Verifier 4.5.1.2. Site inspection reports and activity reports of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81 and 82
Indicator 4.5.2: Logs that supply the processing unit are properly recorded in a document opened by the forestry authority.		
Verifier 4.5.2.1. Waybill	— decree 2002-437 of 31 December 2002	121
Verifier 4.5.2.2. Register of timber entering the plant	— decree 2002-437 of 31 December 2002	119

	Reference of the legislation or regulation	Article
Verifier 4.5.2.3. Site inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81 and 82
Indicator 4.5.3: The company encourages and supports subcontracting in recycling the by-products of processing.		
Verifier 4.5.3.1. Subcontract	— decree 2002-437 of 31 December 2002	118
Criterion 4.6: Tax returns correspond to the activities of the company.		
Indicator 4.6.1: Tax returns are prepared in accordance with the regulations and submitted within the prescribed deadlines.		
Verifier 4.6.1.1. Income tax return	— General Tax Code, Volume I	124 to 124 b
Indicator 4.6.2: Declarations regarding exports and/or imports comply with the regulations.		
Verifier 4.6.2.1. Customs declaration	— CEMAC customs regulations	110 and 111
Verifier 4.6.2.2. Export declaration/import declaration	— law 003/2007 of 24 January 2007	6, 14 and 27
	— Customs Regulations	49
Indicator 4.6.3: The company sends the tax authorities, within the prescribed deadlines, a balance sheet of its activities for the previous year and sends the National Social Security Fund (CNSS) an annual salary statement.		
Verifier 4.6.3.1. Balance sheet	— General Tax Code	31, 46 and 47
	— decree 2002-437 of 31 December 2002	191
	— uniform act relating to trading companies and economic interest groups	137
	— uniform act harmonising company accounts	23
Verifier 4.6.3.2. Annual salary statement	— General Tax Code	179
Criterion 4.7: All taxes and social security contributions to which the company is subject have been paid within the deadlines.		
Indicator 4.7.1: The company pays any dues and taxes relating to forestry within the prescribed deadlines.		
Verifier 4.7.1.1. Copies of cheques	— law 16-2000 of 20 November 2000	87

	Reference of the legislation or regulation	Article
Indicator 4.7.2. The company duly pays all taxes and fees associated with importing products.		
Verifier 4.7.2.1. Statement of payment of fees and taxes	— CEMAC customs regulations	132 to 135
	— General Tax Code	461
Verifier 4.7.2.2. Copies of cheques	— CEMAC customs regulations	134
	— General Tax Code	462 and 463
Verifier 4.7.2.3. Payment receipt	— CEMAC customs regulations	134
	— General Tax Code	46 and 463
Indicator 4.7.3: The company pays in good time all taxes, fees and duties from which it is not exempt and which are applicable in national territory.		
Verifier 4.7.3.1. Revenue register	— General Tax Code, Volume I	462
Verifier 4.7.3.2. Copies of cheques	— General Tax Code, Volume I	462
Verifier 4.7.3.3. Payment receipts	— General Tax Code, Volume I	461, 462 and 463
Indicator 4.7.4: The company pays its contributions in arrears.		
Verifier 4.7.4.1. Payment certificate	— law 004/86 of 24 February 1986	171
Verifier 4.7.4.2. Copies of cheques/payment slips	— General Tax Code, Volume I	461 to 463
	— Social Security Code, law 004/86 of 24 February 1986	147bis
Indicator 4.7.5: The company carries out, within the prescribed deadlines, its transactions relating to forestry, customs, tax, trade and social security.		
Verifier 4.7.5.1. Infringement reports	— law 6-94 of 1 June 1994	21, 22, 23 and 26
	— law 16-2000 of 20 November 2000	111
	— General Tax Code, Volume I	461
	— CEMAC customs regulations	308

	Reference of the legislation or regulation	Article
Verifier 4.7.5.2. Transaction certificate	— law 6-94 of 1 June 1994	21, 22, 23 and 26
	— General Tax Code, Volume I	463
	— law 16-2000 of 20 November 2000	134
	— CEMAC customs regulations	327 and 328
Verifier 4.7.5.3. Copies of cheques or payment receipts	— CEMAC customs regulations	134
	— General Tax Code, Volume I	426 and 463
Criterion 4.8: The company subcontracts work to other companies in accordance with the rules.		
Indicator 4.8.1: The company ensures that all of its subcontractors have the necessary licences and pay their employees in accordance with legal requirements.		
Verifier 4.8.1.1. Licences granted by the relevant authorities	— uniform act relating to the law for trading companies and the economic interest group of 17 April 1997	10 and 15
	— uniform act relating to general commercial law	16, 17, 18, 23, 24 and 40
Verifier 4.8.1.2. Company contract	— uniform act relating to the law for trading companies and the economic interest group of 17 April 1997	173
Indicator 4.8.2: The company complies with contracts concluded with subcontractors.		
Verifier 4.8.2.1. Company contract	— uniform act relating to the rights of trading companies and the economic interest group	10 and 15
Verifier 4.8.2.2. Staff secondment agreement	— law No 1-96 of 6 March 1996	73-3
Principle 5: The company complies with regulations regarding timber transportation and marketing.		
Criterion 5.1: Timber is transported in accordance with applicable legislation and regulations.		
Indicator 5.1.1: The various means of transporting logs have been registered with the competent authorities.		
Verifier 5.1.1.1. Vehicle registers	— decree 261-59 of 20 January 1959	1, 2, 3 and 4

	Reference of the legislation or regulation	Article
Verifier 5.1.1.2. Vehicle registration document	— order 2844 of 12 April 2005	1 to 5
	— CEMAC customs regulations	77 and 78
Verifier 5.1.1.3. Insurance	— CIMA code, book V (tax)	503
Indicator 5.1.2: Consents and licences for transporting logs are in order and regularly updated.		
Verifier 5.1.2.1. Transport authorisation	— decree 90/135 of 31 March 1990	5
Verifier 5.1.2.2. Seaworthiness certificate	— CEMAC/RDC interior navigation code	23
Verifier 5.1.2.3. Consent	— order 5694 of 17 September 2001	1 to 9
Verifier 5.1.2.4. Consent	— decree 2002-437 of 31 December 2002	48
Indicator 5.1.3: Means of transport are regularly inspected.		
Verifier 5.1.3.1. Technical check-up report	— order No 11599 of 15 November 2004	9
Verifier 5.1.3.2. Vehicle technical inspection certificate	— order No 11599 of 15 November 2004	1 to 24
	— CEMAC community code	23
Indicator 5.1.4: The company complies with obligations or restrictions regarding timber transportation.		
Verifier 5.1.4.1. Waybill	— decree 2002-437 of 31 December 2002	121
Verifier 5.1.4.2. Manifest, bill of lading (boat)	— CEMAC/RDC interior navigation code	1, 2, 3 and 4
Verifier 5.1.4.3. Cargo identification note	— order No 1033 of 14 May 2008	3
	— decree No 98-39 of 29 January 1998	3 and 4
Criterion 5.2: Marketed products are clearly identifiable and their origin can be traced.		
Indicator 5.2.1: Timber transported by the company bears markings in accordance with applicable regulations which enable it to be traced back to its place of cutting.		
Verifier 5.2.1.1. Markings on the timber/packages	— decree 2002-437 of 31 December 2002	86

	Reference of the legislation or regulation	Article
Verifier 5.2.1.2. The company's marking hammer	— law 16-2000 of 20 November 2000	75
Verifier 5.2.1.3. Inspection report of the Departmental Forest Economy Office	— decree 2002-437 of 31 December 2002	81
Indicator 5.2.2: Documents accompanying transported and marketed timber comply with applicable regulations and are properly drawn up.		
Verifier 5.2.2.1. Certificate of origin	— law 003/2007 of 24 January 2007	20 and 27
Verifier 5.2.2.2. Specification sheet	— decree 2002-437 of 31 December 2002	135
Verifier 5.2.2.3. Pro forma of the commercial invoice	— law 3/2007 of 24 January 2007	18 and 27
Verifier 5.2.2.5. Customs declaration	— CEMAC customs regulations	110 and 111
Verifier 5.2.2.4. Export declaration	— law 3/2007 of 24 January 2007	14 and 27
Verifier 5.2.2.6. Import declaration	— law 3-2007 of 24 January 2007	6 and 27
Verifier 5.2.2.7. Delivery note	— law 3-2007 of 24 January 2007	27

LIST OF LAWS AND PRINCIPAL SETS OF REGULATIONS AND REGIONAL AND INTERNATIONAL AGREEMENTS TAKEN INTO ACCOUNT IN DETERMINING THE LEGALITY OF FORESTRY PRODUCTS**1. Forestry**

- law No 16-2000 of 20 November 2000 setting out the forestry code,
- decree No 2002-434 of 31 December 2002 relating to the organisation and functioning of the forestry fund,
- decree No 2002-435 of 31 December 2002 relating to the powers, organisation and functioning of the national centre for the surveying and management of forestry and fauna,
- decree No 2002-436 of 31 December 2002 relating to the powers, organisation and functioning of the inspectorate of forestry products for export,
- decree No 2002-437 of 31 December 2002 laying down the conditions of forest management and use,
- order No 5053/MEF/CAB of 19 June 2007 defining national directives for the sustainable management of forest concessions.

2. Environment

- law No 003/91 of 23 April 1991 on environmental protection,
- decree No 86/775 of 7 June 1986 making environmental impact studies compulsory,
- order No 1450/MIME/DGE of 18 November 1999 relating to the application of certain provisions on installations classified under law No 003/91 on environmental protection,
- order No 835/MIME/DGE of 6 September 1999 laying down the conditions of consent for the performance of environmental impact studies or assessments in the Republic of Congo.

3. Labour, health and safety

- law No 45-75 of 15 March 1975 instituting a labour code in the Popular Republic of Congo,
- law No 6-96 of 6 March 1996 amending and supplementing certain provisions of law No 45-75 of 15 March 1975 instituting a labour code in the Popular Republic of Congo,
- law 004/86 of 25/02/86 instituting the social security code in the Popular Republic of Congo,
- law No 022/88 of 17 September 1988 amending law No 001/86 of 22 February 1986 replacing and supplementing law No 03/85 of 14 February 1985 creating the National Office of Employment and Labour (ONEMO) and amending the labour code,
- decree No 78/359/MJT.SGFPT.DTPS.ST.3/8 of 12 May 1978 ruling on the dispensation specified in Article 105 of the labour code,
- decree No 78/360/MJT.SGFPT.DTPS.ST. 3/8 of 12 May 1978 laying down, for establishments not covered by farming regulations, working hours, overtime rules and payment terms,
- decree No 78/361/MJT.SGFPT.DTPS.ST.3/8 of 12 May 1978 laying down, for farming companies and the like, overtime rules and payment terms,
- order No 9028/MTERFPPS/DGT/DSSHST of 10 December 1986 relating to special health and safety measures applicable to forestry work,
- order No 9030/MTERFPPS/DGT/DSSHST of 10 December 1986 instituting company health and safety committees,
- order No 9033/MTERFPPS/DGT/DSSHST of 10 December 1986 relating to the organisation and functioning of company socio-sanitary centres set up in the Popular Republic of Congo,
- decree No 2008-942 of 31 December 2008 setting the minimum guaranteed interprofessional salary (SMIG),
- order No 3092 of 9 July 2003 laying down the conditions for setting up and opening private sanitation establishments.

4. Trade

- law No 6-94 of 1 June 1994 regulating prices, trading standards and the identification and suppression of fraud,
- law No 19-2005 of 24 November 2005 regulating the trading profession in the Republic of Congo,
- law No 3-2007 of 24 January 2007 regulating imports, exports and re-exports,
- decree No 2008-446 of 15 November 2008 laying down the terms for obtaining a trading licence.

5. Land management

- law No 17-2000 of 31 December 2000 relating to land ownership.

6. Agriculture and farming

- decree No 55/1219 of 13 September 1955 relating to public authority rules laying down the conditions for applying the law of 26 November 1952 relating to the organisation of plant protection in territories under the responsibility of the Ministry for French Overseas Territories,
- decree No 86/970 of 27 September 1986 laying down the compensation payable in the event of the destruction of fruit trees and damage to crops,
- order 1.142 of 12 June 1945 instituting phytosanitary control in French Equatorial Africa (AEF),
- order 1.143 of 12 June 1945 instituting monitoring and a phytosanitary policy for crops in French Equatorial Africa (AEF),
- order No 2866/MAE/MEFB of 3 July 2008 laying down the fees for inspections, zoosanitary and phytosanitary services and regulatory sanitary documents.

7. Transport

- law No 018/89 of 31 October 1989 defining the various road transport activities and activities connected with motor vehicle transport and laying down the fees payable for the granting of licences to carry out these professions,
- 2001 revised CEMAC community highway code,
- CEMAC/RDC interior navigation code,
- decree No 90/135 of 31 March 1990 regulating access to the road transport profession and the exercise of activities connected with motor vehicle transport in Republic of Congo,
- decree No 98-39 of 29 January 1998 relating to the organisation and regulation of sea traffic from and to the Republic of Congo,
- decree No 2003-61 of 6 May 2003 regulating the registration of motor vehicles,
- order No 5694 of 17 September 2001 laying down the conditions required for obtaining consent to work in the road transport profession and in professions connected with motor vehicle transport,
- order No 11599 of 15 November 2004 regulating the technical inspection of vehicles,
- order No 2844 of 12 April 2005 laying down the conditions for drawing up and issuing motor vehicle registration documents,
- order No 1033/MTMMM-CAB of 14 May 2008 instituting the cargo tracking document for the international transportation of goods from and to Congo.

8. Economy

- law No 6-2003 of 18 January 2003 relating to the investment charter,
- decree No 2004-30 of 18 February 2004 laying down the terms of consent to the benefits of the investment charter.

9. International, regional and sub-regional agreements

- OHADA uniform act relating to general commercial law,
 - uniform act of 17 April 1997 relating to commercial law for trading companies and the economic interest group,
 - OHADA uniform act of 10 April 1998 organising summary debt collection procedures,
 - OHADA uniform act of 10 April 1998 organising collection procedures and methods of performance,
 - African Convention on the Conservation of Nature and Natural Resources, known as the Algiers Convention of 1968, ratified by law No 27/80 of 21 April 1980,
 - Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), ratified by law No 34/82 of 7 July 1982, to which Congo signed up on 31 January 1983,
 - Convention on Biological Diversity, Rio 1992, ratified by law No 29/96 of 25 June 1996,
 - International Tropical Timber Agreement, ratified by law No 28/96 of 25 June 1996,
 - Framework Convention on Climate Change, ratified by law No 26/96 of 25 June 1996,
 - Convention on wetlands of international importance, especially as waterfowl habitat (RAMSAR Convention), ratified by law No 28/96 of 25 June 1996,
 - Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1985, ratified by law No 14/99 of 3 March 1999,
 - Convention to Combat Desertification, ratified by law No 8/99 of 8 January 1999,
 - Kyoto protocol to combat climate change, ratified by law No 24-2006 of 12 September 2006,
 - Treaty on the Central African Forest Commission, signed in Brazzaville on 5 February 2005 and ratified by law No 35-2006 of 26 October 2006 authorising ratification of the treaty relating to the conservation and sustainable management of the forest ecosystems of Central Africa and instituting the Central African Forest Commission.
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ANNEX III

LEGALITY VERIFICATION SYSTEM (LVS)

CHAPTER 1

INTRODUCTION

The Legality Verification System (LVS) of the Republic of Congo is based on various legislation, regulations, directives and standards. There are two main aspects of the LVS:

- administrative checks, and
- on-site checks.

The LVS developed here is based on monitoring, checking and verification currently carried out as part of governmental supervision of the management and use of forest resources, but is enhanced to guarantee the reliability of the FLEGT licensing scheme introduced under this Agreement. The LVS consists of the following elements:

1. two legality matrices;
2. a traceability system;
3. verification of the legality of the forestry entity;
4. verification of checking of the supply chain;
5. issuing of FLEGT licences;
6. independent audit.

The LVS is operated by:

- two (02) Head Offices under the supervision of the General Forest Economy Office (DGEF): the Forestry Office and the Office for the Use of Forest Resources,
- three (03) Divisional Inspectorates under the supervision of the General Forest Economy Inspectorate (IGEF): the Forest Inspectorate, the Inspectorate of Fauna and Protected Areas and the Administrative and Judicial Inspectorate,
- twelve (12) Departmental Offices represented in all Departments of the country (Brazzaville, Pointe-Noire, Kouilou, Niari, Lékoumou, Bouenza, Pool, Plateaux, Cuvette-Ouest, Cuvette, Sangha, Likouala), along with their teams and control stations,
- two (02) independent bodies: the Department for the Control of Forestry Products for Export (SCPFE) and its subsidiary offices and the National Centre for the Surveying and Management of Forestry and Fauna (CNIAF),
- the departments of the trade authorities,
- the departments of the legal authorities,
- the departments of the customs authorities,
- the departments of the tax authorities,
- the departments of the labour authorities,
- the departments of the environmental authorities,
- the departments of the health authorities,
- the departments of the social security authorities (the National Social Security Fund, CNSS),
- forestry companies.

Moreover, a civil society structure is set up to monitor the activities of the forestry companies and help develop verification procedures.

In addition, the LVS is audited by the Independent Auditor of the System.

The responsibilities of the various entities involved in operating the LVS system will be described in the following chapters.

However, the powers described of the various entities involved and the human resources needed, including the skill levels required for each post, will be detailed during the system development phase.

Similarly, in the organisation of control and verification functions, special attention will be paid to mechanisms for the management and control of potential conflicts of interest.

CHAPTER 2

COVERAGE

The LVS is applied to ALL national sources of timber and to imported products. All timber sold in Congo is therefore included in the legality verification system.

The verification of legality therefore covers the national market and export markets for all products defined in Annex I, irrespective of the country exported to.

The system also covers requirements with respect to timber of Congolese origin passing through other countries (in particular Cameroon).

CHAPTER 3

3.1. Legality matrices

The Congo LVS includes two legality matrices: (i) Matrix for Assessing the Legality of Timber Produced in Natural Forests in Congo and (ii) Matrix for Assessing the Legality of Timber Produced in Forest Plantations in Congo (cf. Annex II). The matrices contain indicators and verifiers concerning the following aspects:

- the existence of the forestry company,
- the legal rights of access to forest resources and the granting of periodic licences,
- compliance with management rules,
- compliance with certain provisions on harvesting and processing,
- compliance with environmental rules,
- the conformity of tax returns and payment of duties and social security contributions within the stipulated deadlines,
- the provision of information to and the involvement of civil society and local and indigenous populations in the management of the forestry concession,
- respect for the rights of local and indigenous populations and workers,
- the meeting of commitments with respect to contributing to socioeconomic development.

The legality matrices define the requirements imposed on companies carrying out forestry activities and producing or processing timber and derived products. The indicators and verifiers in the matrix are divided into two categories: (i) those that are not linked to the traceability chain; and (ii) those that are verified within the framework of the traceability chain.

Sub-chapter 3.2 looks at the first of these categories, while Chapter 4 deals with the indicators and verifiers in the second category.

3.2. Verification procedures

The verification of legality is based on documentary evidence (checking of documents) and/or on-site visits. Certain indicators and verifiers can be verified just once during the company's existence (validity of the certificate of exploitation and of the provision of the management plan). Other indicators and verifiers need to be verified periodically (every month or quarter) or once a year.

Table No 1 outlines the responsibilities, methods and frequency of verification of activities for timber produced in natural forests.

The verification strategy can be summarised as follows:

3.2(a) First level: checks carried out by authorised departments

- The existence of the forestry company is checked by the trade, labour and tax authorities.
- Where the company holds a management and processing agreement (CAT) or an industrial processing agreement (CTI), the forestry permit request file approved by the forestry Commission contains the key information relating thereto, as required under the forestry code (Articles of association, trading licence, commercial registration number, approval, licence, etc.). This also enables the Forestry Authority to check certain facts relating to the existence of the forestry company.
- Periodic licences (company licence, annual harvest licence, annual harvest management licence, timber clearing licence) are granted by the Departmental Forest Economy Office on the basis of the files containing documents required under applicable regulations, in particular the annual harvest survey report. Copies of licences issued and the files relating thereto are sent to the General Forest Economy Office.
- Other licences are issued and checked by the tax and customs authorities.
- On-site inspections enable the local Forestry Authority to check compliance with rules on the harvesting and processing of timber.
- As far as drawing up, approving and monitoring implementation of the forestry concession management plan are concerned, this work is carried out on the basis of management standards and directives.
- Ground work is checked and assessed by the Forest Department and the National Centre for the Surveying and Management of Forestry and Fauna through work carried out on the ground, reports on which are sent to the General Forest Economy Inspectorate (IGEF).
- Multi-resource inventory reports, socioeconomic and ecological studies, and the breakdown of the Forest Management Unit (UFA) into management blocks are examined and approved by an interministerial committee consisting of the Water and Forest, Agriculture, Land Management and Environment Authorities.
- Before it is approved, information about the management plan is disseminated to the local populations.
- It should be pointed out that the management plan is approved at the end of a meeting of the Forestry Authority, local authorities (prefecture, subprefecture, departmental council, village committees), the departmental services, NGOs and representatives of indigenous peoples.
- As far as compliance with environmental rules is concerned, checks are carried out by the Departmental Office for the Environment (compliance with legal and regulatory provisions) and the Departmental Forest Economy Office (when monitoring implementation of forestry concession management plans).
- The committee monitoring and reviewing the forestry concession management plan, consisting of all those involved in managing the forestry concession, can also check compliance with provisions and measures associated with conservation and environmental protection.

- Providing information to and involving local and indigenous populations and the respecting of their rights are checked through minutes of meetings between the forestry company and the latter. During worksite inspections, the Forestry Authority can also speak to the people concerned.
- Minutes of meetings of committees monitoring and reviewing management plans can also be used to check that these commitments are being met by the forestry company.
- As far as respecting workers' rights is concerned, checks are carried out by the Departmental Labour Office and the Departmental Office for the National Social Security Fund (CNSS).
- The Transport Authority will organise documentary checks to ensure that the means of transport used and the products transported comply with the relevant regulations.
- Inspection reports by those structures (Departmental Labour Office and Departmental Office for the CNSS), the minutes of union meetings or meetings between unions and the forestry company are appropriate inspection documents.

Detailed terms for the communication of first level inspection results to the IGEF will be defined in the development phase of the system. These terms will also set out the way in which an authority informs the IGEF of an infringement.

3.2(b) Second level: verification by the IGEF

The IGEF has overall second level responsibility in verifying:

- the legality of the forestry entity, and
- inspection of the supply chain.

As far as verifying the legality of the forestry entity, the various checks mentioned under 3.2(a) enable the General Forest Economy Inspectorate to carry out its verification work through:

- discussions with the local/regional Forestry Authority (Departmental Forest Economy Office and Forest Economy Team), the other public authorities concerned and forestry companies,
- verification of various documents of the local Forestry Authority (Departmental Forest Economy Office and Forest Economy Team), the other public authorities concerned and forestry companies,
- on-site checks, if applicable. Civil society representatives may, if applicable, attend on-site checks and prepare an independent inspection report.

For that purpose, the IGEF is responsible for ensuring that the other institutions involved in carrying out checks (Trade, Labour, Tax, Agriculture, Land Management, Environment, CNSS, etc.) have carried out their tasks and received the results required for checking purposes. It does this of course through visits to the institutions concerned, documentary checks and verification of available databases.

The various data resulting from the first level check will be verified by the IGEF, then approved. A written record of this second level verification process and approval will be retained and archived in accordance with the terms defined during the system development phase.

This verification process results in the issuing of a legality certificate which is given to the applicant.

The legality of a company will be based on compliance with indicators and verifiers using a combined system, in other words the indicators and verifiers for the year preceding the legality certificate application have indeed been met and attest to the company's legality and, on the other hand, no infringement has been reported in respect of the current year.

The legality certificate is valid for one year. Before expiry of the certificate, a new IGEF check is scheduled and carried out to enable the issuing of a legality certificate for the following year. If, for reasons outside the company's control, this new check cannot be carried out by the deadline set, the certificate can be extended for a maximum of six months.

3.3. Verification of legality in certified forestry concessions

The various standards taken into account by the private bodies for the certification of forestry concessions in Congo (FSC, OLB, TLTV) have fully incorporated the main criteria, indicators and verifiers relating to:

- the legal existence of the company,
- the holding of periodic licences permitting the activities,
- compliance with legal and regulatory provisions relating to forestry,
- compliance with regulations relating to management, forestry, timber processing and tax,
- compliance with environmental rules,
- subcontracting work in accordance with the regulations.

A formal assessment of the standards for the private certification of forestry concessions in Congo (FSC, OLB, TLTV currently used in Congo and any other standards) with respect to the legality matrix will be carried out by the IGEF during the system development phase. Following this assessment, a report is drawn up that will be published and publicly accessible.

If this assessment is favourable, the private certification system will be approved by the IGEF. This approval will be published. It will hence allow the IGEF to grant a legality certificate to companies certified under such a system, without the IGEF having to carry out any specific assessment itself, avoiding double verification of legality in these certified forestry concessions.

However, the forestry company receiving this approved certification has to send the General Forestry Economy Inspectorate all certification audit reports drawn up under the private certification system to enable it to monitor compliance with legality in this process and thus enable the issuing of the legality certificate in respect of the company concerned. It also has to inform the IGEF immediately of any suspension or withdrawal of the private certificate. The terms for carrying out the corrective actions required under private certification systems will be laid down during the system development phase.

3.4. Failure to comply with matrix requirements

Under the LVS, any failure to comply with legality requirements will be handled in accordance with legal and regulatory provisions applicable in the country concerned. Current provisions will be supplemented by a series of supplementary measures.

If matrix requirements are not complied with, all measures will be taken to withdraw the legality certificate and, if applicable, seize any shipments for which a FLEGT licence application is pending. The legality certificate may then be cancelled by the IGEF in the event of practices breaching requirements with respect to the FLEGT system duly identified by the IGEF and/or by the Joint Implementation Committee of the Agreement.

A manual outlining how to deal with any failure to comply with indicators in the legality matrix and/or in the traceability system will be developed during the system development period. It will explain, amongst other things, how to deal with these breaches, including failure to meet prescribed deadlines, any corrective action required, and the liability of the various parties concerned in this respect. Terms regarding the management and dissemination of information relating to these breaches will also be defined during the system development phase.

Table 1: Checking and verification of verifiers not linked to the traceability chain for timber produced in natural forests

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	<ul style="list-style-type: none"> — Registration of the company with the competent authorities (1.1): <ul style="list-style-type: none"> — Trading licence (1.1.1) — Certificate of registration with the national social security fund (CNSS) (1.1.2.1) <ul style="list-style-type: none"> — Consent (1.1.3.1) — Licence (1.1.3.2) — Judicial decision (1.2.1.1) <ul style="list-style-type: none"> — Suspension note (1.2.2.1) — Declaration of existence (1.1.2.2) — Business, credit and real estate register (1.1.1.2) 	<ul style="list-style-type: none"> Trade Authority Labour Authority DDEF/Teams DDEF/Teams Judicial Authority Judicial Authority Labour Authority Trade Authority 	<ul style="list-style-type: none"> Documentary verification Documentary verification Documentary verification Documentary verification Documentary verification Documentary verification Documentary verification Documentary verification 	<ul style="list-style-type: none"> Once a year Once a year Once a year Once a year Once a year Once a year Once a year Once a year
Legal rights of access to forestry resources (2)	<ul style="list-style-type: none"> — compliance with the steps leading up to the granting of a certificate of exploitation (2.1.1) <ul style="list-style-type: none"> — area permit (call for tenders order (2.1.1.1), minutes of the meeting of the forestry Commission (2.1.1.2), notification of consent (2.1.1.3), negotiation of agreement (2.1.2.1), special permit (2.1.2.2) — periodic licences for carrying out activities (2.2): <ul style="list-style-type: none"> — Installation, annual harvest, completion and clearing licence (2.2.2.1) — verification reports on the annual harvest, the completion harvest and the checking of non-evacuated timber (2.2.1.2) — trading licence (2.2.3.1), consent of the authorised customs inspector. (2.2.3.2) — Consent (2.2.3.3) 	<ul style="list-style-type: none"> DDEF Teams DDEF Teams DDEF Teams Customs Authority, Tax Authority DDEF/Teams 	<ul style="list-style-type: none"> Verification of documents Verification of documents and on-site verification of the Departmental Forest Economy Office Verification of documents and on-site verification of the Departmental Forest Economy Office Verification of documents Verification of documents 	<ul style="list-style-type: none"> Once during the validity of the CTI/CAT Once a year Once a year Once a year Once a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
Compliance with management rules	<ul style="list-style-type: none"> — compliance of inventory reports, supplementary studies and the management plan with standards and directives for the management of forestry concessions (4.3.1) (supplementary study reports (4.3.3.2), inventory report (4.3.3.1), management plan (4.3.3.3)) 	DDEF Teams	Verification of documents (examination of reports)	Once during the management plan drafting period
	<ul style="list-style-type: none"> — validation of inventory reports, supplementary studies and the plan by the Forestry Authority and the stakeholders in the management of the concession (Annual harvest licence (4.3.3.2), minutes of the meeting validating inventory reports, supplementary studies and the management plan (4.3.2.1/4.3.2.2), minutes of the meeting validating the administrative plan) (4.3.3.1) 	DDEF Teams	Verification of documents (examination of minutes)	Once during the management plan drafting period
Compliance with provisions on timber harvesting and processing (4)	<ul style="list-style-type: none"> — forest maps drawn up in accordance with standards (4.4.1) forest maps (4.4.1.1) Inspection reports of the Departmental Forest Economy Office and the Central Office (4.4.1.2) 	DDEF Teams	Verification of documents and on-site verification	Once a year
	<ul style="list-style-type: none"> — The company carries out all of its timber exploitation activities within its concession and within the boundaries of its annual harvesting sites (4.4.2) (Annual harvest licence (4.4.2.1), Inspection reports of the Departmental Forest Economy Office and the Central Office (4.4.2.2), Activity reports of the Departmental Forest Economy Office and the Central Office (4.4.2.3)) 	DDEF Teams	On-site verification	Once a year
	<ul style="list-style-type: none"> — roads built in accordance with the rules (4.5) (Management plan (4.5.1.1), Exploitation plan (4.5.1.2), Road network map (4.5.1.3), Inspection reports of the Departmental Forest Economy Office (4.5.1.4) 	DDEF Teams	On-site verification	Once a year
	<ul style="list-style-type: none"> — The company complies with the species and volumes to be taken as laid down in the regulations and the management plan. (4.6.1) (Management plan, Annual exploitation plan, Annual harvest licence, Worksite book, Inspection reports of the Departmental Forest Economy Office) 	DDEF Teams	Verification of documents, on-site verification, SIGEF consultation	Once a month

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	— The company complies with the felling diameters laid down in the regulations and the management plan (4.6.1) (Management plan (4.6.1.1), Exploitation plan (4.6.1.2), Annual harvest licence (4.6.1.3), Worksite book (4.6.1.4), Inspection reports of the Departmental Forest Economy Office (4.6.1.5))	DDEF Teams	Verification of documents, on-site verification, SIGEF consultation	Once a year
	— non-abandonment of timber (4.7) (Inspection reports of the Departmental Forest Economy Office 4.7.1.1/4.7.1.2), Worksite book (4.7.1.3))	DDEF Teams	Verification of documents and on-site verification	Once a year
	— The company complies with the processing quota laid down under the applicable regulations. (4.8.1) (Annual production reports (4.8.1.1), Report of the Inspectorate of Forestry Products for Export (4.8.1.2), Verification report on annual production of the DDEF (4.8.1.3))	DDEF Teams	Verification of documents, on-site verification, SIGEF consultation	Once a year
	— compliance of the industrial unit with the provisions of the special terms and conditions of the agreement (4.8.2) (Agreement (4.8.2.1), Inspection report of the Departmental Forest Economy Office (4.8.2.2))	DDEF Teams	On-site verification	Once a year
	— subcontracting for recovery of abandoned timber and by-products of processing encouraged (4.12.2) (Contract (4.12.2.1))	DDEF Teams	Verification of documents and on-site verification	Once a year
	— the company ensures that all of its subcontractors have the necessary licences and pay their employees in accordance with legal requirements (4.12.1) (licences granted by the competent authorities (4.12.1.1) Company contract (4.12.1.2))	DDEF Teams	Verification of documents and on-site verification	Once a year
	— contribution made to local socioeconomic development (4.9.1) (special terms and conditions of the agreement (4.9.1.1), Inspection reports of the Departmental Forest Economy Office (4.9.1.2), Inspection and activity reports of the Departmental Forest Economy Office (4.9.1.3))	Verification of documents and on-site verification	Verification of documents and on-site verification	Twice a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	<ul style="list-style-type: none"> — financing of the local development fund (4.9.2) (Copies of cheques (4.9.2.1), Minutes of meetings of the fund management committee (4.9.2.2)) — social and cultural infrastructures built up in accordance with the adopted plans and national standards. (4.9.3) (Terms and conditions (4.9.3.1), Inspection reports of the Departmental Forest Economy Office (4.9.3.2/4.9.3.3), Town Planning and Housing Inspection Reports (4.9.3.4)) 	<ul style="list-style-type: none"> DDEF Teams DDEF Teams 	<ul style="list-style-type: none"> Verification of documents and on-site verification On-site verification 	<ul style="list-style-type: none"> Twice a year Once a year
Conformity of tax returns and payment of taxes and social security contributions.	<ul style="list-style-type: none"> — conformity of tax returns (4.10) <ul style="list-style-type: none"> — income tax return (4.10.1.1) — customs declaration (4.10.2.1) — export declaration (4.10.2.2) — import declaration (4.10.2.3) — company balance sheet (4.10.3.1) — annual salary statement (4.10.3.2) — payment in good time of any dues and taxes relating to forestry (4.11.1) (copies of cheques (4.11.1.1), tax register/payment receipt (4.11.1.2)) — The company duly pays all taxes and fees associated with importation (4.11.2) (statement of payment of fees and taxes (4.11.2.1), copies of cheques (4.11.2.2), payment receipt (4.11.2.3), Establishment agreement (4.11.2.4)) 	<ul style="list-style-type: none"> Tax Authority Customs Authority Customs Authority Customs Authority Tax Authority and DDEF Teams Labour Authority DDEF Teams Tax Authority and Customs Authority 	<ul style="list-style-type: none"> Verification of documents Verification of documents Verification of documents Verification of documents Verification of documents Verification of documents — Verification of documents — On-site verification — Verification of documents — On-site verification 	<ul style="list-style-type: none"> Once a year Once a month Once a year Once a year Once a year Once a year Once a month Twice a year Once a month Twice a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	<ul style="list-style-type: none"> — The company pays in good time all taxes, fees and duties from which it is not exempt and which are applicable in national territory (4.11.3) (Copies of cheques (4.11.3.1), Payment receipts (4.11.3.2)) — The company pays its contributions in arrears (4.11.4) (Payment certificate (4.11.4.2) Copies of cheques/payment slips (4.11.4.2)) — The company carries out, within the prescribed deadlines, its transactions relating to customs, tax, trade and social security (4.11.5) (Infringement reports (4.11.5.1), Transaction certificate (4.11.5.2), Copies of cheques (4.11.5.3), Payment receipt (4.11.5.4)) 	<p>Tax Authority</p> <p>Tax Authority</p> <p>Tax Authority, DDEF, Teams</p>	<ul style="list-style-type: none"> — Verification of documents — On-site verification — Verification of documents — On-site verification — Verification of documents — On-site verification 	<p>Once a month</p> <p>Twice a year</p> <p>Once a month</p> <p>Twice a year</p> <p>Once a month</p> <p>Twice a year</p>
Compliance with environmental legislation and regulations	<ul style="list-style-type: none"> — Procedures for drawing up environmental impact studies (4.1.1) (approval of the office carrying out the study (4.1.1.1), impact study report (4.1.1.2), Minutes of the meeting approving the impact study report (4.1.1.3)) — biodiversity (4.1.2) (on-site inspection and audit reports (4.1.2.1), DDEF activity reports, DDEF inspection report (4.1.2.2) report of the committee monitoring and reviewing the management plan (4.1.2.3)) — health and cleaning-up of base camps and industrial sites (4.1.3) (Order approving the personnel of the company's socio-sanitary centre (4.1.3.1), Order authorising performance of the Ministry in charge of health (4.1.3.2), minutes of meetings of the health and safety committee (4.1.3.3), Report of the committee monitoring and reviewing the management plan (4.1.3.4)) — compliance with rules on: <ul style="list-style-type: none"> — disposal of waste (4.2.1) (Inspection report of the Departmental Forest Economy Office and the Central Office (4.2.1.1), Report of the committee monitoring and reviewing the management plan (4.2.1.2)) 	<p>Environmental Authority</p> <p>Environmental Authority</p> <p>Health Authority Environmental Authority</p> <p>Health Authority Environmental Authority</p>	<ul style="list-style-type: none"> — Verification of documents — On-site verification — Reports of the committee monitoring the plan — On-site verification — On-site verification 	<p>Once while the study is being carried out</p> <p>Once a year</p> <p>Once a year</p> <p>Once a year</p> <p>Once a year</p>

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	— protection of fauna (4.2.1) (Company's internal rules (4.2.2.1), Inspection report of the Departmental Forest Economy Office and the Central Office (4.2.2.2), Report of the committee monitoring and reviewing the management plan (4.2.2.3))	Forestry Authority	— USLAB reports — Reports of the committee monitoring the management plan	Twice a year Once a year
Provision of information to and the involvement of civil society and local and indigenous populations in the management of the forestry concession	— Involvement of civil society and local populations (3.1) — Minutes of meeting of the committee monitoring and reviewing the management plan (3.1.1.1) — Minutes of information meetings (3.1.2.1) — monitoring and resolving disputes (3.3): — Minutes of consultative meetings between the company and local populations (3.3.1.1/3.3.2.1)	DDEF Teams DDEF Teams DDEF Teams	Verification of documents On-site verification, verification of documents On-site verification, verification of documents	Once a year Once a year Once a year
Respect for the rights of local and indigenous populations and workers	— The company respects the customs, practices and rights of local and indigenous populations (3.2.1) — Report of the committee monitoring and reviewing the management plan (3.2.1.1) — On-site inspection report of the Departmental Forest Economy Office (3.2.1.2) — The company meets its commitments with respect to local and indigenous populations (3.2.2): — Report of the committee monitoring and reviewing the management plan (3.2.2.3) — Terms and conditions/Memorandum of understanding (3.2.2.1) — Inspection report of the Departmental Forest Economy Office (3.2.2.2)	DDEF Teams DDEF Teams DDEF Teams DDEF Teams DDEF Teams	Verification of documents Verification of documents Verification of documents Verification of documents Verification of documents	Once a year Once a year Once a year Once a year Once a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	— If property belonging to local and indigenous populations is destroyed by the company, compensation meets the requirements of applicable legislation and regulations. (3.2.3):			
	— Compensation register and minutes (3.2.3.1)	DDEF Teams	Verification of documents	Once a year
	— Compensation receipt (3.2.3.2)	DDEF Teams	Verification of documents	Once a year
	— The social partners of the company are sufficiently well informed of their rights (3.4 includes indicators 3.4.1/3.4.2/3.4.3)	DDEF Teams	Verification of documents	Once a year
	— Existence of staff representatives and union branches (3.4.1.1)	Labour Authority	Verification of documents	Once a year
	— Existence of union premises (3.4.1.2)	Forestry Authority, Labour Authority	On-site verification	Once a year
	— Existence of records of complaints and claims (3.4.1.3)	Forestry Authority, Labour Authority	On-site verification	Once a year
	— Memorandum of placement on leave for worker education (3.4.2.1)	Labour Authority	Verification of documents	Once a year
	— Documents available (3.4.3.1)	Labour Authority	Verification of documents	Once a year
	— The company respects workers' rights (3.5 includes indicators 3.5.1 – 3.5.5)			
	— Minutes of meetings (3.5.1.1)	Labour Authority	Verification of documents	Once a year
	— Record of complaints	Labour Authority	Verification of documents	Once a year
	— Employer register (3.5.2.1)	Labour Authority	Verification of documents	Once a year
	— Employment contract (3.5.2.2)	Forestry Authority, Labour Authority	Verification of documents	Once a year
	— Internal rules displayed (3.5.2.3)	Labour Authority	Verification of documents	Once a year
	— List of workers registered with the CNSS (3.5.2.4)	Labour Authority, Forestry Authority	Verification of documents	Once a year
	— Pay registers signed (3.5.3.1)	Labour Authority	Verification of documents	Once a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	— Pay slips (3.5.3.2)	Labour Authority	Verification of documents	Once a year
	— Health and safety committee reports (3.5.4.1)	Health Authority	Verification of documents	Once a year
	— Medical check-up registers (3.5.4.2)	Labour Authority	Verification of documents	Once a year
	— Accident in the workplace register (3.5.4.3)	Labour Authority	Verification of documents	Once a year
	— Social security register (3.5.4.4)	Labour Authority	Verification of documents	Once a year
	— Report of the committee monitoring and reviewing the management plan (3.5.4.5)	DDEF Teams	Verification of documents	Once a year
	— Working hours displayed (3.5.5.1)	Labour Authority	Verification of documents	Once a year
	— Authorisation of overtime by the Departmental Labour Office (3.5.5.2)	Labour Authority	Verification of documents	Once a year
	— Copy of the offer sent to National Office of Employment and Labour (ONEMO) (3.5.6.1)	Labour Authority	Verification of documents	Once a year
	— Employment contract (3.5.6.2)	Labour Authority	Verification of documents	Once a year
	— The company subcontracts work to other companies in accordance with the rules (4.12 includes indicators 4.12.1-4.12.3)			
	— Licences granted by the competent authorities (4.12.1.1)	Labour Authority, DDEF	Verification of documents	Once a year
	— Company contract (4.12.1.2/4.12.3.1)	Labour Authority, DDEF	Verification of documents	Once a year
	— Contract (4.12.2.1)	Labour Authority, DDEF	Verification of documents	Once a year
	— staff secondment agreement (4.12.3.2)	Labour Authority, DDEF	Verification of documents	Once a year
The company complies with regulations regarding timber transportation and marketing	— Timber is transported in accordance with applicable legislation and regulations (5.1 includes indicators 5.1.1-5.1.4)T — Vehicle registers (5.1.1.1)	Transport Authority	Verification of documents	Once a year

Aspect of legality	Indicator/verifier	Responsibility for the 1st level check	Verification means	Verification frequency
	— Vehicle registration document (5.1.1.2)	Transport Authority	Verification of documents	Once a year
	— Insurance (5.1.1.3)	Transport Authority	Verification of documents	Once a year
	— Transport authorisation (5.1.2.1)	Transport Authority	Verification of documents	Once a year
	— Seaworthiness certificate (5.1.2.2)	Transport Authority	Verification of documents	Once a year
	— Consent (5.1.2.3/5.1.2.4)	Transport Authority	Verification of documents	Once a year
	— Certificate of physical capability of the vehicle (5.1.3.1)	Transport Authority	Verification of documents	Once a year

By analogy, during the system development phase, a similar table will be drawn up for special permits and timber from plantations.

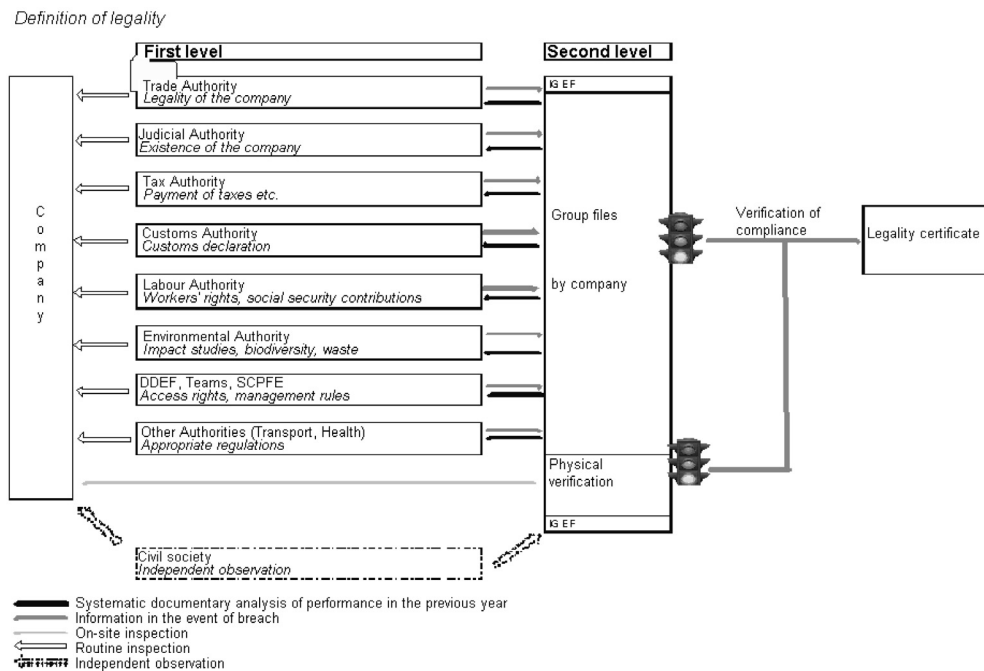


Diagram 1: Granting of the legality certificate

CHAPTER 4

4.1. Principles for checking the supply chain/traceability system

Congo has a timber traceability system based on the following four (04) main aspects:

- the origin or provenance of the product,
- the identification of the product by marking,
- the registration of basic information relating to these products in a medium that itself has well-established traceability,
- the monitoring of products.

This system was established in law 16-2000 of 20 November 2000 setting out the forestry code and its main implementing provisions, in particular decree 2002-437 of 31 December 2002 laying down the conditions of forest management and use. Regulations on traceability relate to four (04) main aspects (origin or provenance, identification of the product by marking, registration of basic information, monitoring of products). They state that:

- the forestry operator is obliged to take, from a clearly specified area referred to as the annual harvest, a volume of timber corresponding to the Maximum Annual Volume (MAV) allowed by the Forestry Authority. This area, which is geographically referencable using the GIS geographic information system, is the starting point for products authorised for felling. This annual harvest consists of areas in which a full count of harvestable trees has been carried out, these trees being marked beforehand with white paint at the base during counting. The results of counting given on a 1/20 000 map and a 1/50 000 map or sketch show all of the depots, roads and tracks already opened and those yet to be opened. Based on the declaratory information provided by forest operators, the Forestry Authority verifies the accuracy of the counts and the boundaries set for the annual harvest before granting the harvest licence,
- for each tree felled, the operator must:
 - indicate the place of felling: map showing the annual harvest count,
 - record the trees counted that are included in the MAV in the cartography documents: map of the count showing tree populations by species in each parcel,

- mark the trunk, the stump, rootstock, logs and blocks from said trunk with the mark registered by the company: triangular mark indicating the initials of the company, the tariff area and the felling number,
- register the trunks and the logs in the worksite, factory and export documents (worksite book, waybill book, register of timber entering the plant, specification sheet),
- the forestry operator has to provide the Forestry Authority, each month, with a statement indicating the production carried out in terms of species and destination. At the end of the year, he is obliged to file with the Forestry Authority an annual summary statement indicating the volume of production in terms of species and destination,
- monitoring and checks are carried out by the authorised departments of the Forestry Authority, namely:
 - The General Forest Economy Office through:
 - Head Offices (Forestry Office and Office for the Use of Forest Resources),
 - twelve (12) Departmental Offices (Brazzaville, Pointe-Noire, Kouilou, Niari, Lékoumou, Bouenza, Pool, Plateaux, Cuvette-Ouest, Cuvette, Sangha, Likouala), along with their teams and control stations,
 - The General Forestry Economy Inspectorate with three divisional inspectorates,
 - The Department for the Control of Forestry Products for Export and its departmental agencies.

The civil society structure can also accompany the IGEF on its on-site inspections and carry out its own on-site monitoring.

4.2. Architectural structure: Steps for the tracing of timber from natural forests

4.2(a) Agreements

Tracing timber from natural forests resulting from concessions covered by an agreement (management and processing agreement or industrial processing agreement) involves eight (8) steps:

- Step 1: Preparation and annual harvest application file (count map, road network map, etc.),
- Step 2: Verification of the boundaries and the results of the count, then granting of the annual harvest licence,
- Step 3: Cutting of the timber (felling, cutting off top and bottom, extraction, sawing or preparation of logs),
- Step 4: Storage of logs at various production depots (forest depot, export depot, plant depot),
- Step 5: Transportation of products: logs from forest depots to processing units/ports for export/local market; processed timber from processing units to the port for export/local market,
- Step 6: Local processing of logs (first, second, etc.),
- Step 7: Export of products from the port (port of Pointe-Noire to Congo or port of Douala to Cameroon),
- Step 8: Local trade networks in national markets.

Improvements will be made to the existing system under the LVS in the following steps:

- Step 1: The marking of trees will be supplemented by a prospection number for each tree which must then be put on a map. Registration will be improved by setting up a file or a register of the numbering of prospected trees and by files and/or maps showing the allotment of felling areas with the geo-referenced positioning of trees,
- Step 2: Management teams and/or subsidiary offices of the CNIAF will lend their expertise to improve Forestry Authority procedures for verifying the accuracy of systematic inventory results for the annual harvest,

- Step 3: The marking of trunks will be improved by adding the date or year of felling and the annual harvest number. Management teams and/or subsidiary offices of the CNIAF will lend their expertise to improve Forestry Authority procedures for monitoring and checking the annual harvest. In addition, daily production reports (felling, cutting off top and bottom, haulage and extraction, etc.), files or maps showing the allotment of felling areas with the positioning of trees in the MAV and worksite reports will be included in the list of compulsory worksite documents. The verification of stumps will only be possible in specific disputes. In such cases, members of the Team will verify stumps to establish the stump count,
- Step 4: The marking of logs will be improved by adding a code indicating the destination (plant or export). In addition, logs will have to be stored/package according to the allocated use (local plant or export). Management teams and/or subsidiary offices of the CNIAF will lend their expertise to improve Forestry Authority procedures for monitoring and checking the annual harvest. In addition, daily production reports (felling, cutting off top, extraction, etc.), files or maps showing the allotment of felling areas with the positioning of trees in the MAV and worksite reports will be included in the list of compulsory worksite documents,
- Step 6: the registration of timber will be improved by the introduction of daily production files and a register of processed timber leaving the plant.

The new structure of the traceability chain to be introduced for timber from natural forests exploited on the basis of an agreement is as follows:

Table 2: Structure of the traceability chain for timber exploited on the basis of an agreement

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/ Existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
1. Preparation and annual harvest application	<ul style="list-style-type: none"> — Preparation of the exploitation inventory — Production of the inventory report and maps relating to the annual harvest — Compilation and submission of annual harvest application files — Marking of trees with a prospection number — Geo-referencing of prospected trees 	The forestry company carries out systematic counts of exploitable trees and marks them with white paint	<ul style="list-style-type: none"> — Area of the AAC — Tree population to be exploited (average volume based on the volume table, and species) — Number of parcels of the AAC — Geographical position of the trees to be exploited — Average volume based on the volume table (indicative volume) 	<ul style="list-style-type: none"> — The forestry company encodes and sends the data used in monitoring the traceability of trees to be felled to the SIGEF database via the Internet — The main documents relating to this step will be the count reports, the annual harvest survey reports and the annual harvest cartography 	<ul style="list-style-type: none"> — Team via expert inspections of the annual harvest/Forestry companies and updated SIGEF database — IGEF via checking/inspection reports, SIGEF database and traceability system 	The test of correspondence with the management inventory is carried out on closure of the last harvesting site of the Forestry Production Unit (FPU). The FPU is a subdivision of the management plan covering 5 AACs
2. Verification and granting of the annual harvest licence	<ul style="list-style-type: none"> Verification of systematic counting — Verification of the forestry operator's production capacity — Production of the annual harvest survey report 	The DDEF/Team ensures that the results of the count are accurate by recounting 5% of the parcels counted	<ul style="list-style-type: none"> — Results (populations and species) of the recounts of trees to be exploited — Geographical position of the trees 	<ul style="list-style-type: none"> — The results are submitted to the IGEF by the Teams in survey reports — The main documents relating to this step will be the annual harvest licence and the annual harvest cartography 	<ul style="list-style-type: none"> — DDEF via inspections/on-site inspection reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	Test of correspondence of data by comparing the number of trees in the counting phase with those in the recounting phase
3. Cutting of timber	<ul style="list-style-type: none"> — Carrying out sorting operations/counting prior to felling — Timber production (felling, cutting off top and bottom, haulage, extraction, sawing into logs) — Marking of trunks, stumps and logs with a felling number with a bar code label and company stamp — Recording of trunks and logs in worksite documents — Marking of the year of felling and the annual harvest number 	The forestry company measures each log and marks it using a bar code The bar code number differs from the prospection number	<ul style="list-style-type: none"> — Species — Length — Diameter — Volume — Cutting area — Tree felling number/bar codes <p>The bar code will be linked to the following information: AAC No, name of the operator, year of exploitation, AAC area, No of parcels concerned, in particular to allow the correspondence test</p>	<ul style="list-style-type: none"> — The company encodes and sends the data used in monitoring the traceability of trees exploited to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF, the annual harvest cartography and the production/checking/inspection reports 	<ul style="list-style-type: none"> — Team/DDEF via production reports/checking reports/on-site inspections and SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	<p>Test of correspondence of data by comparing the number of trees felled per species category with that stated in the annual harvest licence in step 1</p> <p>The MAV (m3) is not a relevant indicator in that the annual harvest licence is granted on the basis of an indicative volume established using the volume table</p>

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/ Existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
4. Storage of logs	<p>Sawing and allocation of logs (logs for local plants or for export)</p> <ul style="list-style-type: none"> — Drawing up specification sheets — Drawing up AVEs — Marking logs with bar codes linked to the bar code put on the trunk — Storage of logs according to the allocation (local plant or export) 	The forestry company scans all of the bar codes	— Log/bar code number	<ul style="list-style-type: none"> — The company encodes and sends the data used in monitoring the traceability of logs prepared to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> — Team/DDEF via on-site inspections and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system — SCPFE subsidiary offices via reports on the checking of log dimensions and volumes 	Test of the correspondence of data by comparing tree numbers/bar codes from step 3 (cutting) with tree numbers/bar codes from step 4 (storage)
5. Transportation of products (logs and products after processing in step 6)	<ul style="list-style-type: none"> — Drawing up the waybill — Transportation of logs — Transportation of planks, beams and other exposed timber 	The transport company scans all of the bar codes	<ul style="list-style-type: none"> — Number of logs/bar codes (same number) (no need to re-encode) — Vehicle number plate — Place of departure — Destination 	<ul style="list-style-type: none"> — The Team/Company (forestry, transportation, etc.) sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> — Team/Control station/SCPFE subsidiary offices via production/checking reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system <p>At control stations, verification of transported timber (species and marks)</p>	
6. Local processing (primary, secondary, etc.)	<ul style="list-style-type: none"> — Measuring the volume in the following four steps: <ul style="list-style-type: none"> (1) on entry into the plant depot, (2) on entry into the processing unit, (3) on exit from the processing unit, (4) volumes exiting the plant — Performance of timber processing operations — Marking of products/packages 	<p>The company notes the volumes and scans all of the bar codes on their arrival at the company's plant depot</p> <p>It draws up daily production reports</p> <p>The company has to monitor/check stocks of logs and finished products</p>	<ul style="list-style-type: none"> — Log/bar code number (no need to re-encode) — Volume on entry to the plant — Volume on entry into the production line — Volume on exit from the production line — Dimensions and volume/bar code numbers of finished products/packages leaving the company 	<ul style="list-style-type: none"> — The company sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> — Team/DDEF via checking reports, production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system <p>Checking of timber yields on the basis of the daily reports</p>	<p>Test of correspondence of data by comparing:</p> <ul style="list-style-type: none"> — tree numbers/bar codes from step 6 (processing) with tree numbers/bar codes from step 5 (transportation) for timber to be processed <p>Test of correspondence between the following three steps:</p> <ul style="list-style-type: none"> — material yields (volume on entry into the production line and on exit from the production line)

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/ Existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
						<ul style="list-style-type: none"> — inventories of processed products — volume of merchandise delivered (leaving the plant)
7. Export of products	<p>Compilation of timber export files: Waybills, Specification sheets, AVEs, EX1 (formerly D6), EX8 (formerly D15), certificate of origin, dispatch note, phytosanitary certificate, shipment note, manifest/bill of lading</p> <p>Pro forma of the commercial invoice, Customs declaration and Delivery note</p>	<p>The company responsible for exporting scans all of the bar codes</p> <p>The SCPFE verifies correspondence between the statements and the physical checks. In addition, on the basis of the validation of the IGEF, the SCPFE verifies the correspondence of statements with the data recorded in the SIGEF and grants an FLEGT licence</p>	Bar code number (logs or packages of finished products)	<ul style="list-style-type: none"> — The SCPFE sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> — SCPFE/Customs via checking reports, production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	<p>Test of correspondence of data by comparing:</p> <p>(a) for exported logs:</p> <ul style="list-style-type: none"> — tree numbers/bar codes from steps 3 (cutting), 4 (storage) and 5 (transportation) with tree numbers/bar codes from step 7 (export) <p>(b) for processed products:</p> <ul style="list-style-type: none"> — export volumes with step 6 — step reports with SIGEF data — with SCPFE information
8. Local trade networks for the products	Local sale of processed products (planks, beams, rafters and other exposed timber)	The company keeps accounts of local sales	Number of packages/package number	<ul style="list-style-type: none"> — The company sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the inspection/production/checking reports 	<ul style="list-style-type: none"> — SCPFE/Customs via checking reports, production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	Test of correspondence of data by comparing production reports from steps 6 (processing) and 8 (local trade)

NB: Through use of a (unique) felling number, the identity of the product is guaranteed right along the chain. All timber entered will be saved on the traceability system and will be used for charitable activities to help local authorities and socio-sanitary structures (schools, hospitals, etc.). The General Forest Economy Office will ensure that it is appropriately codified.

Semi-finished products (sawn products, veneered products, rotary process products, etc.) are marked according to lots established on the basis of the product and/or the client. The method of dealing with 'material yield' still has to be enhanced in order to improve monitoring of timber at the plant.

The Department for the Control of Forestry Products for Export (SCPFE) sends, in accordance with the provisions of Article 130 of Decree No 2002-437 of 31 December 2002 laying down the conditions of forest management and use, a monthly report to the office of the Minister responsible for forests, to the General Forest Economy Office and to the General Forestry Economy Inspectorate (this report must state the volumes or quantities of timber exported and the timber in transit by species, by merchantable quality, by recipient (timber for export) or sender (timber in transit) and by supplier. Details relating to timber in transit are given in paragraph 4.4.

Companies that have their own traceability system will be linked to the national traceability system to enable data transfer.

For any timber not exported directly from the port of Pointe-Noire, the methods of reconciling data with that produced by the timber depot company in Douala and bodies verifying legality in neighbouring countries will be laid down in the system development phase.

4.2(b) Special permits

Timber from natural forests cut on the basis of special permits must follow the traceability chain consisting of the following five (05) main steps:

- Step 1: Application for and granting of the certificate of exploitation (special permit),
- Step 2: Cutting of the timber (felling, cutting off top and bottom, extraction, sawing or preparation of logs),
- Step 3: Product processing,
- Step 4: Transportation of processed timber,
- Step 5: Local market for processed timber.

Improvement will be made in the following steps:

- Step 1: Registration of counted and marked trees in a working document (inventory report or report on the identification of marked trees and map showing the location of marked trees). The marking report must be included on the list of compulsory worksite documents,
- Step 2: Registration of felled trees in worksite documents (production report, worksite book). Production reports and the worksite book must be included on the list of compulsory worksite documents,
- Step 3: Registration of processed timber in a processed-product register. Production reports and the processed-timber register or register of timber entering the plant must be included on the list of compulsory worksite documents,
- Step 4: Registration of transported products in a waybill. The special permit relates to the number of trees or trunks. It must be supplemented by the waybill indicating the number, volume, origin, destination and date of production of transported products,
- Step 5: Registration of products placed on the local market in a waybill.

It should be pointed out that, under the provisions of Article 186 of Decree No 2002-437 of 31 December 2002 laying down the conditions of forest management and use, the special permit for the exploitation of tree species for commercial purposes is, according to Article 70 of the Forestry Code, only granted in areas where populations have difficulty obtaining manufactured timber. These products are sold exclusively in the areas concerned, as determined by an order of the minister responsible for the forest economy.

By law, products found outside the areas concerned are in breach and are therefore seized and used for charitable activities to help local authorities and socio-sanitary structures (schools, hospitals, etc.). The General Forest Economy Office will ensure that it is appropriately codified.

If the verifiers of the legality of products exploited on the basis of trees felled under special permits are verified, the structure of the traceability chain to be put in place can be described as follows:

Table 3: Structure of the traceability chain for timber exploited on the basis of special permits

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
1. Application for and granting of the special permit	<ul style="list-style-type: none"> — Carrying out marking inspection of trees to be felled — Production of the marking inspection report — Marking the standing trees with a marking number — Geo-referencing of marked trees 	The DDEF and the special permit applicant mark the requested trees	<ul style="list-style-type: none"> — Tree population to be exploited — Geographical position of trees to be exploited — Marking number 	<ul style="list-style-type: none"> — The DDEF encodes and sends the data used in monitoring the traceability of trees to be felled to the SIGEF database via the Internet — The main documents relating to this step will be the marking reports and the harvest area cartography 	<ul style="list-style-type: none"> — Team via marking inspections and updated SIGEF database — IGEF via checking/inspection reports, SIGEF database and traceability system 	
2. Cutting of timber	<ul style="list-style-type: none"> — Timber production (felling, cutting off top and bottom) — Marking of trunks, stumps and logs with a felling number — Recording of trunks in worksite documents — Marking of the year of felling and the annual harvest number 	The holder of the special permit measures each log, its volume and the marking of a number	<ul style="list-style-type: none"> — Species — Length — Diameter — Volume — Cutting area — Tree felling number 	<ul style="list-style-type: none"> — The holder of the special permit encodes and sends the data used in monitoring the traceability of exploited trees to the DDEF which adds it to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF, the harvest cartography and the production reports 	<ul style="list-style-type: none"> — Holder of the permit via production reports — DDEF via production reports and SIGEF database — IGEF via production/inspection reports, SIGEF database and traceability system 	Test of correspondence of data by comparing the number of trees felled per species category with that stated in the marking report
3. Processing of logs on-site in the forest	<ul style="list-style-type: none"> — Performance of timber processing operations — Marking of products 	The holder of the special permit measures the volume of products obtained	<ul style="list-style-type: none"> — Volume of processed products — Types of products obtained 	<ul style="list-style-type: none"> — The holder of the special permit sends the production report to the DDEF for compilation of the data used in monitoring the traceability of processed products in the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production reports 	<ul style="list-style-type: none"> — DDEF via production reports and updated SIGEF database — IGEF via marking reports and SIGEF database 	Test of the correspondence of data by comparing product quantities in terms of trees from step 3 (processing) with the volume of trees from step 2 (cutting)

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
4. Transportation of processed timber	<ul style="list-style-type: none"> — Drawing up the waybill — Transportation of logs — Transportation of planks, beams and other exposed timber 	The holder of the special permit records any products resulting from the processing of felled trees	<ul style="list-style-type: none"> — Volume of processed products — Types of products transported — Vehicle number plate — Place of departure — Destination 	<ul style="list-style-type: none"> — The DDEF sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production reports 	<ul style="list-style-type: none"> — DDEF via production reports and updated SIGEF database — IGEF via marking reports, SIGEF database and traceability system 	Test of the correspondence of data by comparing product quantities in terms of trees from step 3 (processing) with the number of trees/tree number from step 2 (cutting)
5. Local trade networks for processed timber	Local sale of processed products (planks, beams, rafters and other exposed timber)	The holder of the special permit keeps accounts of local sales	Number of products obtained by category (planks, beams, rafters, boards)	<ul style="list-style-type: none"> — The DDEF sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production reports 	<ul style="list-style-type: none"> — DDEF via production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	Test of the correspondence of data by comparing product quantities in terms of trees from step 3 (processing) with the number of trees/tree number from step 2 (cutting)

What is referred to as small-scale production falls within the scope of special permit requirements. It relates to the use of the bottoms of trees authorised by the Forestry Authority on the basis of special permits. However, it is still necessary to ensure that the database is complete through worksite documents and the SIGEF. The applicability of this provision requires:

- the marking of trees in accordance with applicable rules (marking of standing trees and marking of felled trees),
- the registration of trunks and logs in accordance with applicable rules (worksite book),
- the declaration of processed products (timber exploited on the basis of special permits is systematically processed at the harvest site. This relates to sawn timber (planks, rafters, beams, boards), means of transport (canoe), etc.),
- This system, which increases timber traceability, requires the stump and trunk to be marked in order to provide comprehensive traceability.

4.3. Architectural structure: Steps for the tracing of timber from forestry plantations

Timber from plantations has to follow the traceability chain consisting of the following seven (07) main steps:

- Step 1: Application for and granting of the certificate of exploitation (plantation timber permit),
- Step 2: Cutting of the timber (felling, cutting off top and bottom, extraction, sawing or preparation of logs, posts and/or steres),
- Step 3: Storage of products (logs, posts and/or steres) in the various production depots,
- Step 4: Transportation of products (logs, posts, etc.) at processing units/ports of export, posts and/or steres to the local market,
- Step 5: Local processing of products (logs etc.),
- Step 6: Exporting of products (logs, posts, etc.) from the port of export (Pointe-Noire),
- Step 7: Local trade networks for by-products.

It should be pointed out that improvements will be made during the implementation phase in the following steps:

- Step 1: The annual harvest must be a compulsory worksite document,
- Step 2: Production reports (felling reports etc.) and worksite books must be compulsory worksite documents,
- Step 3: Production reports (handling/classification reports etc.) and worksite books must be compulsory worksite documents,
- Step 4: Registration of transported products in waybills. The plantation timber harvest permit must be supplemented by the waybill indicating the number, volume, origin, destination, date of production etc. of transported products,
 - The marking of logs will be improved by adding a code indicating the destination (plant or export). Management teams and/or subsidiary offices of the CNIAF will lend their expertise to improve Forestry Authority procedures for monitoring and checking the annual harvest. In addition, daily production reports (felling, cutting off top, extraction, etc.), files or maps showing the allotment of felling areas with the positioning of trees in the MAV and worksite reports will be included in the list of compulsory worksite documents,
- Step 5: The registration of timber will be improved by the introduction of a register of timber entering the plant depot, a register of timber entering the plant (logs in the plant depot entering the plant) and a register of processed products (products obtained from logs entering the plant). A control station will be set up in the plant depot,

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- Step 6: The registration of exported products will be improved by waybills, specification sheets, AVEs, bills of lading and other documents included in the compiling of the file on timber for export.

Under the framework of sustainable forest management, managed plantations will have administrative plans and annual operation plans. Each annual operation plan will be consolidated on the basis of an assessment (inventory). Monitoring products from this annual harvest can be carried out by marking packages.

The structure of the traceability chain to be introduced for timber from forest plantations exploited on the basis of plantation timber harvest permits is as follows:

Table 4: Structure of the traceability chain for timber harvested from forestry plantations

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/Source of information for existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
1. Application for and granting of the certificate of exploitation	Compilation and submission of plantation timber permit application files	Company	<ul style="list-style-type: none"> — Number of felling parcels and area concerned — Tree population to be exploited — Felling parcel number — Geographical position of the production area 	<ul style="list-style-type: none"> — The forestry company encodes and sends the data used in monitoring the traceability of trees to be felled to the SIGEF database via the Internet — The main documents relating to this step will be the plantation timber harvest permit application file 	<ul style="list-style-type: none"> — DDEF via plantation timber harvest permit application file and updated SIGEF database — IGEF via checking/inspection reports, SIGEF database and traceability system 	A full list of trees unsuitable for sale is drawn up (populations and reasons)
2. Cutting of timber	<ul style="list-style-type: none"> — Timber production (felling, cutting off top and bottom, haulage, extraction, sawing into logs) — Recording of trunks and logs in worksite documents 	The company measures each log	<ul style="list-style-type: none"> — Species — Length — Volume — Cutting area — Timber/package number 	<ul style="list-style-type: none"> — The company encodes and sends the data used in monitoring the traceability of trees exploited to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF, the harvest area cartography and the production reports 	<ul style="list-style-type: none"> — DDEF via production reports/checking reports/on-site inspections and SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	Test of correspondence of data by comparing the number of trees felled per species category with that stated in the harvest licence
3. Storage of logs	<p>Sawing and allocation of logs (logs for local plants or for export)</p> <ul style="list-style-type: none"> — Drawing up specification sheets — Drawing up AVEs — Marking packages or products (posts, logs) with a bar code indicating the destination 	The forestry company scans all of the bar codes	<ul style="list-style-type: none"> — package or product/bar code number 	<ul style="list-style-type: none"> — The company encodes and sends the data used in monitoring the traceability of logs prepared to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> — DDEF via on-site inspections, production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	<p>Test of the correspondence of data by comparing tree numbers from step 2 (cutting) with tree numbers from step 3 (storage)</p> <p>Reconciliation on the basis of volumes</p>
4. Transportation of products	<ul style="list-style-type: none"> — Drawing up the waybill — Transportation of plantation products (logs, posts, etc.) 	The transport company scans all of the bar codes	<ul style="list-style-type: none"> — package or product/bar code number — Vehicle number plate — Place of departure — Destination 	<ul style="list-style-type: none"> — The Team/Company (forestry, transportation, etc.) sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet 	<ul style="list-style-type: none"> — Team via checking reports, production reports and updated SIGEF database 	

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/Source of information for existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
				<ul style="list-style-type: none"> The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> IGEF via inspection reports, SIGEF database and traceability system At control stations, verification of transported timber 	
5. Local processing of products (logs)	<ul style="list-style-type: none"> Measuring the volume in the following four steps: <ol style="list-style-type: none"> on entry into the plant depot, on entry into the processing unit, on exit from the processing unit, volumes exiting the plant Performance of timber processing operations Marking of products/packages 	The company measures the volume in the following three steps: on entry into the plant depot, on entry into the production processing line and on exit from production at the end of the production line. It draws up daily production reports	<ul style="list-style-type: none"> Volume on entry to the plant Volume on entry into the production line Volume on exit from the production line 	<ul style="list-style-type: none"> The company sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> DDEF via checking reports, production reports and updated SIGEF database IGEF via inspection reports, SIGEF database and traceability system Checking of timber yields on the basis of the daily reports 	<p>Test of correspondence of data by comparing:</p> <ul style="list-style-type: none"> tree numbers from step 5 (processing) with tree numbers from step 4 (transportation) for timber to be processed <p>Test of correspondence between the following three steps:</p> <ul style="list-style-type: none"> material yields (volume on entry into the production line and on exit from the production line) inventories of processed products volume of merchandise delivered (leaving the plant)
6. Export of products	Compilation of timber export files: Waybills, Specification sheets, AVEs, EX1 (formerly D6), EX8 (formerly D15), certificate of origin, dispatch note, phytosanitary certificate, shipment note, manifest/bill of lading, pro forma of the commercial invoice, Customs declaration and Delivery note	The company responsible for exporting scans all of the bar codes The SCPFE verifies the correspondence of data on products for export and grants an AVE	Bar code number (logs or finished products)	<ul style="list-style-type: none"> The SCPFE sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet The main documents relating to this step will be the SIGEF and the production/checking/inspection reports 	<ul style="list-style-type: none"> SCPFE/Customs via checking reports, production reports and updated SIGEF database IGEF via inspection reports, SIGEF database and traceability system 	<p>Test of correspondence of data by comparing (logs):</p> <ul style="list-style-type: none"> tree numbers from steps 2 (cutting), 3 (storage) and 4 (transportation) with tree numbers from step 6 (export) step reports and SIGEF <p>Test of correspondence of data by comparing (processed products): Volume leaving the plant and volumes for export</p>

Steps	Operations	Party responsible for the operation	Data to be encoded	Party responsible for encoding/Source of information for existing documents	Verification (physical and documentary check) and frequency	Reconciliation of data
7. Local trade networks for by-products	Local sale of by-products (firewood, charcoal)	The company keeps accounts of local sales	Number of packages obtained by category (steres of firewood, bags of charcoal)	<ul style="list-style-type: none"> — The company sends the data used in monitoring the traceability of processed products to the SIGEF database via the Internet — The main documents relating to this step will be the SIGEF and the production reports 	<ul style="list-style-type: none"> — DDEF via production reports and updated SIGEF database — IGEF via inspection reports, SIGEF database and traceability system 	Test of correspondence of data by comparing production reports from steps 5 (processing), 6 (export) and 8 (local trade)

4.4. Timber from abroad in transit through Congolese territory or imported for processing in Congo

The transportation across Congolese territory of timber imported from other countries is controlled using the LVS.

At present, no timber is imported into Congo from other countries for processing in Congolese plants. However, timber does pass through Congolese territory, in other words it is imported for re-exporting from the port of Pointe-Noire, for example.

The legality of imported timber is always verified at the Republic of Congo border.

The supply chain of timber in transit or imported timber before it enters Congolese territory cannot be controlled in the same way as timber from national forests.

Border procedures for controlling timber in transit or imported timber, its marking and those responsible for carrying out checks will be specified in supplementary rules to be published and implemented during the system development phase. These procedures will take into account the existence or otherwise of legality verification systems in the country of origin. All timber imported and in transit will be entered on the traceability system in accordance with terms to be laid down during the system development phase.

4.5. Failure to meet the legality requirements linked to the traceability system

The supply chain for each shipment of timber and derived products is controlled under the traceability system. Procedures to deal with any problems that may be identified will be developed in the LVS during the system development phase.

If matrix requirements are not complied with, all measures will be taken to suspend the FLEGT licence grant procedure and, if applicable, seize shipments concerned.

A manual outlining how to deal with any failure to comply with indicators in the legality matrix and/or in the traceability system will be developed during the system development phase.

The traceability of timber will be monitored through a database (SIGEF) that has an auto-blocking system. If legality requirements linked with the traceability system are not complied with, the SIGEF database will be able to show the requirement that has not been complied with, which can be accessed in real time at the IGEF when the licence application is being examined.

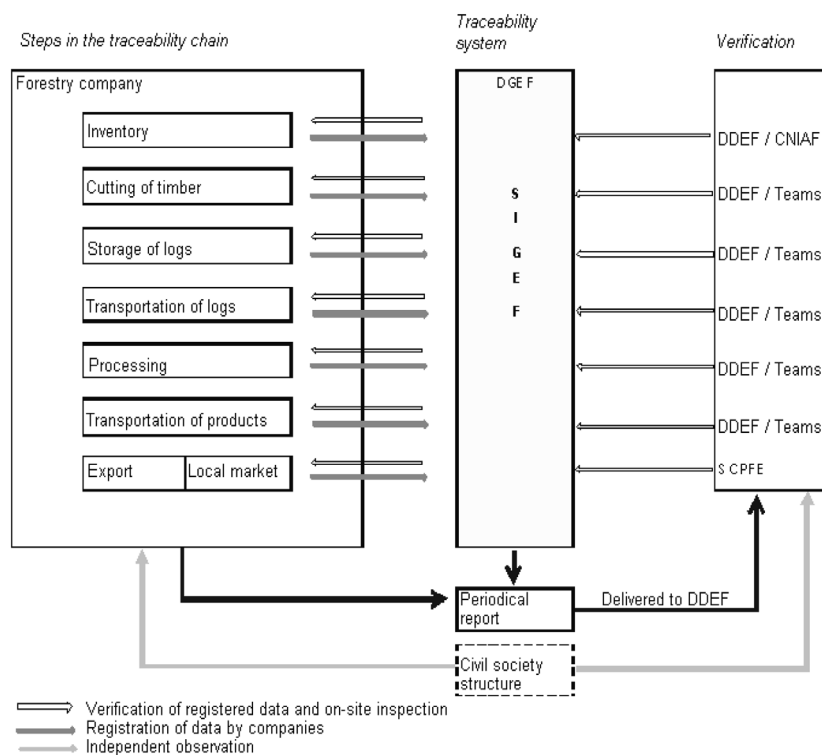


Diagram 2: Traceability chain

CHAPTER 5

5.1. Management of data for verification in accordance with the legality matrices

Data for verification in accordance with the legality matrices will be managed by the IGEF using Microsoft Excel type electronic files or other databases. During the system development phase, detailed procedures are to be drawn up regarding the management of data for verification in accordance with the legality matrices, agreements on the accessing of data by the various parties, the consequences of a failure to meet one of the legality criteria (auto-blocking system) and the format of the legality certificate.

5.2. The management of data in the timber traceability chain

The improved SIGEF is the traceability system developed on the basis of the SIGEF system existing in 2009 as an information system for data currently stored in the databases of the DDEF, CNIAC and SCPFE. It is referred to as SIGEF throughout this document.

The basic data for monitoring the course of timber entered into the database will be sent by forestry companies, if possible every day via the Internet, to the central SIGEF database at the General Forest Economy Office. Moreover, validation by Departmental Forest Economy Offices (DDEFs) of data after analysis of monthly production reports will also be entered on the system, preferably over the Internet.

Data in the supply chain will be managed with the aid of a centralised database (SIGEF) which will help provide synergies between the various parties. Management of this centralised database involves:

- the creation of an information management structure within the ministry placed under the General Office. This structure will also deal with the production of bar codes,
- the development of information management software capable of meeting the requirements of traceability,
- the development of a ministry website with a window for accessing the database accessible to all those involved under certain conditions.

The parties responsible for gathering information are:

- The CNIAC,
- Subcontractors (preparation for annual harvests),
- Forestry companies (worksite books),
- Departmental offices,
- Control station on exit from worksites (Team),
- Control station on entry to the plant (Team),
- Entry into the production line and exit from the production line (Team),
- Control station on exit from the plant (Team),
- Control station on entry into the port (SCPFE),
- Data entry station (Team/Departmental office),
- Forestry companies (declaration).

The General Forest Economy Office, which will house the SIGEF, will be the body responsible for maintaining and managing the traceability system.

Data will be regularly verified by local structures (DDEF) on each approval of data entered into the SIGEF and the product traceability chain. A plan is currently being put together for this purpose. It will enable, during implementation (2009 to 2010), the improved traceability system of the Republic of Congo to be specified and implemented. The software and appropriate computer equipment for this and the data management agreements will be defined and approved when the said plan is put into practice.

CHAPTER 6

ISSUING OF FLEGT LICENCES

The granting of FLEGT licences only relates to timber and derived products exported to the Union. Timber and derived products in transit under the control of the Congolese customs authorities will not require a FLEGT licence for export to the Union. The Congolese authorities will provide the European customs authorities with documentation enabling them to establish that the timber and shipments concerned do not require a FLEGT licence. The nature and form of this documentation will be specified during system development.

Each shipment of timber and derived products in Annex I produced in natural forests and forest plantations in the Republic of Congo requires a FLEGT licence. The FLEGT licence is issued by the SCPFE, on instruction by the IGEF, and is given to the applicant.

The FLEGT licence is issued for a shipment of timber and derived products under the following conditions:

1. the company filing the application has a valid legality certificate;
2. the SIGEF database contains all of the data relating to this shipment.

The IGEF will also have to ensure first of all that legality has been verified by the authorised departments, and in particular that:

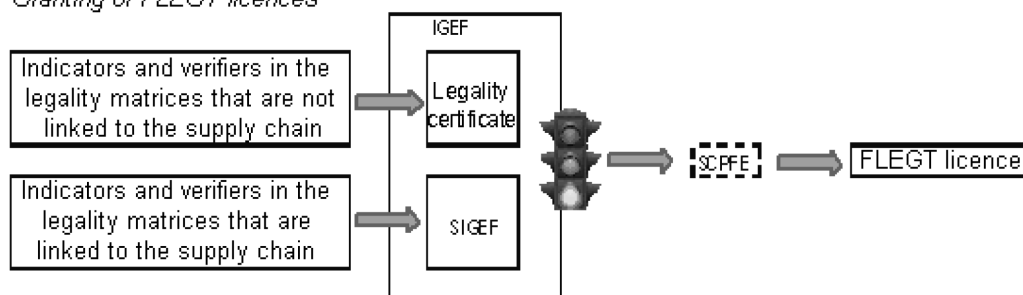
- a legality certificate has been issued in accordance with applicable procedures described in Chapter 3,
- the supply chain is controlled by authorised departments in accordance with applicable procedures described in Chapter 4,
- the FLEGT licence will be granted by the subsidiary offices of the SCPFE located near the production sites, on the basis of a document produced from the SIGEF, in accordance with the terms laid down during the system development phase.

Electronic licences will not be dealt with under this Agreement.

Information relating to issued licences will be kept in a paper file and a digital file at the IGEF. Licences are issued in paper form at a local level in accordance with Article 6 of Annex V. Local archiving is managed by the SCPFE which keeps copies for the authority granting FLEGT licences, in accordance with Article 6 of Annex V. A photocopy is made and sent to the IGEF for central archiving. This will enable the IGEF to reconcile licence applications with FLEGT licences duly granted.

Information on licences will be published on a website by virtue of arrangements set out in Annex X.

The specifications of FLEGT licences and procedures relating to issuing them are described in Annex V and will be developed further during the system development phase, in particular with respect to grant periods and authority to sign licences. Procedures for issuing the legality certificate will also be developed during the implementation phase.

Granting of FLEGT licences

CHAPTER 7

INDEPENDENT AUDIT OF THE SYSTEM

An independent audit of the system is planned. Separate terms of reference have been drawn up and are given in Annex VI.

ANNEX IV

CONDITIONS GOVERNING THE RELEASE FOR FREE CIRCULATION INTO THE UNION OF TIMBER AND DERIVED PRODUCTS EXPORTED FROM A PARTNER COUNTRY AND COVERED BY A FLEGT LICENCE**General framework**

Regulation (EC) No 2173/2005 and its implementing regulation, Commission Regulation (EC) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Regulation (EC) No 2173/2005 ⁽¹⁾ govern the conditions for the entry into the European market of timber and derived products covered by a FLEGT licence from Congo. The procedures described in those regulations provide for the possibility of adaptation to national conditions, and in particular the possibility that the competent authorities responsible for accepting FLEGT licences on entry into the European market may be customs authorities or another authority. For this reason, the description of the process divides verification into two steps: (1) documentary checking of licences and (2) checking that the actual shipment complies with the licence. This process is intended to supplement the checks carried out by Congo and to verify that FLEGT licences presented on entry into Europe are indeed those duly issued and registered by the Congolese licence granting authority and cover the shipments as intended by the Congolese authorities. The competent authorities are not entitled to challenge the Congolese legality verification system or the validity of granted licences, these issues optionally being dealt with by the Joint Implementation Committee of the Agreement in accordance with Articles 12, 19 and 24 of this Agreement.

*Article 1***Processing licences**

1. The FLEGT licence, hereinafter referred to as 'licence', shall be lodged with the competent authorities of the Member State of the Union in which the shipment ⁽²⁾ covered by that licence is declared for release for free circulation ⁽³⁾.
2. The competent authorities referred to in paragraph 1 shall, in accordance with the applicable national procedures, inform the customs authorities as soon as a licence has been accepted.

*Article 2***Documentary check of licences**

1. Paper-based licences shall conform to the model licence in Annex V.
2. A licence shall be considered as void if the date on which it is lodged is later than the date of expiry indicated in the licence.
3. Any erasures in or alterations to a licence shall not be accepted unless such erasures or alterations have been validated by the licensing authority.
4. The extension of the validity of a licence shall not be accepted unless that extension has been validated by the licensing authority.
5. A duplicate or replacement licence shall not be accepted unless it has been issued and validated by the licensing authority.

*Article 3***Request for additional information**

1. In case of doubt concerning the validity of a licence, a duplicate or a replacement licence, the competent authorities may request additional information from the licensing authority.
2. A copy of the licence, the duplicate or the replacement licence in question may be forwarded together with the request.

⁽¹⁾ OJ L 277, 18.10.2008, p. 23.

⁽²⁾ Shipment means a given quantity of timber and derived products referred to in Annexes II and III of Regulation (EC) No 2173/2005 along with a FLEGT licence that is sent by a consignor or a shipper on departure from a partner country and is presented for release for free circulation at a customs office in the Union.

⁽³⁾ Release for free circulation is a Union customs procedure. According to Article 129(2) and (3) of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code), release for free circulation shall entail the following: (1) the collection of any import duties due; (2) the collection, as appropriate, of other charges, as provided for under relevant provisions in force relating to the collection of those charges; (3) the application of commercial policy measures and prohibitions and restrictions in so far as they have not been applied at an earlier stage (in this case, it is among these measures that the existence of a FLEGT licence will be verified); (4) completion of the other formalities laid down in respect of the importation of the goods. Release for free circulation shall confer on non-Community goods the customs status of Community goods.

*Article 4***Physical verification**

1. If applicable, the competent authorities verify whether the actual shipment complies with the corresponding licence.
2. If further verification of the shipment is considered necessary by the competent authorities, checks may be carried out to establish whether the shipment in question conforms to the information provided in the licence and to the records relating to the relevant licence which are held by the licensing authority.
3. Where the volume or weight of the timber products contained in the shipment presented for release for free circulation does not deviate by more than 10 % from the volume or weight indicated in the corresponding licence, it shall be considered that the shipment conforms to the information provided in the licence so far as volume or weight is concerned.
4. Costs incurred while the verification is completed shall be at the expense of the importer, except where national legislation of Member States concerned determines otherwise.

*Article 5***Prior verification**

A licence lodged before the arrival of the shipment that it covers may be accepted if the licence meets all the requirements set out in Annex V to this Agreement and no further verification in accordance with Articles 3 and 4 of this Annex is deemed necessary.

*Article 6***Release for free circulation**

1. Reference shall be made, in box 44 of the Single Administrative Document on which the customs declaration for release for free circulation is made, to the number of the licence that covers the timber and derived products subject to that declaration.

Where the customs declaration is made by means of a data-processing technique, the reference shall be provided in the appropriate box.

2. Timber and derived products can be released for free circulation only after completion of the procedure described in this Annex.

ANNEX V

CONDITIONS GOVERNING THE ISSUANCE AND SPECIFICATIONS OF FLEGT LICENCES

CHAPTER 1

APPLICATION FORMALITIES

Congo has undertaken, within the framework of the FLEGT process to which it has signed up, to make the exporting of its timber to the Union subject to a FLEGT licence. This means that those producing and trading in exported timber have to adopt FLEGT requirements.

Responsibility for supervising the verification of legality for the purposes of granting FLEGT licences for the exporting of timber and derived products to the Union will be conferred on the General Forestry Economy Inspectorate.

The procedure for obtaining FLEGT licences consists of two successive steps:

1. an application for a legality certificate sent to the General Forestry Economy Inspectorate;
 - A. Following this application, the General Forestry Economy Inspectorate organises a legality verification inspection comprising the following steps:
 - verification planning meeting,
 - documentary analysis,
 - on-site inspection,
 - discussion with the stakeholders (and partner authorities concerned),
 - verification report.
 - B. If the conditions have been met, the General Forestry Economy Inspectorate sends the applicant a legality certificate valid for twelve (12) months.
2. an application for a FLEGT licence for a given shipment, e-mailed to the General Forestry Economy Inspectorate. If the applicant submits a valid legality certificate, the General Inspectorate will consult the SIGEF database looked after by the General Forest Economy Office, take into account the opinion of the SCPFE (Department for the Control of Forestry Products for Export), verify the completeness of the database relating to this shipment and the absence of any block, keep written evidence of it and order the SCPFE to issue the FLEGT licence and send it to the applicant. However, shipment legality verification inspections can be carried out on a one-off basis.

The procedure for granting licences will be laid down during the system development phase, then communicated by the IGEF to the interested parties, in particular potential exporters, and published on a website.

CHAPTER 2

FEES

The granting of a licence is subject to payment of a fee the level and payment terms of which will be laid down by an order of the Minister responsible for the Forest Economy.

CHAPTER 3

REQUIREMENTS RELATING TO FLEGT LICENCES*Article 1*

1. A FLEGT licence is paper-based.
2. The licence shall provide the information mentioned in Appendix 1, in accordance with the notes for guidance set out in Appendix 2.

Article 2

1. The FLEGT licence is to become valid on its actual day of issue.
2. The period of validity of the FLEGT licence shall not exceed nine (09) months. The date of expiry shall be indicated in the licence.
3. After its expiry the licence shall be considered as void.
4. The FLEGT licence shall cease to be valid and will be returned to the licensing authority if the timber products covered have been destroyed.

REQUIREMENTS RELATING TO PAPER-BASED FLEGT LICENCES*Article 3*

Paper-based licences shall conform to the format set out in Appendix 1.

Article 4

1. The paper to be used is standard A4 format.
2. The colour of the paper to be used for the form shall be as follows:
 - (a) white for form No 1, the 'Original';
 - (b) yellow for form No 2, the 'Copy for Union customs';
 - (c) green for form No 3, the 'Copy for the licensing authority'.

Article 5

1. The licences shall be completed on a computer or typewriter.
2. The stamps of the licensing authority shall be applied by means of a dry metal stamp. The licensing authority shall use any tamper-proof method to record the quantities allocated in letters and figures in such a way as to make it impossible to insert figures or additional comments.
3. The form may not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the licensing authority.
4. The licences shall be printed and completed in French.

Article 6

1. The licence shall be drawn up in triplicate, two copies being issued to the applicant.
2. The first copy, marked 'Original' shall, after being completed, signed and stamped by the licensing authority, be given to the applicant for submission to the competent authorities of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation.
3. The second one, marked 'Copy for the European Community customs', shall, after being completed, signed and stamped by the licensing authority, be given to the applicant for submission to the customs authorities of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation.
4. The third one, marked 'Copy for the licensing authority', shall, after being completed, signed and stamped by the licensing authority, be archived by the licensing authority.

FLEGT LICENCE LOST, STOLEN OR DESTROYED*Article 7*

1. In the event of loss, theft or destruction of the 'Original' or the 'Copy for the Union customs', the holder or the authorised representative thereof may apply to the licensing authority for a replacement on the basis of the document in their possession.
2. In the event of loss, theft or destruction of both the 'Original' and the 'Copy for the Union customs', the holder or authorised representative thereof may apply to the licensing authority for replacements of both.

3. The licensing authority shall issue the replacement(s) within two (2) weeks following receipt of the request from the holder.
4. The replacements shall contain the information and entries appearing on the previous licence, including the number. The replacement licence shall bear the endorsement 'Duplicate'.
5. If the duplicate is lost, stolen or destroyed, no further replacement shall be issued.
6. If the lost or stolen licence is retrieved, it shall not be used and must be returned to the licensing authority.

DOUBTS REGARDING THE VALIDITY OF THE LICENCE

Article 8

1. Where, in case of doubt regarding the validity of the licence or a replacement, the competent authorities have requested additional verification, the licensing authority shall confirm the granting of the licence in writing and provide the necessary information.
 2. If it considers it necessary, the licensing authority may ask the competent authorities to send it a copy of the licence or the replacement in question.
 3. If the licensing authority considers it necessary, it shall withdraw the licence and issue a corrected copy which will include the endorsement 'Duplicate' authenticated by stamp and forward it to the competent authorities.
 4. If the validity of the licence is confirmed, the licensing authority shall notify the competent authorities of this, preferably electronically, and return the copies of the licence. The copies thus returned shall bear the endorsement 'Validated on ...' validated/authenticated by stamp.
 5. If the licence in question is not valid, the licensing authority shall notify the competent authorities of this, preferably electronically.
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APPENDICES

1. FLEGT licence format
2. Notes for guidance

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Appendix 1

FORMAT OF THE FLEGT LICENCE

EUROPEAN COMMUNITY		FLEGT		
ORIGINAL	1	1. Issuing authority Name Address	2. For the purposes of the issuing country	
		3. FLEGT licence number	4. Date of Expiry 	
		5. Country of export	7. Means of transport	
		6. ISO Code		
		8. Licence (name and address)		
		9. Commercial description of the timber or derived products		10. HS-Heading
	1			
		11. Common name or Scientific Names	12. Countries of harvest	13. ISO Codes
	14. Volume (m³)	15. New Weight (kg)	16. Number of units	
	17. Distinguishing marks			
	18. Signature and stamp of Issuing authority Place and date			

EUROPEAN COMMUNITY		FLEGT		
COPY FOR CUSTOMS	2	1. Issuing authority Name Address	2. For the purposes of the issuing country	
		3. FLEGT licence number	4. Date of Expiry _ _ _ _	
		5. Country of export	7. Means of transport	
		6. ISO Code		
		8. Licence (name and address)		
	2	9. Commercial description of the timber or derived products		10. HS-Heading
	11. Common name or Scientific Names	12. Countries of harvest	13. ISO Codes	
	14. Volume (m ³)	15. Net Weight (kg)	16. Number of units	
	17. Distinguishing marks			
	18. Signature and stamp of Issuing authority Place and date			

Appendix 2

NOTES FOR GUIDANCE

General details

— Complete in capital letters.

— Where mentioned, ISO codes refer to the international standard two-letter country code.

Box 1	Licensing authority	Indicate the name and address of the licensing authority.
Box 2	For the purposes of the issuing country	Space for the purposes of the issuing country.
Box 3	FLEGT licence number	Indicate the issuing number.
Box 4	Date of expiry	Period of validity of the licence.
Box 5	Country of export	This is the partner country from which the timber products have been exported to the EU.
Box 6	ISO code	Indicate the two-letter code for the partner country referred to in box 5.
Box 7	Means of transport	Indicate the means of transport at the point of export.
Box 8	Licensee	Indicate the name and address of the exporter.
Box 9	Commercial description	Indicate the commercial description of the timber product(s).
Box 10	HS heading and description	Indicate the four- or six-figure product code produced in accordance with the harmonised system for the designation and codification of goods.
Box 11	Common or scientific names	Indicate the common or scientific names of the categories of timber used in the product. If more than one category of timber is used in a product, use a separate line for each category. Optional in the case of composite products or components that contain more than one unidentifiable category (e.g. particle boards).
Box 12	Countries of harvest	Indicate the countries where the categories of timber referred to in box 10 were harvested. If more than one category is used in the product, indicate all sources of timber used. Optional in the case of composite products or components that contain more than one unidentifiable category (e.g. particle boards).
Box 13	ISO codes	Indicate the ISO code of the countries referred to in box 12. Optional in the case of composite products or components that contain more than one unidentifiable category (e.g. particle boards).
Box 14	Volume (m ³)	Give the overall volume in m ³ . Optional, unless the information referred to in box 15 has been omitted.
Box 15	Net Weight	Give the overall weight in kg. This is defined as the net mass of the timber products without immediate containers or any packaging, other than bearers, spacers, stickers, etc. Optional, unless the information referred to in box 14 has been omitted.
Box 16	Number of units	Indicate the number of units, where a manufactured product is best quantified in this way. Optional.
Box 17	Distinguishing marks	Indicate any distinguishing marks where appropriate, e.g. lot number, bill of lading number. Optional.
Box 18	Signature and stamp of the licensing authority	The box shall be signed by the authorised official and stamped with the official stamp of the licensing authority. The place and date shall also be indicated.

ANNEX VI

TERMS OF REFERENCE FOR THE INDEPENDENT AUDIT OF THE FLEGT SYSTEM (SIA)**I. Tasks**

The main tasks to be carried out in the independent audit, through documentary checks and on-site inspections, will be:

- to audit the legality verification system (LVS) and its operation by assessing use of the legality matrix and controls, the traceability system and the system for issuing licences,
- to verify the use of licences during the process of entering the Union market,
- to identify any loopholes or failures in the LVS and report findings to the Joint Agreement Implementation Committee of the Agreement (JIC),
- to evaluate the effectiveness of any corrective measures taken to address failures identified in audit reports.

II. Qualification required

The Independent Audit is assigned to an independent firm of auditors having proven ability in carrying out audits and providing evidence of a thorough knowledge of the forestry sector in Congo and/or the Congo Basin.

It must also have the following characteristics:

- not be directly involved in the management, processing or trade of timber or its derived products or the monitoring of forestry sector activities in Congo. Service providers under contract with the Congolese government with respect to forestry control are not eligible to carry out SIAs,
- have an internal quality system in accordance with the ISO 17021 system or equivalent,
- be able to demonstrate that its teams include experts in the fields of audits relating to forestry management, the processing industry, traceability systems, the exporting of timber and international markets – including the Union market,
- be able to demonstrate that its teams include experts having sufficient experience in Congo and/or elsewhere in the Congo Basin. The involvement of experts from the subregion is to be encouraged alongside the use of international experts,
- not be in an administrative or financial position that might put the firm of auditors or experts named in a position where there is a conflict of interests.

III. Methodology

The Independent Audit is carried out according to documentary and on-site procedures:

- The Independent Auditor of the System acts in accordance with this Agreement and has a documented management structure, policies and a procedural manual drawn up in accordance with ISO standards 17021, 19011 or equivalent, which are made available for public inspection. The Auditor's Procedural Manual and its annexes, which serve as a guide for documentary and on-site verification (based on samples), will be submitted to the JIC for approval.
- The Independent Auditor of the System prepares a timetable of audit operations over the course of 3 years, based on a frequency to be decided in consultation with the JIC. In the first two years, the frequency must be three or more. In year three, the frequency may be reduced but must be accompanied by spot checks. The frequency and thoroughness of the checks to be carried out may be reviewed at meetings of the JIC responsible for examining audit reports, according to established findings.
- The Independent Auditor of the System sets up a system for receiving and dealing with complaints made against it. The system of managing complaints is approved by the JIC, including the guiding principles of reports on complaints and action taken. This system has to ensure the secure receipt of complaints, guaranteeing the confidentiality of the party making it.

- The Independent Auditor of the System provides an analysis of the systemic problems encountered on the basis of monitoring carried out.
- The Independent Auditor of the System has a duty of confidentiality in respect of data gathered from various structures it has visited while carrying out its audit.
- The audit report contains all useful information on the programme and the findings made. An outline of the audit report and summary is given in the Procedural Manual.
- The Independent Auditor of the System reports its findings using the mechanism set up by the JIC.

IV. Sources of information

To carry out its functions, the Independent Auditor of the System uses all sources of information available (inspection reports, annual reports, other documentation, interviews, computer databases, site visits, etc.) and, in particular, has access to documents and databases that it deems relevant to the following departments and to accredited bodies under the LVS and its constituent parts (verification of legality, verification of the traceability system, verification of the system for granting licences):

1. All departments of the Ministry of Forest Economy (DGEF, DVRF, IGEF, SCPFE, DDEF, teams and control stations, etc., in Congolese territory and, if applicable, in neighbouring countries) responsible for the permanent implementation of forestry control provisions carried out under the framework of the National Control Strategy (to be drawn up by the MEF before implementation of the VPA).
2. Those involved in monitoring or checking forest exploitation:
 - approved private bodies and systems for the voluntary certification of legality, traceability and sustainable management,
 - structure of the national civil society, based on the approach adopted in the Independent Forest Monitoring project carried out between 2007 and 2009 by Resource Extraction Monitoring and Forest Monitor. This will be responsible for carrying out independent monitoring of the application of the law and forestry regulations with support, if required, of international NGOs over a minimum period of 3 years (cf. Annex IX).
3. Other ministry departments such as the Ministry of Trade, the Ministry for the Economy, Finances and Budget (Customs, Tax, etc.), the Ministry of Transport and the Ministry of Employment (ONEMO, CNSS).
4. Bodies responsible for verifying legality and bodies responsible for the independent audit of the FLEGT system in neighbouring countries and their sources of information.
5. Joint Implementation Committees for Voluntary Partnership Agreements between the Union and neighbouring countries.
6. Other sources:
 - forestry companies,
 - unions,
 - university,
 - local authorities,
 - local communities,
 - national and international NGOs,
 - forestry and environmental sector projects carried out in Congo,
 - parties making complaints if not anonymous,
 - any other source deemed to be relevant by the Independent Auditor.

7. Competent authorities of the Union

The independent auditor of the system can question staff involved in the legality verification system or accredited bodies in this audit and gather witness evidence it deems necessary to carry out the audit, without prejudice to the handling of complaints that may be brought to its attention regarding the implementation or operation of the legality verification system and/or its accredited bodies.

The Parties will ensure that the independent auditor of the system has access in the respective territories of the two Parties to any information required in order to carry out its functions.

V. Reports

The System Independent Audit report contains all relevant information on the audit programme and on the operation of the legality verification system and the issuing of FLEGT licences. The report includes in its annex all of the complaints received, the replies given and the action to be taken. This report will be published by the JIC.

The Independent Auditor of the System will submit a preliminary report to each of the two Parties within one month from the end of the on-site inspection. An oral presentation of the audit report to the JIC may be scheduled. Comments made by the Parties will be passed on to the Independent Auditor of the System for finalisation of the report by a deadline agreed between the independent auditor of the system and the JIC, but no longer than one month after receipt of the report. The Independent Auditor of the System has to provide any information required and any clarification requested by a deadline agreed between the independent auditor of the system and the JIC, but no longer than 15 days after receipt of the comments of the two Parties. The final report will be based on the preliminary report to which will be added any clarification provided by either party, and any responses by the SIA to this clarification.

The JIC will publish the final report.

On the basis of the audit report and on the basis of other evidence in its possession and, in particular, any criticisms or complaints regarding the operation of the legality verification system, the JIC identifies the corrective action to be taken, if any, and ensures that it is carried out.

The minutes of meetings of the JIC regarding the report of the Independent Auditor of the System will be published.

VI. Institutional arrangement

Those taking part in the JIC process select, via an appropriate and transparent call for tenders, the applicant best qualified to carry out the Independent Audit of the System. The selection process involves looking at the capabilities of the applicants in terms of carrying out audits, their capabilities in relation to the forestry sector in Congo or the Congo Basin and the international credibility of the applicant, particularly in terms of independence. The latter then signs with the government, which allows it to operate transparently and effectively, a three-year contract that may be extended, subject to approval by the JIC. If applicable, a new call for tenders will be launched.

The independent auditor must have or must set up an office (throughout the contractual period) in Brazzaville. This office must be open throughout the contractual period, serving as a point of contact for the parties involved and organising specific checks by auditors. It will be used by the auditors during the periods specified.

SIA reports and any corrective action required are discussed by the JIC. The SIA is then notified of the corrective action to be taken. If applicable, the procedural manual is amended.

ANNEX VII

CRITERIA FOR ASSESSING THE OPERATIONAL LEGALITY ASSURANCE SYSTEM IN CONGO

The Partnership Agreement between the Union and Congo (FLEGT-VPA) provides for the development and implementation of a Legality Verification System (LVS) to ensure that all timber and derived products specified in the Agreement and exported from Congo to the Union have been legally produced. The LVS should include: a definition of legally produced timber that describes the laws that must be complied with in order for a licence to be issued; the monitoring of the supply chain to track timber from the forest to the point of export; the verification of compliance with all elements of the definition of legality and monitoring of the supply chain; the procedures for granting licences and the issuing of FLEGT licences; and finally, the independent audit to ensure that the system is working as intended.

The Union's expectations with regard to the LVS are outlined in a series of briefing notes prepared by an expert group convened by the European Commission (EC) ⁽¹⁾.

Assessment criteria

The LVS will be subject to an independent technical evaluation before the licensing scheme becomes fully operational, the Terms of Reference for which will be jointly agreed between the interested parties and the Joint Committee. These assessment criteria describe what the LVS is expected to produce and will provide the basis for the Terms of Reference for the evaluation. The evaluation will aim to:

- (i) review the system description with special focus on any revisions made after the FLEGT-VPA was signed; and
- (ii) examine the functioning of the system in practice.

Section 1: Definition of legality

Legally produced timber needs to be defined on the basis of the laws applicable in Congo. The definition used must be unambiguous, objectively verifiable and operationally workable and, as a minimum, include those laws which cover:

- harvesting rights: granting of legal rights to harvest the timber within legally gazetted boundaries,
- forest operations: compliance with legal requirements regarding forest management including compliance with relevant environmental and labour legislation,
- fees and taxes: compliance with legal requirements concerning taxes, royalties and fees directly related to timber harvesting and harvesting rights,
- other users: respect for other parties' legal tenure or rights of use of land and resources that may be affected by timber harvesting rights, where such other rights exist,
- trade and customs: compliance with legal requirements for trade and customs procedures.

Is it clear what legal instrument underpins each element of the definition?

Are criteria and indicators that can be used to test compliance with each element of the definition specified?

Are the criteria/indicators clear, objective and operationally workable?

Do the indicators and criteria clearly identify the roles and responsibilities of the various parties and does verification assess performance of all relevant parties?

Does the definition of legality include the main areas of existing law outlined above? If not: why were certain areas of law left out of the definition?

In developing the definition, did the parties concerned consider all the main areas of applicable law?

⁽¹⁾ http://ec.europa.eu/development/policies/9interventionareas/environment/forest/flegt_briefing_notes_en.cfm

Does the legality verification system incorporate the main legal provisions identified through prior discussion between the various parties involved?

Has the definition of legality and the legality control matrix been amended since the FLEGT-VPA was concluded? Have indicators and criteria been defined to ensure verification of these changes?

Section 2: Control of the supply chain

Systems to control the supply chain must provide credible assurance that timber products can be traced throughout the supply chain from harvesting or point of import to the point of export. It will not always be necessary to maintain physical traceability for a log, log load or timber product from the point of export back to the forest of origin, but it is always needed between the forest and the first point of mixing (e.g. a timber terminal or a processing facility).

2.1. Rights of use

There is clear delineation of areas where forest resource rights have been allocated and the holders of those rights have been identified.

Does the control system ensure that only timber originating from a forest area with valid and permissible rights of use enters the supply chain?

Does the control system ensure that enterprises carrying out harvesting operations have been issued appropriate rights of use for the forest areas concerned?

Are the procedures for issuing rights of exploitation and information on issued rights of exploitation and their holders available in the public domain?

2.2. Systems for controlling the supply chain

There are effective mechanisms for tracing timber throughout the supply chain from harvesting to the point of export.

The approach for identifying timber may vary, ranging from the use of labels for individual items to reliance on documentation accompanying a load or batch. The selected method should reflect the type and value of timber and the risk of contamination with illegal or unverified timber.

Are all the supply chain alternatives identified and described in the control system?

Are all stages in the supply chain identified and described in the control system?

Are methods defined and documented to (a) identify the product origin and (b) prevent mixing with timber from unknown sources in the following stages of the supply chain?

— timber in the forest,

— transport,

— interim storage,

— arrival at the primary processing facility,

— processing facility,

— interim storage,

— transport,

— arrival at point of export.

Which organisations are in charge of controlling the timber flows? Do they have adequate human and other resources for carrying out the control activities?

2.3. Quantities

There are robust and effective mechanisms for measuring and recording the quantities of timber or timber products at each stage of the supply chain, including reliable and accurate pre-harvest estimates of the volume of standing timber in each harvesting site.

Does the control system produce quantitative data of inputs and outputs at the following stages of the supply chain?

- standing timber,
- logs in the forest,
- transported and stored timber,
- arrival at the plant,
- entry into production lines/processing facilities,
- exit from production lines/processing facilities,
- exit from plant,
- arrival at point of export.

Which organisations are responsible for feeding the quantitative data into the control system? What is the quality of controlled data?

Is all quantitative data recorded in a way which makes it possible to verify quantities with the prior and subsequent stages in the supply chain in good time?

What information on the supply chain control is made publicly available? How can the interested parties access this information?

2.4. Mixing of legally verified timber with timber approved elsewhere

If mixing of logs or timber from verified legal sources with logs or timber from other sources is allowed, there are sufficient controls in place to exclude timber from unknown sources or which was harvested without legal harvesting rights.

Does the control system allow verified timber to be mixed with other approved timber (e.g. with imported timber or timber originating from a forest area with clear legal harvesting rights but that is still not covered by the full verification process)?

What control measures are applied in these cases? For example, do controls ensure that verified output volumes declared do not exceed total verified input volumes at each stage?

2.5. Imported timber products

There are adequate controls to ensure that imported timber and derived products have been legally imported.

How is the legal import of timber and derived products demonstrated?

What evidence is required to demonstrate that imported products originate from trees harvested legally in a third country?

Does the LVS identify imported timber and timber products throughout the supply chain?

Where imported timber is used, can the country of origin be identified on the FLEGT licence, including that of components in composite products?

Section 3: Verification

Verification provides adequate checks to ensure the legality of timber. It must be sufficiently robust and effective to ensure that any non-compliance with requirements, either in the forest or within the supply chain, is identified and corrective action is taken in good time.

3.1. Organisation

Verification is carried out by a government, a third-party organisation or some combination of these, which has adequate resources, management systems and skilled and trained personnel, as well as robust and effective mechanisms to control conflicts of interest.

Has the government appointed a body or bodies to undertake the verification tasks? Is the mandate (and associated responsibilities) clear and in the public domain?

Does the verification body have adequate resources for carrying out the verification of the legality definition and the systems for controlling the timber supply chain?

Does the verification body have a fully documented management system that:

- ensures that its personnel has the necessary competence and experience to ensure effective verification?
- applies internal control/supervision?
- includes mechanisms to control conflicts of interest?
- ensures transparency of the system?
- defines and applies verification methodology?

3.2. Verification against the definition of legality

There is a clear definition setting out what has to be verified. The verification methodology is documented and ensures that the process is systematic, transparent, evidence-based, carried out at regular intervals and covers everything included within the definition.

Does the verification methodology cover all elements of the legality definition and include tests of compliance with all specified indicators?

Does verification require:

- checks of documentation, operating records and on-site operations (including spot checks)?
- collection of information from external interested parties?
- recording of verification activities that allows checking by internal auditors and the independent monitor?

Are institutional roles and responsibilities clearly defined and applied?

Are the verification results against the definition of legality made publicly available?

How can the interested parties access this information?

3.3. Verification of systems for controlling the supply chain

There is a clear scope setting out what has to be verified which covers the entire supply chain from harvesting to export. The verification methodology is documented and ensures that the process is systematic, transparent, evidence-based, carried out at regular intervals and covers everything included within the scope, and includes regular and timely reconciliation of data between each stage in the chain.

Are institutional roles and responsibilities clearly defined and applied?

Does the verification methodology fully cover checks on supply chain controls? Is this clearly spelt out in verification methodology?

What evidence is there to demonstrate application of verification of supply chain controls?

Verification of data

- Which organisation is responsible for data verification? Does it have adequate human and other resources for carrying out the data management activities?
- Are there methods for assessing correspondence between standing timber and timber entering the plant/point of export?
- Are there methods to assess coherence between inputs of raw materials and outputs of processed products at sawmills and other plants?
- Is reliable verification by individual item or by batch of timber products possible throughout the supply chain?
- What information systems and technologies are applied for storing and verifying data and for recording it? Are there robust systems in place for securing the data?

Are the verification results on supply chain control made publicly available? How can the interested parties access this information?

3.4. *Non-compliance*

There is an effective and functioning mechanism for requiring and enforcing appropriate corrective action where breaches are identified.

Does the verification system define the above requirement?

Have mechanisms been developed for handling non-compliance? Are these applied in practice?

Are there adequate records available on the breaches identified and corrective action taken? Is the effectiveness of corrective actions evaluated?

What information on identified breaches goes into the public domain?

Section 4: Licensing

Congo has assigned a licensing authority overall responsibility for issuing FLEGT licences. FLEGT licences are issued on the basis of either individual shipments or market participants.

4.1. *Organisation*

What body is assigned responsibility for issuing FLEGT licences?

Are the roles of the licensing authority and its personnel with regard to issuing of FLEGT licences clearly defined and publicly available?

Are the competence requirements defined and internal controls established for the personnel of the licensing authority?

Does the licensing authority have adequate resources for carrying out its task?

4.2. *Issuing of licences*

Does the licensing authority have documented procedures for issuing licences? Are these publicly available, including any fees payable?

What evidence is there that these procedures are properly applied in practice?

Are there adequate records available on licences issued and refused? Do the records clearly show the evidence on which the issuing of licences is based?

4.3. *Consignment-based licences*

Is the licensing based on an individual consignment?

Has the legality of an export consignment been demonstrated through government verification and traceability systems?

Have the requirements for issuing licences been clearly defined and communicated to the exporter and to the other parties concerned?

What information on issued licences goes into the public domain?

Section 5: Instructions on the independent auditing of the system

The System Independent Audit (SIA) is a function that is independent of Congo's forest sector regulatory bodies. It aims to maintain the credibility of the FLEGT licensing scheme by checking that all aspects of Congo's LVS are operating as intended.

5.1. Institutional arrangements

5.1.1. Designation of authority

Congo has formally authorised the SIA function and allows it to operate in an effective and transparent way.

5.1.2. Independence from other elements of the LVS

There is a clear separation between the organisations and individuals that are involved in management or regulation of forest resources and those involved in the independent audit.

Does the government have documented requirements for the independence of the independent auditor? Do provisions state that organisations or individuals having a commercial interest or an institutional role in the Congolese forest sector are not eligible to perform the independent auditor function?

5.1.3. Designation of the independent auditor

The independent auditor was appointed through a transparent mechanism and there are clear and publicly available rules regarding its operations.

Has the government made the terms of reference for the independent auditor publicly available?

Has the government documented the procedures for appointing the independent auditor and made them publicly available?

5.1.4. Establishing a mechanism for handling complaints

There is a mechanism for handling complaints and disputes that arise from the independent audit. This mechanism makes it possible to deal with any complaint relating to the operation of the licensing scheme.

Is there a documented for handling complaints mechanism that is available to all interested parties?

Is it clear how complaints are received, documented, escalated (where necessary) and responded to?

5.2. The independent auditor

5.2.1. Organisational and technical requirements

The independent auditor is independent of the other components of the legality assurance system and operates in accordance with a documented management structure, policies and procedures that meet internationally accepted best practice.

Does the independent auditor operate in accordance with a documented management system that meets the requirements of ISO Guides 62 and 65 or similar standards?

5.2.2. Methodology of the audit

The methodology of the independent audit is evidence-based and is carried out at specific and frequent intervals.

Does the methodology specify basing all findings on objective evidence concerning the functioning of the LVS?

Does the methodology of the independent audit specify the maximum intervals at which each element of the LVS will be verified?

5.2.3. Scope of the audit

The independent auditor operates according to terms of reference that clearly specify what has to be audited and that cover all agreed requirements for the issuing of FLEGT licences.

Does the methodology of the independent audit cover all elements of the LVS and specify the main tests of effectiveness?

5.2.4. Reporting requirements

The independent auditor provides the Joint Committee with regular reports on the integrity of the legality assurance system, including any non-compliance, as well as its assessment of corrective action taken to address it.

Do the independent auditor's terms of reference specify the reporting requirements and reporting intervals?

ANNEX VIII

Action	2009									2010									2011									2012	2013	2014	2015	2016	2017						
	5	6	7	8	9	10	11	12		1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6
Period																																							
1	Signing of the Agreement																																						
2	Setting up the joint mechanism for dialogue and monitoring																																						
3	Launch of the ratification procedure																																						
4	Installation and fitting of the Technical Office for the Congolese party																																						
5	Search for additional financing																																						
6	Development of the Legality Verification System and defining all specific measures necessary (cf. Annex V)																																						
7	Recruitment of the traceability consultant (EU traceability project)																																						
8	Implementation of the traceability project (EU project)																																						

Action	2009									2010									2011									2012	2013	2014	2015	2016	2017					
	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6
9	Legislation and regulations to be supplemented																																					
10	Defining the specific powers of the various verification and control bodies																																					
11	Increasing the capabilities of the General Forest Economy Inspectorate (IGEF)																																					
12	Increasing the capabilities of the DGEF/DDEF/Teams																																					
13	Increasing the capabilities of civil society																																					
14	Implementation of the communication plan																																					
15	Evaluating private certification systems																																					
16	Drawing up the procedural manual for breaches of legality and penalties																																					

ANNEX IX

OTHER RELEVANT MEASURES

Supporting measures have to be put in place to ensure effective implementation of the Voluntary Partnership Agreement. The areas in which these supporting measures are identified are as follows:

1. Increasing the capabilities of the IGEF
2. Increasing the capabilities of civil society
3. Legislation and regulations to be supplemented
4. Implementing a communication plan
5. Setting up a technical office

These measures are described in the following chapters.

In order to implement these measures, in the same way as for the implementation of certain parts of the legality verification system, the Parties have to ensure that adequate support is provided in terms of human, technical and financial resources. The Parties undertake, where applicable, to seek the additional financing necessary, this financing being used in accordance with Article 15 of this Agreement.

1. Increasing the capabilities of the General Forest Economy Inspectorate (IGEF)

When verifying the legality of timber, the General Inspectorate has to carry out on-site inspections and monitor the verifiers in the legality matrices and the traceability chain at forestry companies and in departmental forest economy offices, teams and other local public departments involved in forest management, including: environment, customs, tax, labour, trade, etc.

Once it has carried out this verification, it will grant legality certificates and order the granting of FLEGT licences by the Department for the Control of Forestry Products for Export (SCPFE).

The IGEF also has to be restructured to enable it to carry out these tasks effectively.

To do this, a unit responsible for verifying legality, issuing legality certificates and instructing the granting of FLEGT licences will be set up within this structure and will have to be given greater capabilities to enable it to carry out these tasks. The number of people working in this unit will be defined during the system development phase.

Job profiles will be drawn up and further training identified during the system development phase. Training is to be planned for in the following areas: Control of the FLEGT matrix, auditing of forest management and the supply chain, use of GPS, use of certain GIS software, principles of database management and use of the SIGEF.

The equipment required is also to be planned for (means of transport, office and site equipment).

By extension, and to the extent necessary to ensure the proper functioning of the Agreement, training specific to other administrative officers involved in monitoring and verifying legality can be identified and carried out.

2. Increasing the capabilities of civil society

Implementing the VPA is subject, inter alia, to the proper functioning of a legality verification system, timber traceability and an independent audit of the system. Congolese civil society, a stakeholder in the process, is to help implement the Agreement by means of a formal local structure based on the results of and experience gained in the Independent Forest Monitoring (IFM) project carried out in Congo between 2007 and 2009 by Resources Extraction Monitoring and Forest Monitor.

This structure consists of one or more national NGOs accompanied by an international NGO experienced in independent monitoring. These national NGOs will also use the expertise of members of equivalent teams from the IFM project.

The formal local structure sets itself the general objective of assisting good governance of the forest sector as a whole. Its specific objectives are as follows:

- to improve systems for the application of forestry law by the State,
- to increase the capabilities of civil society by means of independent monitoring,
- to help improve the application of forestry law and governance,
- to document information collected and pass it on to the authority granting certificates and FLEGT licences,
- to document information collected and pass it on to the Joint Implementation Committee.

In addition to this formal structure associated with independent monitoring, a more general increasing of the capabilities of civil society organisations is to be planned for.

In this context, the capabilities of civil society will be increased in the following areas:

training in independent monitoring, control of the FLEGT matrix, information management and processing, website management, communication techniques, raising awareness among local communities and indigenous populations, conflict resolution techniques and principles of forest management.

Detailed practical terms will be defined after consultation between the stakeholders.

The Parties will try to facilitate access to specific financial resources in order to increase these capabilities.

3. Legislation and regulations to be supplemented

Drawing up timber legality matrices has brought to light the omission under forestry law and the lack or regulation of certain aspects directly and indirectly associated with the sustainable management of forest resources, such as, for example, the involvement of local and indigenous populations and of civil society in forest management, the management of State forestry plantations and the defining of standards for forestry work. In the context of implementing the Voluntary Partnership Agreement, the forestry code needs to be updated and supplementary regulations need to be drawn up. Rules also have to be drawn up in other areas.

An international consultant and two national consultants will be recruited to carry out these tasks.

Draft regulations drawn up will be approved by all stakeholders in forest management (local authorities, public services, private sector, local and indigenous populations, civil society), through departmental workshops and a national workshop in Brazzaville.

The list of draft regulations to be drawn up, as presented below, is not exhaustive and will be supplemented as new concerns are identified.

3.1. Ministerial departments concerned

Ministry for the Environment

1. Order specifying terms for the production and approval of impact studies.
2. Order relating to procedures for monitoring/inspection by the General Environmental Office of compliance with legal and regulatory provisions relating to the environment.

Ministry of Justice

1. Law promoting and protecting the rights of indigenous peoples in Congo.

Ministry of Employment

1. Regulations relating to the granting of training certification.
2. Model pay registers.
3. Model workplace accident and safety registers.

Ministry for the Forest Economy

1. Regulations laying down conditions for the assignment of State plantations to third parties.
2. Order defining principles for the traceability of timber.
3. Order defining forestry standards for plantations.
4. Framework decree laying down conditions for joint and participative forest management as set out in Article 1(2) of the forestry code and covering in particular:
 - the terms of involvement of local, indigenous populations and civil society in the process of classifying and declassifying forests,
 - the involvement of resident populations and civil society in the management of forest concessions.
5. Decree laying down the terms of involvement of local communities, indigenous populations and civil society in making decisions relating to the drafting of terms and conditions.
6. Implementing regulations specifying three different aspects of community forests: the concept of community forests, the processes of parcelling and procedures for the management of these forests guaranteeing the involvement of all parties concerned.
7. Implementing regulations laying down terms for the involvement of local communities and indigenous populations in the management plan (parcelling of community blocks etc.).
8. Implementing regulations laying down terms for the involvement of civil society and/or the appointment of civil society representatives to various committees (granting of forest concessions, granting of consent for the timber forest profession, etc.). These regulations will also lay down criteria for the selection of this civil society representative.
9. Regulations laying down terms for monitoring and verification.
10. Order relating to procedures for the monitoring of timber for import and for export and timber in transit.
11. Regulations laying down terms for the receipt of goods or services making it possible to prove compliance with terms and conditions and memoranda of understanding.
12. Other regulations to be supplemented to implement the Forestry Code according to FLEGT principles of good governance in the forestry sector.

For this purpose, and to meet the commitments made under the FLEGT Voluntary Partnership Agreement between Congo and the Union, proposed implementing regulations should guarantee principles of good governance in the forestry sector.

Principles that should form part of supplementary regulations

To ensure that they are effective and comply with the legality matrix and FLEGT principles, regulations supplementing the forestry code need to be in force by the time of the issuing of the first licence at the latest.

Recognition of community rights

Participation

The participation and involvement of civil society, local communities and indigenous populations in the drafting, implementation and monitoring of laws and programmes. Implementing regulations laying down terms of involvement of local communities, indigenous populations and civil society have to be drawn up.

Transparency

Provisions should be included to ensure transparency in forest management and place information in the public domain. Terms for the provision of information to and consultation of local communities and indigenous populations have to form part of these provisions.

Community forests

The concept does not exist in the wording of law 16-2000 of 20/11/2000 laying down the Forestry Code.

This concept can be taken into account in two possible ways: 1) forests of community blocks in the management plan or 2) forests of local authorities.

Independent monitoring

Provisions for the creation of an independent monitor from civil society to participate in the granting of exploitation permits and in drawing up and implementing management plans and to sit on the forestry fund management committee. Monitors should be recruited through a competitive, transparent process.

3.2. Methodology

The proposal of new legislation and regulations is the culmination of a general process of consultation of all parties concerned.

Consultation of communities and civil society

To ensure the effective involvement of local communities and indigenous populations in drawing up regulations supplementing the forestry code, local community and indigenous population organisations and civil society organisations need to organise and develop a process for effective participation and representation.

Creation of a committee to draft proposals

To ensure participation of all of the parties concerned in drafting regulations supplementing the forestry code, it is proposed that a committee be created to draw up draft regulations consisting of representatives of each party concerned. The drafting of these implementing regulations should be accompanied by consultation of communities and civil society on current discussions. This consultation should take place over a period of at least 12 months.

The consultation and participation of local communities, indigenous populations and civil society in the process should be supported by funding and facilitated by a committee of experts including members of national and subregional civil society organisations.

Consultation steps that should form part of the consultation support plan

Workshops for the provision of information to and consultation of local and indigenous communities on the drafting of regulations supplementing the code and canvassing opinion on the arrangements that have to be made to benefit them;

Workshops to define terms of participation and representation of communities and civil society on the committee drawing up regulations supplementing the forestry code;

Drawing up preliminary drafts of regulations supplementing the forestry code, with the participation of representatives of civil society and local and indigenous communities;

Workshops for consultation of local and indigenous communities on the preliminary draft of the forestry code;

Re-examination of the preliminary draft by the committee drawing up regulations supplementing the forestry code to include any questions raised by the communities and civil society;

Workshops for assessment of the provisions contained in the preliminary draft of the legislation and for defining strategies for defending it before Parliament.

4. Communication plan

This communication plan is intended to raise awareness of the Voluntary Partnership Agreement (VPA).

Background

The VPA relates to an economic area as important as forestry, so the public needs to be told about it. A programme for the provision of information to and raising of awareness among forestry company managers, departmental offices of target authorities and the general public therefore has to be drawn up and implemented.

A communication plan has been developed with the following aims:

- raising awareness among the general public of Congo regarding:
 - the existence of the VPA,
 - what the VPA says,
 - the advantages of the VPA,
- preparing for ratification of the VPA by Congo,
- identifying further information requirements,
- ensuring collaboration between the stakeholders once the VPA has come into force and is being implemented.

In strategic terms, it will consist of:

- informing the various players and parties operating in the forestry sector about the need and importance of the VPA for Congo,
- informing the general public of the steps already taken to conclude the VPA,
- ensuring media coverage of the ratification and implementation of the VPA,
- raising awareness of the VPA,
- giving details of the impacts of the VPA.

4.1. Target public

The following target public has been identified. Specific messages will be prepared for them and appropriate means of communication will be used.

4.1.1. Local players:

- governmental bodies,
- forestry authority,
- other offices involved in the sector,
- local authorities,
- local and indigenous populations of forest areas,
- forestry companies,
- civil society,
- NGOs for the preservation and protection of forests.

4.1.2. International players:

- importers and intermediaries,
- federations and other institutions involved in the timber sector,
- NGOs for the preservation and protection of forests,
- investors,
- bankers etc.

4.2. Action to be taken

The following action is to be taken for communication to these players:

4.2.1. At local level

Organisation of:

- conferences and discussions,
- symposia, seminars and information workshops,
- publication of articles in the press,
- broadcasting of documentary films,
- production and broadcasting of radio and television programmes,
- holding of forums on the Internet,
- production of shows etc.

4.2.2. At international level

Public relations activities:

- business meetings,
- talks given to federations and other institutions involved in the timber sector,
- participation in fairs and other events linked to the timber sector,
- promotion of Congolese forestry policy in the EU.

Media activities

Publication and broadcasting in the European media:

- of articles in the press,
- of documentary films,
- of interviews and testimony,
- of Congo's forestry policy.

4.3. Message content

Messages to be devised and disseminated will cover in particular:

- the social and socio-cultural benefits of an effective VPA for Congo,
- the environmental benefits of an effective VPA for Congo's forests,
- the commercial benefits of an effective VPA for Congo's economy,
- the aims Congo seeks to achieve through the effective VPA,
- the economic benefits to Congo,
- other possible impacts of the VPA on Congo.

4.4. Those responsible for implementing the plan

The Technical Office for the VPA/FLEGT of the Congolese party, which reports to the Ministry of the Forest Economy, is, amongst other things, responsible for implementing the Communication Plan:

- a team consisting of the various players initiates action with respect to public authorities, parliament and forestry companies,
- civil society organisations carry out action with respect to local and indigenous populations.

5. Technical office responsible for monitoring the VPA (Congolese party)

The Congolese party sets up, for its part, a supporting body to monitor the VPA, consisting of all of the stakeholders in the FLEGT process (public authorities, private sector and civil society), in order to assist in the preparation of the Congolese party on the Joint Implementation Committee and facilitate the monitoring of decisions taken by this committee. This body is called the technical office.

5.1. Tasks

The technical office will be responsible, in particular, for the Congolese party, for:

- monitoring compliance with the timetable for implementation of the VPA,
- analysing reports drawn up by the independent auditor,
- preparing Congolese documents for the Joint Implementation Committee,
- preparing for sessions (meetings) of the Joint Implementation Committee and the National Consultative Group,
- monitoring proper verification of legality by the General Forest Economy Inspectorate and other bodies involved,
- assessing/evaluating requirements for the effective functioning of Congolese stakeholders,
- monitoring implementation of the communication plan,
- examining and adopting draft regulations supplementing laws and orders referred to in assessing legality,
- suggesting any measure that may facilitate the entry into force and implementation of the VPA,
- monitoring the drafting of periodic reports on the timber market,
- monitoring the implementation of measures increasing the capabilities of the private sector and civil society,
- suggesting suitable measures to overcome any difficulties associated with implementation of the VPA identified by the joint committee,
- monitoring the drafting of periodic reports on the situation in the timber market.

5.2. Composition of the technical office

The technical office includes:

- a president,
 - a vice-president,
 - a rapporteur,
 - a deputy rapporteur,
 - members: representatives of public authorities, the private sector and civil society.
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ANNEX X

PUBLISHED INFORMATION**1. Introduction**

In order to implement the Voluntary Partnership Agreement (VPA), amongst other things, information has to be available on the VPA and its objectives, implementation, monitoring and control. This information has to be published by the Joint Implementation Committee of the VPA and by each of the Parties, this being in order to guarantee a clear understanding of the FLEGT licensing scheme by all those involved and effective governance with respect to forestry management.

2. Relevant information published by the forestry authority and other parties

The following information will be published:

Legal information:

- legality matrices,
- forestry code and all implementing regulations (decrees and orders),
- international conventions and agreements signed and ratified by Congo applying to the VPA (United Nations Declaration 61/295 on Indigenous Peoples, African Charter on Human and Peoples' Rights, CITES, CBD, etc.),
- wording of any other legislation or regulations applying to the VPA, as mentioned at the end of Annex II,
- documents providing information on labour, employment and social security rights,
- wording of the VPA itself, with all its annexes and subsequent amendments,
- list of private systems for the certification of legality/sustainability that have been recognised and approved,
- lists and maps of forestry concessions and protected areas.

Information on the annual forestry production of Congo:

- production by certificate of exploitation (CAT, CTI, PS and Plantation Timber Harvesting Permit), by species, by type of product and by operator,
- annual report of the SCPFE: Exports in terms of volume and value by species, by type of product, by operator and by destination,
- annual reports of the Departmental Forest Economy Offices,
- harvesting licences granted,
- quantities of timber and derived products imported into Congo or having passed through Congo *,
- deforestation licence (deforestation for infrastructures and projects).

Information on the process of granting certificates and the holders of permits:

- orders calling for tenders,
- minutes of the forestry committee meeting assigning forest areas,
- signed agreements (CAT and CTI) that are currently valid, including the terms and conditions,
- list and map of all forest concessions,
- list of consents granted to natural persons and legal entities that are currently valid,

- surface area and location maps for annual areas available for exploitation,
- number of special permits granted, number of users, anticipated volume.

Information on forest management:

- list and map of managed concessions (with surface areas),
- forestry potential of the Forestry Production Unit (FPU),
- list and map of certified areas,
- approved environmental impact studies.

Information on processing:

- processing companies, location, shareholders, capacity, volumes and stocks etc.

Information on the monitoring of legality:

- list of monitoring structures and assignments,
- annual reports from all of the departments involved in monitoring (and in particular the IGEF, SCPFE, DGEF and DDEF),
- procedures for granting legality certificates and FLEGT licences,
- list of companies holding legality certificates.

Information on forestry revenue:

- forestry transactions,
- forestry taxes (area, felling, export taxes etc.), payment of local and national taxes,
- disputes and monitoring of disputes.

Information on trade with the Union:

- quantities of timber and derived products exported to the Union under the FLEGT licensing scheme according to the relevant HS code headings and according to the destination Member State of the Union *,
- the number of FLEGT licences issued by Congo *.

The following information is published by the Union:

- quantities of timber and derived products imported into the Union under the FLEGT licensing scheme, according to the relevant HS headings and according to the Member State of the Union in which importation took place *,
- number of FLEGT licences received by the Union *.

Information on the prices of timber and derived products charged in the Union market will be regularly supplied to the Congolese party.

3. Information that will be published by the Joint Committee

3.1. Minutes of meetings of the Joint Committee and summaries of decisions

3.2. A joint report containing the following information in particular:

- (a) the measures taken by both Parties to prevent importation of timber and derived products of illegal origin in order to maintain the integrity of the FLEGT licensing scheme;
- (b) cases of non-compliance with the FLEGT licensing scheme in Congo and action taken in such cases;
- (c) number of cases and quantities of timber and derived products involved where Article 9(1) ⁽¹⁾ has been applied;
- (d) action preventing the exportation of timber and derived products of illegal origin to non-EU markets or sale thereof on the national market;
- (e) progress made in achieving the objectives and carrying out the activities of the VPA within a deadline specified and all matters relating to implementation of the VPA;
- (f) Structure and functioning of the Joint Committee;
- (g) And certain details published by either party and mentioned under 2 in this annex ⁽²⁾.

3.3. Terms of reference, inspection and audit reports by the independent auditor

4. **Means of accessing information**

The information mentioned above will be available:

- on the MEF website,
- at the technical office of the Congolese party responsible for monitoring the VPA,
- in annual reports drawn up by the Forestry Authority, available at the ministry and departmental offices,
- in the national and international written press.

Under the communication plan, public information meetings will also be held and will be an opportunity to pass this information on to participants, particularly to those on the ground and communities that do not have Internet access.

⁽¹⁾ Article 9(1) Link with the body of the text (refers to cases where timber has arrived at a Union customs office without a licence).

⁽²⁾ These details are identified by an asterisk *.

ANNEX XI

FUNCTIONS OF THE JOINT AGREEMENT IMPLEMENTATION COMMITTEE

The Joint Agreement Implementation Committee is responsible for managing the Voluntary Partnership Agreement (VPA) and monitoring and assessing its implementation.

Its responsibilities include the following in particular:

- (a) in relation to management of the VPA,
 - publishing an annual report on the implementation of the VPA, in accordance with Annex X of the VPA,
 - examining and implementing appropriate solutions to any problem identified by one of the Parties; resolving any dispute that may arise in the event of a difference of opinion between the Parties, in accordance with Article 24 of the VPA,
 - proposing and/or taking any measure to improve performance of the VPA,
 - taking responsibility for amending the annexes to the VPA, in accordance with Article 26 of the VPA;
 - (b) in relation to the monitoring and assessment of the VPA,
 - carrying out regular inspections, with the participation of all of the parties concerned, to verify the effectiveness of the VPA and its impact,
 - assessing the social, economic and environmental impacts of this VPA, in accordance with good practice and criteria to be examined and adopted by the Parties, and taking any measures necessary to resolve any problems that are identified during this assessment,
 - ensuring that regular assessments of the implementation of the VPA are carried out, including spot checks if applicable,
 - monitoring and analysing the periodic reports on the market situation and having studies carried out in this area; monitoring the implementation of recommendations made after approval,
 - identifying any difficulties that may be associated with implementing the VPA and suggesting and/or taking suitable measures to overcome them;
 - (c) in relation to the independent audit,
 - approving the independent auditor's procedural manual, in accordance with Annex VI,
 - examining the reports drawn up by the independent auditor and deciding on their publication and the way in which they should be made available to the public, in accordance with Annex VI,
 - looking into any complaint regarding the functioning of the FLEGT licensing scheme in the territory of either party,
 - deciding on, then monitoring, if applicable, the measures taken or action to be taken to resolve problems identified by the independent auditor,
 - informing the independent auditor about this action taken and any details relating to the LVS or the audit,
 - looking into complaints relating to work carried out by the independent auditor;
 - (d) in relation to the involvement of other players in management of the VPA,
 - drawing up recommendations, if applicable, on the need to increase capabilities and on the participation of the private sector and civil society in monitoring compliance with legislation and regulations relating to forest management in Congo,
 - taking appropriate measures to promote the participation of civil society organisations and other interested groups in implementing the VPA.
-