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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 27 September 2010

on the signing of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)

(2011/200/EU)

THE COUNCIL OF THE EUROPEAN UNION,

licensing scheme for imports of timber into the Union from countries with which the Union has concluded voluntary partnership agreements.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207, in conjunction with Article 218(5), thereof,

- (4) The negotiations with the Republic of Cameroon have been concluded and the Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (hereinafter referred to as 'the Agreement') was initialled on 6 May 2010.

Having regard to the proposal from the Commission,

- (5) The Agreement should be signed subject to its conclusion,

Whereas:

- (1) In May 2003 the Commission adopted a Communication to the Council and the European Parliament entitled 'Forest Law Enforcement, Governance and Trade (FLEGT): Proposal for an EU Action Plan' which called for measures to address illegal logging through the development of voluntary partnership agreements with timber-producing countries. Council conclusions on that Action Plan were adopted in October 2003 ⁽¹⁾ and the European Parliament adopted a resolution on the subject on 11 July 2005 ⁽²⁾.

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement.

- (2) On 5 December 2005, the Council authorised the Commission to open negotiations on partnership agreements to implement the Union Action Plan for FLEGT.

The text of the Agreement is attached to this Decision ⁽⁴⁾.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement on behalf of the Union, subject to its conclusion.

- (3) On 20 December 2005, the Council adopted Regulation (EC) No 2173/2005 ⁽³⁾ which established a FLEGT

⁽¹⁾ OJ C 268, 7.11.2003, p. 1.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 482.

⁽³⁾ OJ L 347, 30.12.2005, p. 1.

⁽⁴⁾ The text of the Agreement will be published together with the Decision on its conclusion.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

COUNCIL DECISION

of 28 February 2011

on the conclusion of a Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)

(2011/201/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(3) and the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) In May 2003, the European Commission adopted a Communication to the European Parliament and to the Council entitled 'Forest Law Enforcement, Governance and Trade (FLEGT): Proposal for an EU Action Plan' which called for measures to address illegal logging through the adoption of voluntary partnership agreements with timber-producing countries. Council conclusions on that Action Plan were adopted in October 2003 ⁽¹⁾ and the European Parliament adopted a resolution on the subject on 11 July 2005 ⁽²⁾.

(2) In accordance with Council Decision 2011/200/EU ⁽³⁾, the Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) (hereinafter referred to as 'the Agreement') was signed on 27 September 2010, subject to its conclusion.

(3) The Agreement should be concluded,

HAS ADOPTED THIS DECISION:

Article 1

The Voluntary Partnership Agreement between the European Union and the Republic of Cameroon on forest law

enforcement, governance and trade in timber and derived products to the European Union (FLEGT) is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered on behalf of the Union to make the notification provided for in Article 31 of the Agreement, in order to bind the Union.

Article 3

The Union shall be represented by representatives of the Commission in the Joint Implementation Council and the Joint Monitoring Committee set up in accordance with Article 19 of the Agreement.

The Member States may participate in the meetings of the Joint Implementation Council and the Joint Monitoring Committee as members of the Union delegation.

Article 4

For the purpose of amending the Annexes of the Agreement, on the basis of Article 29 thereof, the Commission is authorised, in accordance with the procedure laid down in Article 11(3) of 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 ⁽⁴⁾, to approve such amendments on the Union's behalf.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 28 February 2011.

*For the Council**The President*

FELLEGI T.

⁽¹⁾ OJ C 268, 7.11.2003, p. 1.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 482.

⁽³⁾ See page 1 of this Official Journal.

⁽⁴⁾ OJ L 347, 30.12.2005, p. 1.

VOLUNTARY PARTNERSHIP AGREEMENT**between the European Union and the Republic of Cameroon 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'

of the one part,

AND THE REPUBLIC OF CAMEROON, hereinafter referred to as 'Cameroon'

of the other part,

hereinafter referred to together as the 'Parties',

HAVING REGARD TO the Partnership Agreement between the 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 23 June 2005, hereinafter referred to as the 'Cotonou Agreement';

HAVING REGARD TO the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and in particular to the requirement that export permits issued by the Parties to CITES 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;

HAVING REGARD TO the forest legislation in force in Cameroon, and in particular to the Forest Code and the other relevant legislation applicable to the forestry sector;

HAVING REGARD 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 ⁽²⁾;

CONSIDERING the Communication from the European Commission to the Council of the European Union and the European Parliament on an EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) ⁽³⁾ as a first step towards tackling the urgent issue of illegal logging and associated trade;

CONSIDERING the Ministers' Yaoundé Declaration of 16 October 2003 on Forest Law Enforcement and Governance in Africa;

CONSIDERING the joint declaration of 28 September 2007 signed in Yaoundé between Cameroon and the European Commission on the negotiation of a voluntary partnership agreement under the FLEGT initiative;

CONSIDERING the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the management, conservation and sustainable logging of all types of forests adopted on 14 August 1994, and the adoption on 31 January 2008 by the United Nations General Assembly of the Non Legally Binding Instrument on all types of forest ⁽⁴⁾,

CONSIDERING the principles set out in the Paris Declaration on Development Aid Effectiveness adopted by the High-Level Forum of the Organisation for Economic Co-Operation and Development (OECD) in Paris on 2 March 2005, reinforced by the Accra Agenda for Action of September 2008 and reaffirmed by the Parties,

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

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 347, 30.12.2005, p. 1.

⁽³⁾ COM(2003) 251 final, 21.5.2003.

⁽⁴⁾ A/RES 62/98 of 31 January 2008.

AWARE of the importance of principles set out in the 1992 Rio Declaration on Environment and Development in the context of the safeguarding and sustainable management of forests, 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 people and other local communities in environmental management and development,

RESOLVED to seek to minimise any adverse impacts on indigenous and local communities and poor people which may arise as a direct consequence of implementing this Agreement,

REAFFIRMING the importance attached by the Parties to the principles and rules which govern the multilateral exchange systems, in particular the rights and obligations laid down in the General Agreement on Tariffs and Trade (GATT) 1994 and in the other multilateral agreements in Annex IA of the Marrakesh Agreement of 15 April 1994 establishing the World Trade Organisation, and the need to apply them,

CONSIDERING the constant efforts made by Cameroon to generally promote sustainable management of forests and wildlife throughout the entire national territory and in particular to ensure the legality of all timber flows,

CONSIDERING the importance attached by the Parties to the participation of civil society, the private sector and the resident local population, including indigenous peoples, in the success of forest governance policies, in particular through consultations and public information,

HEREBY AGREE AS FOLLOWS:

Article 1

Definitions

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

(a) 'Timber and derived products': the products listed in Annex I-A;

(b) 'Timber and derived products in transit': the timber and derived products originating from a third country, which come under customs control in the territory of Cameroon and leave it in the same form, whilst retaining their origin;

(c) 'Import into the European Union': the release for free circulation of timber and derived products into the European Union within the meaning of Article 79 of 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 Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾;

(d) 'Release for free circulation': a Union customs procedure which confers the customs status of Union goods on goods which are not from the Union (with reference to Regulation (EC) No 2913/92 establishing the Community

Customs Code), entailing the collection of any import duties due; the collection, as appropriate, of other charges; the application of commercial policy measures, and prohibitions and restrictions; and the completion of other formalities laid down in respect of the importation of goods;

(e) 'Export': the physical leaving or taking out of the territory of Cameroon timber and derived products produced or acquired in Cameroon, with the exception of timber and derived products in transit through the territory of Cameroon under the control of the customs authorities of Cameroon;

(f) 'HS code': a four digit code as set out in the nomenclature of 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, in conformity with the combined nomenclatures of the European Union and the Economic and Monetary Community of Central Africa (CEMAC);

(g) 'FLEGT licence': a certificate which refers to a shipment as being legally sourced and verified in accordance with the criteria laid down in the present Agreement;

(h) 'Licensing authority': the authority designated by Cameroon to issue and validate FLEGT licences;

(i) 'Competent authorities': the authorities designated by the Member States of the Union to verify FLEGT licences;

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

- (j) 'Shipment': a quantity of timber and derived products covered by a FLEGT licence that is sent by a consignor or a shipper from Cameroon and is presented for release for free circulation at a customs office in the Union;
- (k) 'Timber produced or acquired legally': timber originating or coming from one or more production or acquisition processes, including imported timber, which conforms entirely to all the criteria laid down in the laws and regulations in force in Cameroon and applicable to the forestry sector, and verified/controlled in accordance with the terms and conditions set out in Annex II.

Article 2

Objective

1. The objective of this Agreement (hereinafter the 'VPA') is to provide a legal framework aimed at ensuring that all imports into the Union from Cameroon of timber and derived products covered by this Agreement have been legally produced or acquired.
2. In this context, the Parties, agree, inter alia:
 - (a) to promote trade in timber and derived products;
 - (b) to establish a basis for dialogue and cooperation;
 - (c) to promote the development of the forest industries in Cameroon and to thereby improve the competitiveness of the sector;
 - (d) to create and encourage economic opportunities for resident local communities and local enterprises;
 - (e) to strengthen the capacities of actors in Cameroon by encouraging the creation of a favourable climate for investment in the sustainable management of forests.

Article 3

Scope

This Agreement applies to all timber and derived products that come under the FLEGT licence scheme and are listed in Annex I-A.

Article 4

FLEGT licensing scheme

1. A Forest Law Enforcement, Governance and Trade Licensing Scheme (hereinafter referred to as the '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 have been legally produced or acquired. The Union shall accept such shipments from Cameroon for import into the Union only if they are covered by those FLEGT licences.

2. The FLEGT Licensing Scheme shall apply to the timber and derived products listed in Annex I-A. The timber and derived products in Annex I-B may not be exported from Cameroon.

3. The Parties agree to take all measures necessary to implement this FLEGT licensing scheme.

Article 5

Licensing authority

1. Cameroon shall designate its FLEGT licensing authority and notify the contact details of the licensing authority to the European Commission. Both Parties shall make this information available to the public.
2. The licensing authority shall 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-A, it shall issue FLEGT licences covering shipments of timber and derived products that have been legally produced or acquired in Cameroon and are for export to the Union.
3. The licensing authority may not issue FLEGT licences for any timber and derived products that are composed of, or include, timber and derived products imported into Cameroon from a third country in a form in which export is prohibited under the laws of the country concerned, or for which there is proof that this timber and these timber and derived products have been produced or acquired in violation of the laws of the country where the trees were harvested.
4. The licensing authority shall document and make publicly available its procedures for issuing FLEGT licenses.

Article 6

Competent authorities of the Union

1. The European Commission shall inform Cameroon of the contact details of the competent authorities designated by the Member States of the Union and their respective territorial areas of competence.
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 procedures governing the release for free circulation in the Union of shipments covered by a FLEGT licence are described in Annex IV.

3. Each competent authority 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 or bodies designated by Cameroon as independent auditors access to the relevant documents and data.

5. However, when timber and derived products from species listed in the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and covered by a FLEGT licence enter the Union, they shall only undergo the examination laid down 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⁾, as the FLEGT licence also attests to the fact that the timber in question has been legally produced or acquired.

Article 7

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 or acquired.

2. FLEGT licences shall be laid out on a bilingual form (English and French) and completed in English or French.

3. The Parties may, by agreement, establish electronic systems for the issue, transmission and receipt of FLEGT licenses.

4. FLEGT licences shall be issued in accordance with the procedures described in Annex V.

Article 8

Timber legally produced or acquired

1. For the purposes of this Agreement, a definition of timber legally produced or acquired appears in Article 1(k) and in Annex II.

2. Annex II also sets out the Cameroon legislation which must be complied with before a FLEGT licence may be issued. It includes 'legality matrices', with criteria, indicators and verifiers enabling compliance with the law in force to be established.

Article 9

Verifying the legality of the timber produced or acquired

1. Cameroon shall establish a system for verifying that timber and derived products have been produced or acquired legally and that only shipments verified as such are exported to

the Union. This system for verifying legality includes compliance checks in order to provide the assurance that the timber and derived products destined for export to the Union have been legally produced or acquired, and that FLEGT licences have not been issued for shipments of timber that have not been legally produced or acquired, or that 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 verifying the legality of timber and derived products is described in Annex III-A.

3. Cameroon shall verify the legality of the timber and derived products exported to markets outside the Union and sold on the internal markets, and of imported timber and derived products.

Article 10

Consultation on the regularity of FLEGT licences

1. In the event of the presumed irregularity of a FLEGT licence, the competent authority in question may ask the licensing authority for additional information.

2. If the licensing authority fails to reply within 21 calendar days of the date of receipt of the request, or if the additional information received confirms the irregularity, or if the details appearing on the FLEGT licence do not correspond to the shipment, the competent authority in question will not accept the FLEGT licence and will decide how to proceed pursuant to the national legislation in force. The licensing authority must be informed.

3. If, however, the additional information provided by the licensing authority shows the FLEGT licence to be in order, the FLEGT licence must be accepted and the procedures described in Annex IV must be followed.

Article 11

Independent auditor

1. The Parties 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. Cameroon, in consultation with the Union, shall engage the services of this independent auditor.

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

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

4. The Parties shall facilitate the work of the independent auditor, including by ensuring that the latter has access on the territory of each Party to the information necessary for the performance of his functions. However, a Party may, in accordance with its legislation on data protection, withhold any information that it is not allowed to disclose.

5. Cameroon shall publish the report of the independent auditor in accordance with the procedures and mechanisms set out in Annexes VI and VII.

Article 12

Exchanges of information in relation to the functioning of the FLEGT scheme

1. With the joint aim of protecting the integrity and reputation of the FLEGT licensing scheme put in place under this Agreement, the Parties undertake to inform one another immediately of any concerns they may have regarding potential cases of fraud associated with the use or issue of the FLEGT licences, including for timber and derived products comprising timber of suspect origin from third countries, of fraudulent or dishonest circumvention of the FLEGT licensing scheme.

2. Exports of timber and derived products which have been verified as legal to timber-importing countries other than those of the Union with which Cameroon maintains commercial relations shall not constitute cases of circumvention within the meaning of this Article.

Article 13

Date of introduction of the FLEGT licensing scheme

1. The Parties shall agree on a date from which the FLEGT licensing scheme shall be operational.

2. The launch of the issue of FLEGT licences shall be preceded by a joint technical assessment, the objectives and criteria of which are set out in Annex VIII.

Article 14

Schedule for implementation of the Agreement

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

2. The Joint Implementation Council, provided for in Article 19, working through the Joint Monitoring Committee, shall evaluate the progress of implementation in relation to the schedule set out in Annex IX.

Article 15

Supporting measures

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

2. The provision of such additional resources shall be subject to the normal procedures of the Union and its Member States for programming aid to Cameroon and to the budgetary procedures of Cameroon itself.

3. The Parties shall consider the need for a joint arrangement whereby the financing and technical contributions of the European Commission and the Member States of the Union are coordinated to support these processes under the Forest and Environment Sector Programme.

4. Cameroon shall ensure that capacity building for the implementation of this Agreement is included in national planning instruments, the Forest and Environment Sector Programme and the poverty reduction strategies.

5. The Parties shall ensure that activities associated with implementation of this Agreement are coordinated with the relevant development initiatives, such as:

(a) local development support;

(b) promotion of forestry sector industrialisation;

(c) capacity building.

6. The provision of additional resources shall be subject to the procedures governing Union aid, as set out in the Cotonou Agreement, and to those governing the bilateral aid given to Cameroon by each of the Member States of the Union, respecting the principles laid down in the Paris Declaration on Development Aid Effectiveness in so far as the procedures of the donors concerned permit. In this respect, the additional resources shall finance the activities referred to in paragraph 5, within the context and logic of the Forest and Environment Sector Programme

Article 16

Participation of the stakeholders in the implementation of the Agreement

1. Cameroon shall regularly consult Cameroon stakeholders on the implementation of this Agreement, within a National Monitoring Committee or through other consultative platforms, taking into account its legislation on the forest and fauna scheme and all the laws and regulations in force governing access to information, public participation and access to justice on environmental matters.

2. The arrangements for setting up a National Monitoring Committee and the respective roles of the various Cameroon stakeholders in the implementation of this Agreement are described, inter alia, in Annexes III-A, III-B and X.

3. The Union shall hold regular consultations with the European stakeholders on the implementation of this Agreement, by virtue of the 1998 Aarhus Convention on access to information, public participation in the decision-making process and access to justice in environmental matters, and on the transposition of Union law.

Article 17

Social, economic and environment safeguards for local and indigenous communities

1. In order to minimise any potential adverse effects of the FLEGT licensing scheme on the indigenous and local communities concerned, the Parties hereby agree to assess the impact of this Agreement on their way of life.

2. The Parties shall monitor in particular the economic and environmental impact of this Agreement on those communities, taking reasonable and appropriate steps to mitigate any adverse effects.

Article 18

Market-related incentives

Access to the Union market, under this Agreement, for timber and derived products imported from Cameroon, shall be accompanied by promotional campaigns for the timber and derived products in question. Such campaigns 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;
- (b) the promotion of FLEGT-licensed timber and derived products on the Union market;
- (c) the promotion at international level of the legality assurance scheme set up under this Agreement.

Article 19

Institutional implementation apparatus

1. After ratifying this Agreement, the Parties shall set up a decision-making structure designated the 'Joint Implementation Council', hereinafter referred to as 'the Council', and a consultative structure designated the 'Joint Monitoring Committee' (JMC).

2. The Council shall be made up of two representatives, of whom each of the Parties shall designate one. The Parties shall delegate the Council to supervise implementation and shall take its decisions by consensus. Its decisions shall take the form of resolutions signed by the representatives of the Parties. The

Council shall be responsible for implementing this Agreement. The Council shall also:

- (a) meet on dates mutually agreed by the Parties;
- (b) establish its own rules of procedure;
- (c) publish an annual report, details of the content of which are described in Annex VII;
- (d) ensure that the work of the JMC is transparent, and that the associated information and results are accessible to the public;
- (e) establish dispute-settlement procedures and help find mutually satisfactory solutions to maintain the good functioning of this Agreement, in accordance with Article 24;
- (f) examine the amendments to the provisions of this Agreement and adopt those relating to the Annexes, in accordance with Article 29.

3. Under the authority of the Council, the JMC, whose members shall be appointed by the Parties, shall monitor and evaluate the implementation of this Agreement. It shall also facilitate dialogue and the exchange of information between the Parties. The JMC shall also:

- (a) meet at least twice a year on the dates and at the locations determined by the Council, and make consensus-based recommendations for the Council;
- (b) prepare the agenda for its work and terms of reference for joint actions;
- (c) draw up its own rules of procedure, following their validation by the Council;
- (d) preside over its meetings by a co-chair arrangement;
- (e) be permitted to set up working groups or other subsidiary bodies for areas requiring specific expertise.

4. The functions of the JMC are defined in Annex XI.

Article 20

Communication on implementation of the Agreement

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

- (a) for Cameroon: the Minister responsible for forests;
- (b) for the Union: the Head of the EU Delegation in Cameroon.

2. The Parties shall communicate to one another in a timely manner the information necessary for implementing this Agreement.

Article 21

Published information

1. Published information represents one of the basic elements designed to strengthen governance during application of this Agreement. In order to achieve this objective, which is intended to guarantee the transparent functioning of the FLEGT licensing scheme in Cameroon and in the Union, the Parties hereby agree to use the most appropriate communication mechanisms, namely: written and audiovisual media, Internet, workshops and various publications. Details of the published information are set out in Annex VII.

2. The Parties also agree that the powers, procedures and functioning of the Council and the JMC are to be published.

Article 22

Confidential information

1. Each Party undertakes, within the limits of its laws, not to disclose confidential information exchanged under this Agreement. Neither Party shall disclose to the public, nor permit its authorities involved in implementation of this Agreement to disclose, 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 Cameroon and received by the Union and the volume of timber and derived products exported from Cameroon and received by the Union;
- (b) the names and addresses of FLEGT 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 Union is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of Cameroon, on the other.

Article 24

Dispute-settlement

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

2. If a dispute cannot be settled through early consultation, the first requesting Party may forward details of the dispute to the Council, which will endeavour to propose arrangements for a settlement to the Parties. The Council 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 Council may refer the file to the JMC. The JMC shall have a time limit set by the Council for submitting its proposed solution to the Council, which shall endeavour to examine every option for keeping this Agreement working properly.

3. In the event that the Council should prove unable to settle the dispute, the Parties may:

- (a) jointly seek the good offices of a third party, or request mediation by a third party;
- (b) if it should prove impossible to settle the dispute according to paragraph 3(a), have recourse to arbitration.

4. The Council shall determine the consultation, mediation and arbitration procedures, which must correspond with those agreed under the Economic Partnership Agreement or, in the interim period, under the Stepping Stone Agreement towards an Economic Partnership Agreement between the Union and its Member States, of the one part, and Central Africa (Cameroon), of the other part.

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 provisions of this Agreement shall cease to apply 90 calendar days after such notice is given.

3. Application of this Agreement will 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

Annexes

The Annexes shall form an integral part of this Agreement.

Article 27

Duration and renewal

With effect from its entry into force, this Agreement shall remain in force for a period of 7 years, and shall be renewable by tacit agreement between the Parties for periods of the same length, unless one Party terminates this Agreement by notifying the other Party of its decision at least 12 months before expiry of the period under way.

*Article 28***Denunciation of the Agreement**

Notwithstanding Article 27, either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply 12 months after the date of such notification.

*Article 29***Amendments**

1. Acting through its representative on the Council, a Party wishing to amend this Agreement must notify the other Party of its proposal at least 3 months before the next meeting of the JMC. The Council shall instruct the JMC to examine the proposal. If a consensus is reached, the latter shall prepare a recommendation, which it shall notify to the Council for its consideration. Each representative shall examine the recommendation, and if it approves it, shall inform the other, so that a date can be agreed for its signature, following which each Party shall adopt it according to its own internal 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. By way of derogation from paragraph 1 of this Article, and without prejudice to the examination by the JMC, amendments to the Annexes shall be adopted by the Council.

4. Notification of any amendment shall be sent to the depositaries of this Agreement and shall enter into force at the time and in the form laid down in paragraph 2 of this Article.

*Article 30***Authentic texts**

This Agreement is 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, the French text shall prevail.

*Article 31***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 respective procedures necessary for this purpose.

2. Notification shall be sent to the Secretary-General of the Council of the European Union and to Cameroon's Minister for Foreign Affairs, who shall be the joint depositaries of this Agreement.

Съставено в Брюксел на шести октомври две хиляди и десета година.

Hecho en Bruselas, el seis de octubre de dos mil diez.

V Bruselu dne šestého října dva tisíce deset.

Udfærdiget i Bruxelles den sjette oktober to tusind og ti.

Geschehen zu Brüssel am sechsten Oktober zweitausendzehn.

Kahe tuhande kümnenda aasta oktoobrikuu kuuendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις έξι Οκτωβρίου δύο χιλιάδες δέκα.

Done at Brussels on the sixth day of October in the year two thousand and ten.

Fait à Bruxelles, le six octobre deux mille dix.

Fatto a Bruxelles, addì sei ottobre duemiladieci.

Briselē, divi tūkstoši desmitā gada sestajā oktobrī.

Priimta du tūkstančiai dešimtų metų spalio šeštą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év október hatodik napján.

Magħmul fi Brussell, fis-sitt jum ta' Ottubru tas-sena elfejn u għaxra.

Gedaan te Brussel, de zesde oktober tweeduizend tien.

Sporządzono w Brukseli dnia szóstego października roku dwa tysiące dziesiątego.

Feito em Bruxelas, em seis de Outubro de dois mil e dez.

Întocmit la Bruxelles la șase octombrie două mii zece.

V Bruseli dňa šiesteho októbra dvetisícdesať.

V Bruslju, dne šestega oktobra leta dva tisoč deset.

Tehty Brysselissä kuudentena päivänä lokakuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den sjätte oktober 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 Камерун
 Por la República de Camerún
 За Kamerunskou republiku
 For Republikken Cameroun
 Für die Republik Kamerun
 Kameruni Vabariigi nimel
 Για τη Δημοκρατία του Καμερούν
 For the Republic of Cameroon
 Pour la République du Cameroun
 Per la Repubblica del Camerun
 Kamerūnas Republikas vārdā –
 Kamerūno Respublikos vardu
 A Kameruni Köztársaság részéről
 Ghar-Repubblika tal-Kamerun
 Voor de Republiek Kameroen
 W imieniu Republiki Kamerunu
 Pela República dos Camarões
 Pentru Republica Camerun
 Za Kamerunskú republiku
 Za Republika Kamerun
 Kamerunin tasavallan puolesta
 För republiken Kamerun

LIST OF ANNEXES

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ANNEX I-A

LIST OF PRODUCTS SUBJECT TO FLEGT LICENSING

The following products are subject to FLEGT licensing

PRODUCTS	HS codes
Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared	4403
Railway or tramway sleepers (cross-ties) of wood	4406
Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm	4407
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	4408
Plywood, veneered panels and similar laminated wood	4412
Tools, tool bodies, tool handles, broom or brush bodies and handles, in wood; boot or shoe lasts and trees of wood	4417
WOODEN FURNITURE OF A KIND USED IN OFFICES	9403 30
WOODEN FURNITURE OF A KIND USED IN KITCHENS	9403 40
WOODEN FURNITURE OF A KIND USED IN THE BEDROOM	9403 50
Other wooden furniture	9403 60

By way of illustration, the products and species concerned are described in detail below, subject to the Cameroon Party to the Agreement adapting the CEMAC customs tariff to the code of the Harmonised System (HS) of the World Customs Organisation (WCO), which classes sawn sapelli and iroko under codes 4407 27 and 4407 28 respectively. The products and species may be modified as the market develops, without the need to amend the Agreement.

PRODUCTS	CEMAC CODES
SPECIAL PRODUCTS	
EBONY	44 07 29 15
Logs	44 03 49 00
Category 1 promotion species	
Bilinga	44 03 49 09
Framiré	44 03 49 17
Kossipo	44 03 49 21
Kotibé	44 03 49 22
Limba	44 03 49 24
Ayous/obéché	44 03 49 46
Azobé	44 03 49 47
Koto	44 03 49 75
Okoumé	44 03 49 88
Tali	44 03 49 94

PRODUCTS	CEMAC CODES
Tiama	44 03 49 95
Category 2 promotion species	
Abura/Bahia	44 03 49 01
Ako	44 03 49 05
Andoung	44 03 49 06
Avodire	44 03 49 07
Dabéma	44 03 49 12
Niové	44 03 49 30
Olon	44 03 49 31
Ovoga/Angalé	44 03 49 32
Ozigo	44 03 49 33
Tchitola	44 03 49 36
Abalé/abing	44 03 49 39
Okan/Adoum	44 03 49 40
Amvout/ekong	44 03 49 41
Asila/omang	44 03 49 45
Bodioa	44 03 49 48
Cordia/ebe/mukumari	44 03 49 49
Dambala	44 03 49 50
Diana/celtis/odou	44 03 49 51
Ebiara/abem	44 03 49 53
Ekaba	44 03 49 54
Ekop Evene/Evene	44 03 49 56
Gombé/Ekop Gombé	44 03 49 57
Naga/Ekop Naga	44 03 49 58
Emien/ekouk	44 03 49 59
Essak	44 03 49 60
Eseng/lo	44 03 49 61
Essessang	44 03 49 62
Esson	44 03 49 63
Etimoe	44 03 49 64
Eveus/Ngon	44 03 49 65
Evoula/Vitex	44 03 49 66
Eyeck	44 03 49 67

PRODUCTS	CEMAC CODES
Faro	44 03 49 68
Iatanga/Evoudous	44 03 49 69
Kanda	44 03 49 72
Kapokier/Bombax/Esodum	44 03 49 73
Kondroti/Ovonga	44 03 49 74
Kumbi/Okoa	44 03 49 76
Landa	44 03 49 77
Lati/Edjil	44 03 49 78
Limbali	44 03 49 79
Lotofa/Nkanang	44 03 49 81
Mambodé/Amouk	44 03 49 82
Moambé	44 03 49 84
Mukulungu	44 03 49 85
Mutundo	44 03 49 86
Oboto/Abodzok	44 03 49 87
Ozanbili/Angongui	44 03 49 89
Osanga/Sikon	44 03 49 90
Ouochi/Albizia/Angoyeme	44 03 49 91
Tsanya/Akela	44 03 49 97
OTHER TROPICAL WOODS (AGBA, EKOUNE, ALUMBI, MIAMA ETC.)	44 03 49 99
Railway or tramway sleepers (cross-ties) of wood	44 06
SAWN PRODUCTS	44 07 29 00
Abura/Bahia	44 07 29 01
ACAJOU	44 07 29 02
Afromosia	44 07 29 03
AIELE	44 07 29 04
Ako	44 07 29 05
Andoung	44 07 29 06
Avodire	44 07 29 07
Beté	44 07 29 08
Bilinga	44 07 29 09
Bossé	44 07 29 10
Bubinga	44 07 29 11
Dabéma	44 07 29 12

PRODUCTS	CEMAC CODES
Douka	44 07 29 13
Doussié	44 07 29 14
EBONY	44 07 29 15
Eyong	44 07 29 16
Framiré	44 07 29 17
Fromager	44 07 29 18
Igaganga	44 07 29 19
Izombé	44 07 29 20
Kossipo	44 07 29 21
Kotibé	44 07 29 22
Kodrodus	44 07 29 23
Limba	44 07 29 24
Moabi	44 07 29 25
Movingui	44 07 29 26
Mutényé	44 07 29 27
Niangon	44 07 29 28
Niové	44 07 29 29
Olon	44 07 29 30
Ovoga	44 07 29 31
Ozigo	44 07 29 32
Padouk	44 07 29 33
Pao rosa	44 07 29 34
Tchitola	44 07 29 35
Tola	44 07 29 36
Zingana	44 07 29 37
Abalé/abing	44 07 29 38
Akan or adoum	44 07 29 39
Amvout or ekong	44 07 29 40
Angueuk	44 07 29 41
Aningré	44 07 29 42
Apa/paschiloba	44 07 29 43
Asila/omang	44 07 29 44
Ayous/obéché	44 07 29 45
Azobé	44 07 29 46

PRODUCTS	CEMAC CODES
Bodioa	44 07 29 47
Cordia/ebe/mukumari	44 07 29 48
Dambala	44 07 29 49
Diana/celtis/odou	44 07 29 50
Dibetou	44 07 29 12
Ebiara/abem	44 07 29 52
Ekaba	44 07 29 53
Ekone	44 07 29 54
Ekop evene	44 07 29 55
Ekop gombé mamelle	44 07 29 56
Ekop naga	44 07 29 57
Emien/ekouk	44 07 29 58
Essak	44 07 29 59
Eseng/lo	44 07 29 60
Essessang	44 07 29 61
Esson	44 07 29 62
Etimbé	44 07 29 63
Eveuss/gon	44 07 29 64
Evoula/vitex	44 07 29 65
Eyeck	44 07 29 66
Faro	44 07 29 67
Iatandza/evouvous	44 07 29 68
Alomba	44 07 29 69
Iroko	44 07 29 70
Kanda	44 07 29 71
Kapokier/bombax	44 07 29 72
Kondroti/ovonga	44 07 29 73
Koto	44 07 29 74
Kumbi/ekos	44 07 29 75
Landa	44 07 29 76
Lati/edjil	44 07 29 77
Limbali	44 07 29 78
Longhi	44 07 29 79
Lotofa/nkanang	44 07 29 80

PRODUCTS	CEMAC CODES
Mambode/amouk	44 07 29 81
Mansonia	44 07 29 82
YELLOW Moambé	44 07 29 83
Mukulungu	44 07 29 84
Mutundo	44 07 29 85
Oboto/abodzok	44 07 29 86
Okoumé	44 07 29 87
Onzabili/angongui	44 07 29 88
Osanga/sikon	44 07 29 89
Ouochi/albizia	44 07 29 90
Ovangkol	44 07 29 91
Sapelli	44 07 29 92
Sipo	44 07 29 93
Tali	44 07 29 94
Tiama	44 07 29 95
Tsanga/akela	44 07 29 96
Wengué	44 07 29 97
Other tropical woods	44 07 29 98
Parquets	44 09 20 00
Veneers	44 08 39 00
Plywood	44 12 13 00
Finished timber and derived products	94 03 30 00
	94 03 40 00
	94 03 50 00
	94 03 60 00
	44 17 00 00

ANNEX I-B

LIST OF PRODUCTS PROHIBITED FROM EXPORT

PRODUCTS	CEMAC CODES
Logs	
ACAJOU	44 03 49 02
Afromosia	44 03 49 03
Bété/Mansonia	44 03 49 08
Bossé	44 03 49 10
Bubinga	44 03 49 11
Douka	44 03 49 13
Red Doussié	44 03 49 14
Fromager	44 03 49 18
Moabi	44 03 49 26
Movingui	44 03 49 27
Padouk	44 03 49 34
Pao rosa	44 03 49 35
Zingana	44 03 49 38
APA OR WHITE DOUSSIE	44 03 49 44
Aningré	44 03 49 43
Dibétou	44 03 49 52
Ilomba	44 03 49 70
Iroko	44 03 49 71
Longhi/abam	44 03 49 80
Ovangkol	44 03 49 92
Sapelli	44 03 49 93
Sipo	44 03 49 94
Wengué	44 03 49 98

ANNEX II

LEGALITY MATRICES

I. Definition of legality

The legality of timbers placed on the market is based on compliance with national laws and regulations and duly ratified international legal instruments, the application of which is necessary in order to guarantee the viability of forest management by the producing and/or exporting enterprise, its suppliers and subcontractors, in the name of the owners of the forest (the State, the local government district, a private owner or a community).

The definition of legality drawn up by consensus by all the stakeholders in this spirit may be summarised thus:

‘Any timber which has been verified/controlled as originating or coming from one or more production or acquisition processes that meet all of the statutory and regulatory provisions in force in Cameroon applicable to the forest sector shall be deemed to be legal timber.’

The definition of the legality of the commercial timbers is based on the knowledge and application of the laws and regulations in force in Cameroon, and on compliance with the international legal instruments duly ratified by Cameroon in the forest, commercial, environmental, social and human rights fields. The national laws and regulations under consideration include in particular:

- the Constitution of the Republic of Cameroon,
- Law No 81-13 governing forests, wildlife and fishing of 27 November 1981, not fully repealed, and its implementing texts (including implementing Decree No 83-169 of 12 April 1983, not repealed),
- the new forest law No 94-01 governing forests, wildlife and fishing of 20 January 1994, and its implementing texts (including PM Decree No 94-436 of 23 August 1994 (of which not all the provisions have been repealed), PM Decree No 95-531 of 1995 and other decisions and circulars in force),
- the framework law relating to environmental management, No 96/12 of 5 August 1996, and its implementing texts,
- Order No 222 MINEF⁽¹⁾ of 25 May 2001 laying down the procedures for implementing the DFP⁽²⁾ forest management plans,
- Law No 2002/003 of 19 April 2002 setting out the General Tax Code,
- the legislation governing investment (Law No 2002/004 of 19 April 2002 relating to the investment charter, amended by Law No 2004/020 of 22 July 2004),
- Decree No 99/781/PM of 13 October 1999 laying down the application procedures for Article 71(1) of Forest Law No 94/01 of 20 January 1994 governing forests, wildlife and fishing,
- Decree No 2005/577 of 23 February 2005 on EIEs and Order No 0069 MINEP⁽³⁾ of 8 March 2005 on the categories subject to EIEs⁽⁴⁾,
- the various annual finance laws,
- the Employment Code, Law No 92-007 of 14 August 1992,
- the legislation governing social security⁽⁵⁾,
- the phytosanitary regulations (MINADER⁽⁶⁾),

⁽¹⁾ Ministry of the Environment and Forests.

⁽²⁾ Permanent forest domain.

⁽³⁾ Ministry of the Environment and Nature Protection.

⁽⁴⁾ Environmental impact study.

⁽⁵⁾ See Caisse nationale de prévoyance sociale, *Recueil des textes de base* (1979).

⁽⁶⁾ Ministry of Agriculture and Rural Development.

- the national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities (exercise of the right to form a union, staff representative, employment contract, working conditions and salaries, health and safety, etc.).

The international legal instruments referred to above include, inter alia:

- the Treaty on the Conservation and Sustainable Management of Forest Ecosystems of Central Africa and establishing the Central Africa Forests Commission – COMIFAC (February 2005),
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed on 3 March 1973 and amended on 22 June 1979,
- the Convention on Biological Diversity (CBD), signed in June 1992.

The application of the provisions of these international legal instruments shall follow their transposition into the national legislative texts.

Any amendment to these texts and any new legislation in this field will give rise to a subsequent amendment to this Annex.

The following elements were also taken into consideration when drafting this definition of legality:

- the various initiatives developed on the subject of legality (TFT-TTAP ⁽¹⁾, REM ⁽²⁾, TRAFFIC ⁽³⁾, CoC ⁽⁴⁾, FSC ⁽⁵⁾ etc.),
- the PROFOREST proposal ⁽⁶⁾ of 6 September 2005 relating to traceability,
- the 'FLEGT Briefing Notes' ⁽⁷⁾ published by the European Union,
- the reference tool FORCOMS (Forest Concession Monitoring System) relating to conformity to regulations, first version 2005, followed by consolidated version of February 2007 for Cameroon),
- the tools OLB-BVQI ⁽⁸⁾ and TLTS-SGS ⁽⁹⁾ of February 2006 relating to legality,
- the report 'Definition of legal timber according to the texts and regulations in force in Cameroon' (GTZ/PGDRN ⁽¹⁰⁾ – MINFOF ⁽¹¹⁾) of 15 February 2006,
- the report 'Legality of VPA Timber in Cameroon (comparative approach of different systems)', GTZ document of May 2006,
- the COMIFAC ⁽¹²⁾ report (WRI ⁽¹³⁾ -IUCN ⁽¹⁴⁾ -IFIA ⁽¹⁵⁾) on the FORCOMS project phase II of February 2007,

⁽¹⁾ Private-sector association by the name of the Tropical Forest Trust, which manages a support project to the private sector involving checking legality (the Timber Trade Action Programme).

⁽²⁾ Resource Extraction Monitoring.

⁽³⁾ WWF traceability and legal compliance project.

⁽⁴⁾ Chain of Custody, traceability system.

⁽⁵⁾ Forest Stewardship Council.

⁽⁶⁾ Project financed by the Union.

⁽⁷⁾ Briefing note on the Union action plan on Forest Law Enforcement, Governance and Trade.

⁽⁸⁾ Legal Origin of Wood/Bureau Véritas.

⁽⁹⁾ Timber Legality and Traceability Verification/Société générale de surveillance.

⁽¹⁰⁾ Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation Society)/Sustainable Natural Resources Management Programme.

⁽¹¹⁾ Ministry of Ministry of Forestry and Wildlife.

⁽¹²⁾ Central African Forest Commission.

⁽¹³⁾ World Resource Institute.

⁽¹⁴⁾ International Union for Conservation of Nature.

⁽¹⁵⁾ International Forest Industry Association.

- the draft legal text by COMIFAC on forest control in Central Africa of October 2007,
- the PCI ⁽¹⁾ OAB/OIBT ⁽²⁾ & audit manual/OIBI series No 14 – 2003.

II. The legality matrices

Based on the definition of legality, Cameroon has produced a set of legality matrices intended to be used to check conformity of the operation (against the legal provisions) of the forestry entities ⁽³⁾ active in Cameroon, as well as that of the products they produce. These matrices are the result of participatory and ongoing work incorporating the concerns of the various stakeholders.

The broad range of legality matrices stems from the fact that Cameroon forest legislation stipulates many timber supply methods, in relation to which the legality concerns differ. Each of the matrices has thus been designed to clearly highlight the specific legal requirements associated with each of the supply methods stipulated by the Cameroon legislation. Bearing in mind these specific features, eight legality matrices have already been produced for different timber supply sources: the permanent forest domain (DFP) is made up of land definitively allocated to forest, the non-permanent forest domain (DFNP) is made up of forest land which may be allocated to uses other than forest domain (agro-forest domain), and finally, the timber processing units (UTB).

In the permanent forest domain (DFP)

- legality matrix 1 (LM1): logging agreement (CE),
- legality matrix 2 (LM2): communal forest (FCle); State logging.

In the non-permanent forest domain (DFNP)

- legality matrix 3 (LM3): salvage licence (ARB),
- legality matrix 4 (LM4): harvested timber removal licence (AEB),
- legality matrix 5 (LM5): cut timber sale (VC) in the national domain,
- legality matrix 6 (LM6): community forest (FC); State logging,
- legality matrix 7 (LM7): special permit (PS); ebony logging in the national domain and the communal forests.

In the timber processing units (UTB)

- legality matrix 8 (LM8): timber processing units (UTB).

The table below summarises the various timber supply sources and the associated legality matrices.

Title Supply source	CE	VC	ARB	AEB	State	PS	PBO	APC
F. Private estate forest (FD)	LM1			LM4				
F. Communal forest (Cle)				LM4	LM2	LM7		
F. National domain forest (FDN)		LM5	LM3	LM4		LM7		
F. Community forest (FC)				LM4	LM6			
F. Private forest (FP)								
Timber processing unit (UTB)	LM8							

⁽¹⁾ Principles, criteria, indicators.

⁽²⁾ African Timber Organisation/International Tropical Timber Organisation.

⁽³⁾ 'forestry entity': any natural or legal person, community, municipality with a legal source for the production, acquisition or processing of timber or derived products.

In order to cover all the different means of access to the timber resource that are available under existing legislation and are listed below, other legality matrices will be produced during the system operationalisation phase, whenever they are found to be relevant.

These are:

- Legality matrix for private forests (FP),
- Legality matrix for lumber permits (PBO),
- Legality matrix for personal timber licences (APC),
- Legality matrices of communal forests (FCle) and community forests (FC), when logging other than State logging takes place (VC, PBO, APC).

The legality matrices are made up of criteria, indicators and verifiers, and are involved in the global Legality Assurance System (LAS), the functioning of which is described in detail in Annex III-A.

The criteria and indicators have been analysed and subsequently tested in the field for all the matrices, and only the criteria and indicators of relevance in each specific matrix have been retained.

III. Method of use

With the exception of the matrix relating to timber processing units, the legality matrices have been drawn up on the basis of five (5) common criteria, which deal respectively with the regularity:

- of the administrative and legal aspects (criteria 1),
- of the logging and forest management (criteria 2),
- of the transport (criteria 3),
- of the social aspects (criteria 4),
- of the environmental aspects (criteria 5).

Dependent on the matrices, these criteria are broken down into a variable number of indicators, which reflect the different legal obligations associated with these different timber supply sources.

The conformity of the indicators is assessed on the basis of the verifiers. For an indicator to 'conform', all the associated verifiers must first be deemed to conform.

The conformity of the verifier is based on the availability of the technical documents issued by the various administrations, which are stipulated in the regulatory texts and are, for the most part, available for consultation in the central database of the Ministry responsible for forests (second generation computer system administering forestry information – SIGIF II).

The issue of a 'certificate of legality', which represents one of the requirements for the issue of a FLEGT licence (see Annex III-A), is only possible provided all the indicators conform.

MATRIX 1: LOGGING AGREEMENT

Criterion 1: The logging/processing forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality, holds approval as a logger and is registered as a timber processor
References to legislation, regulations and rules
— Article 41 of Law 94/01 of 20 January 1994
— Articles 35(1), 36, 114 and 140(1), (2), (3), (4) and (5), of Decree 95-531
— Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious

<ul style="list-style-type: none"> — Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question] — Order No 013/MINEE/DMG/SL (Ministry of Energy and Water/Mines and Geology Division/SL of 19 April 1977 repealing and replacing Order No 154 of 28 March 1957 coding dangerous, unhealthy or obnoxious establishments)
Verifiers
<ul style="list-style-type: none"> 1.1.1 Certificate of domicile (natural person) 1.1.2 Commercial register maintained at the competent court office 1.1.3 Forestry approval granted by the competent authority 1.1.4 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal 1.1.5 Authority to set up and operate a first class establishment from the Ministry responsible for the industry 1.1.6 Certificate of registration as a timber processor from the Ministry responsible for forests
Indicator 1.2: The forestry entity holds a forestry concession and has a logging agreement concluded with the administration responsible for forests
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 46, 47(1), (2) and (3) and 50(1) of Law 94/01 — Articles 61, 75(1), 76(4), and 77 of Decree 95/531 — Articles 68, 69 and 70 of Decree 95/53
Verifiers
<p>A - Under a provisional or definitive logging agreement</p> <ul style="list-style-type: none"> 1.2.1 Notice of public invitation to tender 1.2.2 Receipt for registration of a complete file relating to the award of the forestry concession 1.2.3 Notification of the results of the interministerial committee selecting the forestry entity as the best bidder, by the Minister responsible for forests 1.2.4 Proof of deposit of the surety with the Public Revenue Department within the prescribed deadlines 1.2.5 Provisional logging agreement signed by the Minister responsible for forests 1.2.6 Receipts/requests for transfer addressed to the Ministry responsible for forests by the concession holder and the applicant 1.2.7 Notification of transfer of the concession by the competent authority 1.2.8 Receipts for payment of the transfer tax stipulated by law <p>B - Under a definitive logging agreement</p> <ul style="list-style-type: none"> 1.2.9 Certificate of conformity with the clauses of the provisional logging agreement 1.2.10 Order approving the management plan issued by the Minister responsible for forests 1.2.11 Five-year management plan and operation plan for the current year

<p>1.2.12 Terms and conditions signed by the competent authority and the forestry entity</p> <p>1.2.13 Deed of classification</p> <p>1.2.14 Authority to set up and operate a first class establishment from the Ministry responsible for the industry, or receipt of declaration (2nd class)</p> <p>1.2.15 Certificate of registration as a timber processor from the Ministry responsible for forests</p>
<p>Indicator 1.3: In the event that the logging/processing activity is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation</p>
<p>References to legislation, regulations and rules</p>
<p>— Articles 41 and 42 of Law 94/01</p> <p>— Articles 35(1), 36, 114 and 140(1), (2), (3), (4) and (5) of Decree 95-531</p>
<p>Verifiers</p>
<p>1.3.1 Subcontracting/partnership agreement</p> <p>1.3.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests</p> <p>1.3.3 Receipt for registration of the agreement approved by the local authorities of the Ministry responsible for forests</p> <p>1.3.4 Commercial register maintained at the competent court office</p> <p>1.3.5 Forestry approval granted by the competent authority (logging)</p> <p>1.3.6 Authority to set up and operate a first class establishment from the Ministry responsible for the industry (processing)</p> <p>1.3.7 Certificate of registration as a timber processor from the Ministry responsible for forests (processing)</p> <p>1.3.8 Extract from the registration of the logging hammer with the office of the competent court</p>
<p>Indicator 1.4: The forestry entity has not been suspended or had its approval or right withdrawn by the administration</p>
<p>References to legislation, regulations and rules</p>
<p>— Articles 146, 150 and 152 of Law 94/01</p> <p>— Chapter 3 of Law 94/01</p> <p>— Articles 130, 131, 132, 135(2), 136 and 137 of Decree 95-531</p>
<p>Verifiers</p>
<p>1.4.1 Records/files of offences published by the competent administrations</p> <p>1.4.2 Register of disputes of the competent local departments</p> <p>1.4.3 Suspension decision of the Minister responsible for forests, substantiated and challenged, if applicable</p>

Indicator 1.5: The forestry entity has complied with its tax obligations under existing law
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 66 and 69 of Law 94/01 — Article 122 of Decree 95-531 — Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3) — Finance Law 2002/003 and subsequent revisions
Verifiers
<p>1.5.1 Tax patent</p> <p>1.5.2 Certificate of solvency/tax certificate of the competent tax office</p>

Criterion 2: The logging/processing forestry entity meets its obligations as regards logging and forest management

Indicator 2.1: The forestry entity has competent and adequate professional resources, either internally or through the agency of a natural person or legal entity, to perform the management work
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 23, 40(3), 63 and 64 of Law 94/01 — Article 35 of Decree 95-531
Verifiers
<p>2.1.1 Approval of the enterprise or its various subcontractors having been involved in certain management activities (inventories, forestry)</p> <p>2.1.2 Service contracts with (an) approved structure(s) or a public body</p>
Indicator 2.2: The forestry entity holds a legal harvesting licence
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 44 and 46 of Law 94/01 — The standard model of the provisional and definitive agreement and the associated terms and conditions under sheets 2 and 3 (PROC) — Article 17 of Law 96/12 of 5 August 1996 setting out a framework law on environmental management — Article 20 of Decree 0577 of 23 February 2005
Verifiers
<p>2.2.1 Letter of approval of the terms of reference for the audit/environmental impact study</p> <p>2.2.2 Environmental conformity certificate</p> <p>2.2.3 Annual harvesting site certificate (CAAC) or annual operating permit (PAO)</p> <p>2.2.4 Notification of the start of activities</p>

Indicator 2.3: The forestry entity respects the existing logging rules in the areas awarded
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 51(1) and 73(1), (2) of Decree 95-531 — Articles 4(1), (2), (3), (4) and (6), 12(1) and (2) and 13(1) and (2) of Order No 222 — Sheets 6, 14 and 17 PROC — Logging inventory rules — Rules on activities in forest areas (NIMF)
Verifiers
2.3.1 Count certificate or certificate confirming respect of the logging rules
Indicator 2.4: The forestry entity respects the timber quantities awarded to it (number of stems/volume) in accordance with the requirements of the certificate/annual permit
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 46(3), 72(1) and 125(2) and (3) of Decree 95-531 — Article 6 of Order No 222 — Rules on activities in forest areas (NIMF) — Sheet 6 PROC
Verifiers
2.4.1 Worksite books (DF10) or SIGIF declaration
2.4.2 Count certificate
Indicator 2.5: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 66, 67 and 69 of Law 94 — Article 122 of Decree 95-531 — Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3) — Finance Law 2002/003 and subsequent revisions
Verifiers
2.5.1 Certificate of registration of the bank guarantee if required under the articles of association of the entity
2.5.2 Payment receipts (annual forestry charge [RFA], felling tax [TA], plant entry tax [TEU]), local development taxes or other forestry taxes if stipulated in the terms and conditions) for the current year and the year preceding the year of verification

Criterion 3: The logging/processing forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the logs produced or purchased on the local market for processing in its installations are accompanied by all the necessary documents and the regulatory markings to certify their legal origins
References to legislation, regulations and rules
— Articles 115(1), (2) and (3), 127(1) and 128 of Decree 95-531
Verifiers
3.1.1 Secure waybills, signed by the competent authority
3.1.2 Certificate of legality of the supplier(s)
Indicator 3.2: The forestry entity ensures that the logs imported for processing in its installations are accompanied by the necessary documents to certify their legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers
3.2.1 Import licences issued by the competent authorities responsible for forests and finance
3.2.2 International waybills stamped for the entire route
3.2.3 Certificates of origin and phytosanitary certificates from the exporting country
3.2.4 FLEGT licences from the country of origin, or any other private certificate of legality/sustainable management recognised by Cameroon (reference tool of the private certificate system incorporating the principal elements of the Cameroon legality matrices)
Indicator 3.3: The forestry entity ensures that the timber and derived products from its installations are transported entirely legally and are accompanied by all the documents required in order to certify their legal origins
References to legislation, regulations and rules
— Articles 127(2) and (3) and 128 of Decree 95-531
Verifiers
3.3.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
3.3.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
3.3.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry department and the place of loading

Criterion 4: The logging/processing forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code — Decree No 2008/2115 of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG) — Ordinance No 73-17 of 22 May 1973 organising social security — Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of Ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund — Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance — Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984 — Order No 039/MTPS/IMT of the Ministry of Labour and Social Security (MTPS) laying down the general provisions relating to health and safety at the workplace — Order No 019/MTPS/SG/C of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives — The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities — Order No 11/DEC/DT (Employment Division) of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes — Practical directives from the International Labour Organization (ILO) — Law 64/LF/23 of 13 November 1964 protecting public health — Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious — Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question] — Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities
Verifiers
<p>4.1.1 Certificate of registration issued by the CNPS</p> <p>4.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district</p> <p>4.1.3 Internal rules stamped by the employment inspector of the administrative district</p> <p>4.1.4 Reports on the election of staff representatives</p>

4.1.5 Agreement on visits and care with a general practitioner
4.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
4.1.7 Inspection reports of the Ministry of Health
4.1.8 Declaration of establishment sent to the employment inspector of the administrative district
Indicator 4.2: The forestry entity respects the social obligations prescribed by the Forestry Code
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 36 and 61(1) and (3) of Law 94/01 — Article 85 of Decree No 95/531 — Articles 5 and 6 of Order No 222 laying down the procedures for the preparation and approval of PAs — Article 14 of the model terms and conditions of the final agreement — Decision 135/B/MINEF/CAB of 26 November 1999 laying down the forest classification procedures of the permanent forest domain — Decision No 0108/D/MINEF/CAB of 9 February 1998 applying the Rules on activities in forest areas — Chapter II of the Rules on activities in forest areas
Verifiers
4.2.1 Terms and conditions
4.2.2 Reports on the realisation of the social projects laid down in the terms and conditions
4.2.3 Minutes of the information meeting on logging under the forestry right, signed by the all the stakeholders
4.2.4 Land allocation map
4.2.5 Report on the socioeconomic studies
4.2.6 Minutes of the meeting reinstating the socioeconomic study
4.2.7 Record/file of offences/report

Criterion 5: The logging/processing forestry entity meets its obligations in relation to the protection of biodiversity and the environment

Indicator 5.1: The forestry entity has made the necessary arrangements to prohibit the involvement of its staff in poaching, commercial hunting and the transportation or trade in hunting equipment and means. It encourages, supports and/or initiates all campaigns seeking to ensure application of the regulations in relation to hunting and to the protection of the fauna on its sites
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 95 and 101(1) of Law 94/01 — Article 11(1) and (3) of Order No 222 — Decision No 0108/D/MINEF/CAB of 9 February 1998 applying the Rules on activities in forest areas

<ul style="list-style-type: none"> — Terms and conditions of the final agreement — Chapter VI of the Rules on activities in forest areas (Articles 28, 29 and 30)
Verifiers
<ul style="list-style-type: none"> 5.1.1 Internal rules 5.1.2 Memoranda giving details of the ban on poaching and transportation of bush meat 5.1.3 Memoranda publishing any penalties 5.1.4 Food supply plan 5.1.5 Record of offences
Indicator 5.2: The forestry entity has complied with the environmental legislation and implements the identified mitigating measures
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 18(1), (2) and (3) of Law 94/01 — Articles 3 and 4 of Order 0069/MINEP of 8 March 2005 — Decree 0577 of 23 February 2005 — Article 11(1) and (2) of Order No 222 of 25 May 2001 — Article 16 of the terms and conditions of the CDE (Enterprise Development Centre) defining the special observations on logging around the periphery of the protected areas (buffer strip) (UFA [Forest Management Unit]) — Decision No 0108/D/MINEF/CAB of 9 February 1998 applying the Rules on activities in forest areas — Articles 17, 79 and 82 of Law 96/12 of 5 August 1996 setting out a framework law on environmental management — Guide on environmental measures in relation to logging
Verifiers
<ul style="list-style-type: none"> 5.2.1 Environmental inspection report 5.2.2 Certificate confirming respect of the environmental clauses 5.2.3 Record of environmental offences

MATRIX 2: STATE LOGGING OF A COMMUNAL FOREST

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality and has a forest that has been classified on its behalf or that it has itself planted
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 30 and 35 of Law 94/01 — Article 17 of Decree 95-531

Verifiers
<p>1.1.1 Instrument creating the local government district</p> <p>1.1.2 Letter of approval of the management plan by the administration responsible for forests</p> <p>1.1.3 Deed of classification of the communal forest</p> <p>1.1.4 Property title in the case of a plantation</p>
Indicator 1.2: In the event that the logging activity is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation
References to legislation, regulations and rules
<p>— Articles 41 and 42 of Law 94/01</p> <p>— Articles 35(1), 36 and 140(1), (2), (3), (4) and (5) of Decree 95-531</p>
Verifiers
<p>1.2.1 Subcontracting/partnership agreement</p> <p>1.2.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests</p> <p>1.2.3 Commercial register maintained at the competent court office</p> <p>1.2.4 Forestry approval granted by the competent authority (logging)</p> <p>1.2.5 Extract from the registration of the logging hammer with the office of the competent court</p>
Indicator 1.3: The forestry entity has not been suspended by the forestry administration following acts contravening what is set out in the approved management plan
References to legislation, regulations and rules
<p>— Article 32(1) and (2) of Law 94/01</p> <p>— Article 80 of Decree 95-531</p>
Verifiers
<p>1.3.1 Record of violations published by the Ministry responsible for forests</p> <p>1.3.2 Formal reminder duly notified following a report on any activity in contravention of the requirements of the management plan</p> <p>1.3.3 Suspension decision of the Minister responsible for forests, if applicable</p>
Indicator 1.4: The forestry entity has complied with its tax obligations under existing law
References to legislation, regulations and rules
<p>— Articles 66 and 69 of Law 94/01</p> <p>— Article 122 of Decree 95-531</p> <p>— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)</p> <p>— Finance Law 2002/003 and subsequent revisions</p>

Verifiers
1.4.1 Certificate of solvency/tax certificate of the competent tax office
1.4.2 Evidence of payment (VAT, income tax)

Criterion 2: The logging/processing forestry entity meets its obligations as regards logging and forest management

Indicator 2.1: The forestry entity has competent and adequate professional resources, either internally or through the agency of a natural person or legal entity, to perform the management work
References to legislation, regulations and rules
— Articles 23, 40(3), 63 and 64 of Law 94/01
— Article 35 of Decree 95-531
Verifiers
2.1.1 Approval of the enterprise or its various subcontractors having been involved in certain management activities (inventories, forestry)
2.1.2 Service contracts with (an) approved structure(s) or a public body
Indicator 2.2: The forestry entity holds a legal harvesting licence
References to legislation, regulations and rules
— Articles 44 and 46 of Law 94/01
— Article 17 of Law 96/12 of 5 August 1996 setting out a framework law on environmental management
— Article 20 of Decree 0577 of 23 February 2005
Verifiers
2.2.1 Letter of approval of the terms of reference for the audit/environmental impact study
2.2.2 Certificate of conformity of the environmental impact study/audit
2.2.3 Annual operating permit
2.2.4 Notification of the start of activities
Indicator 2.3: The forestry entity respects the logging rules in the areas awarded
References to legislation, regulations and rules
— Articles 51(1), 73(1) and (2) of Decree 95-531
— Articles 4(1), (2), (3) and 4), 6, 12(1) and (2) and 13(1) and (2) of Order No 222
— Sheets 6, 14 and 17 of PROC

<ul style="list-style-type: none"> — Rules on activities in forest areas (NIMF) — Logging inventory rule
Verifiers
2.3.1 Count certificate or certificate confirming respect of the Rules on activities in forest areas
Indicator 2.4: The forestry entity respects the authorised timber quantities (number of stems/volume) in accordance with the requirements of the annual permit
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 46(3), 72(1) and 125(2) and (3) of Decree 95-531 — Article 6 of Order No 222 — Sheet 6 PROC — Rules on activities in forest areas (NIMF)
Verifiers
2.4.1 Worksite books (DF10) or SIGIF declaration
2.4.2 Count certificate
Indicator 2.5: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 66, 67 and 69 of Law 94 — Article 122 of Decree 95-531 — Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3) — Finance Law 2002/003 and subsequent revisions
Verifiers
2.5.1 Evidence of payment of forestry taxes, if stipulated in the terms and conditions, for the current year and the year preceding the year of verification

Criterion 3: The logging/processing forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the timber and derived products are accompanied by all the documents required in order to certify their legal origins
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 127(1) and 128 of Decree 95-531
Verifiers
3.1.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road

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| <p>3.1.2 Special declaration on note stamped by the competent manager in the event of transportation by rail</p> <p>3.1.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry department</p> |
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Criterion 4: The logging/processing forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry

References to legislation, regulations and rules
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| <ul style="list-style-type: none"> — Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code — Decree No 2008/2115/PM of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG) — Ordinance No 73-17 of 22 May 1973 organising social security — Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of Ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund — Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance — Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984 — Order No 039/MTPS/IMT of the Ministry of Labour and Social Security laying down the general provisions relating to health and safety at the workplace — Order No 019/MTPS/SG/CJ of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives — The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities — Order No 11/DEC/DT of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes — Practical directives from the International Labour Organization (ILO) — Law 64/LF/23 of 13 November 1964 protecting public health — Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious — Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question] — Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities |
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Verifiers

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| <p>4.1.1 Certificate of registration issued by the CNPS</p> <p>4.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district</p> <p>4.1.3 Internal rules stamped by the employment inspector of the administrative district</p> <p>4.1.4 Reports on the election of staff representatives</p> |
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4.1.5 Agreement on visits and care with a general practitioner
4.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
4.1.7 Inspection reports of the Ministry of Health
4.1.8 Declaration of establishment sent to the employment inspector of the administrative district
Indicator 4.2: The forestry entity respects the provisions of its terms and conditions in relation to the local communities within its area(s) of work
References to legislation, regulations and rules
— Article 36 of Law 94
— Chapter II of the Rules on activities in forest areas, Articles 4 and 5
Verifiers
4.2.1 Terms and conditions
4.2.2 Reports on the realisation of the social projects laid down in the terms and conditions
4.2.3 Minutes of the information meeting on the forestry right, signed by the administration or the Prefect

Criterion 5: The forestry entity meets its obligations in relation to the protection of biodiversity and the environment

Indicator 5.1: The forestry entity has made the necessary arrangements to prohibit the involvement of its staff in poaching, commercial hunting and the transportation or trade in hunting equipment and means. It encourages, supports and/or initiates all campaigns seeking to ensure application of the regulations in relation to hunting and to the protection of the fauna on its sites
References to legislation, regulations and rules
— Article 11(1) and (3) of Order No 222
— Chapter VI of the Rules on activities in forest areas, Articles 28, 29 and 30
Verifiers
5.1.1 Internal rules
5.1.2 Memoranda giving details of the ban on poaching and transportation of bush meat
5.1.3 Memoranda publishing any penalties
5.1.4 Record of offences
5.1.5 Food supply plan
Indicator 5.2: The forestry entity has complied with the legislation relating to the studies of environmental impact, and implements or arranges for implementation of the identified mitigating measures
References to legislation, regulations and rules
— Decree 0577 of 23 February 2005
— Article 11(1) and (2) of Order No 222 of 25 May 2001
— Articles 3 and 4 of Order 0069/MINEP of 8 March 2005
— Article 16 of the terms and conditions of the Centre for Enterprise Development

<ul style="list-style-type: none"> — Rules on activities in forest areas (in general) — Article 17, 79, 82 of Law 96/12 of 5.8.1996 setting out a framework law on environmental management — Guide on environmental measures in relation to logging
Verifiers
<p>5.2.1 Environmental inspection report</p> <p>5.2.2 Certificate confirming respect of the environmental clauses</p> <p>5.2.3 Record of environmental offences</p>

MATRIX 3: AUTHORISATION TO RECOVER STANDING TREES (ARB)

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality and is approved as a logger
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 41 and 42 of Law 94/01 — Articles 35(1) and 36 of Decree 95-531
Verifiers
<p>1.1.1 Certificate of domicile (natural person)</p> <p>1.1.2 Commercial register maintained at the competent court office (legal entity)</p> <p>1.1.3 Forestry approval granted by the competent authority</p> <p>1.1.4 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal</p>
Indicator 1.2: The forestry entity holds a salvage licence issued by the administration responsible for forests, in accordance with the law
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 73 of Law 94/01 — Article 110(1) and (2) of Decree 95/531 — Circular No 0354/LC/MINFOF/SG/DF/SDAFF/SN
Verifiers
<p>1.2.1 Project document</p> <p>1.2.2 Environmental conformity certificate issued to the project promoter by the Minister responsible for the environment</p> <p>1.2.3 Letter from the competent Minister stating the need to salvage the timber before the project is implemented</p> <p>1.2.4 Results of the inventory of the timber concerned</p> <p>1.2.5 Notice of public invitation to tender</p>

<p>1.2.6 Document from the interministerial committee selecting the forestry entity as the best bidder</p> <p>1.2.7 Receipts for payment of the sales price</p> <p>1.2.8 Salvage licence issued by the competent manager of the forestry administration</p> <p>1.2.9 Notification of the start of the work</p>
<p>Indicator 1.3: In the event that the salvage work is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation</p>
<p>References to legislation, regulations and rules</p>
<p>— Articles 41 and 42 of Law 94/01</p> <p>— Articles 35(1), 36 and 140(1), (2), (3), (4) and (5) of Decree 95-531</p>
<p>Verifiers</p>
<p>1.3.1 Subcontracting/partnership agreement</p> <p>1.3.2 Receipt for registration of the agreement approved by the local authorities of the Ministry responsible for forests</p> <p>1.3.3 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests</p> <p>1.3.4 Commercial register maintained at the competent court office</p> <p>1.3.5 Forestry approval granted by the competent authority (logging)</p> <p>1.3.6 Extract from the registration of the logging hammer with the office of the competent court</p>
<p>Indicator 1.4: The forestry entity has not been suspended or had its approval or right withdrawn by the administration</p>
<p>References to legislation, regulations and rules</p>
<p>— Articles 130, 131, 132 and 146 of Decree 95-531</p>
<p>Verifiers</p>
<p>1.4.1 Records/files of offences published by the competent administrations</p> <p>1.4.2 Register of disputes of the competent local departments</p> <p>1.4.3 Suspension decision of the Minister responsible for forests, substantiated and challenged, if applicable</p>
<p>Indicator 1.5: The forestry entity has complied with its tax obligations under existing law</p>
<p>References to legislation, regulations and rules</p>
<p>— Article 122 of Decree 95-531</p> <p>— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)</p> <p>— Finance Law 2002/003 and subsequent revisions</p>
<p>Verifiers</p>
<p>1.5.1 Tax patent</p> <p>1.5.2 Certificate of solvency/tax certificate of the competent tax office</p>

Criterion 2: The logging forestry entity meets its logging obligations

Indicator 2.1: The forestry entity respects the location of the project
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 4(1), (2), (3) and (4), 6, 12(1) and (2) and 13(1) and (2) of Order No 222 — Sheets 6, 14 and 17 of PROC — Rules on activities in forest areas (NIMF)
Verifiers
2.1.1 Project documents identifying the precise location of the project approved by the competent managers of the supervising Ministry (agriculture, public works)
2.1.2 Count certificate or inspection report
Indicator 2.2: The forestry entity respects the authorised timber quantities (number of stems/estimated volume) in accordance with the requirements of the licence
References to legislation, regulations and rules
— Article 6 of Order No 222
Verifiers
2.2.1 Count certificate or inspection reports from the forestry administration
Indicator 2.3: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 73(2) of Law 94/01 — Articles 122 and 110(1) of Decree 95-531 — Finance Law 2002/003 and subsequent revisions
Verifiers
2.3.1 Evidence of payment of the sales price (tender price + 13 %)
2.3.2 Evidence of payment of all other taxes stipulated in the terms and conditions

Criterion 3: The logging forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the salvaged timber is transported entirely legally and is accompanied by all the documents required in order to certify its legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers

- 3.1.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
- 3.1.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
- 3.1.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry departments and the place of loading

Criterion 4: The logging forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry

References to legislation, regulations and rules

- Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code
- Decree No 2008/2115/PM of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG)
- Ordinance No 73-17 of 22 May 1973 organising social security
- Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of Ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund
- Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance
- Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984
- Order No 039/MTPS/IMT of the Ministry of Labour and Social Security laying down the general provisions relating to health and safety at the workplace
- Order No 019/MTPS/SG/CJ of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives
- The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities
- Order No 11/DEC/DT of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes
- Practical directives from the International Labour Organization (ILO)
- Law 64/LF/23 of 13 November 1964 protecting public health
- Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious
- Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question]
- Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities

Verifiers

- 4.1.1 Certificate of registration issued by the CNPS
- 4.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district

4.1.3 Internal rules stamped by the employment inspector of the administrative district
4.1.4 Reports on the election of staff representatives
4.1.5 Agreement on visits and care with a general practitioner
4.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
4.1.7 Inspection reports of the Ministry of Health
4.1.8 Declaration of establishment sent to the employment inspector of the administrative district
Indicator 4.2: The forestry entity respects the provisions of its terms and conditions in relation to the local communities within its area(s) of work
References to legislation, regulations and rules
— Article 36 of Law 94/01
— Chapter II of the Rules on activities in forest areas, Articles 4 and 5
Verifiers
4.2.1 Terms and conditions
4.2.2 Reports on the realisation of the social projects laid down in the terms and conditions
4.2.3 Minutes of the information meeting on the forestry right, signed by the administration or the Prefect

Criterion 5: The logging forestry entity meets its obligations as regards biodiversity protection

Indicator 5.1: The logging forestry entity has made the necessary arrangements to prohibit the involvement of its staff in poaching, commercial hunting and the transportation or trade in hunting equipment and means. It encourages, supports and/or initiates all campaigns seeking to ensure application of the regulations in relation to hunting and to the protection of the fauna on its sites
References to legislation, regulations and rules
— Article 11(1) and (3) of Order No 222
— Terms and conditions
— Chapter VI of the Rules on activities in forest areas, Articles 28, 29 and 30
Verifiers
5.1.1 Internal rules
5.1.2 Memoranda giving details of the ban on poaching and transportation of bush meat
5.1.3 Memoranda publishing any penalties
5.1.4 Record of offences

MATRIX 4: TIMBER REMOVAL LICENCE (AEB)

(HARVESTED, FAILED, ABANDONED OR CONFISCATED)

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality and is approved as a logger
References to legislation, regulations and rules
— Article 41 of Law 94/01 — Articles 35(1) and 36 of Decree 95-531
Verifiers
1.1.1 Certificate of domicile (natural person) 1.1.2 Commercial register maintained at the competent court office (legal entity) 1.1.3 Forestry approval granted by the competent authority 1.1.4 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal
Indicator 1.2: The forestry entity holds a timber removal licence issued by the administration responsible for forests, in accordance with the law
References to legislation, regulations and rules
— Articles 56, 111 and 112 of Decree 95-531
Verifiers
1.2.1 Reports on offences and on confiscation of fraudulently logged timber (confiscated timber) 1.2.2 Report on abandoned billets drawn up by the local manager of the administration responsible for forests and summons letter sent to the owners (billets abandoned in the forest or failed) 1.2.3 Notice of public invitation to tender (confiscated, abandoned or failed timber) 1.2.4 Document from the sales committee selecting the forestry entity as the best bidder 1.2.5 Auction report and related receipts (sale amount + 13 %) 1.2.6 Stocktaking report (timber properly felled and not removed on expiry of the right) 1.2.7 Licence to remove timber issued by the competent manager of the forestry administration 1.2.8 Notification of the start of the work
Indicator 1.3: The forestry entity has not been suspended or had its approval or right withdrawn by the administration and is not implicated in the commission of the offence on account of which the timber has been confiscated
References to legislation, regulations and rules
— Chapter 3 of Law 94/01 — Articles 146, 150 and 152 of Law 94/01 — Articles 130, 131, 132, 135 and 146 of Decree 95-531

Verifiers
1.3.1 Records/files of offences published by the competent administrations
1.3.2 Suspension decision of the Minister responsible for forests, substantiated and challenged, if applicable
1.3.3 Report on an offence, closed and entered in the register of offences of the competent local departments
Indicator 1.4: The forestry entity has complied with its tax obligations under existing law
References to legislation, regulations and rules
— Article 122 of Law 94/01
— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)
— Finance Law 2002/003 and subsequent revisions
Verifiers
1.4.1 Tax patent
1.4.2 Certificate of solvency/tax certificate of the competent tax office

Criterion 2: The logging forestry entity meets its logging obligations

Indicator 2.1: The forestry entity respects the timber quantities (volume) awarded in accordance with the requirements of the licence
References to legislation, regulations and rules
— Articles 144 and 148 of Law 94/01 of 20 January 1994
Verifiers
2.1.1 Auction reports
2.1.2 Stubs of waybills or SIGIF declaration
2.1.3 Count certificate
Indicator 2.2: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
— Articles 111(2), 112(3), 113(2) and 122 of Decree 95-531
— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)
— Finance Law 2002/003 and subsequent revisions
Verifiers
2.2.1 Evidence of payment of the sales price
2.2.2 Evidence of payment of 13 % on top of the sales price

Criterion 3: The logging forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the timber removed is transported entirely legally and is accompanied by all the documents required and regulatory markings in order to certify its legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers
3.1.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
3.1.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
3.1.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry departments and the place of loading

Criterion 4: The logging forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry
References to legislation, regulations and rules
— Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code
— Decree No 2008/2115/PM of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG)
— Ordinance No 73-17 of 22 May 1973 organising social security
— Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of Ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund
— Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance
— Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984
— Order No 039/MTPS/IMT of the Ministry of Labour and Social Security laying down the general provisions relating to health and safety at the workplace
— Order No 019/MTPS/SG/CJ of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives
— The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities
— Order No 11/DEC/DT of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes
— Practical directives from the International Labour Organization (ILO)
— Law 64/LF/23 of 13 November 1964 protecting public health
— Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious
— Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question]

— Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities
Verifiers
4.1.1 Certificate of registration issued by the CNPS
4.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district
4.1.3 Internal rules stamped by the employment inspector of the administrative district
4.1.4 Reports on the election of staff representatives
4.1.5 Agreement on visits and care with a general practitioner
4.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
4.1.7 Inspection reports of the Ministry of Health
4.1.8 Declaration of establishment sent to the employment inspector of the administrative district

MATRIX 5: CUT TIMBER SALE (VC) IN THE NATIONAL FOREST DOMAIN

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality and is approved as a logger
References to legislation, regulations and rules
— Article 41 of Law 94
— Articles 35(1) and 36 of Decree 95-531
Verifiers
1.1.1 Certificate of domicile (natural person)
1.1.2 Commercial register maintained at the competent court office (legal entity)
1.1.3 Forestry approval granted by the competent authority
1.1.4 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal
Indicator 1.2: The forestry entity is the holder of a cut timber sale licence legally awarded by the administration responsible for forests
References to legislation, regulations and rules
— Article 57 of Law 94/01
— Articles 51(1) and (2), 58(2), (3) and (4), 60, 81, 82 and 83 of Decree 95-531
Verifiers
1.2.1 Notice of public invitation to tender, based on respect of the pre-emptive right
1.2.2 Document from the interministerial committee selecting the forestry entity offering the highest forestry fee
1.2.3 Receipt for registration of a complete file relating to the award of cut timber sales

<p>1.2.4 Proof of deposit of the surety with the Public Revenue Department</p> <p>1.2.5 Order awarding cut timber sale signed by the Minister responsible for forests, based on information from the invitations to tender</p> <p>1.2.6 Minutes of the information meeting, signed by the Prefect</p>
<p>Indicator 1.3: In the event that the logging activity is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation</p>
<p>References to legislation, regulations and rules</p>
<p>— Articles 41 and 42 of Law 94/01</p> <p>— Articles 35(1), 36 and 140(1), (2), (3), (4) and (5) of Decree 95-531</p>
<p>Verifiers</p>
<p>1.3.1 Subcontracting/partnership agreement</p> <p>1.3.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests</p> <p>1.3.3 Receipt for registration of the agreement approved by the local authorities of the Ministry responsible for forests</p> <p>1.3.4 Commercial register maintained at the competent court office</p> <p>1.3.5 Forestry approval granted by the competent authority</p> <p>1.3.6 Extract from the registration of the logging hammer with the office of the competent court</p>
<p>Indicator 1.4: The forestry entity has not been suspended or had its approval or right withdrawn by the administration</p>
<p>References to legislation, regulations and rules</p>
<p>— Chapter 3 of Law 94/01</p> <p>— Articles 130, 131 and 132 of Decree 95-531</p>
<p>Verifiers</p>
<p>1.4.1 Records/files of offences published by the competent administrations</p> <p>1.4.2 Register of disputes of the competent local departments</p> <p>1.4.3 Suspension decision of the Minister responsible for forests, substantiated and challenged, if applicable</p>
<p>Indicator 1.5: The forestry entity has complied with its tax obligations under existing law</p>
<p>References to legislation, regulations and rules</p>
<p>— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)</p> <p>— Finance Law 2002/003 and subsequent revisions</p>
<p>Verifiers</p>
<p>1.5.1 Tax patent</p> <p>1.5.2 Certificate of solvency/tax certificate of the competent tax office</p>

Criterion 2: The logging forestry entity meets its logging obligations

Indicator 2.1: The forestry entity has competent and adequate professional resources, either internally or through the agency of a natural person or legal entity, to produce the logging inventory
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 40(3) and 64 of Law 94/01 — Article 35 of Decree 95-531
Verifiers
2.1.1 Approval of the enterprise or its various subcontractors having been involved in certain inventory/forestry activities
2.1.2 Service contracts with (an) approved structure(s) or a public body
Indicator 2.2: The forestry entity respects the logging rules in the areas awarded
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 45 of Law 94/01 — Article 4(1), (2), (3) and (4) of Order 222 — Sheets 14 and 17 of PROC — Logging inventory rules — Rules on activities in forest areas (NIMF)
Verifiers
2.2.1 Count certificate or certificate confirming respect of the Rules on activities in forest areas
Indicator 2.3: The forestry entity holds a legal harvesting licence
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 45(1) of Law 94/01 — Articles 17, 79, 82 of Law 96/12 of 5 August 1996 setting out a framework law on environmental management — Article 20 of Decree 0577 of 23 February 2005
Verifiers
2.3.1 Letter of approval of the terms of reference for the environmental impact audit/study
2.3.2 Environmental conformity certificate
2.3.3 Annual harvest certificate
2.3.4 Notification of the start of activities
Indicator 2.4: The forestry entity respects the authorised timber quantities (number of stems/volume) in accordance with the requirements of the annual certificate
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 72(1) and 125(2) and (3) of Decree 95-531 — Rules on activities in forest areas (NIMF)

— Sheet 6 PROC
Verifiers
2.4.1 Worksite books (DF10) or SIGIF declaration
2.4.2 Count certificate
Indicator 2.5: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
— Articles 66, 67 and 69 of Law 94/01
— Article 122 of Decree 95-531
— Finance Law 2002/003 and subsequent revisions
Verifiers
2.5.1 Certificate of registration of the bank guarantee
2.5.2 Evidence of payment (RFA, TA, all forestry taxes, if stipulated in the terms and conditions), for the current year and the year preceding the year of verification

Criterion 3: The logging forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the logs produced are accompanied by all the documents and regulatory markings required in order to certify their legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers
3.1.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
3.1.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
3.1.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry department and the place of loading

Criterion 4: The logging forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry
References to legislation, regulations and rules
— Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code
— Decree No 2008/2115/PM of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG)
— Ordinance No 73-17 of 22 May 1973 organising social security

- Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of Ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund
- Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance
- Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984
- Order No 039/MTPS/IMT of the Ministry of Labour and Social Security laying down the general provisions relating to health and safety at the workplace
- Order No 019/MTPS/SG/CJ of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives
- The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities
- Order No 11/DEC/DT of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes
- Practical directives from the International Labour Organization (ILO)
- Law 64/LF/23 of 13 November 1964 protecting public health
- Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious
- Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question]
- Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities

Verifiers

- 4.1.1 Certificate of registration issued by the CNPS
- 4.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district
- 4.1.3 Internal rules stamped by the employment inspector of the administrative district
- 4.1.4 Reports on the election of staff representatives
- 4.1.5 Agreement on visits and care with a general practitioner
- 4.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
- 4.1.7 Inspection reports of the Ministry of Health
- 4.1.8 Declaration of establishment sent to the employment inspector of the administrative district

Indicator 4.2: The forestry entity respects the social obligations prescribed by the Forestry Code

References to legislation, regulations and rules

- Articles 36 and 61(1) and (3) of Law 94/01
- Article 85 of Decree No 95/531
- Decision No 0108/D/MINEF/CAB of 9 February 1998 applying the Rules on activities in forest areas

— Chapter II of the Rules on activities in forest areas
Verifiers
4.2.1 Terms and conditions
4.2.2 Reports on the realisation of the social projects laid down in the terms and conditions
4.2.3 Minutes of the information meeting on logging under the forestry right, signed by all the stakeholders
4.2.4 Record/file of offences/report

Criterion 5: The logging forestry entity meets its obligations in relation to the protection of biodiversity and the environment

Indicator 5.1: The forestry entity has made the necessary arrangements to prohibit the involvement of its staff in poaching, commercial hunting and the transportation or trade in hunting equipment and means. It encourages, supports and/or initiates all campaigns seeking to ensure application of the regulations in relation to hunting and to the protection of the fauna on its sites
References to legislation, regulations and rules
— Article 11(1) and (3) of Order No 222
— Chapter VI of the Rules on activities in forest areas, Articles 28, 29 and 30
Verifiers
5.1.1 Internal rules
5.1.2 Memoranda giving details of the ban on poaching and transportation of bush meat
5.1.3 Memoranda publishing any penalties
5.1.4 Record of offences
Indicator 5.2: The forestry entity has complied with the legislation relating to the studies of environmental impact, and implements the identified mitigating measures
References to legislation, regulations and rules
— Decree 0577 of 23 February 2005
— Article 11(1) and (2) of Order No 222 of 25 May 2001
— Articles 3 and 4 of Order 0069/MINEP of 8 March 2005
— Article 16 of the terms and conditions of the Enterprise Development Centre
— Rules on activities in forest areas (in general)
— Law 96/12 of 5 August 1996 setting out a framework law on environmental management (Articles 17, 79 and 82)
— Guide on environmental measures in relation to logging
Verifiers

5.2.1 Environmental inspection report
5.2.2 Certificate confirming respect of the environmental clauses
5.2.3 Record of environmental offences

MATRIX 6: STATE LOGGING OF A COMMUNITY FOREST

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The community is organised in the form of a legally recognised legal entity
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 28(3) of Decree 95-531 — Decision No 0098/D/MINFOF/SG/DF/SDFC adopting the document entitled 'Manual of award procedures and management rules for community forests – Version 2009' Points 3.1, 3.2, 3.5 of the manual of procedures — Law 90 on associations — Law 92 on cooperatives and GICs (Communal Interest Groups) — OHADA (Organisation for the Harmonisation of Business Law in Africa) uniform act on commercial companies and general interest groups
Verifiers
<p>1.1.1 Declaration receipt (associations)</p> <p>1.1.2 Registration certificate (communal initiative groups and cooperatives)</p> <p>1.1.3 Instrument of the clerk of the court (economic interest groups; EIGs)</p>
Indicator 1.2: The community is the beneficiary of a legally awarded community forest and a management agreement signed with the administration
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 37 and 38(1) of Law 94/01 — Articles 27(2) and (3), 28(1) and (2) and 29(1) and (2) of Decree 95-531 — Decision No 0098/D/MINFOF/SG/DF/SDFC adopting the document entitled 'Manual of award procedures and management rules for community forests – Version 2009' Points 5.1; 5.12.1; 5.13 and 5.17 of the manual of procedures, version 2009
Verifiers
<p>A– Provisional management agreement</p> <p>1.2.1 Receipt for registration of a complete file relating to the award of a community forest</p> <p>1.2.2 Provisional management agreement signed by the community and the competent administrative authority</p> <p>B– Final management agreement</p> <p>1.2.3 Receipt for registration of a complete PSG (Simple Management Plan) tender file for the final agreement</p> <p>1.2.4 Document approving the PSG, signed by the Minister for Forestry and Wildlife</p>

1.2.5 Final management agreement signed by the competent administrative authority
Indicator 1.3: In the event that the logging activity is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation
References to legislation, regulations and rules
— Articles 41 and 42 of Law 94/01 — Articles 35(1), 36 and 140(1), (2), (3), (4) and (5) of Decree 95-531
Verifiers
1.3.1 Subcontracting/partnership agreement 1.3.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests 1.3.3 Commercial register maintained at the competent court office 1.3.4 Forestry approval granted by the competent authority 1.3.5 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal
Indicator 1.4: The community is not the subject of a measure withdrawing or suspending the existing management agreement by the administration responsible for forests
References to legislation, regulations and rules
— Articles 38(2) and 65 of Law 94/01 — Articles 31(1) and 32(3) of Decree 95-531
Verifiers
1.4.1 Record of offences published by the ministry responsible for forests or report on offence(s) drawn up by the sworn agent of the Ministry responsible for forests 1.4.2 Suspension decision of the Minister responsible for forests, if applicable 1.4.3 Register of disputes of the competent local departments

Criterion 2: The logging forestry entity meets its obligations as regards logging and forest management

Indicator 2.1: The forestry entity has competent and adequate professional resources, either internally or through the agency of a natural person or legal entity, to perform the inventory work stipulated in the PSG
References to legislation, regulations and rules
— Articles 40(3) and 64 of Law 94/01 — Article 35 of Decree 95-531
Verifiers

<p>2.1.1 Approval of various subcontractors having been involved in certain management activities (inventories)</p> <p>2.1.2 Service contracts with (an) approved structure(s) or a public body</p> <p>2.1.3 Certificate of conformity of the inventory work</p>
Indicator 2.2: The forestry entity holds a legal harvesting licence
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 17 of Law 96/12 of 5/08/96 setting out a framework law on environmental management — Article 20 of Decree 0577 of 23 February 2005 — Article 96(2) of the Decree of 23 August 1995 — Decision No 0098/D/MINFOF/SG/DF/SDFC adopting the document entitled 'Manual of award procedures and management rules for community forests – Version 2009' Point 8.2.2.1 of the manual of procedures, version 2009
Verifiers
<p>2.2.1 Letter of approval of the terms of reference for the environmental impact study/audit</p> <p>2.2.2 Environmental conformity certificate</p> <p>2.2.3 Annual logging certificate</p> <p>2.2.4 Notification of the start of activities</p>
Indicator 2.3: The forestry entity respects the logging rules in the land authorised for logging
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Logging inventory rules — Circular 0048/LC/MINFOF/SG/DF/SDFC of 16 January 2009 — Rules on activities in forest areas (NIMF)
Verifiers
<p>2.3.1 Count certificate or certificate confirming respect of the Rules on activities in forest areas</p> <p>2.3.2 Annual report on activities</p>
Indicator 2.4: The forestry entity respects the authorised timber quantities (number of stems/volume) in accordance with the requirements of the annual logging certificate
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Article 125 of Decree 95-531 — Rules on activities in forest areas (NIMF)
Verifiers
<p>2.4.1 Worksite books (DF10) or SIGIF declaration and waybills</p> <p>2.4.2 Count certificate</p> <p>2.4.3 Annual report on activities</p>

Criterion 3: The logging/processing forestry entity meets its obligations as regards timber transportation

Indicator 3.1: The forestry entity ensures that the timber and derived products are transported entirely legally and are accompanied by all the documents required and regulatory markings in order to certify their legal origins
References to legislation, regulations and rules
— Articles 127(2) and 128 of Decree 95-531
Verifiers
3.1.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
3.1.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
3.1.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry department and the place of loading

Criterion 4: The logging/processing forestry entity meets its social obligations

Indicator 4.1: The forestry entity respects the provisions of the PSG in relation to the local communities within its area(s) of work
References to legislation, regulations and rules
— Article 36 of Law 94/01; Article 26(1) and (2) of the associated Decree
— Chapter II of the Rules on activities in forest areas, Articles 4 and 5
Verifiers
4.1.1 Simple management plan

Criterion 5: The logging/processing forestry entity meets its obligations in relation to the protection of biodiversity and the environment

Indicator 5.1: The forestry entity has made the necessary arrangements to prohibit the involvement of the population in poaching, commercial hunting and the transportation or trade in hunting equipment and means. It encourages, supports and/or initiates all campaigns seeking to ensure application of the regulations in relation to the protection of biodiversity in the community forest
References to legislation, regulations and rules
— Rules on activities in forest areas (in general)
— Decision No 0098/D/MINFOF/SG/DF/SDFC adopting the document entitled 'Manual of award procedures and management rules for community forests – Version 2009' Point 8.1 of the manual
— Article 32(2) of the Decree
— Articles 78 et seq. of the Law
Verifiers

5.1.1 Information and awareness media (posters, reports, video, cassettes etc.) and/or internal rules
5.1.2 Simple management plan
Indicator 5.2: The forestry entity has complied with the environmental legislation and implements the identified mitigating measures
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Decree 0577 of 23 February 2005 — Articles 3 and 4 of Order 0069/MINEP of 8 March 2005 — Rules on activities in forest areas (in general) — Articles 17, 79, 82 of Law 96/12 of 5 August 1996 setting out a framework law on environmental management — Guide on environmental measures in relation to logging
Verifiers
5.2.1 Simple management plan
5.2.2 Certificate confirming respect of the environmental clauses
5.2.3 Record of environmental offences

MATRIX 7: SPECIAL PERMIT (ebony logging)

Criterion 1: The logging forestry entity is legally authorised

Indicator 1.1: The forestry entity has legal personality and is approved as a logger
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 9, 41 and 42 of Law 94/01 — Articles 35(1), 36 and 114 of Decree 95-531
Verifiers
1.1.1 Certificate of domicile (natural person)
1.1.2 Commercial register maintained at the competent court office (legal entity)
1.1.3 Forestry approval granted by the competent authority
Indicator 1.2: The forestry entity is the holder of a special permit legally awarded by the administration responsible for forests
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 86(2) and 87 of Decree 95-531
Verifiers
1.2.1 Notice to the public
1.2.2 Receipt for registration of a complete file relating to the award of the special permit
1.2.3 Decision awarding the special licence, signed by the Minister responsible for forests

Indicator 1.3: In the event that the logging/processing activity is subcontracted, the subcontracting forestry entity has documents confirming the regularity of the situation
References to legislation, regulations and rules
— Articles 41 and 42 of Law 94/01 — Articles 35(1), 36, 114 and 140(1), (2), (3), (4) and (5) of Decree 95-531
Verifiers
1.3.1 Subcontracting/partnership agreement 1.3.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests 1.3.3 Commercial register maintained at the competent court office 1.3.4 Forestry approval granted by the competent authority (logging) 1.3.5 Authority to set up and operate an establishment classified by the Ministry responsible for the industry (processing) 1.3.6 Certificate of registration as a timber processor from the Ministry responsible for forests (processing)
Indicator 1.4: The forestry entity has not been suspended or had its approval or right withdrawn by the administration
References to legislation, regulations and rules
— Articles 150 and 152 of Law 94/01 — Articles 130, 131 and 132 of Decree 95-531
Verifiers
1.4.1 Records/files of offences published by the competent administrations 1.4.2 Register of disputes of the competent local departments 1.4.3 Suspension decision of the Minister responsible for forests, substantiated and challenged, if applicable
Indicator 1.5: The forestry entity has complied with its tax obligations under existing law
References to legislation, regulations and rules
— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3) — Finance Law 2002/003 and subsequent revisions
Verifiers
1.5.1 Tax patent 1.5.2 Certificate of solvency/tax certificate of the competent tax office

Criterion 2: The logging forestry entity meets its logging obligations

Indicator 2.1: The forestry entity holds a legal harvesting licence
References to legislation, regulations and rules
— Sheets 2 and 3 (PROC)
— Article 88(1) and (2) of Decree 95-531
Verifiers
2.1.1 Special permit
Indicator 2.2: The forestry entity respects the timber quantities (tonnage/volume) awarded in accordance with the requirements of the special permit
References to legislation, regulations and rules
— Article 125 of Decree 95-531
Verifiers
2.2.1 Stubs of waybills or SIGIF declaration
2.2.2 Count certificate
Indicator 2.3: The forestry entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
— Article 122 of Decree 95-531
— Article 86(6) of Law 94/01
— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)
— Finance Law 2002/003 and subsequent revisions
Verifiers
2.3.1 Evidence of payment of the regeneration tax for the current year and the year preceding the year of verification
2.3.2 Terms and conditions

Criterion 3: The logging forestry entity meets its obligations as regards the transportation of special products

Indicator 3.1: The forestry entity ensures that the special products harvested or purchased on the local market for processing in its installations are accompanied by all the necessary documents to certify their legal origins
References to legislation, regulations and rules
— Articles 115(1), (2) and (3), 127(1) and 128 of Decree 95-531
Verifiers

3.1.1 Waybills signed by the competent authority
3.1.2 Currently valid certificate of legality/permit of the supplier(s)
Indicator 3.2: The forestry entity ensures that the special products imported for processing in its installations are accompanied by the necessary documents to certify their legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers
3.2.1 Import licences issued by the competent authorities responsible for forests and finance
3.2.2 International waybills stamped for the entire route
3.2.3 Certificates of origin and phytosanitary certificates from the exporting country
3.2.4 FLEGT licences of the country of origin, or any other private certificate of legality/sustainable management recognised by Cameroon
Indicator 3.3: The forestry entity ensures that the special products from its installations are transported entirely legally and are accompanied by all the documents required in order to certify their legal origins
References to legislation, regulations and rules
— Articles 127(2) and (3) and 128 of Decree 95-531
— Article 86(6) of Law 94/01
Verifiers
3.3.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
3.3.2 Specification bulletins
3.3.3 Special declaration on note stamped by the competent manager in the event of transportation by rail
3.3.4 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry department and the place of loading
3.3.5 Terms and conditions for the products under CITES

Criterion 4: The logging forestry entity meets its social obligations

Indicator 4.1: The forestry entity meets its obligations in relation to the Employment Code (processing and industrial)
References to legislation, regulations and rules
— Law No 92/007 of 14 August 1992 setting out the Employment Code
— Social Security Code
— The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities (exercise of the right to form a union, staff representative, employment contract, working conditions and salaries, health and safety etc.)
— Article 49 of the national collective bargaining agreement
— Practical directives from the International Labour Organization (ILO)

Verifiers
4.1.1 Certificate of non-use of salaried staff (ANUPS) issued by the CNPS
4.1.2 Certificate of registration issued by the CNPS
4.1.3 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district
4.1.4 Internal rules stamped by the employment inspector of the administrative district
4.1.5 Reports on the election of staff representatives
4.1.6 Agreement on visits and care with a general practitioner
4.1.7 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise
4.1.8 Inspection reports of the Ministry of Health
4.1.9 Declaration of establishment sent to the employment inspector of the administrative district

Criterion 5: The logging forestry entity meets its obligations as regards environmental protection (industrial and processing)

Indicator 5.1: The forestry entity has complied with the legislation relating to the studies of environmental impact, and implements the identified mitigating measures
References to legislation, regulations and rules
— Guide on environmental measures in relation to logging in Cameroon
Verifiers
5.1.1 Certificate confirming respect of the environmental clauses
5.1.2 Record of environmental offences

MATRIX 8: TIMBER PROCESSING UNIT (UTB)

Criterion 1: The processing entity is legally authorised

Indicator 1.1: The processing entity has legal personality and is registered as a timber processor
References to legislation, regulations and rules
— Article 114 of Decree 95-531
— Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious
— Decree 99/818/PM of 9/November 1999 laying down the provisions for setting up and operating [the establishments in question]
— Order No 013/MINEE/DMG/SL (Ministry of Energy and Water/Mines and Geology Division/SL of 19 April 1977 repealing and replacing Order No 154 of 28 March 1957 coding dangerous, unhealthy or obnoxious establishments

Verifiers
<p>1.1.1 Certificate of domicile (natural person)</p> <p>1.1.2 Commercial register maintained at the competent court office (legal entity)</p> <p>1.1.3 Authority to set up and operate a first class establishment from the Ministry responsible for the industry, or receipt of declaration (2nd class)</p> <p>1.1.4 Certificate of registration as a timber processor from the Ministry responsible for forests</p> <p>1.1.5 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal</p>
Indicator 1.2: If the processing entity subcontracts the processing work to the holder of a forestry right, it has the documents certifying the regulatory of that situation in addition to those described under 1.1
References to legislation, regulations and rules
<p>— Article 42 of Law 94/01</p> <p>— Articles 114 and 140(1), (2), (3), (4) and (5) of Decree 95-531</p>
Verifiers
<p>1.2.1 Subcontracting/partnership agreement</p> <p>1.2.2 Letter of approval of the subcontracting agreement, issued by the Ministry responsible for forests</p> <p>1.2.3 Certificate of domicile</p> <p>1.2.4 Commercial register maintained at the competent court office (logging)</p> <p>1.2.5 Forestry approval granted by the competent authority (logging)</p> <p>1.2.6 Extract from the registration of the logging hammer stamps with the office of the competent Court of Appeal (logging)</p>
Indicator 1.3: The processing entity has complied with its tax obligations
References to legislation, regulations and rules
<p>— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)</p> <p>— Finance Law 2002/003 and subsequent revisions</p>
Verifiers
<p>1.3.1 Certificate of solvency/tax certificate of the competent tax office or proof of a moratorium (as applicable)</p> <p>1.3.2 Tax patent</p>

Criterion 2: The processing entity obtains supplies of timber of legal origin and meets its obligations in relation to timber transportation

Indicator 2.1: The processing entity ensures that timber purchased on the local market for processing in its installations is accompanied by all the necessary documents to certify its legal origin
References to legislation, regulations and rules
— Articles 115(1), (2) and (3), 127(1) and 128 of Decree 95-531

Verifiers
2.1.1 Secure waybills, signed by the competent authority
2.1.2 Certificate of legality of the supplier(s)
Indicator 2.2: The processing entity ensures that the timber imported for processing in its installations is accompanied by the necessary documents to certify its legal origins
References to legislation, regulations and rules
— Articles 127(2) and (3) and 128 of Decree 95-531
Verifiers
2.2.1 Import licences issued by the competent authorities responsible for forests and finance
2.2.2 International waybills stamped for the entire route
2.2.3 Certificates of origin and phytosanitary certificates from the exporting country
2.2.4 FLEGT licences of the country of origin, or any other private certificate of legality/sustainable management recognised by Cameroon
Indicator 2.3: The processing entity ensures that timber and derived products from its installations are transported entirely legally and are accompanied by all the documents required in order to certify their legal origins
References to legislation, regulations and rules
— Articles 127(1) and 128 of Decree 95-531
Verifiers
2.3.1 Waybill secured and signed by the competent authority of the Ministry responsible for forests, for the transportation of logs and cut timber by road
2.3.2 Special declaration on note stamped by the competent manager in the event of transportation by rail
2.3.3 Loading certificate of the competent customs department (transport in containers) together with the loading report of the forestry administration
Indicator 2.4: The processing entity has complied with its tax and forestry tax obligations associated with its activity(ies)
References to legislation, regulations and rules
— Article 122 of Decree 95-531
— Revised General Tax Code (Part 1, Chapter 1; Part 2, Chapter 1; Part 5, Chapter 3)
— Finance Law 2002/003 and subsequent revisions
Verifiers
2.4.1 Evidence of payment of plant entry tax (TEU) and other forestry taxes, if stipulated in the terms and conditions, for the current year and the year preceding the year of verification

Criterion 3: The processing entity meets its social obligations

Indicator 3.1: The forestry entity meets its obligations in relation to employment law, social security law and the collective bargaining agreements of the timber industry
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Articles 61(2) and 62(2) of Law No 92/007 of 14 August 1992 setting out the Employment Code — Decree No 2008/2115/PM of 24 January 2008 revaluing the minimum guaranteed interprofessional salary (SMIG) — Ordinance No 73-17 of 22 May 1973 organising social security — Decree 74-26 of 11 January 1974 laying down the application arrangements of certain provisions of ordinance No 73-17 of 22 May 1973 organising the National Social Security Fund — Decree No 74-723 of 12 August 1974 laying down the rates of contributions owed to the CNPS (National Social Security Fund) for the family allowances and the old age pension, invalidity pension and death benefit insurance — Law No 69-LF-18 of 10 November 1969 establishing a scheme for old age pension, invalidity and death benefit insurance, amended by Law No 84/007 of 4 July 1984 — Order No 039/MTPS/IMT of the Ministry of Labour and Social Security laying down the general provisions relating to health and safety at the workplace — Order No 019/MTPS/SG/CJ of the Ministry of Labour and Social Security of 26 May 1993 laying down the election arrangements and conditions for exercise of the duties of staff representatives — The national collective bargaining agreement (April 2002) of the companies involved in logging and in the processing of forest products and associated activities — Order No 11/DEC/DT of 25 May 1978 laying down the arrangements for the summoning and appearance of the Parties before the Employment Inspector for the settlement of employment disputes, — Practical directives from the International Labour Organization (ILO) — Law 64/LF/23 of 13 November 1964 protecting public health — Law 98/015 of 14 July 1998 relating to establishments classified as dangerous, unhealthy or obnoxious — Decree 99/818/PM of 9 November 1999 laying down the provisions for setting up and operating [the establishments in question] — Currently valid matrix of the salaries of the enterprises involved in logging and in the processing of forest products and associated activities
Verifiers
<p>3.1.1 Certificate of registration issued by the CNPS</p> <p>3.1.2 Employer registers in 3 parts, listed and signed by the competent court or by the employment inspector of the administrative district</p> <p>3.1.3 Internal rules stamped by the employment inspector of the administrative district</p> <p>3.1.4 Reports on the election of staff representatives</p> <p>3.1.5 Agreement on visits and care with a general practitioner</p> <p>3.1.6 Instrument establishing a workplace health and safety committee, signed by the manager of the enterprise</p> <p>3.1.7 Inspection reports of the Ministry of Health</p> <p>3.1.8 Declaration of establishment sent to the employment inspector of the administrative district</p>

Criterion 4: The processing entity meets its obligations in relation to environmental protection

Indicator 4.1: The processing entity has complied with the legislation relating to the studies of environmental impact, and implements the identified mitigating measures
References to legislation, regulations and rules
<ul style="list-style-type: none"> — Decree 0577 of 23 February 2005 — Article 11(1) and (2) of Order No 222 of 25 May 2001 — Articles 3 and 4 of Order 0069/MINEP of 8 March 2005 — Article 16 of the terms and conditions of the Enterprise Development Centre — Rules on activities in forest areas (in general) — Law 96/12 of 5 August 1996 setting out a framework law on environmental management (Articles 17, 79 and 82) — Guide on environmental measures in relation to logging
Verifiers
<ul style="list-style-type: none"> 4.1.1 Letter of approval of the terms of reference for the environmental impact audit/study 4.1.2 Certificate of conformity of the environmental impact study/audit 4.1.3 Environmental inspection report 4.1.4 Certificate confirming respect of the environmental clauses 4.1.5 Record of environmental offences

References to existing legislation, regulations and rules

1. Law No 94-01 of 20 January 1994 setting out the Forest Code
2. Law No 96-12 of 5 August 1996 setting out the framework law on environmental management
3. Order No 222 MINEP of 25 May 2001 laying down the procedures for drawing up, approving, monitoring and controlling the management of the productive forests of the permanent forest domain
4. Decree No 2005/577 of 23 February 2005 laying down the terms for the production of environmental impact studies
5. Order No 0069 MINEP of 8 March 2005 laying down the different categories of operation whose realisation is subject to an environmental impact study
6. Finance Law No 2002/003 of 19 April 2002 setting out the General Tax Code
7. Cameroon Employment Code of 14 August 1992
8. Collective bargaining agreement of loggers:
 - (a) Exercise of the right to form a union (Title 2)
 - (b) Staff representative (Title 3)
 - (c) Employment contract (Title 4)
 - (d) Terms and conditions of employment, salaries (Title 4)
 - (e) Hygiene, health and safety (Title 5)

Rules and other documents

1. Procedure (abbreviated to PROC) for drawing up, approving, monitoring and controlling management plans for the productive forest of the permanent forest domain of Cameroon. Definition of the TECHNICAL SHEETS (version of July 2001):

Sheet 1: List of rules and forestry management documents

Sheet 2: Specimen provisional agreement and terms and conditions

Sheet 3: Specimen final agreement and terms and conditions

Sheet 4: Glossary

Sheet 5: Outline of the forestry management plan

Sheet 6: List of species, code, minimum diameter of exploitability (DME) and growths

Sheet 7: Specimen report for the management inventory

Sheet 8: Allocation of land within the productive forests and associated activities

Sheet 9: Outline five-year management plan

Sheet 10: Approval protocol of the management inventory

Sheet 11: Verification and approval protocol of the management plan

Sheet 12: Five-year evaluation, end of agreement and end of rotation protocol

Sheet 13: Forms relating to annual logging procedures

Sheet 14: Certificate of materialisation of the logging concession

Sheet 15: Certificate of verification of the logging inventory

Sheet 16: Industrial logging control protocol

Sheet 17: Industrial logging count certificate

Sheet 18: Management work acceptance protocol

2. Inventory, management and pre-investment rules, Cameroon National Forest Development Office (ONADEF), June 1991
3. Logging inventory rules, ONADEF, May 1995
4. Guide to environmental measures associated with logging in Cameroon (Ministry of the Environment and Nature Protection – March 2005 version):
 - (a) General considerations, terminology definitions
 - (b) Protection of the interests of the population
 - (c) Protection of special sites

- (d) Protection of water resources
 - (i) Protection of the banks of areas of water
 - (ii) Protection of water quality
 - (e) Protection of biodiversity
 - (i) Protection of fauna
 - (ii) Protection of flora
 - (f) Protection of soil
 - (i) Planning the road network
 - (ii) Road construction and improvement
 - (iii) Clearing work
 - (g) Setting up log yards
 - (h) Forest campsites and industrial installations
 - (i) Final provisions
5. NIMF: Rules on activities in forest areas (Decision No 0108/D/MINEF/CAB of 9 February 1998)
- (a) General provisions
 - (b) Relations with local populations
 - (c) Forest management activity in connection with certain territorial units or protected sites
 - (d) Protection of banks of areas of water
 - (e) Protection of fauna
 - (f) Route, construction and improvement of forest roads
 - (g) Forest campsites and industrial installations
 - (h) Setting up log yards
 - (i) Logging
 - (j) Extraction
 - (k) Final provisions
6. Decision No 0098/D/MINFOF/SG/DF/SDFC adopting the document entitled 'Manual of award procedures and management rules for community forests – Version 2009'
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ANNEX III-A

LEGALITY ASSURANCE SYSTEM**I. Introduction**

The Legality Assurance System (LAS) is a viable means of distinguishing forest products of lawful origin from those of unlawful origin, based on the definition of legal timber laid down in the text of this Voluntary Partnership Agreement (VPA). It makes it possible to ensure, at any time and anywhere within Cameroon, that only timber produced or acquired legally is in circulation, and may be granted a FLEGT licence when required. It functions on the basis of the following elements:

1. verification of the legality of the forestry entity ⁽¹⁾;
2. national monitoring of forestry activities;
3. national control of forestry activities;
4. verification of the conformity of the supply chain;
5. issuing FLEGT licences;
6. an independent audit.

II. Coverage

The LAS applies to all sources of production or acquisition of timber and timber products circulating within the national territory.

Timber imported ⁽²⁾ by forestry entities established in Cameroon will continue to be imported subject to the conditions laid down in the Cameroon legislation and regulations. Such timber does not trigger the issue of a FLEGT licence by the Cameroon issuing authorities unless it meets the origin rules (which are laid down in the economic partnership agreements) and meet at least one of the following requirements:

- it holds a FLEGT licence from its country of origin,
- it holds a private certificate recognised by the Cameroon Government as having originated from a sustainable management reference tool including at least the criteria required in the Cameroon legality matrices.

At all events, the legality of the timber imported by the forestry entities established in Cameroon is verified at the border before entering Cameroon and again when it enters the processing units, where it will be registered in the special 'CEMAC plant entry' books. Close cooperation with the other CEMAC countries will ensure avoidance of the import of illegal forestry products by Cameroon.

Timber in transit through Cameroon must be saved in the traceability system (in a database created in the second generation computer system administering forestry information – SIGIF II) and must follow a customs route defined for that purpose. The monitoring procedures for timber in transit will be defined in detail at a later date, during the implementation period, as will the information necessary in order to confirm the fact that the timber in question is in transit, based on the existing CEMAC procedures.

III. Verification of the legality of the forestry entity

The definition of legality and the tools used to ensure the legality of the forestry entities are set out in Annex II. That Annex includes eight legality matrices produced in order to cover the different supply sources of the timber from the permanent forest domain (DFP), the non-permanent forest domain (DFNP) or the timber processing units (UTB):

- Permanent forest domain
 - Legality matrix 1: logging agreement (CE),

⁽¹⁾ 'forestry entity': natural or legal person, community, commune with a legal source for the production, acquisition or processing timber and derived products.

⁽²⁾ At present, only CEMAC timber (which originates from a country belonging to the Economic and Monetary Community of Central Africa, other than Cameroon) is involved in import and transit, but cover under the system may be extended to any origin other than the CEMAC countries.

- Legality matrix 2: communal forest (FCle); State logging.
- Non-permanent forest domain
 - Legality matrix 3: salvage licence (ARB),
 - Legality matrix 4: harvested timber removal licence (AEB),
 - Legality matrix 5: cut timber sale (VC) in the national domain,
 - Legality matrix 6: community forest (FC); State logging,
 - Legality matrix 7: special permit (PS); ebony logging in the national domain and the communal forests.
- Timber processing units
 - Legality matrix 8: timber processing units (UTB).

With the exception of the UTB matrix, which has certain specific features, all the legality matrices are based on five (5) common criteria, covering the aspects of administration (criteria 1), logging and management (criteria 2), transportation (criteria 3), the social area (criteria 4) and the environment (criteria 5). Dependent on the matrices, these criteria are broken down into a variable number of indicators, which are in turn broken down into verifiers.

Verification of the conformity of the situation of every forestry entity with its verifiers is based on the technical documents stipulated in the regulatory texts issued by the various administrations and are, for the most part, available for consultation in the central database of the Ministry responsible for forests (SIGIF II). This verification work in relation to the legality of the forestry entity is undertaken within a formal structure of the Ministry responsible for forests in Yaoundé (see Annex III-B), using a flexible and rigorous procedure culminating in the issue of the certificate of legality to the logging/processing forestry entity, for every right awarded to it and/or every timber processing facility it owns. The procedures for issue of the 'certificate of legality' (identification of the documents of the administrative file, proper functioning of the system that reconciles the data from the various Ministries involved, procedure for renewal of the certificate of legality etc.) are defined in a special regulatory provision of the Ministry responsible for forests⁽¹⁾.

The 'certificate of legality' is issued for any given fiscal year, with a period of validity of:

- at most 1 year for rights relating to the permanent forest domain (management agreement and communal forests),
- at most 6 months for rights relating to the non-permanent forest domain,
- at most 1 year for the processing units.

The certificate of legality may be suspended at any time following a dispute as described in Section V.

The central departments responsible for verifying legality may trigger site visits to check the authenticity of the verifiers set out in the corresponding legality matrix, which cannot always be fully understood on the basis of documentary analysis alone. These verifications also cover the elements supplied by the partner administrations (Ministry responsible for health, employment, social affairs, the environment and natural protection etc.), who issue documents required in the legality matrices.

The detailed procedure for verifying the legality of the forestry entity, and in particular the methods that will be used by the central departments responsible for verifying legality, will be drawn up during the preparatory phase.

In the specific case of forestry entities holding a private certificate of legality and/or sustainable forest management, which (i) is recognised and approved by the Minister responsible for forests, which defines the conditions of issue of approvals to certifiers and private auditors, (ii) has a credible and independent audit and (iii) uses a reference tool which must include all the requirements of the Cameroon legality matrices, these will be acknowledged as being in conformity with the legal situation in Cameroon. Such forestry entities will thus receive the 'certificate of legality' from the central departments responsible for verifying legality, on the basis of the valid certificate renewed annually, which will be requested during the monitoring audit.

⁽¹⁾ This provision will be laid down during the operationalisation phase of the system.

Recognition by MINFOF of private certificates of legality and/or sustainable management will take place following an analysis of the reference tools used by the approved offices, in order to check that they have in fact included all the criteria, indicators and verifiers of the Cameroon legality matrices (administrative, logging and management, transport, social and environmental aspects). MINFOF will conduct a formal assessment of the private certification standards of the forest concessions in Cameroon, based on the legality matrix, during the preparatory phase. Following this assessment, a report will be drawn up, which will be published and publicly accessible. If the assessment is positive, the private certification system will be approved by the Minister responsible for forests under a regulatory provision. This approval will be published. It will hence allow the issue of a certificate of legality to companies certified under such a system, without any specific assessment having to be conducted, avoiding dual verification of legality in these certified forestry concessions. However, the forestry company receiving this approved certification must send the central departments responsible for verifying legality all the certification audit reports drawn up in relation to the private certification system, to enable it to monitor compliance with legality in this process, and thus enable the issue of the certificate of legality with respect to the enterprise and the right in question.

IV. National monitoring of forestry activities

National monitoring of forestry activities is coordinated by the Ministry responsible for forests, via the specialist departments, and involves all the other administrations concerned in the national land management process. The monitoring tool is the second generation computer system administering forestry information (SIGIF II), whose central memory is located at the Ministry responsible for forests, with links (electronic links allowing information to be uploaded and real-time access) to the 'MESURE' tax system and the 'SYDONIA' customs system of the Ministry of Finance. It is therefore dependent not only on the proper functioning of those departments throughout the country, but also on positive collaboration with all the actors within the forestry industry.

SIGIF II is the IT tool with a central memory located at the Forests Division, on which all the data relating to the forestry industry originating from the forest and hunting control points, checkpoints, departmental delegations, regional delegations, forestry entities, tax and customs administrations etc., is held on file. It enables, at all times, the situation of every forestry entity to be ascertained and all necessary decisions in relation to the legality of their activities to be taken. It thus represents the main source of information capable of blocking the process leading to the issue of the FLEGT licence, when a forestry entity whose situation is irregular requests such a document; hence the use of the term 'blocking system'.

MESURE (Meilleur suivi du rendement fiscal/improved monitoring of the tax yield) is a client/server application, which operates in the large enterprises division (DGE), in the forestry revenue security program (PSRF) and in the tax offices responsible for medium-sized enterprises (CIME) of the General Tax Directorate. Its main function is to monitor and manage taxes, fees, duties and charges. It offers a platform for entry, processing and analysis of declaration data in relation to forestry taxation. After the link with SIGIF II is set up, it will generate the following data:

- general taxation data (patents, CNPS, taxes under existing law),
- chart monitoring payment of the felling tax,
- table monitoring payment of the plant entry tax,
- chart relating to collections from public auctions and transactions,
- chart monitoring collection and allocation of the RFA,
- chart relating to payment of small rights,
- approval expenses, expenses for the award of rights etc.

All this information is used in monitoring correspondence and enters the blocking system in the event of any irregularity.

SYDONIA: the customs IT system (SYDONIA) is a global application; it is used by the United Nations Conference on Trade and Development (Unctad), in several member countries of the World Customs Organization (WCO). It is a server/user application, which is currently used by the Cameroon customs administration. Under the link with SIGIF II, it communicates the following information in real-time:

- statistical data relating to quantities exported:
 - national log exports,
 - exports of logs in transit (CEMAC),
 - national exports of sawn timber,

- exports of sawn timber in transit (CEMAC),
- exports of parquet,
- exports of plywood,
- exports of veneers,
- exports of special products,
- exports of finished timber products,
- statistical data on the global taxable values of the quantities exported,
- statistical data on the budgetary revenue generated by the timber exports,
- data relating to the forestry entities suspended from customs activity and the reasons for their suspension,
- data relating to the discharge of payments and the volumes granted either by the General Tax Directorate (DGI) or MINFOF,
- data relating to the volumes of logs exported by certain forestry entities holding special licences (export of logs of category 2 promotion species),
- data relating to the number of FLEGT licences accompanying the shipments actually loaded,
- data on the quantities of CEMAC timber in transit or imported.

As in the case of MESURE, all the SYDONIA information is used in monitoring correspondence and enters the blocking system in the event of any irregularity.

V. National control of forestry activities

National control of forestry activities is undertaken on a day-to-day basis along the entire supply chain. All the information obtained is saved in the traceability system and enters the central database SIGIF II. This is undertaken by all the specialist departments of the Ministry responsible for forests, assisted by the forces responsible for keeping order and the Justice Ministry. It takes place in conformity with the 'National Strategy for Forestry and Fauna Control', which applies to the individual stages of the supply chain and is based, inter alia, on the traceability system described in this Annex. Amended control procedures will be drawn up during the preparatory phase, in order to take account of the requirements of the Legality Assurance System.

The forestry control activities may give rise to disputes, which are managed using the software tool 'Monitoring offences and IT management of forestry disputes' (SIGICOF), a module linked to SIGIF II. The conclusions of the forestry complaint will be used in the blocking system against any forestry entity committing an offence, as soon as it has been declared guilty by the competent courts. These conclusions are therefore set out in the record of offences within the SIGIF II database and continue to block for the entity in question (i.e. prevent the issue of the certificate of legality), while not having yet produced all the legal effects laid down in the applicable regulations.

VI. Verification of the conformity of the supply chain

This is the traceability system for timber and derived products in Cameroon.

VI a. Objective

The traceability system will be capable of monitoring the trace of the timber and timber products from the forest to the point of export, including all intermediate points. This traceability system thus allows entry of the results of the logging inventory, all the volumes felled, transported, entering the plant and processed, and all the CEMAC products imported or in transit.

VI b. Coverage

Verification of conformity of the supply chain covers the entire national territory, all the production or acquisition methods (forestry concession, cut timber sale, community forests, communal forests, salvage licences and public auctions) and all forestry products exported, imported, in transit and exchanged within the country.

VI c. Principles

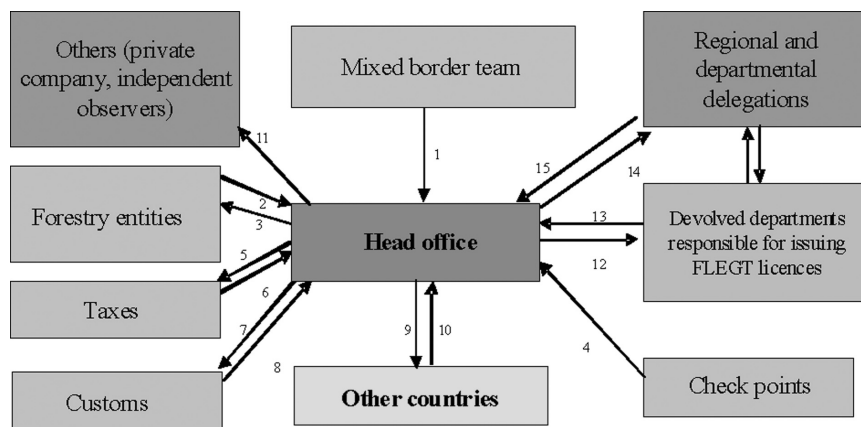
The system is designed on the basis of the following principles:

- it is a central database (SIGIF II), which is accessible online by all the actors involved in the timber sector,
- it is linked to the databases of other administrations or departments, for the purposes of linking and consolidating information [SIGIF II, SIGICOF, SYDONIA, MESURE] in real-time,
- it functions in client/server mode, with regulated access to the server (group, rights etc.). Data is uploaded in real-time by all those using the system (loggers, industrial operators, exporters, importers, tax administration, customs administration and forest administration),
- it permits transparency of the sector, by providing online access to reliable and relevant information to the benefit of the actors dealing with forestry problems,
- it sets up the logging inventory: every tree listed under the existing legislation is given a reference number (barcode),
- it is electronic (fast and reliable) and is at the same time documentary (waybills, worksite books etc.),
- it is declarative and increases accountability (in both tax and forestry terms). The forestry entity is made accountable through the fact that it is itself responsible for blockages and delays: if it fails to send its felling (and other) declarations, it penalises itself as regards downstream operations (export),
- it is compatible with the systems established in neighbouring countries and with those set up by the forestry entities,
- it has a blocking effect in relation to the member groups, to the rights granted to each group and to the encoding of the centrally secured databases. The traceability system must include validation of data entered at every stage. (e.g.: issue of the permit by the central MINFOF requires entry of the logging inventory data),
- it is a system designed to simplify the control procedures, in particular through reduction of the number of control points (identification of mandatory points of passage), through the electronic link which facilitates information exchange etc.

VI d. The actors and their rôles

As indicated above, the actors may encode, transmit or consult the data in SIGIF II at various levels along the traceability chain. The flow of data transmission/consultation between the actors is set out in the flowchart below:

Flowchart of the flow of data transmission/consultation



Key: meaning of the arrows

No	Flow of data or information passing through
1	<ul style="list-style-type: none"> — Control of transportation documentation (waybills, specification bulletins, certificates of origin and customs documents) — Encoding of physical control data on CEMAC timber — Specific barcodes

No	Flow of data or information passing through
2	— Uploading data on their activities (inventories, felling, transportation, processing, import and export) — Uploading information on felling tax (TA), plant entry tax (TEU), annual forestry fee (RFA) and existing taxes, to monitor correspondence
3	— Availability for consultation purposes of statistics on production, taxes calculated, conclusions of disputes
4	— Encoding of physical control data
5	— Consultation in relation to statistics on production, taxes calculated, conclusions of disputes
6	— Encoding of data processed by MESURE
7	— Consultation in relation to physical control data recorded by border posts
8	— Encoding of data processed by SYDONIA
9	— Consultation in relation to statistics on products imported and in transit, CEMAC timber
10	— Consultation, where necessary, on data relating to the legality of the timber
11	— Consultation on the production statistics and elements of scientific analyses
12	— Traceability of timber and derived products destined for export
13	— Encoding of export data (specification bulletin on timber for export) — Encoding of FLEGT licence numbers
14	— Consultation in relation to inventories, production and processing statistics, statistics on the volume of rolled products, taxes calculated, conclusions of disputes, certificates of legality etc.
15	— Encoding of physical control data — Encoding of data relating to disputes (record of confiscations, record of auction sales of confiscated products)

Definition of the roles of the individual actors:

- MINFOF central office:
 - management of the system and regulation of procedures,
 - encoding of basic information,
 - supervision of control,
 - links with other administrations,
 - validation of data at central level,
 - independent audit.
- The forestry entities:
 - uploading data on their activities (inventories, felling, transportation, processing, import and export) or transmission to the departments responsible for uploading onto the database,
 - uploading information on felling tax (TA), plant entry tax (TEU), annual forestry fee (RFA) and existing taxes, to monitor correspondence, or transmission to the departments responsible for uploading onto the database.
- The joint border teams:
 - uploading data on timber from neighbouring countries,
 - control and verification of documents,
 - provision of specific barcodes for timber in transit, as necessary.
- The regional and departmental delegations responsible for forests:
 - uploading data from specification bulletins on timber for export (BSE),
 - uploading data on control and documentary verification undertaken at the forestry and hunting control post (PCFC),

- uploading data relating to the auction sale of confiscated products (VEB).
- Checkpoints:
 - uploading physical control data,
 - reading barcodes.
- The entity responsible for issuing FLEGT licences:
 - uploading data referred to on the FLEGT licences issued,
 - physical documentary control,
 - the issue of FLEGT licences.
- Tax administration:
 - uploading information on felling tax (TA), plant entry tax (TEU), annual forestry fee (RFA) and existing taxes, to monitor correspondence.
- Customs:
 - uploading information in relation to quantities loaded, imported, in transit,
 - physical and documentary verification,
 - uploading customs revenue information.
- Other countries:
 - consultation via the links between traceability systems.
- Other actors:
 - reading, observation, exposure and suggestions.

The organisational procedures of the institutional actors called upon to play an essential part in implementing the LAS are set out in Annex III-B.

VI e. Information management

The table below sets out the broad outlines of the traceability system to be set up. The procedures specific to each stage in the supply chain will be devised during the preparatory phase, with external technical assistance support over a limited period and after field testing. These specific procedures defining the frequency of controls/verifications, sampling methods, field control procedures, record of offences, processing of CEMAC timber etc., will be set out in a procedure manual drawn up and distributed to all the actors involved. Specific equipment and resources will be made available to the departments responsible for monitoring traceability.

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
1. Forests ⁽¹⁾	Logging inventories	<ul style="list-style-type: none"> — Operators via research departments approved for undertaking inventories — MINFOF (prior inventories in the salvage licences) → Marking of every inventorised tree with a bar-coded label 	<ul style="list-style-type: none"> — barcode — logger — fiscal year — species code — diameter at breast height (DHP) (1,3 m) — GPS coordinates — right No/UFA (Forest Management Unit)/block/annual allowable cuts (AAC) 	<p>Data entry by the operators and recording in SIGIF II</p> <p>Inventory card recorded in the Central Unit of Forest Mapping (UCECAF)</p>	Field control by MINFOF of the quality/viability of the inventory (central and devolved departments) based on sampling (verification rules)	Test for coherence with the management inventories (in particular in relation to inventorised species)
	Felling	<ul style="list-style-type: none"> — Operators → Marking of the stump and the felled log with new bar-coded labels (same barcode as the standing tree) 	<ul style="list-style-type: none"> — barcode — DF10 (worksite book) No — logger — subcontractor — AAC No — area — species code — length — Largest diameter end — Smallest diameter end — Date 	<p>Entry of data by the operators on the DF10 worksite books and recording in SIGIF II</p>	Field control by MINFOF (devolved departments, National Control Team (BNC) and the Independent Observer (OI))	<p>Test for automatic coherence in the SIGIF II between the volume/number of standing trees felled and authorised.</p> <p>Interface with MESURE database of the Ministry of Finance (MINFI) (felling tax)</p>

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
2. Transportation of logs: forest – export forest – plant forest intermediate depot intermediate depot – export intermediate depot – plant	Preparation and loading at the timber depot in the forest (to the plant, export or intermediate depot)	— Operators → Marking with new bar-coded labels on the prepared billets (linked to the barcode on the original log)	— barcode — log waybill No — DF10 No (+ line and position) — AAC No — departure No (timber depot) — destination — carrier — species code — length — largest diameter end — smallest diameter end — date — agent (+ logging hammer No) — vehicle registration	Entry by the operators on the log waybill and recording in SIGIF II	Field control by MINFOF (devolved departments, BNC and the OI) with systematic verification and at checkpoints, of the validity/viability of the documents, recording of barcodes and physical verification of volumes in the log waybill declarations	Automatic coherence test in SIGIF II (in particular between rolled volumes and felled volumes, destination etc.)
	Preparation and loading at the intermediate depot or station	— Operators	— barcode — log waybill No (intermediate depot)/rail transport note — DF10 No (+ line and position) — AAC No — departure (depot name) — destination — carrier — species code — length — largest diameter end — smallest diameter end — date — agent (+ logging hammer No) — vehicle registration	Entry by the operators on the 'intermediate depot' waybill and recording in SIGIF II	Field control by MINFOF (devolved departments, BNC, OI and checkpoints) with systematic verification of the validity/viability of the documents, recording of barcodes and physical verification of volumes in the declarations in the 'intermediate depot' log waybill and waybill	Automatic coherence test in SIGIF II between 'intermediate depot' log waybill and waybill

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
3. Plant	Receipt at plant entry	— Operators	<ul style="list-style-type: none"> — barcode — processor — species code — supply title — DF10 No — 'intermediate depot' log waybill or waybill — length — largest diameter end — smallest diameter end — date — agent 	Entry by the operators and recording in SIGIF II	<p>Systematic joint control by MINFOF and MINFI</p> <p>Physical verification of billets and comparison of information on waybills → Reading of barcodes and entry of 'intermediate depot' log waybill and waybill by the MINFOF agents</p>	<p>Automatic coherence test in SIGIF II between rolled volumes and volumes at plant entry</p> <p>Link with MESURE database of the MINFI (plant entry tax)</p>
	Entry into processing chain	<ul style="list-style-type: none"> — Operators → Marking by barcode on the prepared blocks (link with barcode of original billet) 	<ul style="list-style-type: none"> — barcode — Plant entry code (CEU) No — species code — origin — DF10 No - line - position — waybill No — length — largest diameter end — smallest diameter end — date (entry into processing chain) 	Entry by the operators on the timber processing plant entry records and recording in SIGIF II	<p>Systematic joint control by MINFOF and MINFI</p> <p>Physical verification of blocks and comparison with information on plant entry codes</p>	Automatic coherence test in SIGIF II between plant entry volumes and production chain entry volumes (processing chain)
	Departure from processing chain	<ul style="list-style-type: none"> — Operators → Marking of a new barcode on the processed products (link with blocks entering the processing chain) 	<ul style="list-style-type: none"> — barcode — plant departure code No — contract No — processor — fiscal year — species code — length — width — thickness — number of pieces — date (departure) 	Entry by the operators on the plant departure records and recording in SIGIF II	Systematic joint control by MINFOF and MINFI	<p>Comparison between volumes entering and leaving the production chain and test of coherence against average material yields per species</p> <p>Link between processed products (leaving the plant) and logs registered in the CEU, for daily reconciliation if possible</p>

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
4. Transport of processed products: plant – port plant – plant plant – intermediate depot intermediate depot – port		— Operator	<ul style="list-style-type: none"> — barcode — cut timber waybill (LVD) No/rail transport note — contract No — pack No — processor — carrier — departure — destination — fiscal year — species code — length — width — thickness — number of pieces — date 	Entry by the operators on the LVDs and recording in SIGIF II	Field control by MINFOF (devolved departments, BNC, OI and checkpoints) with systematic verification of the validity/viability of the documents, recording of barcodes and physical verification of volumes in the declarations in the 'intermediate depot' log waybill and waybill	Automatic reconciliation in SIGIF II
5. Port	Log export	Operator	<ul style="list-style-type: none"> — barcode — country of destination — logger — fiscal year — title No — AAC No — species code — length — largest diameter end — smallest diameter end — date — agent — contract No — log waybill No 	<p>Encoding by the operators of the data contained in the specification bulletins on timber for export (BSE) and recording in SIGIF II</p> <p>Confirmation by the peripheral legality unit</p>	<ul style="list-style-type: none"> — Documentary review of the file — Physical verification of every batch in BSE — Physical verification by customs (support from SGS) via sampling 	<ul style="list-style-type: none"> — Automatic coherence test in SIGIF II (Douala Port forest point) relating to the identity, origin, history of the products, the earlier parties in the supply chain etc. — Automatic coherence test in the MINFI (MESURE) database — Automatic coherence test in the customs database (SIDONIA) → FLEGT licence

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
	Exports of cut timber	Operator	<ul style="list-style-type: none"> — barcode — country of destination — processor — fiscal year — length — width — thickness — number of pieces — species code — Volume — date — agent — contract No — LVD No 	Entry by the operators of the specification bulletins on timber for export (BSE) and in SIGIF II	<ul style="list-style-type: none"> — Documentary review of the file — Physical verification of every batch in BSE — Physical verification by customs (support from SGS) via sampling 	<ul style="list-style-type: none"> — Automatic coherence test in SIGIF II (Douala Port forest point) relating to the identity, origin, history of the products, the earlier parties in the supply chain etc. — Automatic coherence test in the MINFI (MESURE) database — Automatic coherence test in the customs database (SYDONIA) → FLEGT licence
	Export of logs and cut timber in containers (loading)	Operator and MINFOF/ MINFI	<ul style="list-style-type: none"> — barcode — country of destination — processor — fiscal year — length — width (cut timber) — thickness (cut timber) — number of pieces (cut timber) — largest diameter end (logs) — smallest diameter end (logs) — species code — volume — date — agent — contract No — waybill No 	Encoding by the operators of the data contained in the specification bulletins on timber for export (BSE) and in SIGIF II	Physical loading control by MINFOF and customs Stamp on loading certificate	Reconciliation test in the SIGIF II database between Douala International Terminal (DIT) and BSE

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
Timber in transit	Entry of timber in transit	MINFOF	<p>Transport documentation (waybills, specification bulletins, certificates of origin and customs documents) Data encoded in SIGIF II</p> <ul style="list-style-type: none"> — specific barcode — country of origin — largest diameter end (logs) — smallest diameter end (logs) — width (cut timber) — thickness (cut timber) — number of pieces (cut timber) — species code — company — destination — date of entry — checkpoint — agent 	Border post	Verification by the checkpoint of the transport documentation and other documents from the country of origin	Reconciliation between data of departure ports and points of entry, based on data from SIGIF II
	Entry of imported timber	Operator (importer)	<p>Transport documentation (waybills, specification bulletins, certificates of origin and customs documents)</p> <p>Legal import documentation</p> <p>Proven certificates of legality or durability (while awaiting FLEGT licence from the countries in question) encoded in SIGIF II</p> <ul style="list-style-type: none"> — specific barcode 	Border post and operator at plant entry	<p>Verification by the checkpoint of the import licence, transport documentation and other documents from the country of origin</p> <p>The timber enters the normal supply chain monitoring circuit</p>	Reconciliation with plant entry depot by country of origin. Based on data encoded in SIGIF II

Milestones	Operations	Responsibility for the operation	Data to be encoded	Responsibility for the encoding	Verification (physical and documentary control)	Data reconciliation
			<ul style="list-style-type: none"> — country of origin — largest diameter end (logs) — smallest diameter end (logs) — width (cut timber) — thickness (cut timber) — number of pieces (cut timber) — species code — company — destination — date of entry — checkpoint — agent 			

(¹) The timber confiscated and sold at auction at any stage will enter the traceability chain at that point and will follow all the subsequent stages of the chain

VII. Issue of flegt licences

The system for granting FLEGT licences validates the results of the verification of the legality of the forestry entities, of the conformity of the supply chain, of the national monitoring and control of forestry activity, for the shipments of timber that are the subjects of a FLEGT licence application. The FLEGT licence, like the certificate of legality, is a derivative of the LAS.

Verification of the situation of any given timber shipment is undertaken via consultation of the secure documents exchange between 'the central departments responsible for legality' (at Yaoundé) and the 'devolved departments responsible for legality' (at the export points), online, using a single use numbering system and automatic recording in the central database, or else via secure documents put out in paper format, in the event of failure of the electronic system.

The FLEGT licence is issued by the designated managers of the devolved departments responsible for legality, of the Ministry responsible for forests (regional or departmental delegations, forestry and hunting control posts), based on a final report supplied by SIGIF II certifying the regulatory conformity of the timber to be exported. This report represents the product of the verification of three basic signals, which are involved in the blocking system:

- signal 1: which indicates regularity with respect to the certificate of legality,
- signal 2: which indicates regularity with respect to disputes (SIGICOF),
- signal 3: which indicates regularity with respect to national monitoring (supply chain, MESURE and SYDONIA).

The FLEGT licence, when required, accompanies the specification bulletins (BSE) issued by the competent local department of the Ministry responsible for forests, and enables the 'lading note' issued by the customs to be obtained, when the loading operations for each shipment of timber for export have been completed. In any event, staff of the Ministry responsible for forests ultimately check the conformity of the shipments with the associated FLEGT licences before the shipments in question leave. The signatures on the FLEGT licences are officially known.

The procedure for the issue of the FLEGT licences is defined in a text produced by the Minister responsible for forests. The authorised signatures are sent regularly to the competent authorities of the Union, which inform the Union customs departments. Specific equipment and resources for controlling and registering the FLEGT licences prior to loading are made available to the controllers at the port of lading.

The FLEGT licences and the procedures for issuing them are described in Annex V and will be the subject of further development during the preparatory phase.

Timber and derived products in transit under the control of the Cameroon customs authorities will not require a Cameroon FLEGT licence for export to the Union.

VIII. Independent audit

An independent audit is conducted periodically on the entire LAS, in such a way as to ensure its credibility and its transparency from production to export, and even extends to the functioning of the competent authorities of the Union.

The role, competences and recruitment conditions of the independent auditor are described in Annex VI.

IX. Conclusion

Ultimately, the LAS represents a pooling of resources for the purposes of functional synergy of a monitoring system for forestry activity, of national control along the supply chain and of the services provided in the forestry sector; the entire system undergoes an independent audit to ensure its credibility.

In effect, the national monitoring of forestry activity feeds into and manages a central database at the Forests Division, with links to the partner administrations. National control of forestry activity itself takes place along the timber supply chain and the processing cycle of the files inherent in the forestry sector, and enables the regularity of the situation and of the files added by every user of the forestry sector to be confirmed at all times and at all locations around the national territory. It also enables the offences recorded in the SIGICOF database to be detected and punished.

Implementation of the LAS takes place within a well-defined institutional framework.

INSTITUTIONAL FRAMEWORK

The LAS is integrated into the existing institutional framework of the Ministry responsible for forests. The resulting institutional framework is based on management that takes account of the new order brought about by the VPA, without creating any new structures. The institutional framework thus displays all the structures and human, material and financial resources that can be mobilised in order to implement the LAS, leading to the issue of certificates of legality and FLEGT licences.

The institutional framework is described in Annex III-B, while the requirements are described in Annex X.

ANNEX III-B

INSTITUTIONAL FRAMEWORK OF THE LEGALITY ASSURANCE SYSTEM**I. Implementation structures of the Legality Assurance System**

The Legality Assurance System (LAS) in Cameroon is implemented as part of the functioning of the internal structures of the Ministry responsible for forests (MINFOF). These structures operate at different levels (central and devolved departments) and to different degrees, in order to put into operation the various elements on which the LAS is based (see Annex III-A), namely:

- verification of the legality of the logging/processing forestry entity,
- national monitoring of forestry activities,
- national control of forestry activities,
- verification of the conformity of the supply chain,
- issuing FLEGT licences,
- independent audit.

The various entities responsible for implementing the LAS, and their roles, are described below, with specific focus on the new aspects involved in issue of the legality certificate and/or the FLEGT licence, these being the two new documents originating out of the VPA.

I a. Central departments responsible for controlling legality

These departments are part of the Forest Division (DF). The departments in question are: the department responsible for rules on activities in forest areas (SN) and the department responsible for the administration of forestry information (SEGIF). They operate under the authority of the Forest Taxation and Agreements Sub-Division (SDAFF), which is answerable to the Forests Division, which is in turn answerable to the General Secretariat (SG) of the MINFOF, under the authority of the Minister responsible for forests and fauna.

The department responsible for rules on activities in forest areas (SN), in addition to other duties that are devolved to it by the organisation chart, examines applications for 'certificates of legality' and verifies the conformity of the activities of the forestry entities with the provisions of the legality matrices (see Annex II). In this context, it liaises (consultation and documentary or electronic applications) with all the internal departments of MINFOF (DF [Forests Division], DPT, DFAP [Department of Wildlife and Protected Areas], BNC etc.) and the competent departments of the other administrations involved in the issue of the documents required under the legality matrices (Ministries responsible for: the environment, finance, customs, health, industry, mines, employment, social services and agriculture). An interministerial committee to monitor links will also be set up by the national committee responsible for monitoring the Agreement.

Once the verifications have been undertaken, the SN validates the applications for a certificate of legality and transmits them to the department responsible for administration of forestry information, to enable draft certificates of legality to be prepared and the associated data encoded in the database.

The department responsible for administering forestry information (SEGIF), as its name implies, is responsible for administering all the information on the forestry sector that is available in the second generation computer system administering forestry information (SIGIF II) database, which it uses to respond to all requests for information and/or to produce the certificates of legality, following the example of other annual forestry operation permits and certificates. It is therefore this department which houses the central memory of the SIGIF II, which is the tool with which all data on the forestry sector are centralised and processed along with the data from the links with the other administrations. This is where the notices and signals necessary to allow the issue of the FLEGT licence, where applicable, are issued (see Annex III-A), and the issue of draft certificates of legality. The draft certificates of legality issued by the SEGIF are sent for examination by the Forest Taxation and Approvals Sub-Division (SDAFF), its direct hierarchical superior, which sets them along the normal file processing route to the point of signature by the Minister responsible for forests and wildlife, via the Secretary General (SG).

In summary, issue of the certificates of legality involves the intervention of the departments in the following order: SN-SEGIF-SDAFF-DF-SG-MINFOF.

I b. *Devolved departments responsible for legality*

All the devolved structures of the MINFOF are involved in implementing the LAS. Some, which are selected according to their position along the timber circulation and/or loading route, play a key rôle, specifically: the border posts, the forestry and hunting control posts (PCFC) of the timber production/acquisition locations, the checkpoints, regional delegations, departmental delegations, forestry and hunting control posts of the timber loading points and of the airports.

These departments are responsible for application of the legislative and regulatory requirements as regards national monitoring of forestry activity, timber control and traceability, with special responsibility, at loading points, for the export of timber and derived products, where the FLEGT licences are issued.

The border incoming timber PCFCs (forestry and hunting control posts) are responsible for:

- verifying the legality of the imported timber (verifying conformity of the documents presented with the products being transported),
- applying the requirements for placing them in the customs route for timber in transit, together with the customs departments,
- encoding the data in SIGIF II,
- reading and verifying the barcodes on the imported timber and signing the transport documentation,
- applying barcodes to timber in transit and imported timber.

The PCFCs (forestry and hunting control posts) of the timber production or acquisition locations are responsible for:

- controlling logging operations (physical and documentary control),
- marking inspection of logs,
- reading and verifying barcodes,
- recording data,
- stamping waybills on departure from the sites.

Checkpoints: a distinction is made between plant entry and road checkpoints, some of the latter being mandatory points of passage; they are responsible for the following, as applicable:

- plant entry/departure control,
- physical cargo control,
- waybill control,
- entering the data in SIGIF II,
- reading and verifying barcodes,
- recording data in the PDA ⁽¹⁾ and in registers.

The PCFCs (forestry and hunting control posts) at the loading points for exported timber (ports of Douala, Kribi, Limbé, Idenau, Campo and the airports) are responsible for:

- controlling the timber traceability elements (physical and documentary control),
- recording data,
- taking receipt and the examination of the files on applications for FLEGT licences, then forwarding these to the competent departmental delegation for preparation of the licences in question, provided they conform to the conditions laid down in Annex III-A, where they are not themselves a FLEGT licensing authority,

⁽¹⁾ PDA: Personal Data Assistance

- preparing the FLEGT licences following all the requests to this effect within the central memory of SIGIF II, where they themselves are a FLEGT licensing authority.

The departmental delegations are responsible for:

- supervising the activities of the PCFCs situated in the geographical area for which they are responsible,
- physical control of cargos (forest section),
- waybill control (forest section),
- encoding the data in SIGIF II,
- monitoring and control of coherence of logging data,
- reading and verifying barcodes,
- signing waybills and/or specification bulletins and forwarding them to the competent regional delegation,
- collecting copies of duly completed DF10 worksite books and bill of lading forms,
- recording data,
- on behalf of the departmental delegations at the points of loading, issuing the FLEGT licences on the basis of a complete and conforming file forwarded by the forestry and hunting control posts of the point of loading for export. For this purpose, they have a link to the SIGIF II database, which provides them with signals relating to the legality of the logging/processing forestry unit and the shipments of timber for export in accordance with Annex III-A. The FLEGT licences issued are returned to the forestry and hunting control posts at the points of loading, where the lading formalities will be completed with the customs departments.

The regional delegations are responsible for:

- supervising the activities of the departmental delegations,
- physical cargo control (regional teams),
- waybill control (regional teams),
- monitoring and control of coherence of logging data,
- encoding the data in SIGIF II,
- reading and verifying barcodes,
- applying barcodes for timber sold at public auction,
- signature of specification bulletins and their transmission to the competent PCFC of the point of loading for export, for the export formalities associated with the customs departments,
- collecting DF10 worksite books and waybill copies,
- recording data,
- issuing FLEGT licences on the basis of a complete and conforming file forwarded by the forestry and hunting control posts of the point of loading for export.

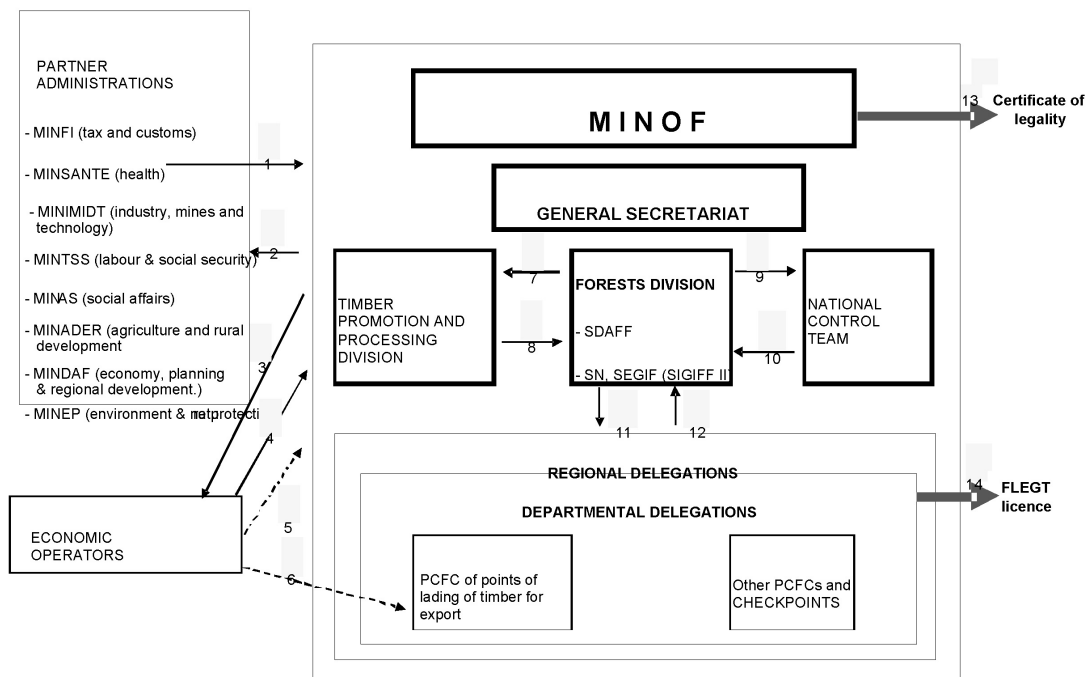
Finally, virtually all of MINFOF devolved departments and central technical division departments specialising in forestry, are links in the implementation chain of the LAS, with some specific features in the Forest Division, where the certificates of legality are initiated, and in certain regional or departmental delegations, or designated PCFCs, where the FLEGT licences are issued.

The monitoring and control activities involving the timber production/acquisition and circulation routes are of course undertaken normally and on an ongoing basis by the controllers of the National Control Team (BNC) and of the regional delegations, by the staff of the departmental delegations and of the forestry and hunting control posts throughout the national territory.

When the Legality Assurance System is launched, the structures responsible for its implementation will enjoy the technical assistance, for a pre-determined period, of the research departments, which will have put in place the technical and technological tools of the traceability system.

The flowchart of the institutional system is set out below:

INSTITUTIONAL FLOWCHART



KEY:

Meaning of the arrows:

- 1: Link to SIGIF II with MESURE and SYDONIA
- 2: Requests for information from the administrations involved
- 3: Provision of specific information related to the request
- 4: Deposit of certificate of legality application files
- 5: Encoding of data in SIGIF II or filing of logging data
- 6: Deposit of files for FLEGT licence application files
- 7: Requests for specific information
- 8: Provision of information from the database
- 9: Requests for information on disputes
- 10: Provision of specific information from the database
- 11: Provision of specific information
- 12: Link to the database, data encoding
- 13: Issue of certificates of legality
- 14: Issue of FLEGT licences

II. Monitoring body at national level

A 'national monitoring committee' is established, in accordance with Article 16 of the Agreement, in order to conduct regular consultations between the Cameroon stakeholders and to guarantee their involvement in the monitoring and implementation of the Agreement. It includes all the interested stakeholders, in particular;

- the representatives of the administrations involved,
- members of parliament,
- the representatives of the forestry communes (having their own domain, with a domain assigned to them by the State or beneficiaries of the forestry tax),
- the representatives of civil society organisations,
- the representatives of the private forestry and timber sector,
- the unions that are active in the sector.

The composition and organisational and functional requirements of the Committee will be laid down in a regulation by the Minister responsible for forests as soon as the Agreement has been signed.

ANNEX IV

CONDITIONS GOVERNING THE RELEASE FOR FREE CIRCULATION IN THE UNION OF TIMBER AND DERIVED PRODUCTS EXPORTED FROM CAMEROON AND ACCOMPANIED BY A FLEGT LICENCE**I. Principles**

In order to guarantee the efficient operation of the Cameroon FLEGT licensing scheme, the Member States of the Union must verify that the timber and derived products sent from Cameroon and entered for release for free circulation in the Union are accompanied by a FLEGT licence in accordance with the rules (see Articles 6 and 10).

The existence and regularity of the FLEGT licence are ascertained following documentary verification by the competent authorities that the Member States will have designated.

The timber and derived products within a shipment will not be released for free circulation until the customs authorities have been informed of the existence and regularity of the FLEGT licence corresponding to the shipment. Before the FLEGT licensing scheme is launched, the Union will notify Cameroon of the list of competent authorities designated by each of the Member States and also the procedure that will be used by those competent authorities.

II. Deadlines

The FLEGT licence scheme establishes a set of requirements and procedures designed to verify that the timber and derived products shipped to the Union are produced legally. The establishment of this scheme must not be at the expense of the competitiveness of the timber and derived products originating from Cameroon. The deadlines for release for free circulation within the Union must in particular be observed, in order to prevent any distortion against timber and derived products originating from a country that has not established a FLEGT licence scheme.

This concern will be taken into account by the Joint Monitoring Committee (JMC) and has been explicitly included in:

- the 'Terms of Reference for the Independent System Audit (ISA)' (Annex VI, Section II.4),
- the 'Evaluation criteria for the system established in the Union to accept FLEGT licences' (Annex VIII, Section VI).

III. Procedure

The importer sends the licence accompanying a shipment to the competent authorities of the Member State in which the customs declaration for the purposes of release of the shipment for free circulation is made.

The importer is actively encouraged to send the licence before the shipment arrives in the Union, in order to allow its prior processing by the Union authorities.

The competent authorities examine the licence from five aspects (documentary control):

- conformity to the specimen or to the technical specifications of the licence for Cameroon, which the European Commission transmitted earlier to the competent authorities,
- presence of an original or of a replacement document bearing the word 'Duplicate', issued by the licensing authority,
- the fact that the examination date is earlier than the expiry date appearing on the licence,
- absence of erasures and alterations, unless they have been authenticated by the licensing authority,
- absence of extension of the validity of the licence, unless the extension was issued by the licensing authority.

Following the examination, the competent authorities inform the customs authorities, in accordance with the applicable national procedures, of the existence, regularity and number of the licence. This information is required by the customs authorities processing the customs declaration for release for free circulation. The importer mentions the licence number on this declaration.

During examination of the licence, the competent authorities may request further information from the Cameroon issuing authorities, in order to confirm the existence and regularity of the licence.

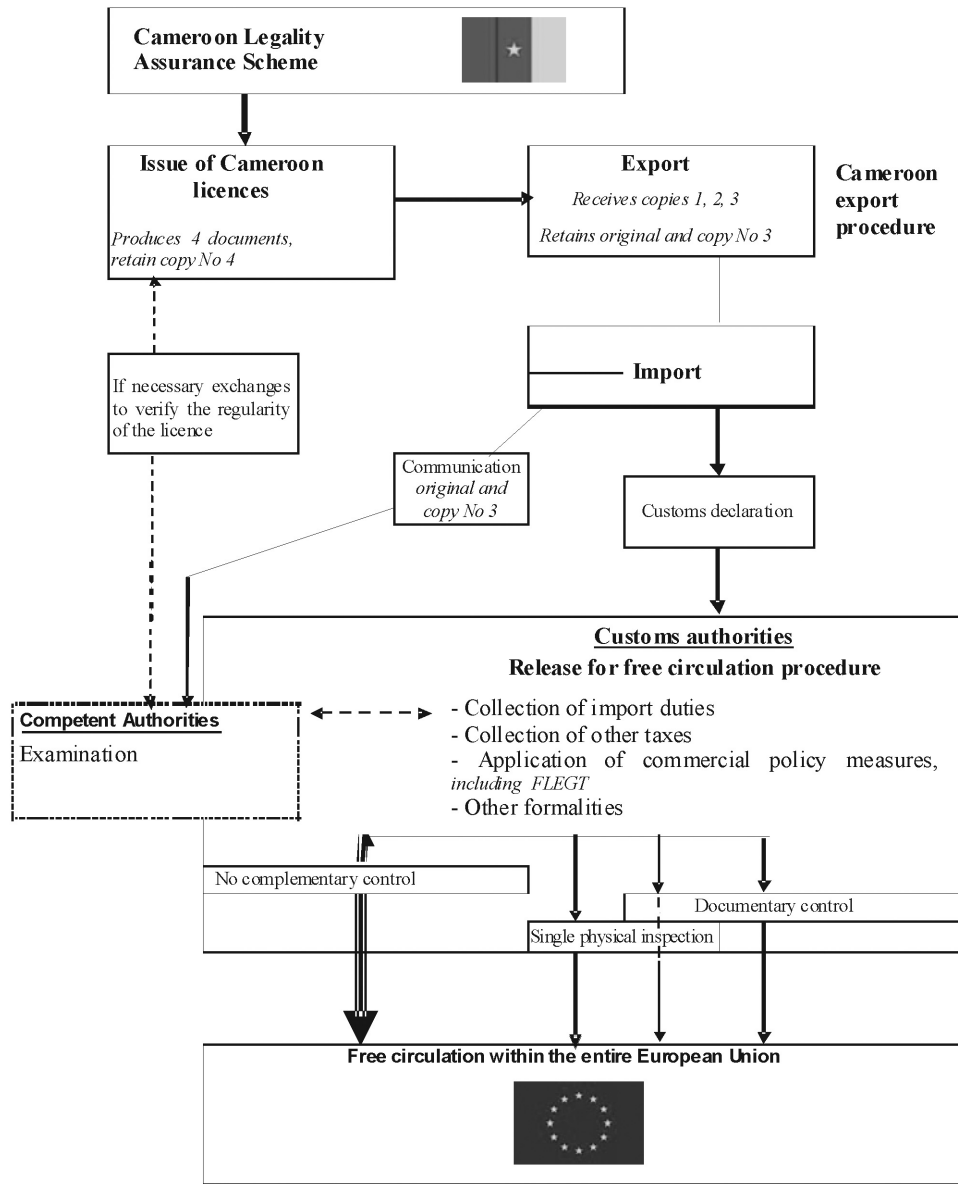
They may also decide to undertake controls to determine whether the shipment itself conforms to the information in the licence (this is termed a 'physical inspection').

If a physical inspection is decided upon, the authorities of the Member State endeavour to undertake their controls at the same time and in the same place, so that they only need to inspect the shipment once.

If a physical inspection is undertaken, the volume and net weight of the shipment are deemed to conform to the information in the licence where the volume or net weight of the timber and derived products in the shipment does not vary by more than 10 % from the volume or net weight stated in the corresponding licence.

IV. Summary flowchart

The flowchart below shows the procedure for release for free circulation in the Union of timber and derived products exported from Cameroon and accompanied by a FLEGT licence.



ANNEX V

REQUIREMENTS FOR ISSUING FLEGT LICENCES

CHAPTER 1

FORMALITIES FOR THE ISSUE OF LICENCES*Article 1*

1. The FLEGT licence is the document issued by the devolved departments of the Ministry responsible for forests at the exit points from Cameroon identified for this purpose.
2. The FLEGT licences shall be signed by the FLEGT licence issuing authorities designated for that purpose.
3. The FLEGT licence issuing authorities are those responsible for the structures identified; they may be:
 - the regional representatives,
 - the departmental representatives,
 - the managers of the control and hunting posts.

Article 2

The FLEGT licence shall be issued on the basis of a file comprising the following documents:

- a stamped application, detailing:
 - the surnames, first names, nationality, profession and domicile of the person applying for the licence, if this is a natural person,
 - the company name, registered office, name of the chief executive, if this is a legal entity,
- a copy of the inherently valid certificate of legality of the title from which the timber originates,
- a specification bulletin of the timber or timber and derived products to be exported.

Article 3

1. A FLEGT licence issued at the point of lading certifies the legality of the timber and timber products (with respect to the legality matrix, traceability and the national forestry and wildlife system) and permits them to be exported to the Union market.
2. The procedure involves:
 - the ongoing transmission of virtual information or secure documents between the forestry entities and the competent forestry departments (documentary traceability),
 - the online exchange of information between the central department responsible for legality at Yaoundé and the devolved departments of the Ministry responsible for forests, using a single use numbering system and automatic recording in the central database (computer system administering forestry information – SIGIF II and electronic traceability).

CHAPTER 2

TAXES*Article 4*

Every FLEGT licence issued shall give rise to the payment of a FLEGT stamp; the amount and methods for the use such stamps shall be laid down in a specific act drawn up by the Minister responsible for forests.

CHAPTER 3

REQUIREMENTS RELATING TO FLEGT LICENCES*Article 5*

1. A FLEGT licence may be paper-based or an electronic licence.

2. Both paper-based and electronic licences shall contain the particulars specified in Appendix 1, in accordance with the explanatory notes set out in Appendix 2.

Article 6

1. The FLEGT licence shall be valid for a single shipment from its issue date.
2. The period of validity of the FLEGT licence shall not exceed 6 months. The date of expiry shall be indicated in the licence.
3. After its expiry, the FLEGT licence shall be considered as void. The licensing authority may decide to extend the period of validity by 3 months. To that end the licensing authority shall correct and validate the new expiry date.
4. A FLEGT licence shall cease to be valid and will be returned to the licensing authority if the timber and derived products concerned have deteriorated prior to their shipment.

Article 7

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

Article 8

1. The FLEGT licence shall be made out using a form adopted by the Parties and described in Appendices 1 and 2.
2. The paper size shall be A4, with four copies.
3. The colour of the paper used for the each copy of the form shall be as follows:
 - (a) white for the 'Original, for the applicant';
 - (b) orange for the 2nd copy 'Copy for the Cameroon customs';
 - (c) yellow for the 3rd copy 'Copy for the EU customs';
 - (d) green for the 4th copy 'Copy for the archives of the issuing department'.

Article 9

1. The licences shall be completed using a typewriter or computer. They may also be completed by hand, provided the forms are self-copying.
2. The stamps of the licensing authority shall be applied by means of a metal stamp, preferably made of steel. However, an embossing press combined with letters or figures obtained by means of perforation may be substituted for the licensing authority stamp. The licensing authority shall use any tamper-proof method to record the quantity allocated in such a way as to make it impossible to insert figures or references.
3. The licences shall be printed and completed in English or French.

Article 10

1. The licence shall be drawn up in quadruplicate.
2. The first copy (white), 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 copy (orange), marked 'Copy for Cameroon customs', shall be given to the applicant for submission to the Cameroon customs authorities.
4. The third copy (yellow) marked 'copy for EU customs' shall be given to the applicant for submission to the customs authorities of the Member State of the Union in which the shipment covered by the licence is declared for release for free circulation.
5. The fourth copy (green) marked 'Copy for the archives of the issuing department' shall be archived by the licensing department.

CHAPTER 4

FLEGT LICENCE LOST, STOLEN OR DESTROYED*Article 11*

1. In the event of the loss, theft or destruction of the original or the copies for customs, the importer or his authorised representative may apply to the licensing authority for a replacement on the basis of the document in his possession.
2. In the event of the loss, theft or destruction of both the original and the copies for customs the applicant or his authorised representative may apply to the licensing authority for a replacement of both.
3. The licensing authority shall issue the replacement(s) within 1 month following receipt of the request from the applicant.
4. The replacements shall contain the information and entries appearing on the licence they replace, including the licence number.
5. The replacement licence shall bear the word 'DUPLICATE'.
6. If the lost or stolen licence is retrieved, it shall not be used and must be returned to the licensing authority.

PROCEDURES IN THE EVENT OF RESERVATIONS REGARDING THE AUTHENTICITY OF A LICENCE*Article 12*

1. In the event of reservations regarding the regularity of a FLEGT licence or of its replacement, the competent authority in the Union shall ask the licensing authority for verification. Only the response from the licensing authority shall be authoritative.
2. If it considers it necessary, the licensing authority may ask the competent authority 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 bearing the references of the cancelled document, which it shall transmit to the competent authority of the Union.
4. If the validity of the licence is confirmed, the licensing authority shall notify the competent authority of this, preferably electronically, and return the copies of the licence.
5. The copies thus returned shall bear the endorsement 'Validated on ...' validated/authenticated by stamp.
6. In the event that the licence in question is not valid, the licensing authority shall notify the competent authority of the Union thereof, preferably by electronic means.

TECHNICAL SPECIFICATIONS WITH REGARD TO A COMPUTERISED FLEGT LICENCE*Article 13*

1. The FLEGT licence may be issued and used by means of computerised systems.
 2. In the Member States of the Union which are not linked to the computerised system, a paper-based licence shall be made available.
-

APPENDICES

1. Licence form
2. Explanatory notes

NB: the forms must bear Cameroon's coat of arms and stamps

Appendix 1

FORMAT OF THE FLEGT LICENCE

ORIGINAL	1	1. Licensing body		2. Reference of the certificate of legality					
		Name							
		Address							
		3. FLEGT licence number		4. Expiry date					
				<table border="1" style="display: inline-table;"> <tr> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> <td style="width: 15px; height: 15px;"></td> </tr> </table>					
		5. Country of export		7. Means of transport					
		6. ISO code							
		8. Licence holder (name and address)							
		9. Commercial designation of the timber products			10. HS headings				
1									
	11. Common name or scientific name		12. Country of harvest		13. ISO codes				
	14. Volume (m³)	15. Net weight (kg)		16. Number of units					
	17. Distinguishing marks								
	18. Signature and seal of licensing body								
	Place and date								

COPY FOR CUSTOMS	2	1. Licensing body		2. Reference of the certificate of legality		
	Name					
	Address					
	3. FLEGT licence number			4. Expiry date		
	5. Country of export			7. Means of transport		
	6. ISO code					
	8. Licence holder (name and address)					
	9. Commercial designation of the timber products				10. HS headings	
2	11. Common name or scientific name		12. Country of harvest		13. ISO codes	
14. Volume (m³)		15. Net weight (kg)		16. Number of units		
17. Distinguishing marks						
18. Signature and seal of licensing body						
Place and date						

Appendix 2

EXPLANATORY NOTES

GENERAL DETAILS

— Complete in capital letters.

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

Box 1	Licensing body	State the name and address of the licensing authority.
Box 2	Reference of the certificate of legality	Space reserved for the licensing country.
Box 3	FLEGT licence number	State the licence number.
Box 4	Expiry date	Period of validity of the licence.
Box 5	Country of export	This refers to the partner country from where the timber and derived products were exported to the Union.
Box 6	ISO code	State the two-letter code for the partner country referred to in box 5.
Box 7	Means of transport	State the means of transport to the point of export.
Box 8	Licensee	State the name and address of the exporter.
Box 9	Commercial designation	State the commercial designation of the timber and derived products.
Box 10	HS heading and description	State the four or six digit product code produced in accordance with the Harmonised commodity description and coding system.
Box 11	Common or scientific names	State 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	Country of harvest	State 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.
Box 13	ISO codes	State the ISO codes of the countries referred to in box 12. Optional in the case of composite products or components that contain more than one unidentifiable category.
Box 14	Volume (m ³)	State the overall volume in m ³ . Optional, unless the information referred to in box 15 has been omitted.
Box 15	Net weight	State the total weight in kg, namely the net weight of the timber and derived 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	State the number of units, where a manufactured product is best quantified in this way. Optional.
Box 17	Distinguishing marks	State any distinguishing marks where appropriate, e.g. batch number, bill of lading number. Optional.
Box 18	Signature and stamp of licensing authority	The box must be signed by the authorised official and stamped with the official stamp of the licensing authority. The place and date must also be stated.

ANNEX VI

TERMS OF REFERENCE FOR THE INDEPENDENT SYSTEM AUDIT**I. Introduction**

In connection with the implementation of this Voluntary Partnership Agreement (VPA), the Union and Cameroon agree on the need for independent auditing in order to check the performance and efficiency of the FLEGT licensing scheme.

II. Main tasks

The Independent System Audit (ISA) will cover the following operations:

1. Auditing the Legality Assurance System (LAS)

- verifying the conformity of the allocation process for the different types of title
 - Human resources and capacities
 - Award procedure for the different types of title
 - Verifying (based on sampling) the licences for the different types of title
 - Title registration system
 - Integrating the titles into the computer system administering forestry information (SIGIF II)
 - If necessary, verifying the registration of the guarantee in the Public Revenue department
 - Publishing licences
- Evaluating the system for the issue of certificates of legality
 - Human resources and capacities
 - Procedure for issuing certificates of legality (application of the legality matrix)
 - Verifying (based on sampling) the certificates of legality issued
 - System for registering the certificates issued
 - Use and function of the SIGIF II
 - Field verification procedures (in the forest, en route and in the processing units)
 - Registering the reports following field verification procedures
 - Mechanism for recognising private certificates recognised on the basis of the principles, criteria and indicators applicable in Cameroon and verification of their conformity with the requirements of the legality matrix
- Evaluating the traceability system
 - Human resources and capacities
 - Field control procedures (implementation of the national forestry and fauna control strategy)
 - Evaluating control activities (including any field verifications that may be required)
 - Registration at the individual stages of the traceability chain

- Evaluating interaction between the individual systems: Computer system administering forestry information (SIGIF II), Monitoring offences and IT management of forestry disputes (SIGICOF), Customs IT system (SYDONIA) and Better monitoring of fiscal of return (MESURE)
- Evaluating harvesting/reconciliation of information along the supply chain
- Evaluating the FLEGT licensing scheme
 - Human resources and capacities
 - Licensing procedures
 - Use and function of SIGIF II, SIGICOF, SYDONIA and MESURE
 - Verifying (based on sampling) the FLEGT licences issued
 - FLEGT licence registration system
 - Production of statistics and other consolidated information.
- 2. Identifying deficiencies in the LAS and reporting them to the Joint Implementation Council.
- 3. Evaluating the effectiveness of any corrective measures taken to address failures identified in audit reports.
- 4. Evaluating the efficiency of the procedure established by the Union for release for free circulation of the products covered by the FLEGT scheme within the Union market, and specifically:
 - verification period,
 - institutional problems between the competent authorities and the licensing authority.
- 5. Evaluating the monitoring system for timber in transit.
- 6. Examining the joint application of both Parties at any other point during implementation of the LAS.

III. Qualification required

The ISA must be undertaken under the responsibility of an independent organisation with a proven track record in auditing and able to demonstrate a thorough knowledge of the forestry sector in Cameroon and/or the Congo Basin. It must also have the following characteristics:

- not be directly involved in the management (logging, processing, timber trading, control) of the activities of the forestry sector in Cameroon. Service providers under contract with the Cameroon government with respect to forestry control are not eligible to carry out ISAs,
- not have any direct or indirect interests with respect to one of the actors in the forestry sector of Cameroon or of the Union,
- 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 and knowledge of the Union market,
- be able to demonstrate that its teams include experts having sufficient experience in Cameroon and elsewhere in the Congo Basin,
- the involvement of experts from the subregion is to be encouraged alongside the use of international experts.

IV. Methodology

The ISA must be undertaken using documented procedures.

- The ISA auditor must act in accordance with a documented management system, policies and procedures which meet the requirements laid down in the internationally accepted good practice guide and made publicly available.

- The ISA auditor will draw up an audit timetable based on the following frequency: 6 months following the effective establishment of the assurance scheme, thereafter once a year after the initial period, subject to confirmation that the schemes are functioning effectively.
- The ISA will take place, if possible, during the first quarter of the year.
- The documented procedures must serve as a guide for verifications based on the sampling of documents, registrations and operations.
- All observations made during the audits must be documented.
- The observations made during the audit will culminate in the definition of the systemic problems encountered.
- The audit report must contain all relevant information on the programme and the findings made. An outline for the audit report and summary report must be provided in the documented procedures.
- The ISA auditor sets up a system for receiving and dealing with complaints made against him.

V. Sources of information

The ISA must use all the available sources of information, in particular:

1. Reports of the permanent forestry control missions undertaken as part of the national forestry and fauna control strategy (SNCFE).
2. Information from the Legality Assurance System (LAS) and its four components:
 - verifying conformity of the title allocation process,
 - verifying the system for the issue of certificates of legality,
 - verifying the traceability system,
 - verifying the licensing system.
3. The other administrations:
 - customs,
 - tax administration (forestry revenue securing program – PSRF).
4. Information from external control mechanisms:
 - independent observation (IO) for controlling and monitoring forestry offences, which seeks to strengthen the control capacities of the Ministry responsible for forests and provides independent sources of information on the forestry sector,
 - Société Générale de Surveillance (GSS) [supervisory company], responsible for physical inspection of timber logs in order to secure customs revenue,
 - private voluntary legality and traceability certification systems, recognised under the PCIs (principles, criteria and indicators) applicable in Cameroon, and recognised sustainable management certificates (such as the 'Forestry Stewardship Council' [FSC] label),
 - other mechanisms for monitoring logging in Cameroon, which provide important information on illegal activities.
5. Field visits by third parties.
6. Information gathered from other organisations (specialist NGOs etc.).
7. Report from the competent Union authorities.

8. All other sources of information deemed useful by the ISA.
9. Published audits from other countries that have established a FLEGT licensing scheme.

VI. Reports

Every ISA report will include:

- (i) a complete report for the Parties containing all relevant information on the audit programme and on the operation of the Legality Assurance System and the issuing of FLEGT licences;
- (ii) a summary of the report, for the public, based on the full report and summarising the main conclusions and deficiencies of the system that have been identified.

The ISA shall submit a preliminary report to the Joint Implementation Council through the Joint Monitoring Committee of the Agreement. The associated comments will be sent to the ISA for finalisation of the report. The ISA must provide all necessary information and responses to requests for clarification. 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 ISA to this clarification. The ISA auditor will send the final report to the Council. If the Council gives a favourable opinion, Cameroon will publish the report. ISA reports and any corrective action required will be discussed by the Council. The ISA auditor is then notified of the corrective action to be taken.

VII. Recruitment rules

The ISA auditor will be selected in accordance with the rules in force in Cameroon. The Cameroon Government will conclude a contract with the ISA, following consultation with the Union, and based on documented and transparent selection procedures.

ANNEX VII

PUBLISHED INFORMATION

1. The Parties undertake to ensure that the Agreement and the FLEGT licensing scheme are properly understood by all the actors involved. Access to information on the objectives, implementation, monitoring and control will enable a thorough understanding of the process to be gained, and all the actors to be involved, with a view to attaining all the objectives of the Agreement. Such transparency will strengthen the image of Cameroon forestry products on the Union market and will improve the investment climate for those companies exporting timber to the Union.
2. Information on the operations associated with the FLEGT licensing scheme will be set out in an annual report published by the Joint Implementation Council (hereinafter referred to as the Council). To this end, the Joint Monitoring Committee (JMC) will conduct regular joint mission in order to assess the efficiency of the agreement and its impact. Based on information provided by both Parties, the annual report on the FLEGT licensing scheme should include, in particular, information relating to:
 - (a) quantities of timber and derived products exported to the Union under the FLEGT licensing scheme according to the relevant HS/CEMAC code headings and according to the EU Member State of destination;
 - (b) the number of FLEGT licences issued by Cameroon; progress made in achieving objectives and action to be taken within a deadline specified in the Agreement and all matters relating to implementation of the Agreement;
 - (c) action preventing the export of timber and derived products of illegal origin to non-EU markets or sale thereof on the national market;
 - (d) quantities of timber and derived products imported into Cameroon or having transited through Cameroon;
 - (e) the measures taken to prevent the import of timber and derived products of illegal origin in order to maintain the integrity of the FLEGT licensing scheme;
 - (f) cases of non-compliance with the FLEGT licensing scheme in Cameroon and action taken in such cases;
 - (g) quantities of timber and derived products imported into the Union under the FLEGT licensing scheme, according to the relevant HS/CEMAC code headings and according to the Member State of the Union into which import took place;
 - (h) quantities of timber and derived products imported into the Union under the FLEGT licensing scheme, according to countries of origin (to be provided by the Union);
 - (i) information on prices on the international market;
 - (j) number of FLEGT licences received by the Union;
 - (k) number of cases and quantities of timber and derived products involved where Article 10(1) and (2) ⁽¹⁾ has been applied.
3. The other data and reports will be published in order to give the actors involved access to useful information to enable monitoring of implementation of the Agreement. This access to information must also enable the strengthening of governance in the forestry sector. This information will be published on the websites of both Parties. More specifically, the information will include the following elements:

Legal information

- Legality matrices
- All the existing legislative and regulatory references and rules set out in Annex II
- Texts of all laws and amendments applicable to the forestry sector

⁽¹⁾ Article 10(1) and (2): Consultations on the regularity of the FLEGT licences: If there are any reservations regarding the regularity of a licence, the competent authority concerned must contact the licensing authority to obtain the additional information. If the licensing authority fails to reply within 21 calendar days of the date of receipt of the application, or if the additional information received confirms the irregularity, or if the details appearing on the FLEGT licence do not correspond to the shipment, the competent authority in question will not accept the FLEGT licence and will decide how to proceed by application of existing national legislation. The licensing authority must be informed.

- Forest Code (laws and regulatory texts)
- Implementing texts
- List of signed/ratified international conventions and agreements
- Text of the Agreement, its Annexes and subsequent amendments
- Employment Code and principal regulatory texts applicable to the forestry sector on this subject
- General Tax Code and finance laws
- List of private legality/durability certification schemes recognised by the Ministry responsible for forests

Information on production

- Total annual log production
- Annual authorised logging volumes, by species, title and company
- Annual volumes processed, by type of product, species and company
- Annual volumes of logs exported, by species (total and to the Union)
- Annual volumes of timber and derived products imported into Cameroon, and by country
- Annual volumes of timber sold at public auction

Information on allocation

- List of valid titles, with names of the companies to whom they have been allocated
- List of annual operating permits/annual logging certificates issued
- Location map of valid logging titles
- Location map for annual areas available for logging
- Official areas of valid logging titles and allocation price (annual forestry fee – RFA)
- Notices of various invitations to tender (cut timber sale, timber salvage licence, lumber permit etc.)
- Information on the pre-emptive right
- List of annual withdrawals of secure documents (DF10 worksite books and waybills)
- Results of the interministerial title allocation committee
- List of approved forestry companies (logging, processing, inventories, management)
- Notification of start of activities for timber salvage licences (ARB)

Information on management

- Mandate, rôles and responsibilities of the ministerial departments responsible for management
- List of concessions under management
- List of communal forests and their areas
- Area of forestry concessions allocated

- Area of forestry concessions involved in management (including annual operating plans and five year management plans)
 - Area of forestry concessions with approved management plan
 - Area of certificated forestry concessions
 - Documents relating to approved management plans
 - Terms and conditions
 - Environmental impact studies
- Information on processing
- List of approved processing companies
 - Location of processing units (actual addresses and/or geographical coordinates of the processing units)
 - Processing capacities per processing unit (% of capacity actually used)
 - Volume of plant entry per company
 - Volume of plant departure per company
 - Stock at year end
- Information on exports
- Data on timber in transit
 - Data on exports, by species, country and company
- Information on the Legality Assurance System and monitoring
- Final description of the Legality Assurance System
 - Procedures for granting certificates of legality and FLEGT licences
 - National strategy and control rules
 - Reports from the independent title allocation observer
 - Report from the independent forestry control observer
 - Reports from the control teams
 - List of certificates of legality issued
 - List of FLEGT licences issued
 - Rejected certificate applications
 - Rejected FLEGT licence applications
- Information on audits
- Terms of Reference for the audits
 - Auditor recruitment procedures
 - Results of the audit

— Complaints about the audit and their handling

— Introduction of corrective measures

Information on financial transactions

— List of forestry disputes (record of offences)

— Annual report on forestry revenue

— Annual payments of the annual forestry fee (RFA) by title

— List of payments of local and national taxes

— List of fines for offences

— List of disputes settled

Information on the institutional set-up

— Structure and functioning of the Joint Monitoring Committee

— Report of the Joint Monitoring Committee

— Structure and functioning of the National Monitoring Committee

— Report of the National Monitoring Committee

— Structure and functioning of the Interministerial Links Monitoring Committee

— Report of the Interministerial Links Monitoring Committee

— List of issuing authorities

— List of competent authorities

— Reports of competent authorities.

4. The Parties undertake to ensure transparency in the action taken in connection with the Agreement. With this in mind, in the event of a specific request made by another actor in the sector, they will make accessible all information they consider necessary.

5. The methods and channels used to publish the information in question must include the following elements:

— official reports,

— websites (MINFOF, EC, GLIN) ⁽¹⁾,

— multi-actor implementation platform,

— public meetings,

— press conferences,

— films,

— radio and television.

⁽¹⁾ Global Legal Information Network.

ANNEX VIII

CRITERIA FOR EVALUATION OF THE LEGALITY ASSURANCE SYSTEM (LAS)

This Agreement provides for the implementation of a Legality Assurance System (LAS) intended to guarantee that all timber and derived products specified in the Agreement and exported from Cameroon to the Union are produced entirely legally. The LAS should include:

- a definition of legally produced timber that lists the laws that must be complied with in order for a licence to be issued,
- control of the supply chain to track timber from the forest to the point of export,
- verification of compliance with all elements of the definition of legality and control of the supply chain,
- the procedures for issuing certificates of legality and FLEGT licences, and finally,
- the independent audit to ensure that the system is working as intended.

The LAS will be subject to an independent technical evaluation before the licensing scheme becomes fully operational; the Terms of Reference will be jointly agreed between the Parties, via the Joint Monitoring Committee (JMC) for the Agreement. These evaluation criteria describe what the LAS is expected to produce and will provide the basis for the Terms of Reference for the evaluation. The evaluation will be aimed in particular at:

- reviewing the system description with special focus on any revisions made after the Agreement was signed, and
- examining the functioning of the system in practice.

I. Definition of legality

Legally produced timber needs to be defined on the basis of the laws applicable in Cameroon. 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 timber within legally gazetted boundaries.

Forestry operations: compliance with legal requirements regarding forest management including compliance with relevant environmental and employment legislation.

Fees and taxes: compliance with legal requirements concerning taxes 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 drawing up the definition, did the parties concerned consider all the main areas of applicable law?

Does the legality control 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 Agreement was concluded? Have indicators and criteria been defined to ensure verification of these changes?

II. 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).

II a. Logging rights

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 logging rights for the forest areas concerned?

Have the procedures for issuing logging rights and information on issued logging rights and their holders been published?

II b. 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 must reflect the type and value of the 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 subsequent stages of the supply chain?

— timber in the forest,

— transport,

— interim storage,

— arrival at the primary processing facility,

— processing facilities,

— 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?

Is there a protocol for verifying the results of the control procedures set up and applied?

Are the application procedures clearly defined and communicated to all interested parties?

II c. *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 primary processing facility,
- control within the processing facilities,
- arrival at point of export?

Which organisations are responsible for feeding the quantitative data into the control system? How are these organisations linked? Are the staff of these organisations given standard training in data management?

What is the quality of the controlled data?

If different organisations are responsible, how is it ensured that control performance and data management are conducted in the same way in each organisation?

II d. *Data gathering*

All data is recorded in a way which makes it possible to reconcile it with the prior and subsequent links in the chain in a timely manner. Reliable reconciliation is carried out for the entire supply chain.

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

Are there methods to assess coherence between inputs of raw materials and outputs of processed products at sawmills and other plants?

Is reliable reconciliation by individual item or by batch of timber products possible throughout the supply chain?

What information systems and technologies are applied for storing and reconciliation of data and for recording it? Are there robust systems in place for securing the data?

How is unauthorised access to the system avoided (system security)?

How is the viability of the security systems guaranteed?

Which organisation is responsible for data reconciliation? Does it have adequate human and other resources for carrying out the data management activities?

What information on the supply chain control is made publicly available?

How can the interested parties access this information?

II e. *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 logging 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 where clear legal harvesting rights have been granted, 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?

What are the conditions for introducing into the supply chain confiscated timber sold at public auction, and is there a viable verification procedure?

II f. *Imported timber products*

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

How is the legality of imports 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 LAS 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?

Does the use of barcodes on imported timber guarantee that only forestry products that have been legally logged and processed will be exported with a FLEGT licence? (For example, what happens to imported timber after the initial processing stage, how is the mark applied, how will the mark be altered after the subsequent processing stages?)

III. **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.

III a. *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 (including associated responsibilities) clear and in the public domain?

Are the responsibilities clearly allocated and are the required competences associated with the responsibilities clearly defined; how are they implemented?

How do the departments responsible for verifying legality guarantee the highest possible level of rationalised collaboration and data management between the administrations involved in forestry sector control (MINEP – MINFI etc.)?

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 adequate competence/experience for the personnel of the verification body,
- applies internal control/supervision,
- includes mechanisms to control conflicts of interest,
- ensures transparency of the system,
- defines and applies verification methodology,
- uses a publicly accessible complaints management system?

III b. *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 field 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?

III c. *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.

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?

Are institutional roles and responsibilities clearly defined and applied?

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

III d. *Non-compliance*

There is an effective and functioning mechanism for requiring and enforcing appropriate corrective action where offences 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 offences identified and corrective action taken? Is the effectiveness of corrective actions evaluated?

What information on identified breaches goes into the public domain?

IV. **Licensing**

Cameroon has assigned a licensing authority overall responsibility for issuing FLEGT licences. FLEGT licences are issued on the basis of either individual shipments or forestry entities.

IV a. *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?

IV b. Issuing of FLEGT 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?

IV c. 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?

Are the requirements for issuing licences clearly specified and available to the exporter?

Do exporters fully understand the criteria for the issue of FLEGT licences?

What information on issued licences goes into the public domain?

V. Instructions on the independent system audit

The Independent System Audit (ISA) is a function that is independent of Cameroon's forestry sector regulatory bodies. It aims to provide credibility to the FLEGT licensing scheme by checking that all aspects of the LAS are operating as intended.

V a. Institutional arrangements

Designation of authority: Cameroon has formally authorised the ISA function and allows it to operate in an effective and transparent way.

Independence from other elements of the LAS: There is a clear separation between organisations and individuals that are involved in management or regulation of the forest resource 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 from both Parties having a commercial interest or an institutional role in the forestry sector are not eligible to perform the independent auditor function?

Designation of the independent auditor: The independent auditor was appointed through a transparent mechanism and there are clear and publicly-available rules regarding his actions.

— 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?

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 mechanism for handling complaints that is available to all interested parties?

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

V b. The independent auditor

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 Guide 17021 or similar standards?

Methodology of the audit: the methodology of the independent audit is evidence-based and verifications are carried out at specific and frequent intervals.

- Does the methodology specify basing all findings on objective evidence concerning the functioning of the LAS?
- Does the methodology of the independent audit specify the maximum intervals at which each element of the LAS will be verified?

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 LAS and specify the main tests of effectiveness?

Reporting requirements: The ISA auditor shall submit a preliminary report to the Joint Implementation Council (Council) through the Joint Monitoring Committee (JMC) of the Agreement. The reports of the independent auditor and any corrective action required will be discussed in the JMC.

- Do the independent auditor's terms of reference specify the reporting requirements and reporting intervals?
- Do the terms of reference of the auditor and the procedures of the JMC describe the publication process for audit results?

VI. The Evaluation criteria of the system established in the Union to accept FLEGT licences

The FLEGT Regulation and its application measures lay down procedures for establishing the FLEGT licensing scheme, including procedures to enable verification that the Cameroon timber products intended for release for free circulation within the Union are properly covered by a FLEGT licence. These procedures also require the Member States of the Union to designate a competent authority to take on this responsibility.

Since these are new measures introduced specifically to implement the FLEGT scheme, the evaluation will examine the degree of preparedness of the Union as regards verification of the FLEGT licences.

Have the competent authorities been identified in each Member State of the Union? Has this information been made public?

Have the procedures for processing the FLEGT licences been established in every Member State of the Union? Have these procedures been made public?

Have appropriate legislation and regulations been established where deemed necessary by the Member States of the Union?

Have the means of communication between the competent authorities and the customs authorities been determined?

Have procedures been established to enable the Union, or any person or body designated by the European Union, to gain access to relevant documents and data and to avoid any problems arising that could hamper the proper functioning of the FLEGT licensing scheme?

Have procedures been established to enable the independent auditor to gain access to all relevant documents and data?

Have reporting methods been negotiated between the Member States of the Union and the European Commission? Have publication procedures for these reports been drawn up and adopted?

Do procedures cover cases where goods accompanied by a FLEGT licence are not accepted? Have procedures been established to report any contradictions in the licences and to deal with offences?

Has the information relating to fines in various offence scenarios been published?

SCHEDULE FOR IMPLEMENTATION OF THE AGREEMENT

Activities	Secondary activities	Yr 1 (1)	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8
		Preparatory phase			Operational phase 1				
1. Raising awareness and providing information among actors and the public	1.1. Preparation of a communication plan	x							
	1.2. Evaluation and readjustment of the communication plan		x	x	x				
	1.3. Implementation of the communication plan	x	x	x	x	x	x	x	x
	1.4. Establishment of an exchange platform between COMIFAC countries	x	x	x					
	1.5. Communication activities designed to inform international opinion	x	x	x					
	1.6. Promotional campaigns	x	x	x	x	x	x	x	x
	1.7. Raising awareness of the actors in relation to elements of the LVP	x	x	x	x	x	x	x	x
2. Promotion of 'FLEGT Cameroon' products on the Union market	2.1. Preparation of a promotional plan/feasibility study for a 'FLEGT Cameroon' label		x	x					
	2.2. Labelling 'FLEGT Cameroon' products				x				
	2.3. Label protection and management				x	x	x	x	x
	2.4. Promotion of 'FLEGT Cameroon' products on targeted markets	x	x	x	x	x	x	x	x
	2.5. Raising awareness among the European public	x	x	x	x	x	x	x	x
	2.6. Promotion of the LAS in other international markets (USA, China etc.)			x	x	x	x	x	x
3. Institutional arrangements	3.1. Organisation of the central structure		x	x					
	3.2. Organisation of the peripheral structures (Douala, Kribi etc.)		x	x					
	3.3. Establishment and function of the Council and the Joint Monitoring Committee (JMC) of the Agreement	x	x	x	x	x	x	x	x
	3.4. Establishment and function of the National Monitoring Committee of the Agreement	x	x	x	x	x	x	x	x

Activities	Secondary activities	Yr 1 ⁽¹⁾	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8
		Preparatory phase			Operational phase 1				
4. Capacity building	4.1. Preparation of a training plan (identification of the actors involved and design of a matrix enabling determination of the objectives of the training and campaigns to be undertaken, including an estimate of the costs involved)	x							
	4.2. Implementation of the training plan	x	x	x					
	4.3. Definition of equipment and logistical tools	x	x						
	4.4. Acquisition of equipment and logistical tools		x	x					
	4.5. Putting equipment, logistical tools and maintenance into service		x	x					
5. Reform of the legal framework	5.1. Review of forestry law and its implementing texts	x	x						
	5.2. Improvement of the legal framework relating to the domestic timber market	x	x	x					
	5.3. Improvement of the legal framework relating to forests (community, communal and private forests)	x	x	x					
	5.4. Improvement of the legal framework relating to social and environmental aspects	x	x	x					
	5.5. Integration of the relevant provisions of international legal instruments duly ratified by Cameroon	x	x	x					
	5.6. Any necessary readjustment of the legality matrix			x					
	5.7. Improvement of the legal framework in relation to the industrialisation of the forestry sector and advanced processing	x	x	x					
6. Improvement of the national control system	6.1. Developing a system for planning the control actions	x	x	x	x	x	x	x	x
	6.2. Establishment of procedures for the control operations, in accordance with the legality assurance procedures	x	x	x					
	6.3. Development of measures to improve governance	x	x	x					
	6.4. Function of the national control system feeding into the SIGIF II			x	x	x	x	x	x

Activities	Secondary activities	Yr 1 (1)	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8
		Preparatory phase			Operational phase 1				
7. Establishment of the traceability system	7.1. Development of the traceability system	x	x						
	7.2. Establishment of the link between the databases of the various ministries involved and the mechanisms for the exchange of data with the CEMAC countries	x	x						
	7.3. Updating the inventory rules	x	x						
	7.4. Testing of the pilot system (operationalisation)		x	x					
	7.5. Acquisition of materials and equipment (identifiers, identifier readers, computers) for extension of the system to national level		x	x					
	7.6. Consolidation and extension of the system to national level: establishment and equipment of control posts along the supply chains, including border posts (infrastructure, computers, Internet links, etc.)			x	x				
	7.7. Strengthening the capacity of the actors (MINFOF and other administrations involved, private sector and civil society), with geo-referenced inventories, use of databases etc.		x	x	x				
	7.8. Training of staff involved (legality unit and control posts), private sector and civil society		x	x	x				
	7.9. Function of the traceability system				x	x	x	x	x
	7.10. Data gathering and processing				x	x	x	x	x
	7.11. Equipment maintenance				x	x	x	x	x
8. Establishment of the scheme for verifying the legality of the forestry entity	8.1. Continued development and field tests of the legality matrices	x	x	x					
	8.2. Development of detailed procedures for verifying the legality of the forestry entity	x	x	x					
	8.3. Training and raising awareness on the procedures for verifying the legality of the forestry entity			x	x				
	8.4. Recognition and publication of the approved private certification schemes	x	x	x					
	8.5. Testing the system for the issue of certificates of legality			x					
	8.6. Evaluation of the function of verification of the legality of the forestry entity, together with any necessary corrective measures			x	x	x			
	8.7. Issue of certificates of legality			x	x	x	x	x	x

Activities	Secondary activities	Yr 1 ⁽¹⁾	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8
		Preparatory phase			Operational phase 1				
9. Establishment of the system for the issue of FLEGT licences	9.1. Development of detailed procedures for the issue of FLEGT licences	x	x						
	9.2. Raising awareness of the procedures for issuing FLEGT licences within the private sector	x	x	x					
	9.3. Establishment of contacts with the competent Union authorities	x	x	x					
	9.4. Feasibility study on the issue of electronic FLEGT licences			x	x				
	9.5. Testing the system for the issue of FLEGT licences			x	x				
	9.6. Issue of FLEGT licences				x	x	x	x	x
10. Independent audits of the system	10.1. Recruitment of the independent auditor and development of detailed methodology			x					
	10.2. First independent audit (6 months after launch)				x				
	10.3. Second independent audit (12 months after launch)				x				
	10.4. Third independent audit (2 years after launch)					x			
	10.5. Fourth independent audit						x		
	10.6. Fifth independent audit							x	
	10.7. Sixth independent audit								x
11. Monitoring the domestic timber market (MIB)	11.1. Monitoring the domestic timber market	x	x	x					
	11.2. Establishment of a statistic-gathering system	x	x	x	x	x	x	x	x
12. Industrialisation and marketing	12.1. Completion of an inventory of the timber sector in Cameroon and of the consumption of timber-based products on the Cameroon market	x							
	12.2. Consultation with professionals (informal or otherwise)	x							
	12.3. Analysis of the dynamics and of requirements	x	x						
	12.4. Preparation of plan for the evaluation, industrial development and more advanced processing of timber		x	x					
	12.5. Preparation of processing rules			x	x				
	12.6. Preparation of incentives for the use of timber (quality standards, promotion of new products)			x	x				
	12.7. Characterisation and promotion of lesser known species			x	x	x	x	x	x
	12.8. Encouragement of technology transfer			x	x	x	x	x	x

Activities	Secondary activities	Yr 1 ⁽¹⁾	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8
		Preparatory phase			Operational phase 1				
13. Monitoring the impacts of the Agreement	13.1. Definition and monitoring of social indicators		x	x	x	x	x	x	x
	13.2. Establishment of a system for monitoring confiscated timber volumes		x						
	13.3. Establishment of the system for monitoring socioeconomic and environmental impact			x					
	13.4. Evaluation of the socioeconomic impact halfway through implementation of the Agreement			x	x	x			
	13.5. Monitoring the growth in forestry sector revenue			x	x	x	x	x	x
	13.6. Strengthening the mechanism for permanent monitoring of vegetation cover (monitoring permanent plots of land, satellite images etc.)				x	x	x	x	x
	13.7. Impact studies in relation to: illegal logging, market access, revenue growth, timber exports, of confiscated timber quantities				x	x	x	x	
	13.8. Monitoring developments in relation to fines and court cases			x	x	x	x	x	x
14. Seeking additional financing	14.1. Development a fund mobilisation strategy	x	x						
	14.2. Development of programmes and funding agencies		x	x	x	x	x		

⁽¹⁾ Year 1 begins as from the signature of the Agreement.

ANNEX X

SUPPORTING MEASURES AND FINANCING MECHANISMS**I. Financing mechanisms**

A large proportion of the activities required for implementation of the Agreement is already included under the sector reforms introduced by the Cameroon Government, which are identified as some of the priority activities to be undertaken by the Forest and Environment Sector Programme (PSFE). As a result, their financing is assured through the instruments identified under that programme, in particular:

- (a) for funds provided by Cameroon itself:
 - the national budget,
 - the Special Forestry Development Fund (FSDF),
- (b) for contributions by the partners:
 - the Common Fund,
 - budgetary support.

However, additional financial resources are needed for some actions that are specific to the Agreement, hence the need to seek resources elsewhere:

- from the development partners: the support of the Union via the 10th European Development Fund (EDF) and other mechanisms to be identified,
- internally: the introduction of a tax.

These additional funds must be mobilised in accordance with the Forest and Environment Sector Programme.

II. Supporting measures

The implementation of actions more specific to the Agreement will require supporting measures in the following fields:

- (a) capacity building;
- (b) communication;
- (c) promotion of FLEGT products on the Union market;
- (d) monitoring the domestic timber market;
- (e) industrialisation;
- (f) monitoring the impact of the Agreement;
- (g) helping to monitor implementation of the Legality Assurance Scheme (LAS);
- (h) modernising the traceability system;
- (i) strengthening the national control system;
- (j) the Legality Assurance System;
- (k) the system for issuing FLEGT licences;
- (l) establishing the independent audit;

(m) reforms of the legal framework;

(n) seeking additional financing.

To this end, the Parties must ensure that adequate technical and financial support is in place, in order to enable the Cameroon Government to implement the necessary actions.

II a. *Capacity building*

Justification

- Technical upgrade via the training of all the actors involved (administrations, private sector, civil society etc.)
- Increased equipment
- Increased logistical tools.

Planned action

- Preparation of a training plan (identification of the actors involved and design of a matrix enabling determination of the objectives of the training and campaigns to be undertaken, including an estimate of the costs involved)
- Implementation of the training plan
- Definition of requirements as regards equipment and logistical tools
- Acquisition of equipment and logistical tools
- Ensuring the proper function of equipment and logistical tools.

Type of support

- Technical assistance
- Financial support for training
- Financial support for the acquisition of equipment and logistical tools.

II b. *Communication*

Justification

Communication is a very important element within the process leading to the implementation of the Agreement; it will:

- encourage involvement and guarantee the coherence of the contributions of the various actors,
- help to develop synergies between the member countries of the Central Africa Forests Commission (COMIFAC),
- promote the image of Cameroon timber on the international market,
- ensure the support of public opinion for the action taken by the Cameroon Government to promote sustainable forestry resource management and development of the communities that depend on it,
- promote the benefits of a voluntary partnership agreement among the actors involved and the public.

Planned action

- Preparation and implementation of a communication plan for raising public awareness inside and outside the MINFOF
- Establishment of an exchange platform between COMIFAC countries
- Communication work designed to inform international opinion (see Annex VII)
- Making the actors aware of the elements of the Agreement that will concern them, and helping them to adapt to the new elements concerned

- Making European public opinion aware of the efforts being made by the Cameroon Government to ensure good governance in the forestry sector.

Type of support needed

- Financial funding
- Technical assistance and capacity building.

II c. *Promotion of FLEGT products on the Union market*

Justification:

- Strengthen confidence thanks to the credibility of the LAS
- Promote access to Cameroon timber on the Union markets
- Seek significant value added for Cameroon timber and timber products.

Planned action

- Feasibility study and, where necessary, establishing a 'FLEGT Cameroon' label
- Label protection and management
- Label promotion
- Raising the awareness of the individual Union markets of the legality assurance provided by the FLEGT licence.

Type of support

- Financial support
- Technical assistance and capacity building
- Promotional campaigns within the Union market.

II d. *Monitoring the domestic timber market*

Justification

- Control of the internal flow of timber within Cameroon
- Possibility of enhancing the contribution of the domestic timber market (MIB) to the national economy.

Planned action

- Organisation of the domestic timber market
- Improvement of the legal framework relating to the domestic timber market
- Establishment of a statistic-gathering system
- Establishment of a suitable traceability system.

Type of support

- Technical assistance and capacity building.

II e. *Industrialisation*

Justification

- Modernisation of the industrial fabric
- Diversification of production (2nd and 3rd level processing)
- Development of the national and regional markets and stimulation of local consumer of legal timber

- Improvement of the processing and by-product recovery processes
- Increase in the value added of timber sold for export
- Job creation, training of professionals and involvement in the fight against poverty.

Planned action

- Inventory of the timber sector in Cameroon and of the consumption of timber-based products on the Cameroon market. In particular, analysis of the timber and construction sectors: status of knowledge and markets, status of use of timber in the home, in particular in urban areas, training needs, promotion, development of a bioclimatic timber habitat in Cameroon
- Consultation with professionals (information or otherwise)
- Analysis of the dynamics and of requirements
- Preparation of plan for the evaluation, industrial development and more advanced processing of timber, in accordance with the Forest and Environment Sector Programme
- Preparation of processing rules
- Preparation of incentives for the use of timber (quality standards, promotion of new products), in accordance with the Forest and Environment Sector Programme
- Promotion of lesser known species, in accordance with the Forest and Environment Sector Programme
- Improvement of the legal framework in relation to the industrialisation of the forestry sector
- Encouragement of technology transfer improvement of efficiency and returns: situation analysis, proposals for each sub-sector.

Type of support

- Technical assistance and capacity building.

II f. *Monitoring the impact of the Agreement*

Justification

- Assessment of the impact of the Agreement on the social environment
- Assessment of the economic impact of the Agreement
- Assessment of the effects of the Agreement on the development of the vegetation cover.

Planned action

- Definition and monitoring of social indicators
- Establishment of a system for monitoring confiscated timber volumes
- Establishment of the system for monitoring socioeconomic and environmental impact
- Evaluation of the socioeconomic impact halfway through implementation of the Agreement
- Monitoring the growth in forestry sector revenue
- Strengthening the mechanism for permanent monitoring of vegetation cover (monitoring permanent plots of land, satellite images etc.)
- Impact studies in relation to: illegal logging, market access, revenue growth, timber exports, of confiscated timber quantities
- Monitoring developments in relation to fines and court cases.

Type of support

- Technical assistance and capacity building.

II g. *Helping to monitor implementation of the LAS*

Justification

- Ensuring efficient operation of the Voluntary Partnership Agreement process within Cameroon
- Guaranteeing the involvement of all the stakeholders.

Planned action

- Supporting the function of the national multi-actor monitoring committee, which includes all stakeholders
- Supporting the function of the Joint Monitoring Committee (JMC) of the Agreement
- Establishing the information distribution mechanisms.

Type of support

- Technical assistance and capacity building
- Financial support to the participation of civil society.

II h. *Modernising the traceability system*

Justification

- Entry of all timber flows
- Details of the origin of every product
- Real-time availability of all information on production, tax, exports and disputes.

Planned action

- Finalising the description of the traceability system
- Extending the second generation computer system administering forestry information (SIGIF)
- Establishing the necessary equipment and the infrastructure
- Ensuring the proper functioning of the traceability system
- Data gathering and processing.

Type of support

- Technical assistance and capacity building
- Financial support for equipment acquisition.

II i. *Strengthening the national control system*

Justification

- Improving the efficiency of implementation of the national control system.

Planned action

- Developing a system for planning the control actions
- Drawing up procedures for the control operations
- Development of measures to improve governance.

Type of support

- Technical assistance and capacity building
- Renewing the independent observation mechanism.

II j. *The Legality Assurance System*

Justification

- Establishing the Legality Assurance System.

Planned action

- Continued development and field tests of the legality matrices
- Development of detailed procedures for the Legality Assurance System (LAS)
- Training and raising awareness on the LAS procedures
- Recognition and publication of the approved private certification schemes
- Testing the system for the issue of certificates of legality
- Evaluation of the function of the LAS, together with any necessary corrective measures.

Type of support

- Technical assistance and capacity building
- Financial support for equipment acquisition.

II k. *The system for issuing FLEGT licences*

Justification

- Establishing the system for the issue of FLEGT licences.

Planned action

- Development of detailed procedures for the issue of FLEGT licences
- Raising awareness of the procedures for issuing FLEGT licences within the private sector
- Establishing contacts with the competent European authorities
- Feasibility study on the issue of electronic FLEGT licences
- Testing the system for the issue of FLEGT licences.

Type of support

- Technical assistance and capacity building
- Financial support for equipment acquisition.

II l. *Establishing the independent audit*

Justification

- Guaranteeing the efficiency and credibility of the system for issuing FLEGT licences granted under the Agreement.

Planned action

- Regular completion of independent audits
- Monitoring corrective action taken in order to improve the system.

Type of support

- Financial support for completion of the audits.

II m. *Reforms of the legal framework*

Justification

- Improving the coherence of the legal framework applicable to the forestry sector
- Completing existing aspects that are inadequately structured or regulated.

Planned action

- Review of forestry law and its implementing texts
- Improvement of the legal framework relating to the domestic timber market
- Improvement of the legal framework relating to community, communal and private forests
- Improvement of the legal framework relating to social and environmental aspects
- Integration of the relevant provisions of international legal instruments duly ratified by Cameroon
- Any necessary readjustment of the legality matrix
- Improvement of the legal framework in relation to the industrialisation of the forestry sector and advanced processing.

Type of support

- Capacity building.

II n. *Seeking additional financing*

Justification

- Mobilising financial resources for realisation of priority actions specifically related to the Agreement, for which funding is not yet available.

Planned action

- Take action to find donors.

Type of support

- Technical assistance.

ANNEX XI

JOINT MONITORING COMMITTEE

In application of Article 19, the Parties shall establish a decision-making structure designated the 'Joint Implementing Council' (hereinafter referred to as 'the Council') and a joint committee responsible for undertaking and facilitating monitoring and evaluation of the implementation of an agreement, designated the 'Joint Monitoring Committee' (JMC). The JMC shall also facilitate dialogue and the exchange of information between the Parties. The JMC shall in particular:

- (a) regularly conduct joint missions to review the effectiveness of the implementation of the Agreement as well as its impact, based on the information available;
 - (b) propose the date on which the FLEGT Licensing Scheme should be fully operational;
 - (c) examine the reports of the independent auditor and any complaint relating to the function of the FLEGT licensing system within the territory of one or other of the Parties and complaints by third parties regarding the function of the independent auditor, and propose action to be taken in order to resolve the questions raised by the system independent audit (ISA);
 - (d) monitor, as necessary, action taken by the Parties in order to resolve the problems identified by the independent auditor;
 - (e) ensure assessment of the social, economic and environmental impacts of the Agreement, in accordance with good practice and criteria to be agreed by the Parties, and propose appropriate solutions to any problem identified by this assessment;
 - (f) ensure that regular assessments of the implementation of the Agreement are carried out, including spot checks if applicable;
 - (g) make recommendations, in order to help to attain the objectives of the Agreement, including capacity building and the participation of the private sector and civil society;
 - (h) prepare an annual report, based on the information from the Parties, which it shall submit to the Council;
 - (i) ensure monitoring and reporting of the market situation at regular intervals, propose any necessary studies and recommend action to take on the basis of the market analysis reports;
 - (j) examine the amendment proposals put forward by one or other of the Parties in relation to this Agreement or its Annexes, following the procedures described in Article 29, and issue an amendment recommendation to the Council for its consideration;
 - (k) deal with any other question associated with implementation of this Agreement, following a proposal by one or other of the Parties;
 - (l) on the instruction of the Council, seek an acceptable solution, in the event of a difference of opinion between the Parties, in relation to the application and/or interpretation of this Agreement, as described in Article 24.
-

COUNCIL DECISION

of 28 February 2011

on the conclusion of a 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)

(2011/202/EU)

THE COUNCIL OF THE EUROPEAN UNION,

The text of the Agreement is attached to this Decision.

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(3) and the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) and (7) thereof,

Article 2

The President of the Council is hereby authorised to designate the person empowered on behalf of the Union to make the notification provided for in Article 28 of the Agreement, in order to bind the Union.

Having regard to the proposal from the European Commission,

Article 3

Having regard to the consent of the European Parliament,

The Union shall be represented by representatives of the Commission in the Joint Agreement Implementation Committee set up in accordance with Article 19 of the Agreement.

Whereas:

The Member States may participate in meetings of the Joint Agreement Implementation Committee as members of the Union delegation.

(1) In May 2003 the European Commission published an EU Action Plan for forest law enforcement governance and trade (FLEGT) which called for measures to address illegal logging through the development of voluntary partnership agreements with timber-producing countries. Council conclusions on this Action Plan were adopted in October 2003 ⁽¹⁾ and Parliament adopted a resolution on 11 July 2005 ⁽²⁾.

Article 4

For the purpose of amending the Annexes to the Agreement on the basis of Article 26 thereof, the Commission is authorised, in accordance with the procedure laid down in Article 11(3) of 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 ⁽⁴⁾, to approve such amendments on the Union's behalf.

(2) In accordance with Council Decision 2010/615/EU ⁽³⁾, the 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 (hereinafter 'the Agreement') was signed on 17 May 2010, subject to its conclusion at a later date.

(3) The Agreement should be concluded,

Article 5

This Decision shall enter into force on the day of its adoption.

HAS ADOPTED THIS DECISION:

Done at Brussels, 28 February 2011.

Article 1

The Agreement between the European Union and the Republic of Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) is hereby approved on behalf of the Union.

For the Council

The President

FELLEGI T.

⁽¹⁾ OJ C 268, 7.11.2003, p. 1.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 482.

⁽³⁾ OJ L 271, 15.10.2010, p. 1.

⁽⁴⁾ OJ L 347, 30.12.2005, p. 1.

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 septynioliką 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.

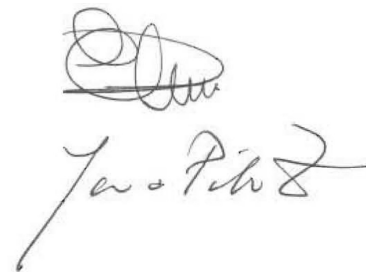
V Bruseli dňa sedemnásteho mája dvetisícdesať.

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



Handwritten signature of Jean-Pierre

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 Konga
 Pela República do Congo
 Pentru Republica Congo
 Za Konžskú republiku
 Za Republiko Kongo
 Kongon tasavallan puolesta
 För republiken Kongo



Handwritten signature of Henri DJONBO

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)) 	<ul style="list-style-type: none"> Tax Authority Tax Authority Tax Authority, DDEF, Teams 	<ul style="list-style-type: none"> — Verification of documents — On-site verification — Verification of documents — On-site verification — Verification of documents — On-site verification 	<ul style="list-style-type: none"> Once a month Twice a year Once a month Twice a year Once a month Twice a year
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)) 	<ul style="list-style-type: none"> Environmental Authority Environmental Authority Health Authority Environmental Authority Health Authority Environmental Authority 	<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 	<ul style="list-style-type: none"> Once while the study is being carried out 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
	— 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.

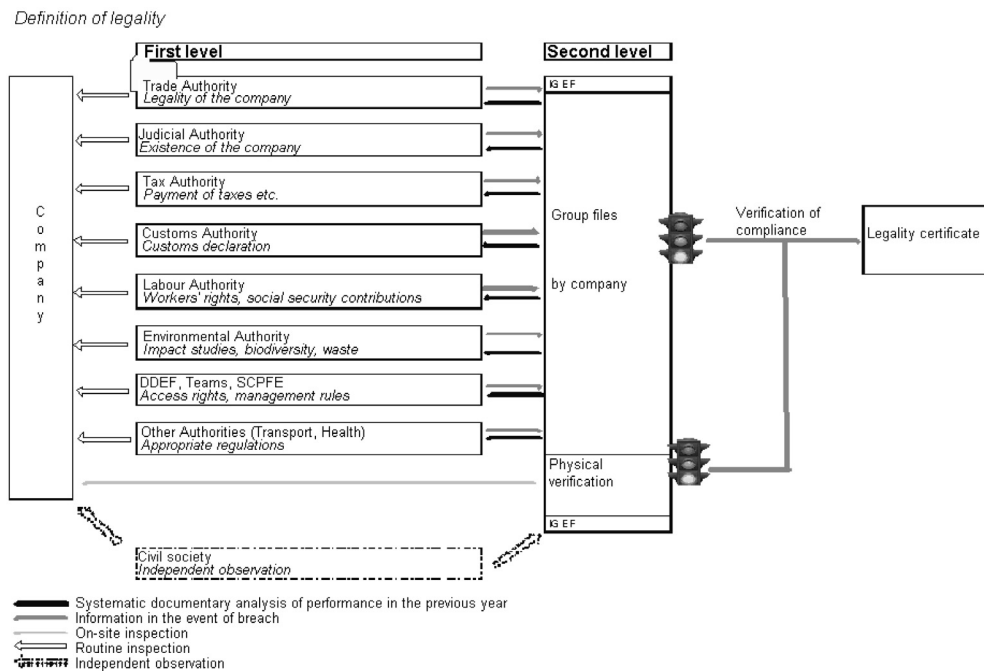


Diagram 1: Granting of the legality certificate

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.

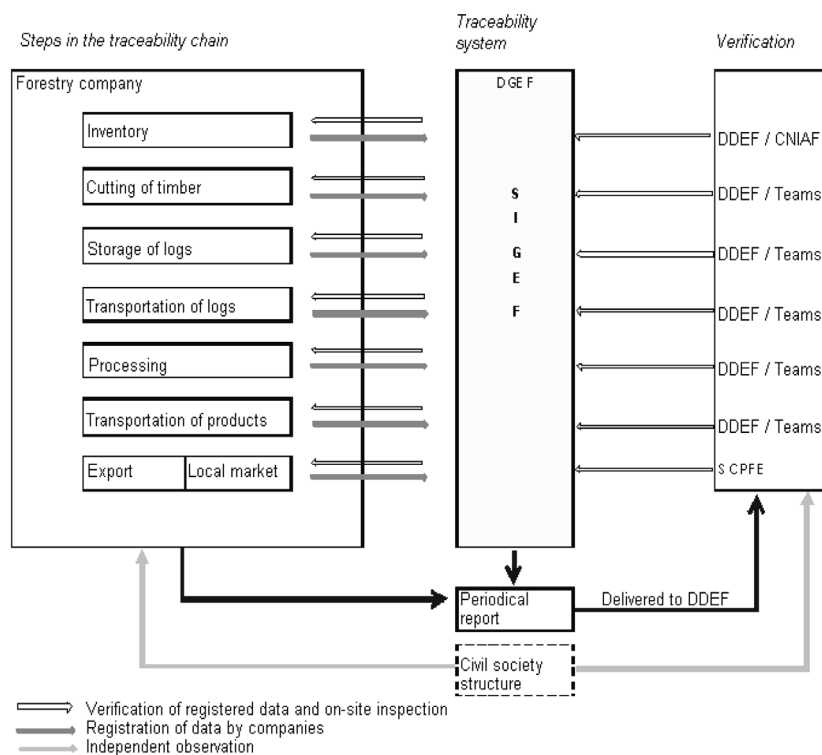


Diagram 2: Traceability chain

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:

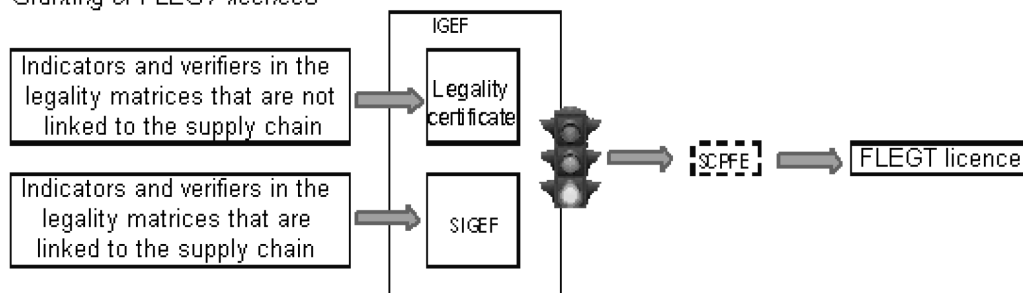
- a legality certificate has been issued in accordance with applicable procedures described in Chapter 3,
- the supply chain is controlled by authorised departments in accordance with applicable procedures described in Chapter 4,
- the FLEGT licence will be granted by the subsidiary offices of the SCPFE 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 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 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.
-

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.
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