



Framework for Assessing Legality of Forestry Operations, Timber Processing and Trade Annex

REPUBLIC OF CONGO

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Framework for Assessing Legality of Forestry Operations, Timber Processing and Trade - Principles, Criteria and Indicators for Republic of Congo

<i>Indicator</i>	<i>Guidance note/verifier</i>
PRINCIPLE 1: ACCESS, USE RIGHTS AND TENURE	
Criterion 1.1: The company is legally registered with the relevant administrative authorities	
Indicator 1.1.1: Registration with the economic, social and forestry authorities	<p>Verify that the company is in possession of the following documents:</p> <ul style="list-style-type: none"> • Trade registry • Bank guarantees • Valid licence • Certificates of registration with the National Centre of Statistics and Economic Affairs • Certificate of tax morality • Registration with the National Office of Social Security. • Receipts for payments of employer’s social contributions • Official agreement to operate from the forestry profession • Professional identity card
	<p>Legal references:</p> <ul style="list-style-type: none"> • Decree 2002-437, of 31st December 2002 fixing the conditions pertaining to the management and use of the forest (Article 157). Undoubtedly, other texts of reference exist. Auditors will have to contact the other relevant administrations (Including the Ministries in Charge of Justice, Interior and Commerce), for any other provisions.
Criterion 1.2: Use, access and tenure rights applications are subject to stated pre-conditions within the laws and regulations	
Indicator 1.2.1: All the steps required to obtain a licence to operate have been scrupulously respected by the company within the set time limits provided for in the laws and regulations of the	<p>Verify that the company is operating in respect the allocation procedures of the Ministry in charge of Forestry by reviewing the following documents:</p> <ul style="list-style-type: none"> • Statement from the special committee set by the Minister in charge of Forestry for the allocation of forestry titles

country	<ul style="list-style-type: none"> • Notice Letter • Forestry operation title. <p>Note: in the Republic of Congo eligible candidates for allocation of forest concessions must make an application to be reviewed by a forest committee. The allocation of concessions is done following an invitation to tender.</p> <p>Legal references</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002 fixing the conditions pertaining to the management and use of the forest, Articles 162 to 166
<p>Indicator 1.2.2: The company has paid all the costs pertaining to each step of the licensing process</p>	<p>Verify that a company can provide evidence of a bank deposit.</p> <p>Note: when a forestry operation title is granted a company is required to make a financial deposit.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002 fixing the conditions pertaining to the management and use of the forest, Article 166
<p>Indicator 1.2.3: Companies must inform all parties involved in the management of forest on the allocation of their forestry titles in the concerned area</p>	<p>In the Republic of Congo, the information to the public is closely linked to the tender procedure for the allocation of forestry operation titles. Calls for tender are published at the national and local levels and results are communicated at both levels. Each proponent is subject to a morality (moral standards) investigation. Any potential opposition to the allocations must be notified in writing. During the audit, the whole procedure should be reviewed. The auditors should review:</p> <ul style="list-style-type: none"> - The moral in investigation report - The minutes of the information meetings organised by the concessionaires in villages within its area of operation <p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002 fixing the conditions pertaining to the management and use of the forest, Articles 157 to 167
<p>Criterion 1.3: Clear evidence of forest and/or land use, access and tenure rights shall be demonstrated in accordance with laws and regulations</p>	

Indicator 1.3.1: The company holds a licence for annual harvest from the forestry administration (and other permits from the local economic authorities on a regular basis)	Verify that the company holds a valid harvesting licence supported by the following information: <ul style="list-style-type: none"> • Results of a tree inventory marked on a 1/20 000 map • A 1/50 000 map showing details of the access roads • Evidence of payment of taxes and other charges • Working site books • Activity report for the first eight months of the current year Note: in order to obtain an annual cutting licence a company managing a forest concession must provide the above documents and apply before the 31st October of the previous year.
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002 fixing the conditions pertaining to the management and use of the forest, Article 71
Indicator 1.3.2: The other permits from the local economic authorities on a regular basis are valid	The company must provide its permits and its up to date trader's licence.
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002 fixing the conditions pertaining to the management and use of the forest, Article 71
PRINCIPLE 2: HARVESTING REGULATIONS	
Criterion 2.1: Forest Management Plan in accordance with the government policies, guidelines and regulatory requirements, approved by relevant authority	
Indicator 2.1.1: Preliminary studies have been conducted according to the rules and standards prescribed by the forest administration	A documentation review will be undertaken to ensure that the reports of the various studies (forest inventories, socio-economic study) exist and have been approved by the forest administration. The most important documents include: <ul style="list-style-type: none"> - A socio-economic study report - A forest inventory report - An environmental impact assessment report
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Articles 24 to 30.

Indicator 2.1.2: The forest management plan has been prepared in accordance with the rules and standards prescribed by the forest administration	The forest management plan should be approved by the ministry in charge of forestry; during the audit, the company should have an official letter of approval
	Legal reference • Decree No. 2002-437 of 31st December 2002, Articles 66 to 69
Indicator 2.1.3: The five-year and annual management plans comply with the rules and regulations of the forestry administration	The audit should check the letter of approval of annual and the five year management plan from the forestry administration
	Legal reference • Decree No. 2002-437 of 31st December 2002, Articles 66 to 69
Criterion 2.2: Harvesting/timber licence with stated conditions in accordance with the government policies, guidelines and regulatory requirements, approved by relevant authority	
Indicator 2.2.1: Forest maps have been drawn up according to the prescribed standards	Verify that maps contained in the forest management plan comply with standards and show the main subdivisions of the forest, location of trees to be harvested as ascertained from a forest inventory and the access road network.
	Legal reference • Decree No. 2002-437 of 31st December 2002, Article 71, Forest Code, Article 55
Indicator 2.2.2: Boundaries demarcated on maps are clearly marked on the ground in compliance with the regulations in force	Verify on the ground that boundaries of the harvest area have been demarcated.
	Legal reference • Decree No. 2002-437 of 31st December 2002, Articles 80, 83 and 84
Criterion 2.3: The company implements harvest operations in accordance with the legally prescribed silvicultural system and relevant regulations	
Indicator 2.3.1: The company builds access road and tracks in compliance with operating standards (with emphasis on planning of access road network, sizes of road and tracks, conservation of water courses and steep slope) in forest areas	Verify the availability of maps drawn up according to the standards in force, and verify correct field implementation
	Legal reference • Decree No. 2002-437 of 31st December 2002, Articles 71, 99, 139 and 140

Indicator 2.3.2: Minimum harvestable diameters are respected during the harvesting operations	Verify on the ground that only trees of minimum diameter are harvested. Note: the Minimum Harvestable Diameters (DME) to be complied with by the company are included in the related legal provisions. DME can be modified during the development of the forest management plans to become Minimum Management Diameters (DMA) which are then included in the forest management plan and it will be necessary that any changes to plans are verified with the authorities.
	Legal reference • Decree No. 2002-437 of 31st December 2002, Article 91, management plan
Indicator 2.3.3: Harvested timber species are duly authorized by the forestry management plan	Verify on the ground that only authorized species are harvested as detailed in the management plan.
	Legal reference • Approved management plan. Forest Code, Article 55
Indicator 2.3.4: The company respects all the provisions of the legislation in force, on timber waste disposal in forestry operations	Verify on the ground that timber of economic value is not abandoned in the forest after felling, which is prohibited by legislation.
	Legal reference • Decree No. 2002-437 of 31st December 2002, Article 93
Indicator 2.3.5: Trees accidentally broken during the harvesting process and those used for development of infrastructure are recorded	Verify that data on broken trees or on trees used for infrastructure development is recorded in the working site books.
	Legal reference • Decree No. 2002-437 of 31st December 2002, Article 92
PRINCIPLE 3: TRANSPORTATION OF LOGS AND WOOD PRODUCTS	
Criterion 3.1: Clear evidence of documents and licences for companies and carriers involved in timber products transportation shall be demonstrated in accordance with the laws and regulations	
Indicator 3.1.1: Lorries and other means of transport for forest products have valid registration licence and number	Verify that the company is in possession of insurance, licences, inspection certificates and other required authorizations covering lorries and other means of transport.
	Legal reference

	<ul style="list-style-type: none"> • Regulations from the Ministry of Transport
Indicator 3.1.2: Company vehicles are not involved in transport of biodiversity products which are prohibited by national or international legislation and agreements	<p>Verify with Forest rangers that there is no evidence or allegations that the company or its staff are involved in illegal transport of bushmeat or other forest products.</p> <p>Note: national legislation provides a list of fully protected animal species.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 3863/MEF/SGEF/DCPP, Annexe I
Criterion 3.2: Clear evidence of documents and corresponding markings of timber products for transport shall be demonstrated by companies and carriers in accordance with the laws and regulations	
Indicator 3.2.1: Stumps of harvested trees are hammer marked or paint marked according to regulatory requirements	<p>Verify by random checking on the ground that all stumps are correctly marked.</p> <p>Note: all stumps of harvested trees must be marked with the company hammer and an order number in an uninterrupted series from 1 to 99,999.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31 December 2002, Article 86
Indicator 3.2.2: Billets of timber in forest yards are marked according to the rules in force so that they can be easily traced	<p>All the billets coming from the same harvested tree have the same marks, plus the billet number.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31 December 2002, Article 86
Indicator 3.2.3: Log transportation documents are completed prior to departure from the harvesting site and are kept by the carriers during transportation	<p>Verify by random checking on the ground that all transport timber is accompanied by the correct documentation.</p> <p>Note: documents provide complete information about transported products, the origin and the destination and these should be in the possession of the person in charge of the transport vehicle for the entire journey.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31 December 2002, Article 121

PRINCIPLE 4: PROCESSING REGULATIONS	
Criterion 4.1: Clear evidence of documents and licences for companies involved in timber processing shall be demonstrated in accordance with the laws and regulations	
Indicator 4.1.1: Licences related to timber processing plants should be available for inspection from the company	Verify that a company undertaking timber processing is in possession of an licenses from the Ministry in charge of Forestry. As required by current legislation.
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Articles 114 to 115
Criterion 4.2: Timber processing companies are subject to stated conditions within the laws and regulations	
Indicator 4.2.1: The company maintains records of processed timber volumes	Verify that companies comply with a processing plan required in the agreement (see 4.1.1) and that the capacity of the processing unit is compatible with Forest Management Unit resources. Note: the current legislation does not set any quota but companies are required to include a processing plan in their request for agreement, and will have to comply with this in the future.
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Articles 116 to 117, • Forest Code, Articles 48 to 49, agreement signed with the Government.
Indicator 4.2.2: Records of timber volume entering the plant and timber products leaving the plant are maintained according to official procedures	Verify that the company registers all timber products entering and leaving the mill using the official format.
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Article 119
PRINCIPLE 5: IMPORT AND EXPORT REGULATIONS	
Criterion 5.1: Clear evidence of licence/permit of company involved in import and export shall be demonstrated in accordance with the laws and regulations	
Indicator 5.1.1: The company holds an export/import licence	Verify that timber product exporting/importing companies possess a licence issued by the Ministry of Commerce after written authorization by the Ministry in charge of forestry.

	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Articles 127 and 128
<p>Criterion 5.2: Clear evidence of official documents of timber products for import and export shall be demonstrated by companies and carriers in accordance with the laws and regulations</p>	
<p>Indicator 5.2.1: All documents required by legislation covering the export/import of timber products according are in possession of the company</p>	<p>Verify that a timber product exporting/importing company completes specification sheets detailing species, quality and quantity of all timber products exported by, and submits monthly reports to the Ministry in Charge of forestry</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Article 133.
<p>Criterion 5.3: Timber products import and export companies are subject to stated conditions within the laws and regulations</p>	
<p>Indicator 5.3.1: The company respects log export quotas</p>	<p>Verify that a company is only exporting processed products or is in possession of a special authorization if exporting logs and respects its exports quotas. Note: in principle, only processed timber products can be exported. To export raw logs a special authorisation should be provided by the Ministry in charge of Forestry.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Forest Code, Article 48, • Decree No. 2002-437 of 31st December 2002, Article 129
<p>Indicator 5.3.2: All timber species exported are authorised by existing regulations</p>	<p>Verify that species exported are not restricted under the:</p> <ul style="list-style-type: none"> • CITES Convention • List of authorised species in the forest management plan <p>Note: the only lists of protected timber species at the national level are the CITES Convention, to which the Republic of Congo is a signatory, and the list of authorized species in the forest management plan.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Approved forest management plan • CITES Convention

PRINCIPLE 6: ENVIRONMENTAL REGULATIONS	
Criterion 6.1: State/company conducts environmental impact assessments or other required assessments within the laws and regulations	
Indicator 6.1.1: When required, environmental impact assessments have been conducted according to regulations and approved by the competent authorities from the Ministry in Charge of the Environment	Verify that companies are in compliance with relevant legislation. Note: drafting of legislation on protection of the environment is currently in process. A ministerial department in charge of the environment was created in March 2007 and auditors will have to verify with this department the status of relevant legislation.
	Legal reference • in process
Indicator 6.1.2: Legal provisions concerning water and air pollution are respected	Verify with appropriate agencies that there are no records or complaints of companies discharging pollutants into water courses, or, if there is evidence of discharge, what action was taken.
	Legal reference • Water code, Articles 20 to 23 • Forest Code, Article 48, • Decree No. 2002-437 of 31st December 2002, Article 142
PRINCIPLE 7: CONSERVATION REGULATIONS	
Criterion 7.1: State/company conducts conservation assessment/evaluation within the laws and regulations	
Indicator 7.1.1: Nationally protected species of fauna and flora and fragile sites are identified during the forestry inventory according to official forestry and other relevant agencies' regulations and guidelines	Verify that the forest management plan is based on a multi-resource forest inventory that takes into account protected species of flora and fauna and fragile sites.
	Legal reference • Forest inventory guidelines from the forestry administration
Criterion 7.2: State/company takes mitigation measures on negative conservation values in accordance with the laws and regulations	
Indicator 7.2.1: The company's commitment to contribute to the fight against poaching and illegal forest	Verify that the company complies with commitments in the management plan

<p>exploitation in its area of activities as part of Corporate Social Responsibility is adhered to if stated in the contractual obligations with the State</p>	<p>contributing to prevention of poaching and illegal logging. Note: legislation requires that specific measures be inserted in the management plan for each Forest Management Unit dedicated to nature conservation. After approval the management plan is legally binding and a company is obligated to implement commitments to nature conservation.</p>
<p>Indicator 7.2.2: The company contributes to the fight against illegal forest exploitation in its forest concession</p>	<p>Legal reference</p> <ul style="list-style-type: none"> • Forest Code, Article 55
<p>PRINCIPLE 8: SOCIAL REGULATIONS</p>	
<p>Criterion 8.1: Company maintains or strengthens socio-economic welfare of local communities/indigenous people in accordance with the laws and regulations</p>	
<p>Indicator 8.1.1: In the event that local community property and possessions are destroyed by the company, compensation is paid according to the regulations in force</p>	<p>Verify by interviews with communities whether there is any evidence of damage to local property and if there is, review:</p> <ul style="list-style-type: none"> • Statements on the destruction • Evidence that compensation has been correctly paid <p>Note: the destruction of local community property must be ascertained by the competent administration (agriculture, housing, etc.) and compensation determined according to the regulations of the relevant administration.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • The relevant ministerial departments concerned
<p>Indicator 8.1.2: When workers are hired from local communities/indigenous people, they are paid according to legal provisions</p>	<p>Verify that companies meet the employment provisions in the Terms and Conditions (see legal reference below).</p> <p>Note: provisions on the recruitment of local people in forestry operations are included as an annex to approved management plans.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Terms and conditions, Collective agreement of farming and forestry companies, Articles 52 to 63

<p>Indicator 8.1.3: The contractual clauses (terms and conditions) annexed to the management plan with respect to a contribution of the company to the improvement of local infrastructures are respected</p>	<p>Verify that a company complies with the management plan conditions on provision of benefits to local communities.</p> <p>Note: the legislation stipulates that the forest management plan must contain measures in favour of local communities, and after approval of the plan these measures become a legally binding commitment.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Forest Code, Article 55
<p>Criterion 8.2: Company recognizes legal or customary rights of indigenous/local people in accordance with the laws and regulations</p>	
<p>Indicator 8.2.1: User rights of local communities in the forestry concessions are recognized and respected</p>	<p>Verify by meetings with communities that user rights as defined in the Forest Code and included in the management plan are respected by the company.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Forest Code, Articles 40 to 42 and 55, Management Plan
<p>Criterion 8.3: Company complies with the laws and regulations on its employees' and workers' rights</p>	
<p>Indicator 8.3.1: The freedom of labour union activities within the company is guaranteed</p>	<p>Verify with employees that they are free to be involved in labour union activities and that there are no restrictions or bans on such activity imposed by the company.</p> <p>Note: in the event of employee allegations that the company impose any restrictions on union activities documentary evidence should be provided.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Article 7
<p>Indicator 8.3.2: The workers' representatives have been appropriately trained to carry out their duties</p>	<p>Confirm that the company authorizes absence of 15 days annually to worker's representatives for attending meetings, seminars, symposia and other gatherings concerning labour law, without deduction from pay or from leave entitlement.</p> <p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Article 8
<p>Indicator 8.3.3: The employees of the company have access to relevant documents on the Labour Law</p>	<p>Confirm that the company provides notice boards for worker's representatives to inform the employees on their rights.</p>

	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Article 9
<p>Indicator 8.3.4: Relations between the company and its employees have been formalised in accordance with legal requirements</p>	<p>Verify by review of documents and staff interviews:</p> <ul style="list-style-type: none"> • Existence of the contracts • Duration and format of contracts meet legal requirements • Assistance (healthcare and education) provided to workers
	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Articles 12 to 14
<p>Criterion 8.4: Company complies with the laws and regulations on its employees' and workers' welfare</p>	
<p>Indicator 8.4.1: The company workers are paid in compliance with the regulations in force applicable to their sector of activities</p>	<p>Review of payslips and meetings with employees and employers</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Articles 52 to 63
<p>Indicator 8.4.2: Sanitary and safety conditions for workers comply with the legislation in force</p>	<p>According to the regulations in force in Congo, the company must draw up a development plan and implement for the living infrastructures, with details on:</p> <ul style="list-style-type: none"> • Accommodation in modern dwellings • Health and social centre • Schools • Electrification • Drinkable water conveyance • Sport and leisure infrastructures • Food security programme
	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Articles 49 to 51 • Decree No. 2002-437 of 31 December 2002 fixing the conditions pertaining to the management and use of the forest, Article 170
<p>Indicator 8.4.3: Working hours applied by the company comply with legal provisions</p>	<p>Verify by interviews with staff that the company complies with legal requirements concerning:</p>

	<ul style="list-style-type: none"> • Daily duration of work • Extra hours • Night work
	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Articles 34 to 38
Indicator 8.4.4: The recruitment of workers is done with respect to the age, gender and disability conditions set by the national legislation and the International Labour Organisation (ILO)	<p>Verify that the company complies with regulations related to employment of women, children and disabled workers that cover age restrictions, maternity leave, facilities for the disabled etc,</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Collective agreement of farming and forestry companies, Article 39 Ref.: • Collective agreement of farming and forestry companies, Article 39
PRINCIPLE 9: TAXES, FEES AND ROYALTIES	
Criterion 9.1: The company fills in its tax returns in accordance with its effective professional activity	
Indicator 9.1.1: Tax returns on timber production are done in compliance with rules and regulations	<p>The company keeps working site books which record the quantity and the quality of the harvested timber in each site. These working site books must be submitted to the forest administration within the time limits. The audit will verify the compliance of the company book keeping with the relevant regulations.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Articles 87 to 88
Indicator 9.1.2: Tax returns on timber processing comply with rules and regulations	<p>Every month and every year, the company must communicate its statistical data on timber entering the processing factory and on its production through filling in semi-completed forms. The auditors will verify that these forms are appropriately kept.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Article 119

Indicator 9.1.3: Tax returns on trade in timber and product importation are done in compliance with rules and regulations	Auditors will have to verify that the following documents are appropriately kept: <ul style="list-style-type: none"> • Specification sheets • Declaration to the Customs
	Legal reference <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Article 133
Criterion 9.2: Clear evidence of current paid taxes, fees and royalties in a timely manner shall be demonstrated by the company in accordance with the laws and regulations	
Indicator 9.2.1: All forestry related taxes and fees are paid on time	Availability of receipts and other payment evidence.
	Legal reference <ul style="list-style-type: none"> • Decree No. 6380 of 31st December 2002, Articles 2 and 3; Decree No. 6386 of 31st December 2002, Articles 2 and 3
Indicator 9.2.2: All taxes linked to timber processing operations are paid on time	<ul style="list-style-type: none"> • Registry • Schedule of payment
	Legal reference <ul style="list-style-type: none"> • Decree 6384 of 31 December 2002, Articles 2 and 3
Indicator 9.2.3: All taxes linked to the exportation and the importation of forest products are paid on time	Availability of receipts and other payment evidence
	Legal reference <ul style="list-style-type: none"> • Decree No. 6384 of 31 December 2002, Articles 2 and 3
PRINCIPLE 10: SUBCONTRACTORS AND PARTNERS	
Criterion 10.1: The company respects the contracts made with subcontractors and partners	
Indicator 10.1.1: Relationships between the company and its subcontractors are formalized by a contract certified and/or authorized by the competent administration	Verify that the company holds legally certified contracts for all subcontractors.
	Legal reference <ul style="list-style-type: none"> • Ministries of Interior and Justice
Indicator 10.1.2: The company satisfies all its contractual obligations with respect to subcontractors and	Review contracts and verify that the company is in compliance with contractual obligations.

<p>ensures all operations are legally licensed, employment is in accordance with the law and all timber is legally harvested, transported, processed and traded</p>	<p>Legal reference</p> <ul style="list-style-type: none"> • The legalised contract
<p>Criterion 10.2: The company ensures that all subcontractors and partners are operating within the law</p>	
<p>Indicator 10.2.1: In case of partnership with other companies of the forest sector, the company will ensure that the procedural regulations and contractual responsibilities are complied with</p>	<p>In Congo, forest companies are often obliged to subcontract some of their activities (security, forest operations, transport, etc.). Similarly, they can do partnerships with other companies of the forest sector from whom they get their supplies in timber products and subsequently ensure their exportation.</p> <p>Where appropriate, the companies concerned have to ensure that their partners/subcontractors are operating within the law. This prevents them from being involved in operations of “laundering” of illegal timber and/or from acting as “receiver” of illegal products for the partners/subcontractors.</p> <p>In Congo, in case transportation is subcontracted, the regulations in force stipulates that the road haulers must make sure that his client is effectively in possession of a valid harvesting title, otherwise he could be declared jointly responsible in case of illegal cutting.</p>
	<p>Legal reference</p> <ul style="list-style-type: none"> • Decree No. 2002-437 of 31st December 2002, Article 126

Legal references:

1. Anonyme. 1977. conventions collectives des entreprises agricoles et forestières en République du Congo
2. Loi No. 003-91 du 23 Avril 1991 portant protection de l'environnement au Congo en ses titres III consacré à la protection de la flore et de la faune (articles 15 à 20) ; titre IV portant sur la protection de l'atmosphère (21 à 24).
 - a. Titre V protection de l'eau (article 28) ; titre XII consacré aux taxes et redevances (articles 66) ; titre XIII relatif aux sanctions à la présente loi (articles 67 à 85) ;
3. Traité du 17 Octobre 1993 relatif à l'harmonisation du droit des affaires en Afrique (O.H.A.D.A.), notamment l'Acte Uniforme Relatif au Droit des Sociétés Commerciales et du Groupement d'Intérêt Economique.
4. Loi No. 25-94 du 23 Août 1994 règlementant l'exercice du commerce en République du Congo, en son titre II et IV consacré à la procédure d'accès à la profession de commerçant (articles 4 à 8) et à l'exercice du commerce (articles 16 à 25).
5. Loi No. 3-2000 du 1^{er} Février 2000 fixant les conditions d'exercice de la sous-traitance e République du Congo en son article 8.
6. Décret No. 436-2002 du 31 Décembre 2002 portant attribution, organisation et fonctionnement du service de contrôle des produits forestiers à l'exportation.
7. Décret 2002-437, 31 décembre 2002 fixant les conditions de gestion et d'utilisation des forêts ;
8. Loi No. 3-2007 du 24 janvier 2007 règlementant les importations, les exportations et les réexportations.

Additional document:

1. ADOUKI, D. E. 2005. Code de l'environnement