

Welcome
Introducing the EUTR and tools to help you meet it

About Us

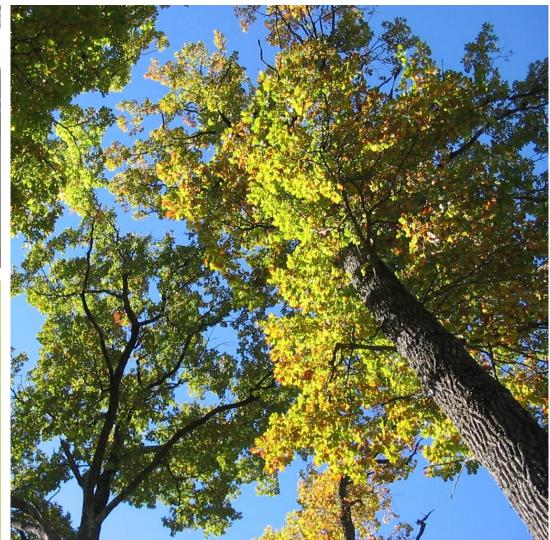


International non-profit organisation





We have been working on sustainable land use and responsible trade of forest commodities for over 20 years



A world where human choices ensure a sustainable future



To build commitment and capacity for

mainstreaming sustainability



OUR VISION

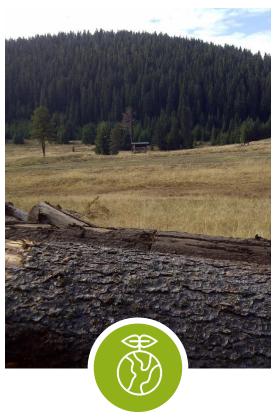


OUR MISSION

Programme Focus











Conservation

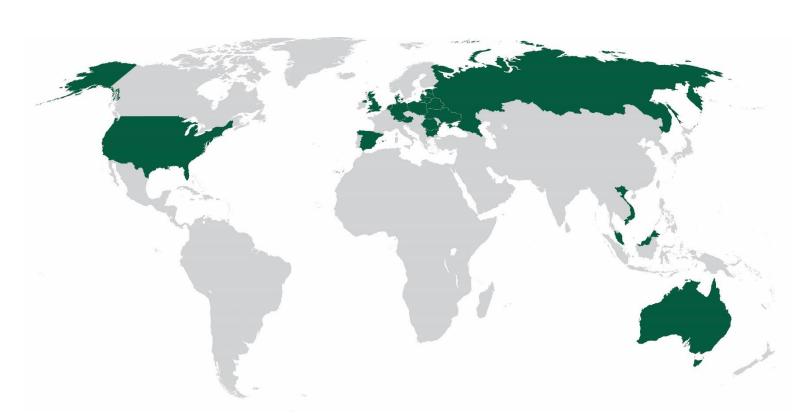
Land Use

Traceability

Responsible Sourcing

Our Team around the World





120+ full-time staff

19 countries

24 nationalities

Network of 160+ consultants

16 legal registrations

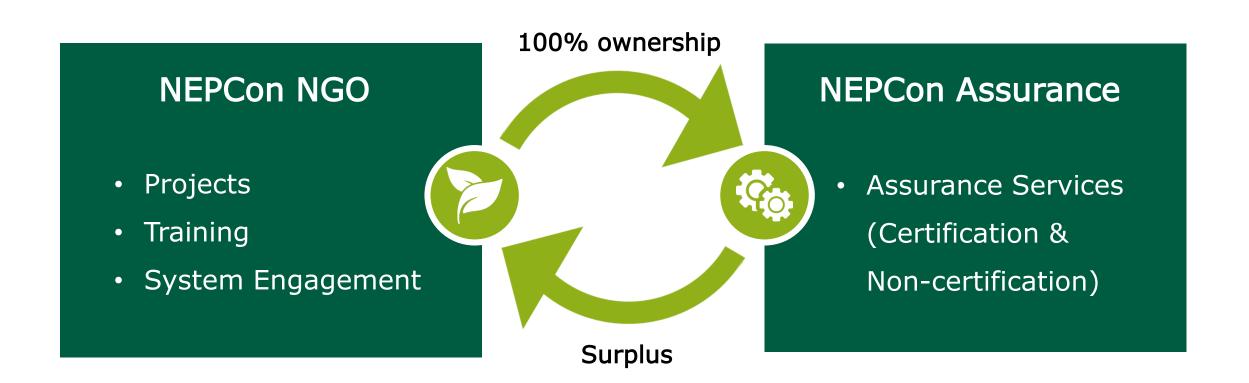
across Europe, US

Russia and Asia



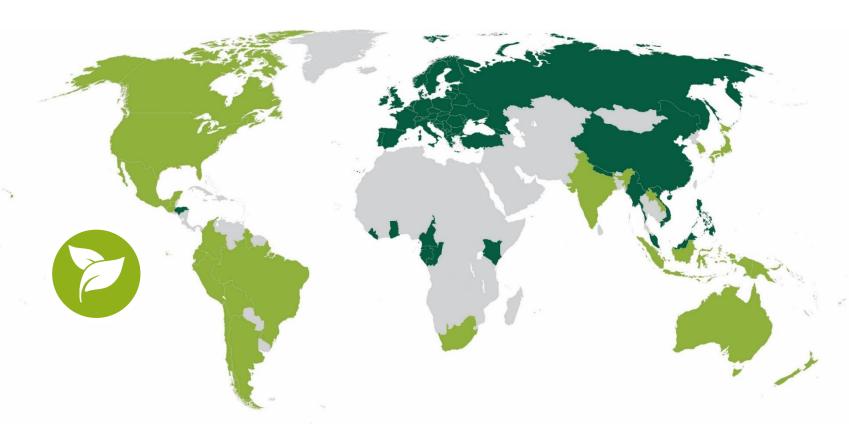
Structure





Projects





We have worked on non-profit projects

for 23 years



We have implemented

100+ projects



on natural resources management

We have contributed to the establishment of 100+ protected areas and

the **development** of 70+ management plans for natural areas



Donors & Collaborators





































Training











FSC

Legality

Carbon



Training





Thousands of

delegates from over

30 countries

have joined

our training events

Look out for our events: www.nepcon.org/events













6-0044-16-100-00











We have certified over

31 million ha of FSC forestland





In more than 15 countries







We provide FSC & PEFC certification to more than

1500 companies

In more than

25

countries







NEPCon
certification
scheme
designed to
provide assurance
of robust
due diligence
for legality in
timber supply

chains

Our Clients





























Dansk Supermarked Group







Keep in Touch with Us

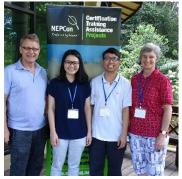






















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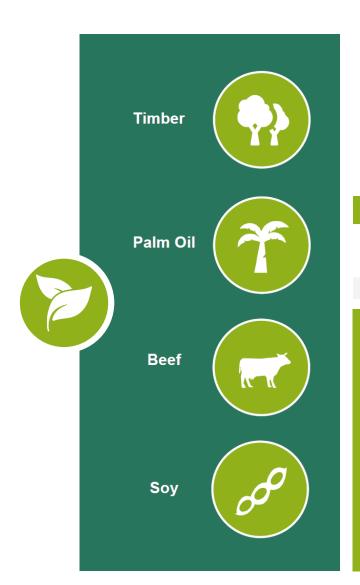


https://www.youtube.com/user/ NEPConsunshine



Supporting Legal Timber Trade







World maps of

risks

Country pages
includes
relevant risk data
and free
downloadable tools

The Sourcing Hub

helps companies
ensure
responsible
sourcing
of timber, cattle,
soy and palm oil

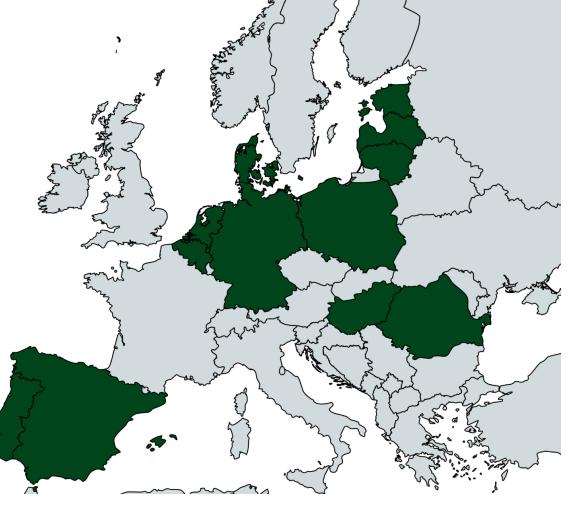
65 countries in the world

from

Supporting Legal Timber Trade







Objectives

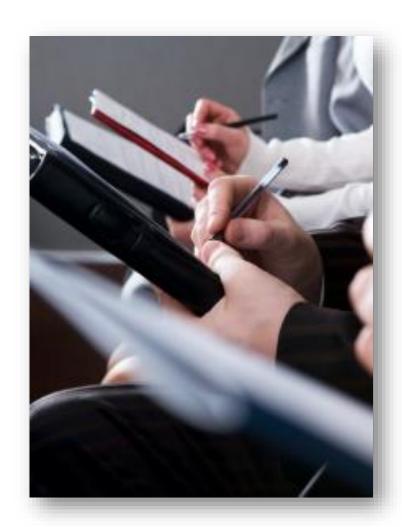


 Provide an understanding of the EU Timber Regulation (EUTR)

 Raise awareness of how to create and maintain a Due Diligence System using NEPCon's tools

Workshop features





Intensive course



- Your classmates are resources
- Teamwork required
- Get involved!
- Please feel free to ask questions







Let's get started!



The EU Timber Regulation



Contents



- Introduction: history, requirements and scope
- Who's involved?
- Defining obligations: operators, traders, monitoring organisations, competent authorities, the EC
- What is 'legal'?
- Product scope: what is covered and what is not
- Enforcement: penalties, liability, proof, drivers, cases
- Resources



Introduction

The EU Timber Regulation - 995/2010





12.11.2010 EN Official Journal of the European Union L 295/23

REGULATION (EU) No 995/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010

laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance)

The EU Timber Regulation - 995/2010

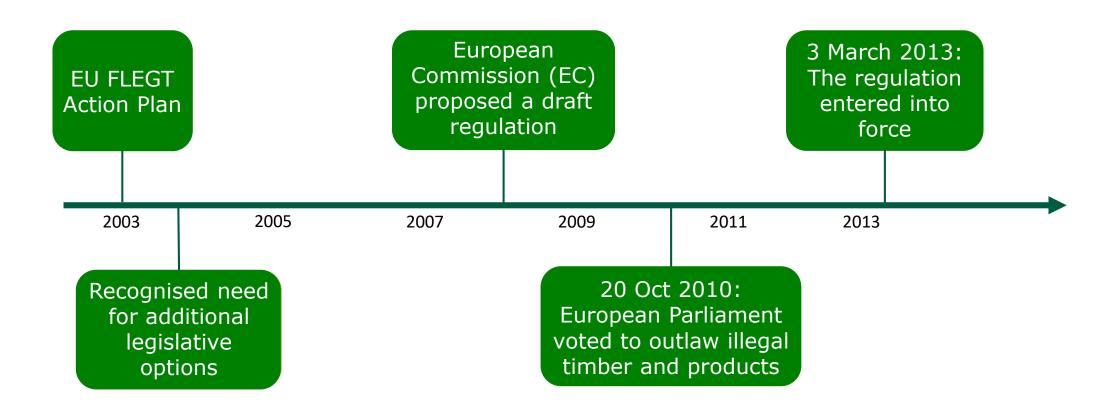


- Part of the EU FLEGT Action Plan
- Aims to reduce illegal logging and the trade in illegally harvested timber
- Prohibits placing illegally harvested timber/timber products on the EU market
- Requires companies to conduct due diligence



History





As of 3 March 2013, the EU Timber Regulation made it illegal to place illegally harvested timber and timber products on the EU market

Requirements and scope



- Prohibits placing illegally harvested timber/timber products on the EU market
- 'Operators' placing timber/timber products on the EU market must conduct due diligence
 - obtain information
 - assess risk of illegality
 - mitigate risk
- 'Traders' of timber already on the EU market must record who they buy/sell to

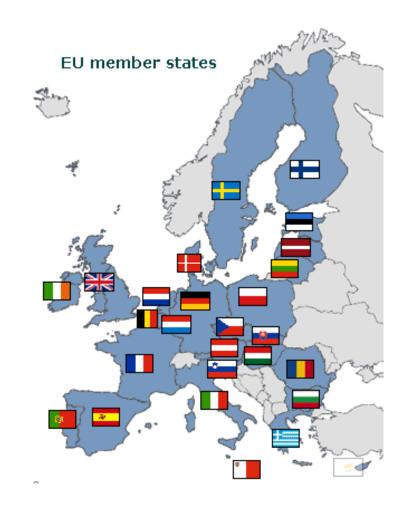
Only products with a FLEGT licence or a CITES permit/certificate automatically comply with the EUTR - products with a certificate/license do not need due diligence

Requirements and scope



Binding on all member states

 Applies to a wide range of timber and timber products, including pulp and paper, harvested in EU and non-EU countries





Who's involved?

Who's involved



The European Commission

Monitoring Organisations



Industry
(Operators & Traders)

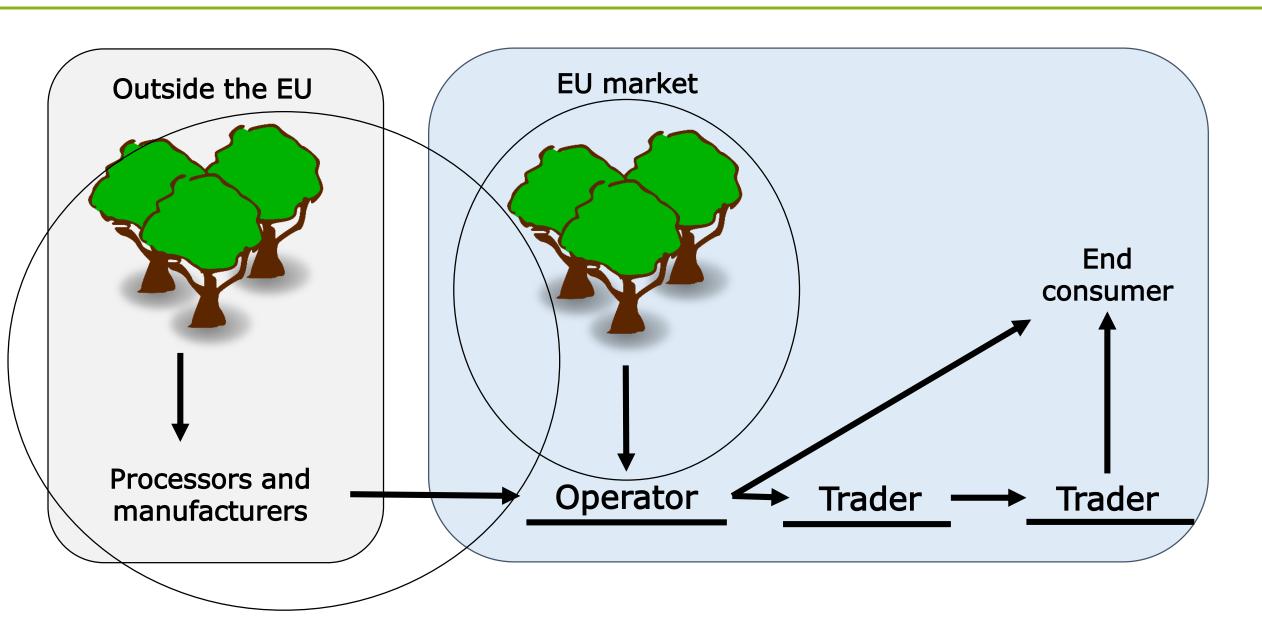
Member states (Competent Authorities)



What are their obligations?

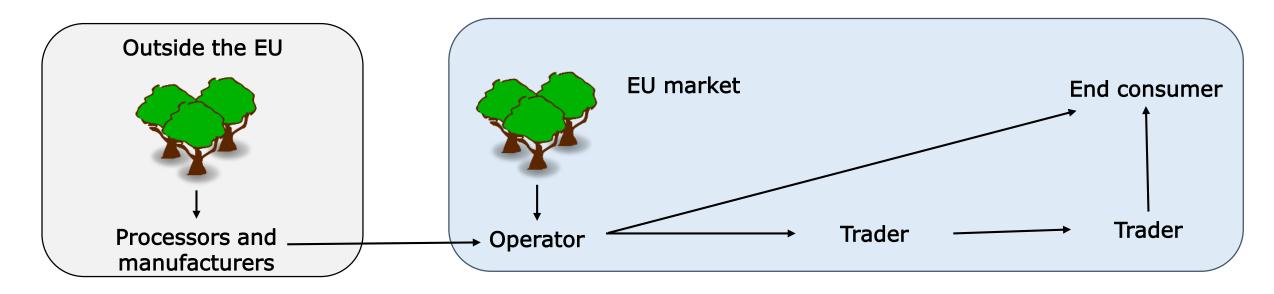
Operators and traders





Placing on the market





For imported timber

(harvested outside the EU)

- The Operator is the entity acting as the importer when the timber is cleared by EU customs for free circulation
- The definition of operator is independent of the ownership of the product, or other contractual arrangements

For domestic timber

(harvested within the EU)

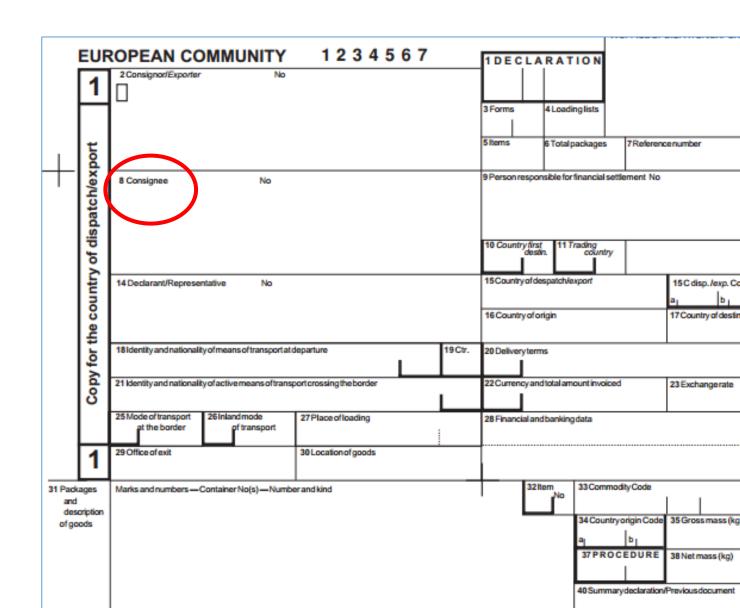
 The operator is the entity that distributes or uses the timber when it has been harvested

Placing on the market



Importers to EU

"In the majority of cases, the importer can be identified as the named or numbered "Consignee" in Box 8 of the customs declaration document (the Single Administrative Document - SAD)".



Placing on the market



- Placed on EU Market (physically)
- For the first time
- Used in a commercial activity
 - whether or not sold



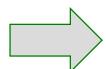
Defining obligations: Operators



 Placing on the market of illegally harvested timber or timber products shall be prohibited

 Exercise due diligence through system and procedures

 Maintain and regularly evaluate the due diligence system



Minimise the risk of illegally harvested timber and timber products

The due diligence system must include:

- ✓ Access to information
- ✓ Risk assessment procedures
- ✓ Risk mitigation procedures

Plus: keep record for 5 years

Defining obligations: Traders





Key: Traceability

- Must be able to identify buyers and suppliers throughout their supply chain
- Keep information for at least five years
- Provide information to competent authorities

Defining obligations: European Commission



- Formulates the Regulation (995) and implementing regulations
- Recognises and controls Monitoring Organisations



Defining obligations: EU Member States



Ensure the EUTR is implemented throughout their jurisdiction

- Provide for "effective, proportionate and dissuasive" penalties for infringements
- Designate one or more Competent Authorities responsible for the application of the EUTR
- Report to the European Commission every two years



Defining obligations: Competent Authorities



Governmental body responsible for application and enforcement of the EUTR

- Carry out checks on monitoring organisations
- Check that Operators effectively fulfil obligations – official checks of premises and field audits. Require remedial actions where necessary.
- Keep records of checks and make them publicly available



Nominated Competent Authorities

http://ec.europa.eu/environment/forests/pdf/list_competent_authorities_eutr.pdf

Defining obligations: Monitoring Organisations



- Maintain and regularly evaluate a due diligence system
- Verify the proper use of its due diligence system
- Take appropriate action in the event of failure, including notifying competent authorities in cases of significant or repeated failure by an Operator



Recognised Monitoring
Organisations
http://ec.europa.eu/environment/forests/mos.htm

Note: Operators don't have to use the due diligence system of a Monitoring Organisation – they may use their own



What is legal?

What is 'legal'?



Legally harvested: harvested in accordance with the...

Illegally harvested: harvested in <u>contravention</u> of the...

... applicable legislation in the country of harvest.



What is 'legal'?



Applicable legislation



Legal right to harvest



Taxes/fees linked to harvesting



 Compliance with timber harvesting laws



 Respect for third parties' tenure/use rights



Relevant trade and customs rules





What is 'legal'?



Role of international conventions

Aside to national legislation, the international conventions to which a country is party also apply in the definition of legal/illegal timber



In the absence of an internationally agreed definition, the legislation of the country where the timber was harvested, including regulations as well as the **implementation in that country of relevant international conventions to which that country is party**, should be the basis for defining what constitutes illegal logging.



Product scope

Product scope – what is covered?



- Virtually any product containing wood, wood fibre, cardboard or paper
- Complete list in the Regulation's annex
- Identification based on EU customs codes. E.g.:
 - 4403 Wood in the rough
 - 4412 Plywood
 - Chapters 47 & 48 Pulp & paper



Regulation can be amended - product list could change in the future

Product scope – what is covered?



- Fuel wood
- Wood in the rough
- Railway sleepers
- Sawn/chipped wood
- Veneer sheets
- Wood with shaped edges
- Particle/strand board etc.
- Fibreboard
- Plywood
- Densified wood

- Wooden frames
- Packing cases, boxes etc.
- Casks, barrels, vats etc.
- Joinery and carpentry of wood
- Pulp and paper (except bamboo and recovered products)
- Wooden furniture
- Prefabricated buildings





Product scope – what is NOT covered?



- Waste products = timber products or components of products manufactured from timber/timber products that have completed their lifecycle (would be disposed of as waste)
- "Seats"
- Plaited products and pulp and paper made from bamboo
- Packaging (used as packaging)
- Printed material





Product scope – important distinctions



Product type or material	Covered	Not covered
Printed materials	Paper or tissue that may carry print e.g. facial tissue, toilet paper, or stationery paper	Products where the print itself is the essential product e.g. books, brochures, and photos
Furniture	Most wooden furniture	Seats, plaited/weaved bamboo, and medical, surgical, dental or veterinary furniture
Bamboo	Solid bamboo products e.g. flooring, tabletops and furniture parts	Products made from plaited or woven bamboo, pulp and paper, seats
Packaging	Packaging sold as a product or that gives the product its essential character (e.g. decorative gift boxes)	Packaging used to 'support, protect or carry' another product e.g. in transport & specific packaging for long-term use e.g. musical instrument cases



Enforcement

Enforcement: Penalties



- National law of member states defines the possible penalties
- Sanctions shall be effective, proportionate to the severity of the violation and have deterrent effect
- Possible sanctions include:
 - Fines
 - Confiscations
 - Suspension of trade permit
 - Imprisonment





Enforcement: Penalties



Fines may be imposed:

On: If they:

Operators

- place illegally harvested timber/timber products on the market
- fail to exercise due diligence

Traders

- cannot identify the operators or traders who have supplied them the timber
- cannot identify the traders to whom they have supplied timber

Monitoring Organisations

- fail to maintain and regularly evaluate a DDS
- fail to verify the proper use of their DDS by operators
- fail to take appropriate action if an operator doesn't properly use their DDS

Enforcement: penalties



 ADD INFO FROM WORKSHOP COUNTRY LATER IF APPROPRIATE (depending on CA presentation)

• NO NEED TO TRANSLATE THIS SLIDE ©

Enforcement: penalties



UK Example

A person found guilty of an offence is liable:

- (a) on summary conviction; Fine up to £5,000 or imprisonment up to 3 months, or both.
- (b) on conviction on indictment; (unlimited) fine or imprisonment up to two years, or both.

Clarification from the CA:

"the offence may be applied to each individual piece of timber within a consignment"

Perhaps more importantly...





Confiscation of supplies and disrupted supply flow

Loss of buyers and brand damage



Perhaps more importantly...





Enforcement: Liability and proof

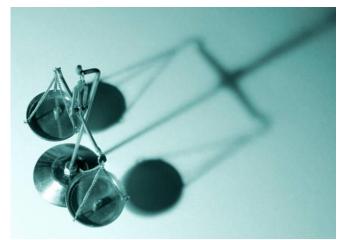


Who is liable?

- Operators are liable to prosecution and penalty under the Regulation
- Operators' obligations, responsibilities or liabilities are not removed by the use of a Monitoring Organisation

Who needs to prove what?

- The burden of proof of non-compliance rests with the authorities
- Violations of requirements must be proven by Competent Authorities, possibly with police





Enforcement activity



- Inconsistent across member states
- Some have been more active
 e.g. Denmark, UK, Germany, Sweden
- No public records of penalties being issued to Operators

Audits are taking place in some member states



Enforcement activity



- UK CA <u>microscopic wood anatomy testing project</u> on Chinese plywood.
- Skogsstyrelsen, the Swedish CA, fined Almtra Nordic 17,000 Swedish krona (approximately 1800 EUR) <u>Teak from Myanmar</u>
- Danish CA <u>requires 7 Operators to improve due diligence on</u> <u>Burmese Teak</u> (more inspections in BE, IT, NL, SP, UK)
- Dutch CA sanctions <u>Fibois BV over purchase of Azobe (Lophira alata)</u> from CCT in Cameroon upheld by Dutch court (potential fine for future issues = 1800 EUR / m³)
- German court rules that <u>German CA (BLE) was correct to confiscate Wenge timber</u> imported in 2013 from RoC, due to falsified documents.

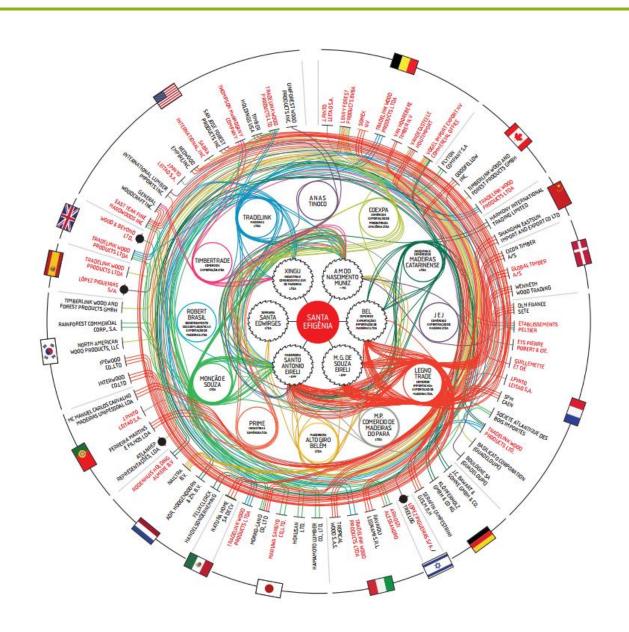
NGO Campaigns



- Raising profile of high risk cases in various countries
- Targeting specific companies
- Putting information in the public domain which Operators should consider as part of their risk assessment
- Highlighting the dangers on relying on documents alone

NGO Campaigns







Resources

Official documents



Main law

Regulation (EU) No 995/2010 laying down the obligations of operators who place timber and timber products on the market

Secondary legislation

- Delegated Regulation (EU) No 363/2012 (rules for the recognition and withdrawal of recognition of monitoring organisations)
- Implementing Regulation (EU) No 607/2012 (Regulation to ensure the uniform implementation of the law)

Guidance document

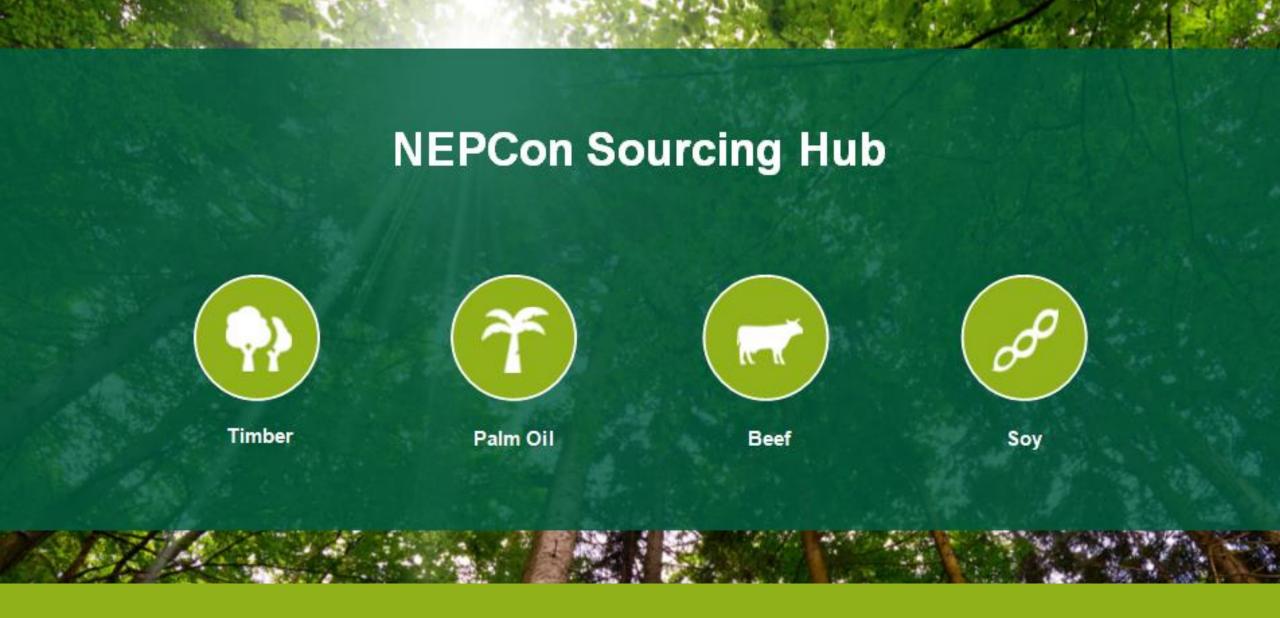
Guidance document

Official documents





http://ec.europa.eu/environment/forests/timber_regulation.htm



www.nepcon.org/sourcinghub



Time for:







Exploring due diligence: what does it mean in practice?



Contents



- Operators' obligations
- Explaining due diligence
- The role and limitations of documents
- The use of timber testing
- The role of certification

Operator's Obligations recap



1

Placing on the market of illegally harvested timber or timber products shall be prohibited

2

Exercise due diligence through system and procedures

3

Maintain and regularly evaluate the due diligence system



What is due diligence?

What is due diligence?

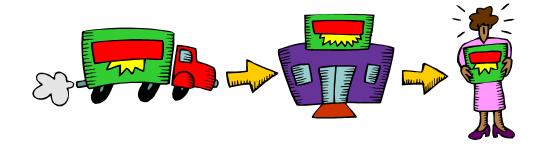


...through systems and procedures enabling:

- 1. Access to information
- 2. Risk assessment
- 3. Risk mitigation

"A 'due diligence system' can be described as a documented, tested, step-by-step method, including controls, aimed at producing a consistent desired outcome in a business process"

Source: EU Guidance document



What is due diligence?





What is due diligence?



- ✓ Commit to legal sourcing
- ✓ Establish responsibilities & assure competence
- ✓ Establish procedures
- ✓ Initiate performance monitoring
- Define scope of supply chain & products

- ✓ Evaluate supply chain info
- ✓ Identify risks:
 - forest management level
 - supplier level
 - risks of mixing and substitution
- ✓ Specify risks where identified

Quality Management Access to Information

Risk assessment

Risk mitigation

- ✓ Record supply chain info:
 - origin
 - suppliers
 - species
 - legality documentation
- ✓ Collect additional supply chain info

Mitigation options

- ✓ Additional documentation
- Replace supplier
- ✓ Source certified material
- Supply chain verification audits



1. Quality management

1. Quality management



Why are procedures needed?

- To provide a systematic framework for exercising due diligence and making it functional
- Enable systematic implementation and external evaluation of the system



UK Competent Authority (2015):

"...a lack of narrative explaining how the combination of document gathering, risk assessment and mitigation... enable the company to reach a conclusion of negligible risk"





- Product type
- Species
- Origin
- Quantity
- Supplier (tier 1)
- Documents or *other information* indicating legal compliance

Origin = Country, and if applicable, region or concession







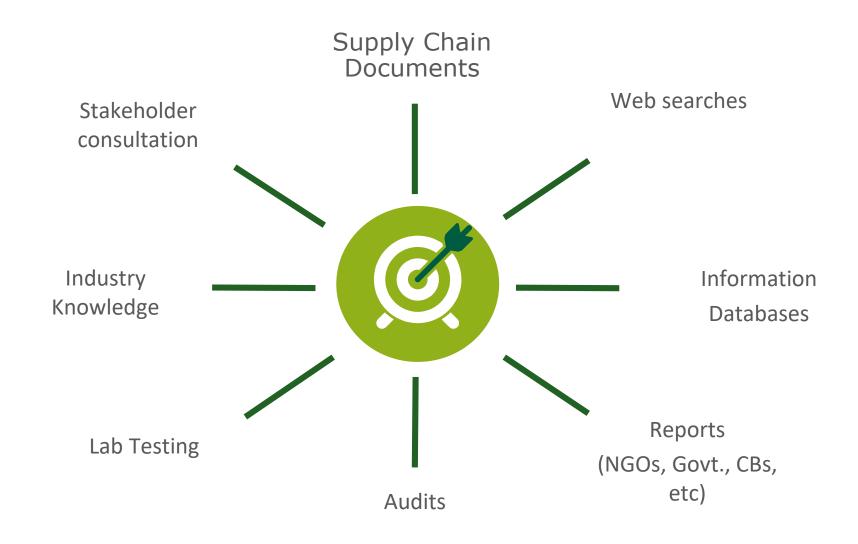
"It should be stressed from the outset that collecting documentation must be done for the purposes of the risk assessment and should not be viewed as a self-standing requirement."

Source: EU Guidance document



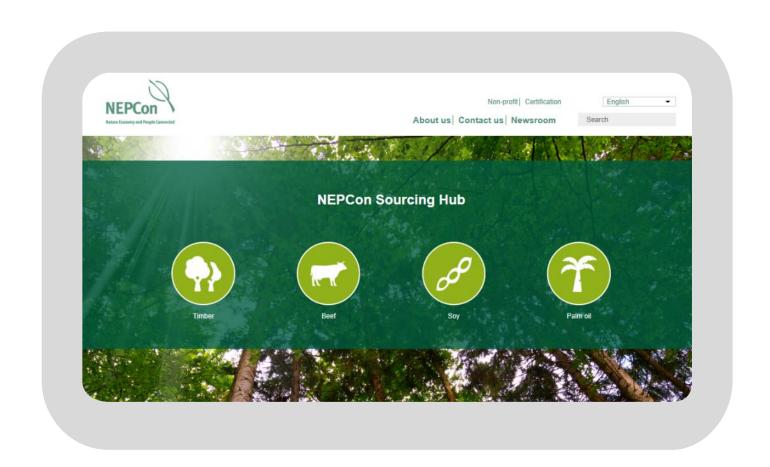


Information Sources



Released August 2017... v1.0





www.nepcon.org/sourcinghub



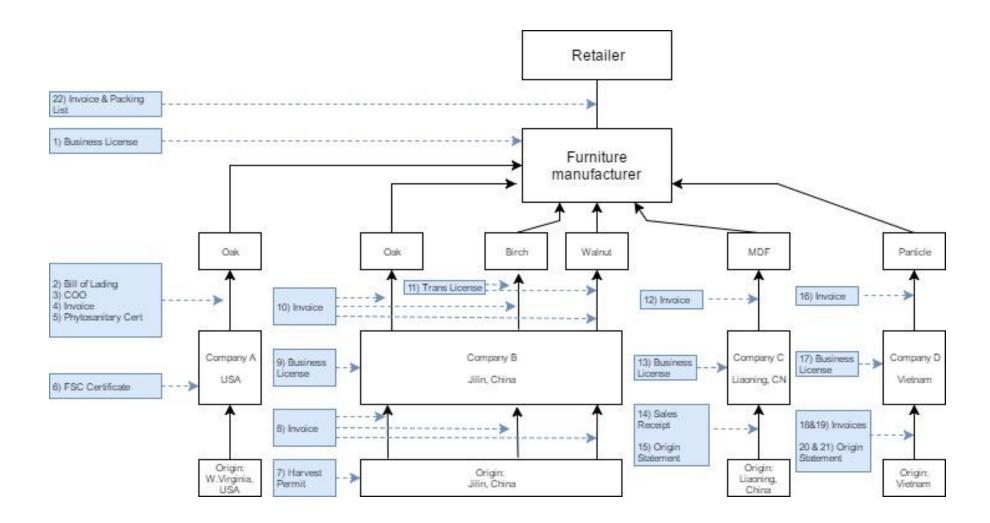
Mapping supply chains

- First step in most risk assessments is to map the supply chain.
- Purpose of supply chain mapping is to:
 - gather information on your supply chain and products; and/or
 - verify that supplier claims are accurate.





Supply chain documents





Audits & On-site visits

Observation of the supplier facilities, practices and supply chains may occur during on-site visits **or** formal legality audits.

Let's look at some examples...





Timber testing

Wood Anatomy



• Identify species to genus level (e.g. *Quercus* spp.)

DNA



- Identify species to species level (e.g. *Quercus robur*)
- Identify geographic origin

Stable Isotope



Identify geographic origin



Industry knowledge

- Utilise your own experience
- Knowledge of species, supply chain structures, common practice, origins, etc.
- Don't rely on 'long-term relationships' and 'trusted supplier'
- Be critical and provide evidence



Stakeholder consultation

- At forest management (FM) level, this may involve consulting local inhabitants and indigenous groups.
- At FM and supply chain level, this may involve:
 - NGOs
 - Government authorities (issuing authorities)
 - Certification bodies
 - Workers
 - Other suppliers
 - Other importers
 - Etc.





Information to a level of detail that allows you to:

 Conclude that the materials originate from forest sources with low risk of legal violations or that potential risks have already been mitigated;

OR

1. effectively specify and mitigate risk that materials have been illegally harvested, transported or traded.





Supply chain management

- inform suppliers about policy and requirements
- acquire consent from suppliers to allow audits
- ensure suppliers appoint a responsible person





Maintenance

- Information must be kept up-to-date
- ensure that suppliers notify you if they plan to change supply chains



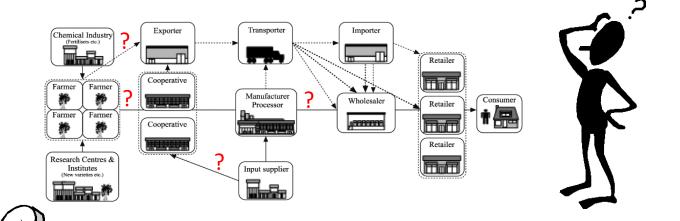


Objectives



- Identify where risks may exist in supply chains
- Specify risks to a level that enables effective risk mitigation.

- Evaluate the risk that forest products are:
 - Illegally harvested,
 - Illegally transported/traded, or
 - Mixed with material with illegal or unknown origin.





Criteria shall include:

- assurance of compliance with applicable legislation which may include certification or other third-party verified schemes which cover compliance with applicable legislation
- prevalence of illegal harvesting of specific tree species
- prevalence of illegal harvesting or practices in the area of origin, including consideration of the prevalence of armed conflict
- UN Security Council or the Council of the EU sanctions on timber imports or exports
- complexity of the supply chain of timber and timber products



Risk conclusion

Negligible risk (low risk)

OR

Non-negligible risk (specified risk)





Key concepts

- Risk can be low but can never be absent
- No threshold is defined
- Operator must define the threshold when to mitigate risk
- There needs to be a clear and comprehensive justification for this conclusion





4. Risk mitigation

4. Risk Mitigation



If the risk of placing illegal timber on the market is not negligible, risk must be mitigated.

Risk mitigation measures may include:

- requiring additional information and documents from suppliers
- agreeing mitigation actions in collaboration with suppliers
- third party verification/certification
- Carry out supplier or forest verification audits to verify legal conformance
- replacing suppliers

4. Risk Mitigation

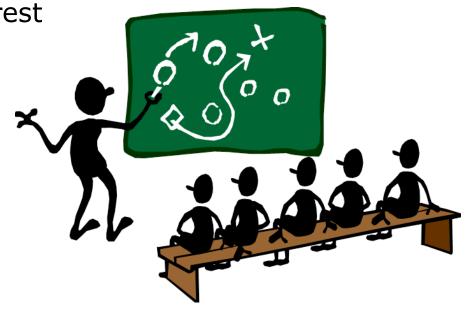


Identifying the appropriate action

Mitigating measures shall address the specific risks identified

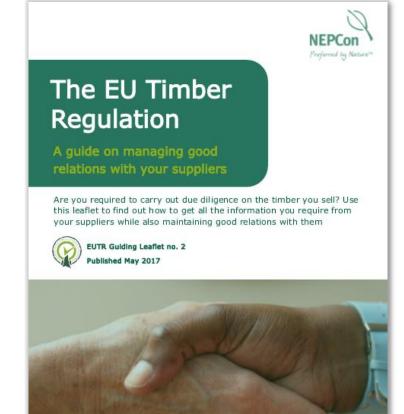
e.g. risk of lack of health & safety training for forest workers → request and verify training records, evidence of external audits

- Justify effectiveness
- Verify effectiveness



4. Risk mitigation





Good supplier relations is key



Timber transportation licence Mongolian oak from Jilin Province, China Origin Mongolian oak from Primorsky **Province, Russian Far East**

Ca

Or

4. Risk mitigation



Case Study Origin Testing for Oak Furniture

Risk Assessment

- ✓ Sent products to Agroisolab
- ✓ Tested for origin
- ✓ Results showed more likely origin is Russian Far East (RFE)

Mitigation Actions:

- ✓ EUTR & Risk training to factory staff
- ✓ Change source to US Oak
- ✓ Implement document checking procedure
- ✓ Help supplier implement CoC system
- ✓ Regular re-testing to ensure only US Oak present



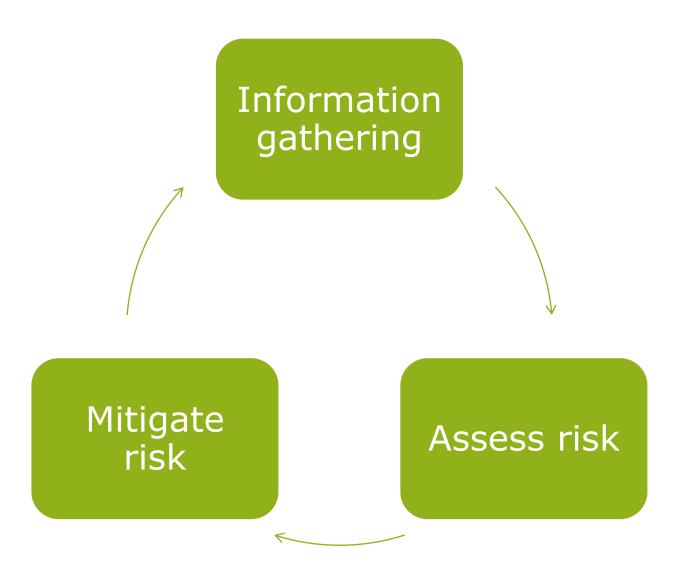
4. Risk mitigation



Process can take different paths: avoidance or mitigation









Some key topics...



5. Documents

Documents



"Is this enough?" Wrong question!

- 1. Relevance: What does the information tell you about risk of illegality?
- 2. Validity: Is the information genuine?
- 3. Relatedness: Does the information apply to your supply chain or shipment?



Documents



Quick quiz!

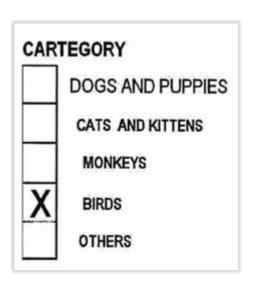
采伐类型:_	至人 采伐方式:
采伐面积:_	281亩 公顷(株数: 9332 株)
采伐蓄积:	2115 立方米(出材量:立方米)
采伐期限:	2016年4月16日至2016年6月16日
更新期限:	年月日
更新面积:	公顷(株数:株)
□占限额	□不占限额

Documents



Checking for fake documents:

- Obvious mistakes
- Spelling mistakes and inconsistencies
- Formatting or text that's more blurry than the rest
- · Check documents against an official database
- Check that information tallies across
- Use computer software to help check PDFs





Documents





Fake Documents

How to spot them and what to do about them



Thematic article series no. 2
Published July 2017





Developed by NEPCon under the project "Supporting Legal Timber Trade" funded by the LIFE programme of the European Union and UK Aid from the UK government.



Documents



Key challenge...corruption



In countries with high level of corruption you can get any stamp and any signature – it is just a matter of payment.









In February 2015, the UK CA released a report on the *Chinese Plywood Enforcement Project*.

Why Chinese plywood?

- High value veneer & low value core
- Complex supply chains
- Cheap
- High risk of corruption
- Evidence of illegal timber being imported into China





EUTR: Plywood imported from China

Nicolas Pillet & Michael Sawyer Project prepared for DEFRA February 2015



14 out of 16 companies supplied an insufficient due diligence procedure (88%)

Further issues arose with testing...

Company	Face declaration	Face tested	Core declaration	Core tested
1	Palaquium	Palaquium	Eucalyptus	Eucalyptus
2	Betula	Betula	Eucalyptus	Poplar
				Kedongdong
				Pine
3	Sapeli	Sapeli	Poplar	Poplar
				Elm
4	Palaquium	Palaquium	Poplar	Poplar
			Eucalyptus	Kasai
5	Bitangor	Palaquium	Poplar	Poplar
				Eucalyptus
6	Lotofa	Sapeli	Poplar	Poplar
7	Beech	Beech	Eucalyptus	Eucalyptus
8	Eucalyptus	Ozigo	Eucalyptus	Eucalyptus
				Poplar
9	-	Phenolic resin	Poplar	Poplar
10	Sapeli	Sapeli	Poplar	Poplar
11	Palaquium	Palaquium	Eucalyptus	Poplar
				Pulai
				Red Meranti
12	Eucalyptus	Bitangor	Eucalyptus	Eucalyptus
				Poplar
13	Bitangor	Bitangor	Poplar	Kasai
				Medang



 "Testing has become an essential tool in EUTR projects as it allows... to establish if a potential offence has been committed."

UK CA

 A due diligence system cannot be considered appropriate if the product on which it focuses does not contain the species that researched and risk assessed within it.





DNA analysis to identify origin



2. Information gathering



Wood Anatomy



• Identify species to genus level (e.g. *Quercus* spp.)

DNA



- Identify species to species level (e.g. *Quercus robur*)
- Identify geographic origin

Stable Isotope



Identify geographic origin



When to test?

- When new product lines are introduced
- When there are concerns about supplier claims
- When products contain different components or species
- When a company in the supply chain is changed
- When testing by 3rd parties has shown species/ origin differs from your claims





Timber Testing Techniques

A guide to laboratory techniques to determine species and origin of timber products



Thematic article series no. 1 Published February 2017





Developed by MEPCon under the project "Supporting Legal Timber Trade" funded by the EU LIFE programme and UK Ald from the UK government.







Using certified material – is it a green lane?







NO! Remember:

- Not <u>proof</u> of legality
- May be used in the risk assessment
- The EU list requirements for certification systems (Implementing Reg. 607/2012).

Reality...

Certification plays a key role in mitigating risk of illegal harvesting for many importers.



EUTR definition of credible certification scheme:

- have a publicly available system of requirements
- specify that appropriate checks (incl. field-visits) are made by a third-party at regular intervals (no longer than 12 months)
- include means, verified by a third party, to trace timber at any point in the supply chain before such timber/timber products are placed on the market
- include controls, verified by a third-party



- Does the stand cover all the applicable legislation?
- 'Controlled' non-certified inputs
- Chain-of-custody
- Problems with the scheme in a specific country?

Ref: Commission Notice of 12.02.16, Guidance Document for the EU Timber Regulation



Do all schemes ensure legality?







Meets Rainforest Alliance requirements for Verified Legal Compliance









Meets Rainforest Alliance standards for Verified Legal Origin













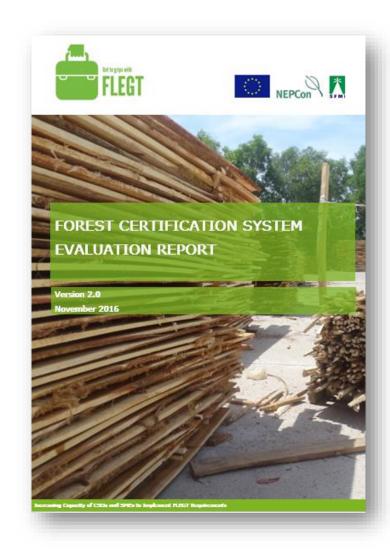


Origine et legalité du bois



Certification Evaluations by NEPCon

- NEPCon have started to conduct evaluations
- Produced under NEPCon's EU-funded project work in Vietnam
- To increase publicly available information
- Help Operators by avoiding duplication of efforts and provide expert knowledge





Checking certificates online

- Validity is the certificate still active?
- Scope what sites, products and species does it cover?

FSC: http://info.fsc.org/certificate.php

PEFC: http://www.pefc.org/find-certified/certified-

<u>certificates</u>



Just because the organisation is certified, doesn't mean the products are!



Checking the documents

FSC

The sales invoice **and** delivery document should include:

- Certificate code in format XX-COC-XXXXXXX
- FSC 'Claim' e.g. FSC 100%, FSC Mix Credit, FSC Mix 70%

PEFC

The sales invoice or delivery document should include:

- Certificate code e.g. NC-PEFC/COC-000084, CH12/0441
- PEFC 'Claim' e.g. x % PEFC certified











Buying Certified Timber

Buying certified timber is an important step you can take to verify the legality of your supply chains, and it will make it easier for you to obtain the necessary information about the origin of your timber products. It will also help your customer to assess and mitigate risk.



If I buy certified, what do I still need to do?

Even where you are able to provide your customer with certified timber, they are likely to still ask you for information to help them carry out due diligence. In addition to your general sales information such as quantity (expressed in volume, weight or number of units), your name and address and the name and address of the trader used, if applicable, they will also need the following information:

1. Which country/countries the timber was harvested

2. What species the product contains – common names will suffice unless these lead to ambiguity, in which case the scientific

3. Documents or other information indicating compliance of those timber and timber products with the applicable legislation.

The FSC system will help you to provide the information about the country of harvest and the species to your customer. If your supplier does not automatically provide you with information about country/concession of harvest or species they are obliged to if you ask them for it (according to ADVICE-40-004-10: Access to information regarding species and origin of timber). If this supplier does not have that information, he or she is obliged to use the Advice Note to go further up the supply chain until he or she has obtained the information for

Regarding the documents or other information indicating compliance of

those timber and timber products with the applicable legislation, some of the applicable legislation is covered by the FSC Forest Management Certification schemes. Therefore, the information indicating compliance is the certificate itself. One area not covered by the FSC Forest Management Scheme are Trade and Customs laws. If your supplier does not automatically provide you with information about compliance with trade and customs laws, they are obliged to do so if you ask them for it (according to ADVICE-40-004-11: Trade and customs laws).

The following tips are useful for any buyer who seeks to buy certified, for example in order to comply with procurement policies. Note: FSC certificate holders are obliged to regularly verify the validity and scope of their suppliers' certificate. Find the certification number/code chain is broken and you need further Has the certificate been issued to the company selling you the formation to confirm product? Click 'information'. Check under 'General data'/'More info' that it is your supplier's name and contact details YES is it valid and not expired? theck under 'General data'/'More info' to ensure that the certificate has Do not accept. If the product is not covered. It is not Circle under Product state? Production certified.

Cilck on the certificate horders certificate code or license number. You will then be taken to page with Information about the scope of your supplier's certification.

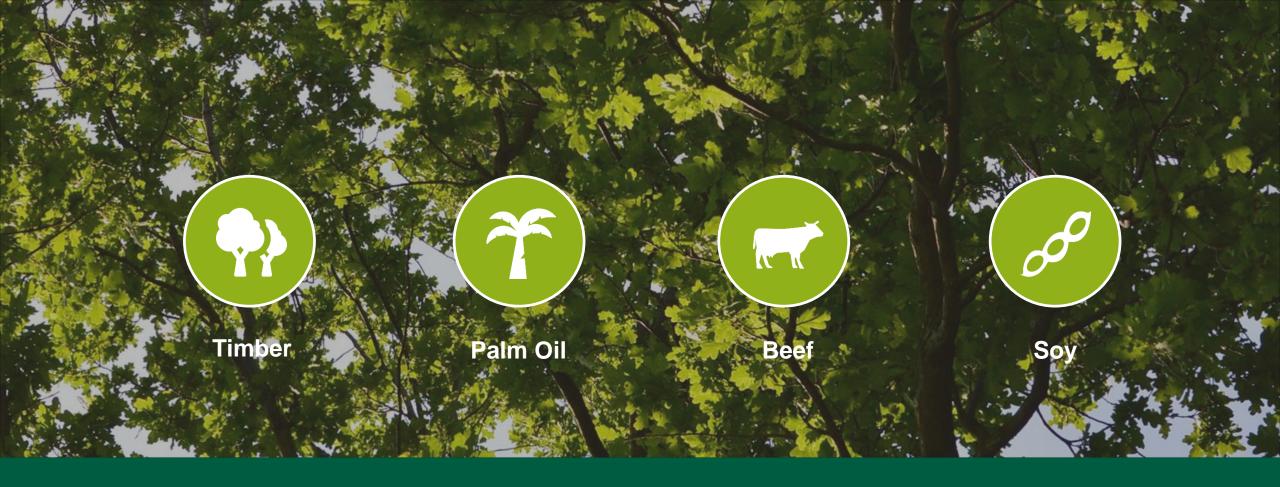
Under 'Products' you will find information on product type, timber specie and claims covered by the certificate. YES Check that the invoice and delivery note specify FSC under the product description description.

If 'YES': You have received timber/wood product from a Legal and
Sustainable source!

Time for:







The NEPCon Sourcing Hub: tools to help you conduct due diligence



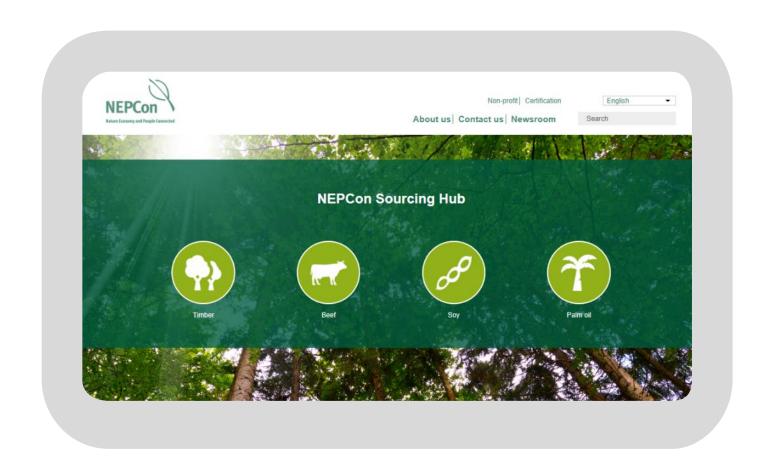
Contents



- Risk Assessments
- Tools for establishing a due diligence system
- Country specific tools
- Other guides

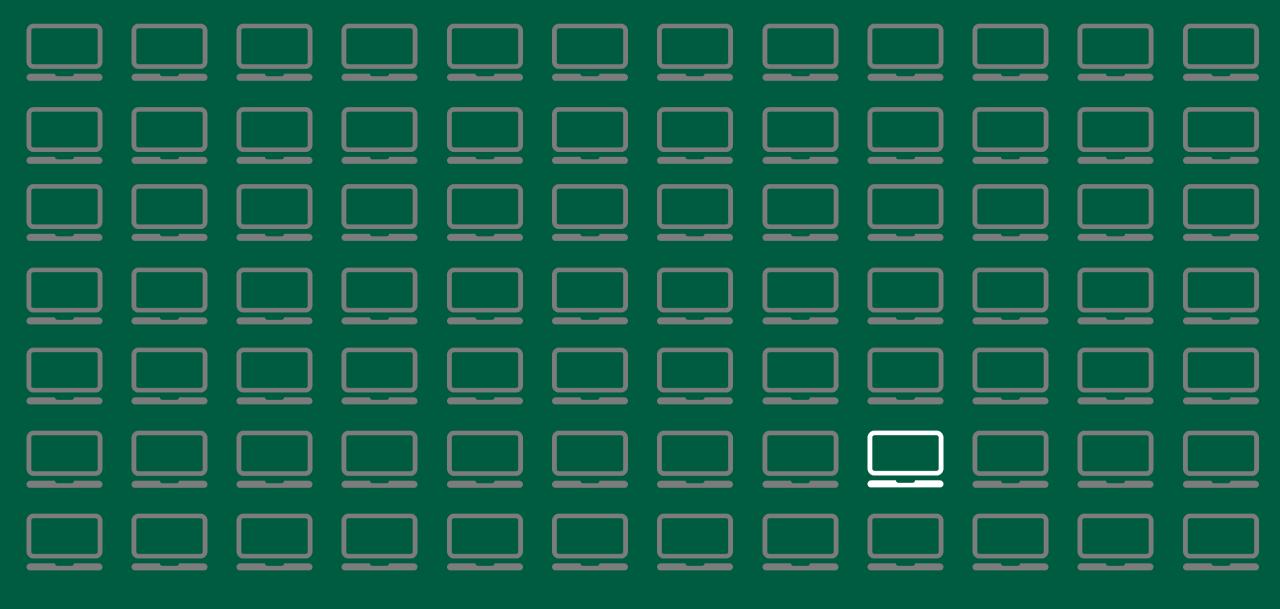
Launched August 2017... v1.0





www.nepcon.org/sourcinghub

Oh no – do we really need another a Data Platform...



This one is different...

Everything you need for due diligence in one place













4

SELECT commodity

ACCESS an overview map of sourcing risks

SELECT

country for details

VIEW

country detailed risk data (e.g. risks related to each type of forest production...)

EXPLORE

a suite of country guidance and due diligence tools to mitigate the risks

100+ free timber legality tools



Country specific guidance



Full **Timber Legality Risk Assessment** for all 62 countries



An overview of the relevant laws in a country from the **List Applicable Legislation**



Risk Mitigation guide to help identify the risks in the supply chain and what to do about them for a supply country



Document Guide to help determine exactly what type of documents to request from the suppliers, what they should look like and how to verify their authenticity

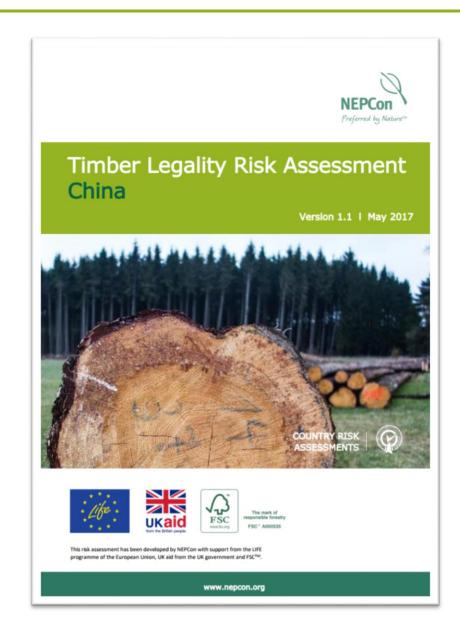
Due Diligence tools



- Supplier Letters
- Due Diligence Guidelines
- Supplier Managing Form
- Risk Checklists
- Policy template
- Supplier Information Form
- etc.

Risk assessments...







The heart of the Hub

Country profile page



Sector overview

Information gathering



Country source types to help identify the legal sources of timber for a country



Overview of **risky** species to help reduce risks in the supply chain



Key documents that can indicate legality of timber sourced from a country



Risk assessment

Summary of the key legality risks relevant to timber supply chains from a country





Taxes and Fees









Trade and Transport



Risk mitigation



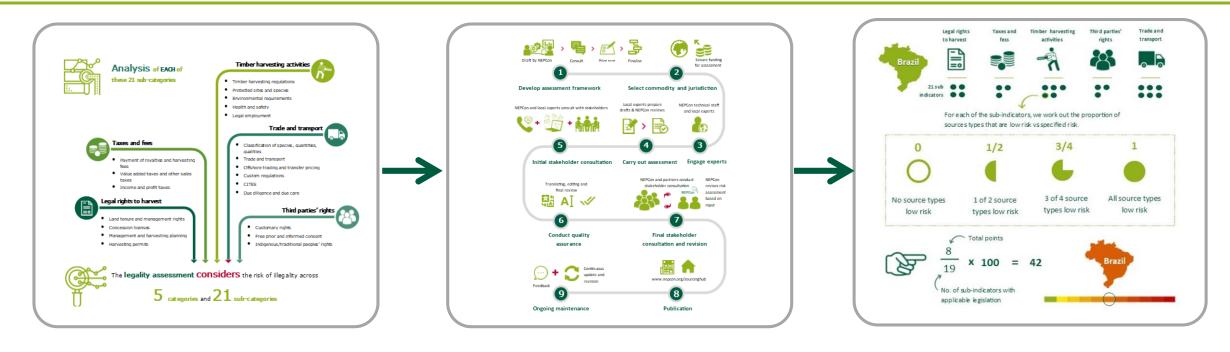
Clear instructions on how to mitigate risks identified for a specific country



Comprehensive Risk Mitigation Guide and Document Guide

Risk assessments – development process





DEVELOP

the risk assessment framework for the commodity, e.g. defining (sub)catergories

CONDUCT

risk assessments

+

CONCLUDE

the risk for each of the sub-categories

CALCULATE

the score for each country

+

COLOUR CODE

in the map

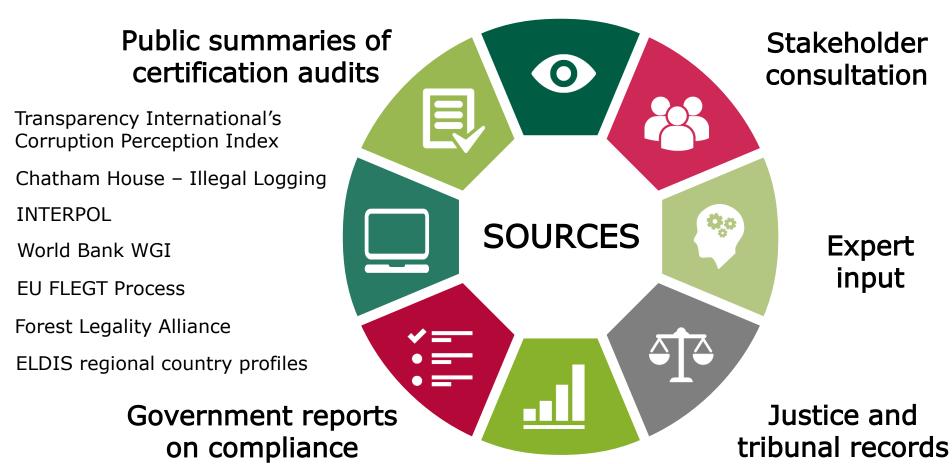
Comprehensive...

Data sources for risk assessments



Field experience and reports

ours and others



Multiple sources

National statistical reports

How do we determine low or specified risk?



Considered low risk

Problems that are:

- Temporary
- Unusual or nonsystematic
- Limited in their impact
- Effectively controlled by monitoring and enforcement by efficient and effective government agencies

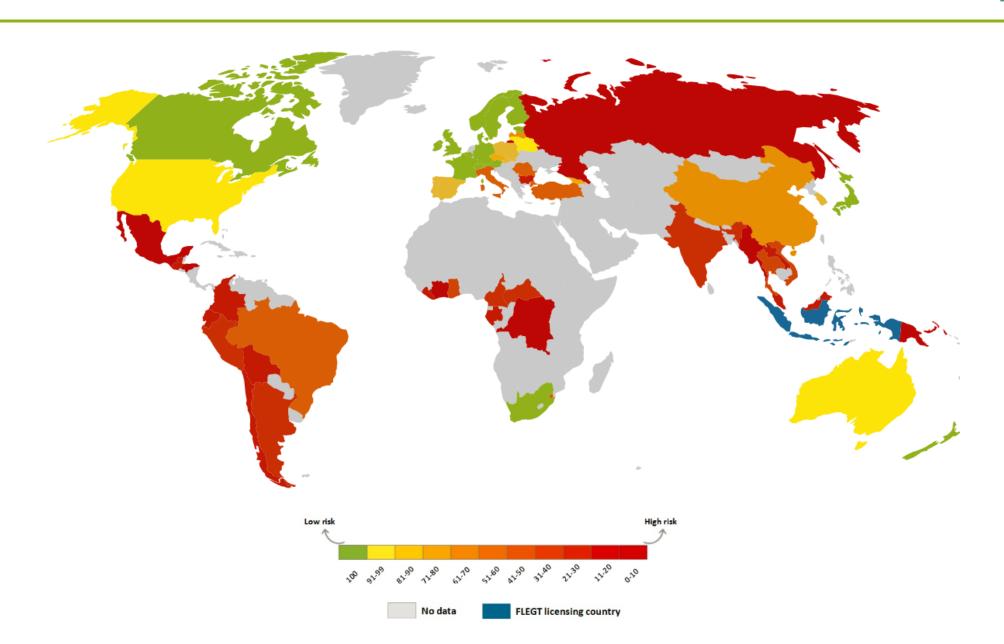
Considered specified risk

Problems that:

- Affects a wide area and/or causes significant damage and/or continues over a long period of time.
- Indicates the absence or break down of enforcement of the legal system.
- Is not corrected or adequately responded to when identified.
- Has a significant negative impact on society, the production of forest products and other services, the forest ecosystem and the people directly and indirectly affected by forest operations.

Risk assessments - timber





A Due Diligence System



1. Quality management

1. Quality management



The Sourcing Hub contains extensive information about how to set up your due diligence system (DDS).

The NEPCon DDS includes several **templates** that may be used to ensure that systems and procedures are developed and implemented effectively.

You can download all the **tools** and **templates** you need to set up a due diligence system in your business on the Sourcing Hub.

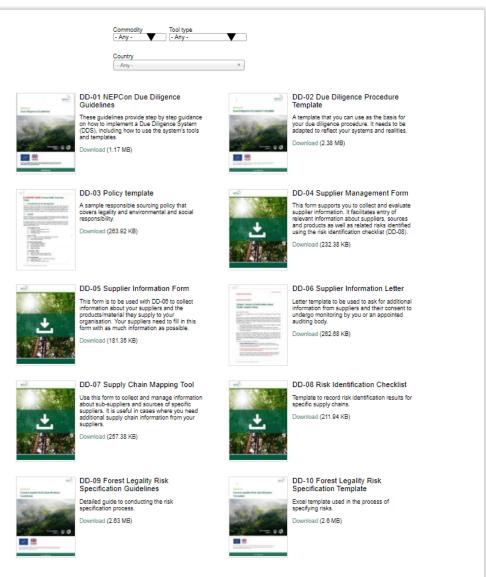


1. Quality management



 Download the full NEPCon Due Diligence system on the Sourcing Hub

 http://beta.nepcon.org/sourcing hub/info/what-due-diligence



1. Quality management









[COMPANY NAME] Responsible Sourcing Policy

1. Commitment by the Management

[COMPANY NAME] is committed to procuring products and services that ensure that materials are sourced from legal and well-managed forests that have been certified to credible certification standards and/or are from post-consumer recycled materials. As a comerstone of that commitment, we will pursue a Responsible Sourching Programme to promote the use and marketing of legal and environmentally responsible forest products.

Legality

We are committed to sourcing only wood material that has been produced, processed, and traded in compliance with applicable legislation in the country where the trees were originally harvested, as well as along the entire supply chain.

By applicable legislation, we refer to the following types of legislation applicable to harvest and trade of forest products. This definition is intended to meet international requirements such as those adopted in the EU Timber Regulation, the US Lacey Act and the Australian Illegal Logging Prohibition Act:

Legal rights to harvest

- 1.1 Land tenure and management rights
- 1.2 Concession licenses
- 1.3 Management and harvesting planning
- 1.4 Harvesting permits

Taxes and fees

- 1.5 Payment of taxes, royalties and harvesting fees
- 2.2 Value-added taxes and other sales taxes
- 2.3 Income and profit taxes

Timber harvesting activities

- 3.1 Timber harvesting regulations
- 3.2 Protected Sites and species
- 3.3 Environmental requirements
- 3.4 Health and safety
- 3.5 Legal employment

4. Third parties' rights

- 4.1 Customary rights
- 4.2 Free, Prior and Informed Consent (FPIC)
- 4.3 Indigenous and traditional peoples' rights

5. Trade and transport

- 5.1 Classification of species, quantities and qualities
- 5.2 Trade and transport
- 5.2 Offshore trading and transfer pricing

1 DD-03 Responsible Sourcing Policy





Inform suppliers of DD requirements & request supply chain info (DD-06)



- For informing suppliers of information needs
- For requesting information about supply chains
- Consent form to secure access to evidence, audits & testing materials



[PLACE AND DATE]

COMPANY NAME AND ADDRESS!

[SUPPLIER NAME AND ADDRESS]

Subject: Access to Information about Timber Supply Chains

Dear [RECIPIENT NAME],

I am writing to you regarding our work to meet the requirements of the EU Timber Regulation.

As you may know the EU is implementing the EU Timber Regulation (Regulation (EU) No 995/2010) of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market. The regulation seeks to counter the trade in illegally harvested timber and timber products through three key obligations:

- It prohibits the placing on the EU market for the first time of illegally harvested timber and products derived from such timber;
- 2. EU operators and traders must keep records of their suppliers and customers.
- EU operators who place timber products on the EU market for the first time must exercise 'due diligence'.

Since we are purchasing wood products from your company we are required by the regulation to secure access to information describing the timber and timber products, country of harvest, species, quantity, details of the supplier, and information on compliance with national legislation, to assess the risk of illegal timber in this supply chain, based on the information identified above and taking, into account, criteria set out in the regulation.

We are now writing to seek your consent to;

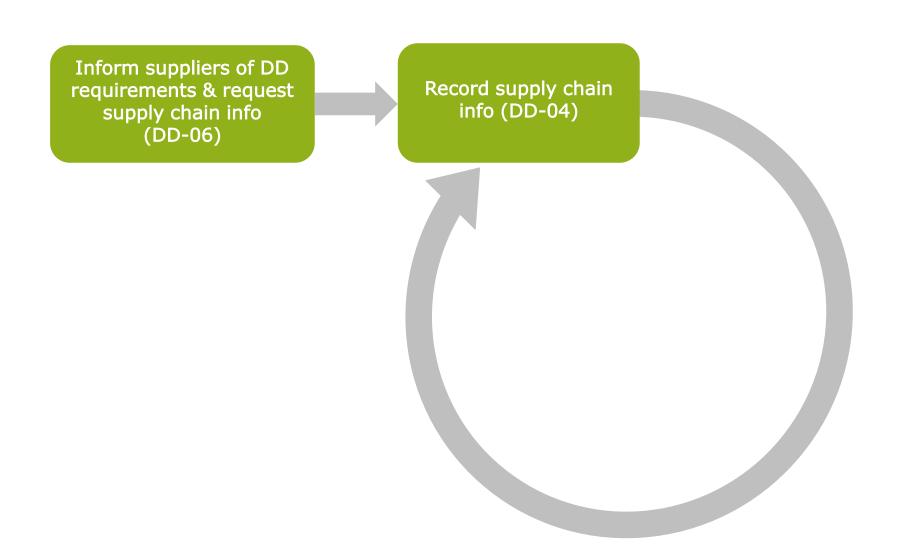
 Provide additional information about the material we purchase from your company. This will help us in securing access to the relevant information about our products required under the EUTR.

[WHERE ADDITIONAL INFORMATION IS REQUIRED ABOUT SUPPLY CHAIN(S), THE FOLLOWING SENTENCE CAN BE ADDED:]

To allow us to evaluate our supply of timber and/or paper products, we request that you complete the attached excel sheet [ENTER NAME OF THE EXCEL FILE (DD-05)], providing information about the products you sell to us.









- Excel master document
- For systematic recording of all suppliers & supply chain information
- Helps identify gaps in information
- Document risk conclusions

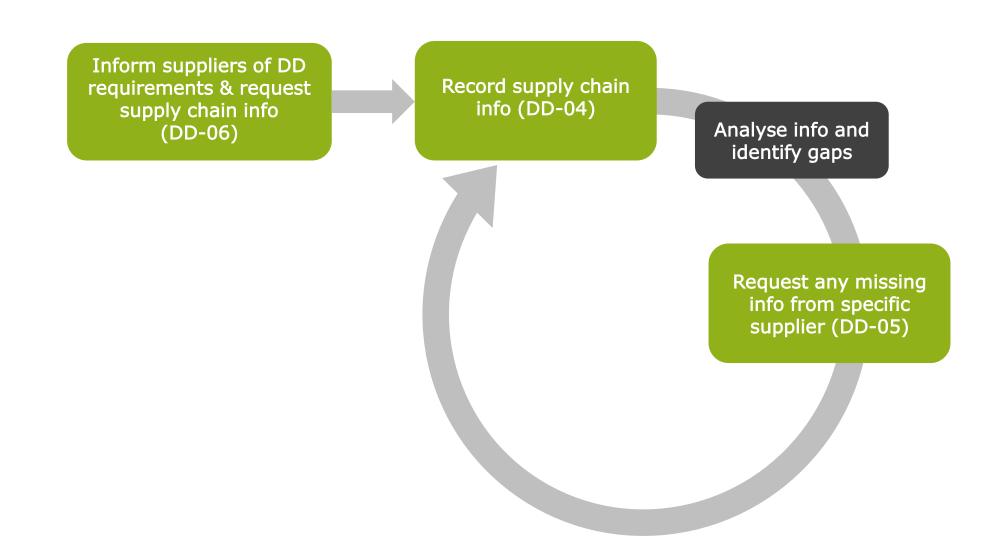
[ORGANISATION NAME] Supply Chain Overview

his document is the principal record for cataloguing supply chain information from all suppliers and recording risk assessment and mitigation actions as part of the LORGANISATION NAME, due diligence system.

1. Supplier information								3. Material Origi									
Supplier ID	Supplier name	Supplier country	SUPPLIER verification/ certification		Product ID	Product description	EU Product Group	PRODUCT verification / certificati	Component or single material		Species (scientific name)	Species (trade name)	volume	Country of harvest	region or	Harvest concession	
Enter the name or ID of the first tier supplier.	supplier	in which the supplier is based	certification/verificat	at certification code	Enter the e product ID	Enter the description of the product or component. This should contain information that can identify the product.	EU customs product code, if applicable.	t certification/	component is used per product, please	If a component or product, note the type of component in each line.	scientific name of	f of the species.	Enter the volume purchased during the last 12 months	country of HARVEST of the material.		of harvest, if known.	Do yo acce inforn abou chair produ
																	A







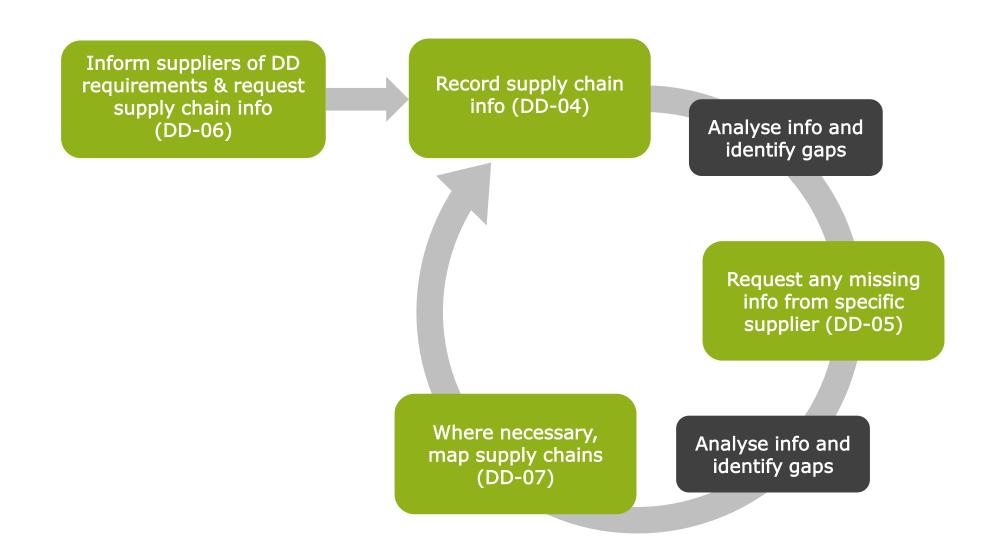


- Collect missing information from specific supplier
- Provides supplier an overview of current information in order to make clear where gaps exist
- Supplier completes sheet and returns missing information & supporting evidence

			1. Product Inf	ormation			2. Information about	origin	4. Agreement of	on materials included?
Product type/descri ption	EU Product Group	PRODUCT verification / certification	Component or single material	Species (scientific name)	Species (trade name)	Country of harvest (if known)	Sub-national region of harvest (if known)	Harvest concession (if known)	Image	NEPCon Comments
10194021	9403 30, 940		Component	1. Cunninghamia lanceolata, 2. MDF(Eucalyptus,pinus,and other mixed woods), 3. Plywood(Populus spp,plywood with Pinus spp veneer)	China Fir Eucalyptus species, Pine species, other unknown species Pine specie(s) + Poplar specie(s)	China	1. FIR:FROM GUIZHOU PROVENCE 2. MDF:FROM FUJIAN PROVENCE 3. LAMINATE BOARDIPLYWOOD:FROM GUANGXI PROVENCE		MDF laminate board (pine wood)	1. No Cunninghamia lanceolata i the image.

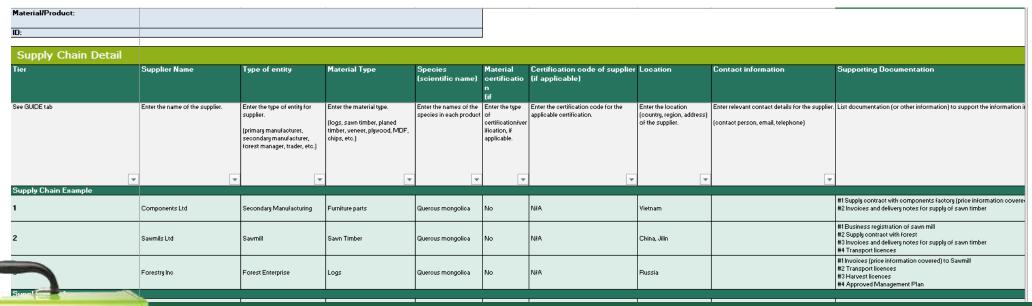






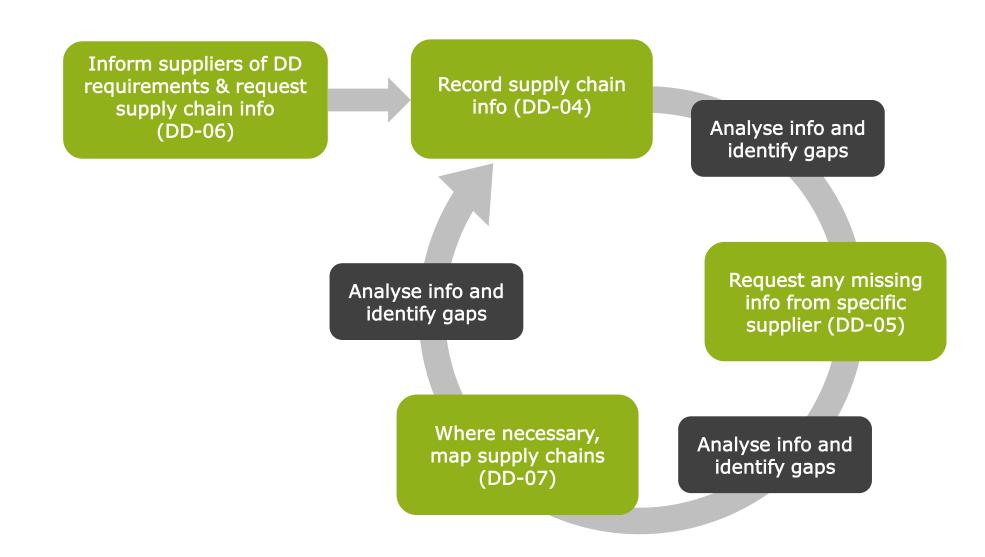


- Where necessary, map the supply chain back to source
- Information on each upstream supplier can be entered
- Including name, address, type of company, certification

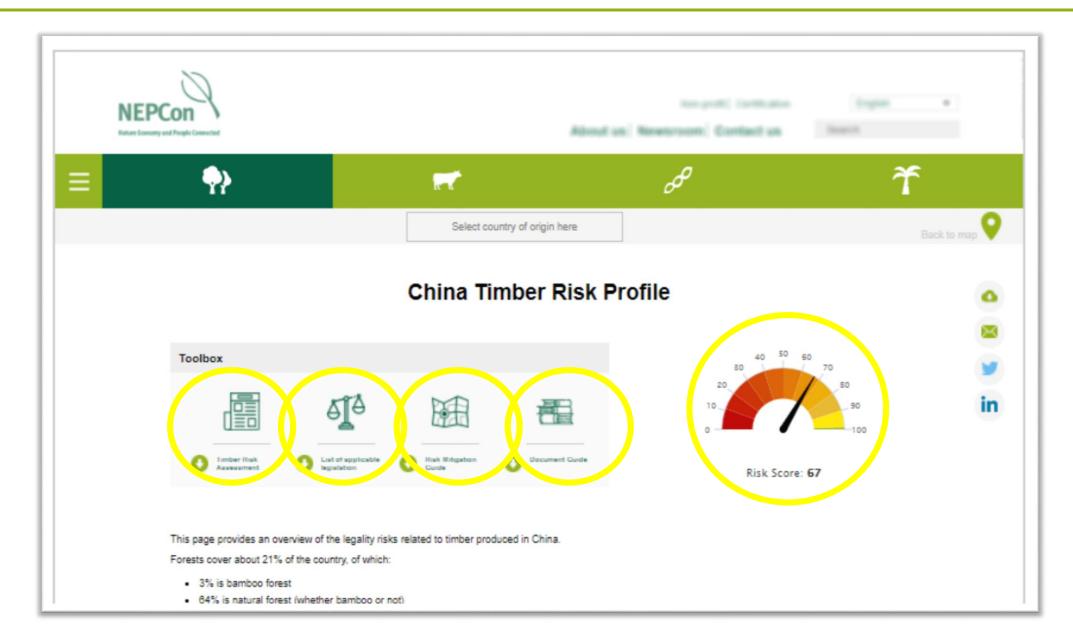














Corruption Perception Index

Score: 40 / 100 in 2016

Rank: 79 out of 176 countries in 2016



Bans and restrictions

A moratorium on commercial harvesting from state owned natural forests was put in place in 2016 and extended to all natural forests from the beginning of 2017. By the end of 2017, no logging in natural forests will be allowed. Forest maintenance is allowed and timber from this can be sold legally.



Armed conflict

There is an unchanging conflict status in China because of territorial disputes in the sea and secretarian conflict, according to the Council on Foreign Relations' Global Conflict Tracker.

According to the Uppsala Conflict Data Program there were 5 deaths from 2010-2016.



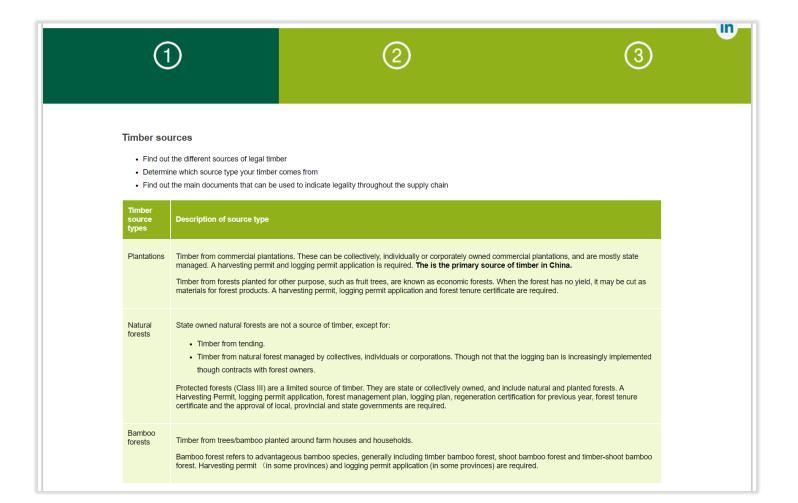
CITES species

<u>CITES</u> appendix II: *Dalbergia* spp. and *Taxus* spp.





In the *Information Gathering* tab (1), there is a clear description of the source types in a country:





What do we mean by 'source type'?

 Forests in a country may face different levels and types of risks of illegality.



 Where the risks differ between different types we identify them.



- The different features of forests that we consider:
 - ✓ Forest type
 - ✓ Location
 - ✓ Legal status
 - ✓Ownership
 - ✓ Management





...an overview of the key documents for that country:

Key Documents

Forest level

These are the main documents used to indicate legality.

Our Document Guide gives examples of what these documents look like and what sections you need to check.

- · Business registration certificate
- · Forest tenure certificate
- · Harvesting permit
- · Forest management plan
- Training Records for safe operation
- · Records of social Insurance
- · Work permit for special occupations
- · Accident records and related administrative procedures and measures
- · Employment contract
- · Delivery note
- Transportation permit

Trade and transport

Export and custom



- · VAT invoice
- · Supply contract (applicable only to state owned)
- · Sales receipts (applicable only to forest farm)
- Processing permit
- · Business registration certificate
- · Tax registration certificate

Import to China

- · Commercial Invoice
- · Packing list
- · Bill of lading
- · Certificate of origin (if applicable)
- · Phytosanitary certificate

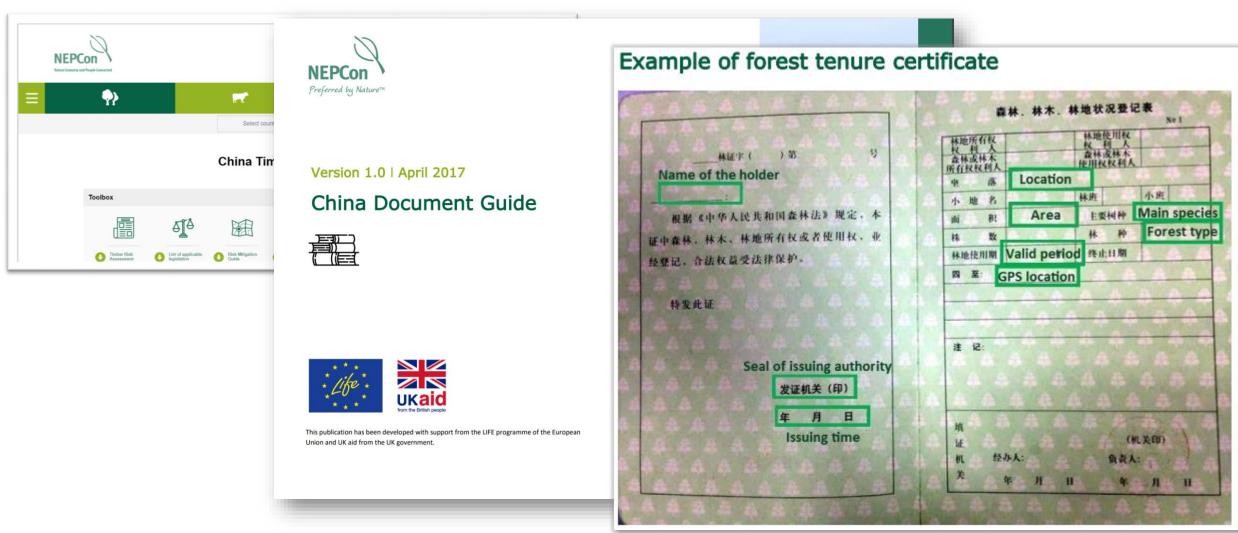
Export from China

- Customs declaration registration approval certificate for customs declaration company
- · Customs declaration registration approval certificate for consigner and consignee of import/ export goods
- Phytosanitary certificate





...and you can download the Document Guide to find out more:







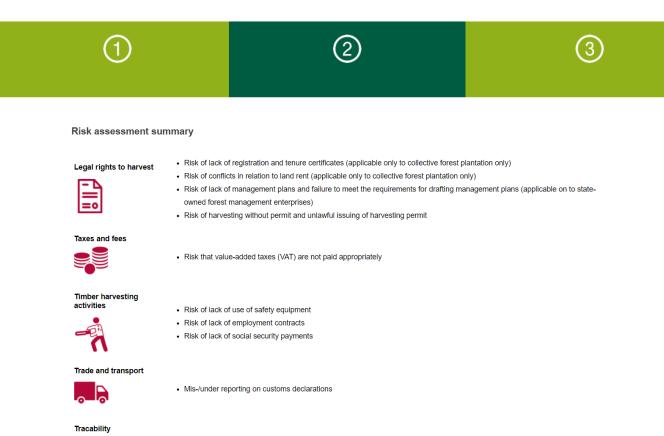
 In the previous step, you secured access to information on your supply chains.

Now, you can assess the risk associated with those products.





In the Risk Assessment tab (2), there is a summary of the risks identified at a country level. They are divided into the five areas of law relevant to the EUTR:



Risk of false declaration of originRisk of timber mixing in production and trade



B. Overview

Timber Risk S

This report conta sub-categories of

- Specified
- Low risk
- No legal

The Timber Risk concern legal rig transport.

For Legal Rights

- A lack of plantatio
- Conflicts (1.1.)
- A lack ma managen
- Harvestir

For Taxes and F law (1.6).

For Timber Harv

- Safety eq
- Employm
- Social se

For Trade and T exacerbated by

Timber source

There are three originates from legislation and h have analysed ti

Plantatio Forest

This matrix summarises report.

Legal Category

Legal rights to

Taxes and fees

harvest

Timber

harvesting

Third parties'

rights

Trade and

transport

activities

1.3

plai

fee

1.6

tax

1.7

1.8

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D. Le

LEGAL

1.1. L Legislati that incl covers I Risk ma regulation manage rights hi

1.1.1.

- 1) 2)
- 3)
- 4)
- 5)

6)

- 8)
- 9)
- 10)

http://wenku.baidu iSiDO5pRXKD3WAG

- 11) Taxation Registration & 2. Available at: I
- 12) Regulations Govern Forest Land dated http://www.gov.cn
- 13) Land management August 2004. Avail

All the provinces shall ap to ensure the right of lar

1.1.2. Legal authority

- State Forestry Admin for the laws about for
- State Administration Administration and M
- State Administration

1.1.3. Legally required d

Numbers below refers to

- 8) Administration Measu December 2000 -
 - · Forest Tree and F
- 10) Company Law of the 2006 - Article 6-9:
 - · For companies lea addition to the ab
 - · Business Registra
- 11) Taxation Registration and 2:
 - Tax Registration 0

1.1.4. Sources of Inform

- Chatham House, A
- ELDIS regional and 2)
- Environmental Inve international.org;

Greenpeace (2005). Int Available at: http://www.greenpeac

005/investigation-app-

- Blog.sina.com.cn (N.Y. Available at: http://blo July 2015]
- Ping, L. (2014). Large-5 Recommendations. Was Available at: http://www acquisition-for-app-fore [Accessed 3 November
- Ping, L. and Xiaobei, W. China: Status, Issues, Resources Initiative, pp http://www.rightsandre enso-in-south-china-sta 20151
- Kram, M., Bedford, C., Wang, Y., Yu, G., Yu, Q Guide to Land Use, Lan Beijing: The Nature Con http://www.nature.org/
- zgxcfx.com. (2013). For tenure reform. [online].
- forestry.gov.cn. (2012) land in Sinan County, http://www.forestry.go
- Transparency.org. (201 Index 2014 for China. http://www.transparen
- 10) The World Bank. (2014) Report for China, 1996http://info.worldbank.o

1.1.5. Risk determination

Overview of legal requiren

The Constitution, General Pri that forest resources are own according to laws. There are

- State-owned for
- Collectively own

included in forestry land subject to planning. This could be considered a potential risk. However, these non-forestry lands are included within land use rights certificates, which can serve as evidence that the certificate holder owns the use right of land and the right to use the resources on the land. At any rate, to safeguard the interests of farmers, China now allows the issuing of forest tenure certificates for forest on non-forestry land, and some cities or provinces have been implementing the policy.

Risk Conclusion

Based on the available information, the risk in this category has been generally assessed as Low at the country level. However, also based on the available information, risks in some southern provinces in China persist and can be assessed as Specified, including: Hainan, Yunnan and Guangdong. The risks are reflected in two aspects: 1) some collective forests are not registered or issued with forest tenure certificates; and 2) harvesting on non-forestry land.

1.1.6. Risk designation and specification

Low risk:

China

Specified risk:

Commercial Plantations in some areas in Hainan, Yunnan, Guangdong and possibly other provinces within the Southern Collective Forest Region (Hunan, Jiangxi, Fujian, Zhejiang, Hubei).

1.1.7. Control measures and verifiers

- Harvesting permit may be used to confirm the ownership or tenure.
- In areas with land tenure conflicts: Consultation with neighbors, local communities and other stakeholders shall confirm that land tenure rights are clear and - where applicable - lease of the land has been agreed by all the land owners.
- Contractors shall have a valid forest land contract signed by all land tenure owners involved in the area.
- Contractors leasing forest land shall hold the forest tenure certificate (or similar document) to show the tenure transfer registration.
- Stakeholder consultation shall confirm that the legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations.
- Valid business registration documents (Business Registration Certificate and Tax Registration Certificate) shall exist for companies.

1.2. Concession licenses

Legislation regulating procedures for the issuing of forest concession licenses, including use of legal methods to obtain concession license. Especially bribery, corruption and nepotism are well-known issues in connection with concession licenses. The intent of this indicator is to avoid risk related to

Diligence/due

care procedures



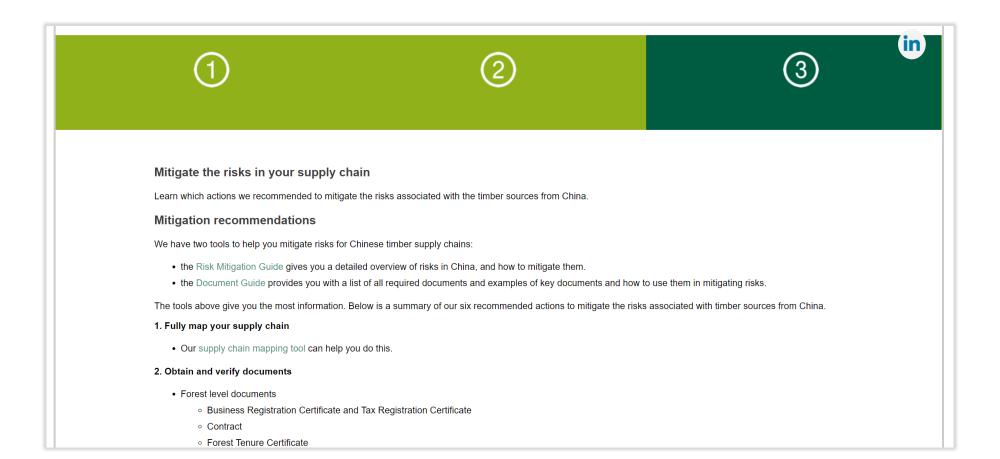
Additional tools to assist with the risk assessment process:

- Annex 2 of DD-01 The Due Diligence Guidelines introduces the risk identification process.
- DD-08 Risk Identification Checklist Template provides a template to conduct risk identification on specific supply chains.
- Record the risk conclusion in the Supplier Management Form DD-04 to provide an overview
 of risk across all supply chains.
- The Supply Chain Mapping Tool DD-07 can be used to record supply chain information at a detailed level.
- Annex 3 of DD-01 The Due Diligence Guidelines provides guidance on how to specify risks
- The Certification System Evaluation Checklist DD-13 can be used to record the certification scheme assessment.





The *Risk Mitigation tab* (3) includes the downloads for the supply chain mapping tool and a complete Risk Mitigation Guide, specific to the country







Version 1.0 | May 2017

China Risk Mitigation Guide

Timber







This tool has been developed by NEPCon with support from the LIFE programme of the European Union and UK aid from the UK government.





Customs Regulations

Risk	Applicable to	compliance	Potential mitigation actions	Find relevant key docur
nis-/ under eporting on ustoms eclarations	All timber sources	Products shall be correctly classified (type, HS customs code, species, quantities, qualities, etc.).	Review and verify documents Check information on all import/ export documentation (including Customs Declaration Registration Approval Certificate and phytosanitary certificate (where applicable)) and verify that information corresponds to material received.	 Customs Declaration Certificate Phytosanitary certificate

How to verify legal nce (verifier)

ment examples in the China

- tion Registration Approval
- rtificate (where applicable)





Version 1.0 | April 2017

China Document Guide





This publication has been developed with support from the LIFE programme of the European Union and UK aid from the UK government.

Example 14: Customs declaration registration approval certificate for custor declaration company

(Registration form of external trade proprietor)

Applicable to: Forest entities who export timber to other countries

Purpose and content of document: All entities that have import and export busines should register at Ministry of Commerce of China to obtain the right to import and export. The registration form shows that the holder has the right to legally import export. The contents of the registration certificate are: name of the entity (both Er and Chinese names), address, organisation code, contact information, business registration code etc.

Holder of document: Forest entities exporting timber to other countries

Document issued by: Ministry of Commerce

Signature/Seal required by: Local branches of Ministry of Commerce

Key considerations when checking the document:

- Is the name the same as on the business registration certificate?
- Is the business registration code the same as that appearing on the business registration certificate?
- Is the information in the custom registration system:

Example of Customs declaration registration approval certificate for customs declaration company

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Risk Assessment Risk Mitigation Guide

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Document Checklist List of applicable legislation

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China, Honduras, Liberia

Ghana and DRC

Other 57 countries

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Now available

Coming soon

Language versions



Code	Name	French	German	Spanish	Portuguese	Estonian	Latvian	Lithuanian	Romanian	Hungarian	Polish	Chinese	Russian	Vietnamese
DD-01	Due diligence guidelines	$\sqrt{}$	$\sqrt{}$	\checkmark	\checkmark	$\sqrt{}$	$\sqrt{}$	$\sqrt{}$	\checkmark	$\sqrt{}$	\checkmark			
DD-02	Due diligence manual template													
DD-03	Responsible sourcing policy template													
DD-04	Supplier management form													
DD-05	Supplier information form	$\sqrt{}$		$\sqrt{}$	\checkmark							\checkmark	\checkmark	\checkmark
DD-06	Supplier information letter	$\sqrt{}$		\checkmark	\checkmark							\checkmark	\checkmark	\checkmark
DD-07	Supply chain mapping tool													
DD-08	Risk identification checklist template													
DD-09	Risk specification guidelines													

Language versions



Code	Name	French	German	Spanish	Portuguese	Estonian	Latvian	Lithuanian	Romanian	Hungarian	Polish	Chinese	Russian	Vietnamese
DD-10	Risk specification template			U)										
DD-11	Due diligence guidelines for FMEs	\checkmark		\checkmark		\checkmark		\checkmark	\checkmark	\checkmark	\checkmark			
DD-12	Due diligence procedure template for FMEs	\checkmark		\checkmark		\checkmark		\checkmark	\checkmark	\checkmark	\checkmark			
DD-13	Certification system evaluation template													
DD-14	Product statement													
N/A	Supplier relations leaflet													
N/A	Retailers leaflet													
N/A	Timber Testing article			\checkmark										
N/A	Fake documents article													

Other guides





A guide on managing good relations with your suppliers

Are you required to carry out due diligence on the tin this leaflet to find out how to get all the information your suppliers while also maintaining good relations



EUTR Guiding Leaflet no. 2 Published May 2017

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A guide for retailers

What is the EU Timber Regulation and what does it red Use this leaflet to find out more, including what producarry out due diligence on, and how to do the due diligence



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