



REPUBLIC OF THE CONGO

COUNTRY OVERVIEW TO AID IMPLEMENTATION OF THE EUTR



| | |
|--------------------------|---|
| LAND AREA: | 34.2 million hectares ^{1,2} |
| FORESTED AREA: | 23.5 million hectares ³ 69% of total land area ³ |
| FOREST TYPE: | 66% dense/primary, 18.9% secondary, 14.9% swamp/flooded ³ |
| FOREST OWNERSHIP: | 98% government administered ⁴ , in which local populations and indigenous communities hold user rights and manage ~10% of areas allocated to community development ² |
| PROTECTED AREAS: | 3.99 million hectares of forest inside protected areas ¹ |
| VPA STATUS: | FLEGT VPA signed 17 May 2010 and entered into force 1 March 2013 ⁵ |

ECONOMIC VALUE OF FOREST SECTOR:

This sector contributes 5.6% of GDP, with 12 000 direct jobs and 5000 additional jobs, generating ~ 100 billion CFA (~176 million USD) per annum and contributing 20 billion CFA (~35 million USD) to state tax revenues⁶. 60th highest exporter of EUTR products globally in 2017 by weight (kg)⁷. 72nd highest exporter of EUTR products globally in 2017 by value (USD)⁷

TREE COVER CHANGE:

62.7 thousand hectares of tree cover loss in 2018 (of which 60.2 kha was from shifting agriculture, which may be temporary or permanent)⁸
Average of 13.8 thousand hectares per year net forest area loss 2015-2020¹

CERTIFIED FORESTS:

FSC certification: 2.4 million hectares (2019)⁹
PEFC certification: none (2019)¹⁰

CHAIN OF CUSTODY CERTIFICATION:

FSC certification: 3 CoC certificates (2019)⁹
PEFC certification: no CoC certificates (2019)¹⁰

MAIN TIMBER SPECIES IN TRADE:

Natural forests: Okoumé (*Aucoumea klaineana*), okan (*Cylicodiscus gabunensis*), sapelli (*Entandrophragma cylindricum*), kossipo (*E. candollei*), sipo (*E. utile*), bossé (*Guarea cedrata*), iroko (*Milicia excelsa*), wengé (*Millettia laurentii*), padouk (*Pterocarpus soyauxii*), limba (*Terminalia superba*), ayous (*Triplochiton scleroxylon*)^{11,12,13}.

Plantations: eucalyptus (*Eucalyptus* spp.), limba (*Terminalia superba*), teak (*Tectona* spp.)^{14,15}

CITES-LISTED TIMBER SPECIES:

4 species: *Dalbergia louisii*, *Guibourtia demeusei*, *G. pellegrinia*, *Pericopsis elata* (all Appendix II)¹⁶

RANKINGS IN GLOBAL FREEDOM AND STABILITY INDICES:

| | | | |
|---|---|---|---|
| Rule of law index ¹⁷ No score | Corruption perceptions index ¹⁸ 4 th quarter 165/180 in 2019 (score: 19/100) | Fragile states index ¹⁹ 4 th quarter score: 92.5 in 2020 (rank: 148/172) | Freedom in the world index ²⁰ 4 th quarter 167/195 in 2020 (score: 20/100) |
|---|---|---|---|

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LEGAL TRADE FLOWS

In 2017, exports of EUTR-regulated products (timber and timber products to which the EUTR applies) from the Republic of the Congo totalled USD 44.8 million, of which 10% was exported to the EU-28, according to data from the UN Comtrade Database⁷. The Republic of the Congo exported EUTR products to 39 different countries and territories. The **main global market for the Republic of the Congo's EUTR products in 2017** by value was China (Figure 1 a). The main EUTR products exported from the Republic of the Congo by HS code according to value in 2017 were rough wood (HS 4403) and sawn wood (HS 4407) (Figure 1 b).

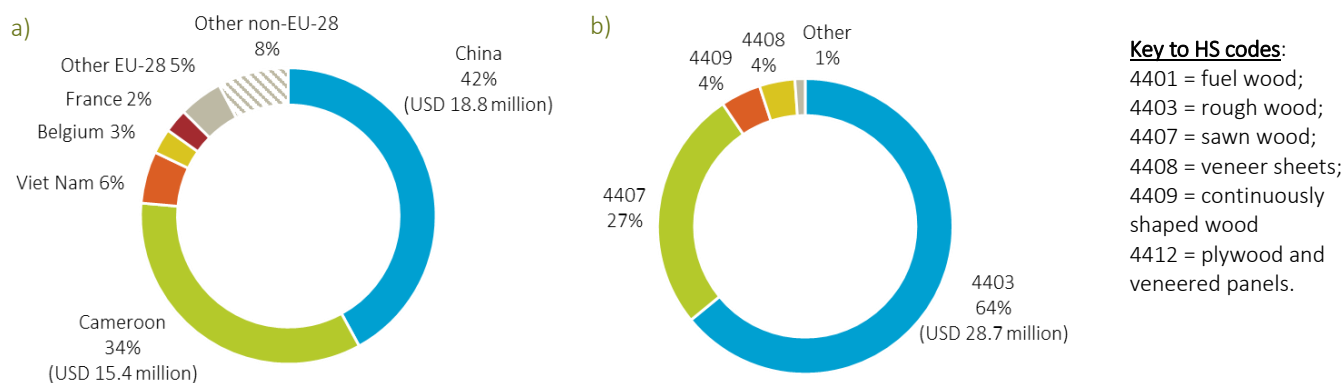


Figure 1: a) Main global markets for EUTR products from the Republic of the Congo in 2017 in USD*; b) Main EUTR products exported from the Republic of the Congo in 2017 by HS code according to value in USD. Produced using data from the UN Comtrade Database⁷.

*The Ministry of Forest Economy (pers. comm. 2020)²¹, noted that Congolese timber did not enter the Cameroon market. Figure 1a may therefore reflect timber exported through the port of Douala in Cameroon.

The EU imported 78 million Euros of EUTR-regulated products from the Republic of the Congo in 2018, according to data from the Eurostat Comext database²². The **main EUTR product imported into the EU from the Republic of the Congo in 2018** by value (Figure 2) and weight (Figure 4) was sawn wood (HS 4407), followed by rough wood (HS 4403) and veneer sheets (HS 4408). The main importers of EUTR products in 2018 by value and weight were Belgium and France.

Over the ten year period 2009–2018, the **total value of EU imports of EUTR-regulated products from the Republic of the Congo** has fluctuated (Figure 3), with imports of sawn wood (HS 4407) increasing over time.

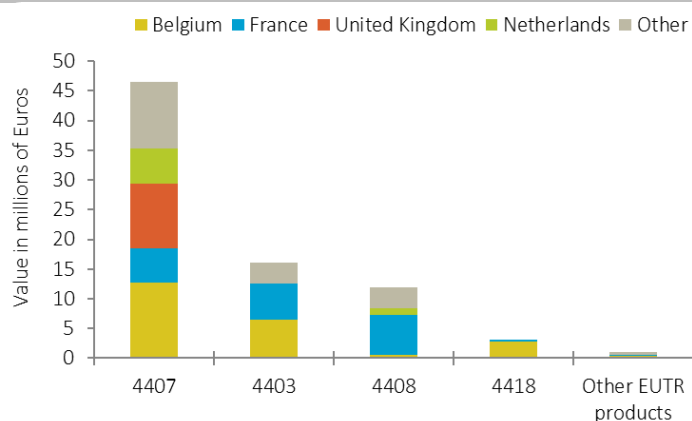


Figure 2: Main EUTR products by value in EUR imported into the EU from the Republic of the Congo in 2018. Produced using data from Eurostat²².

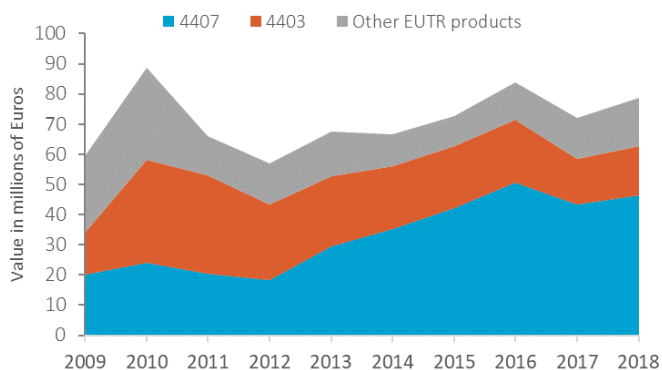


Figure 3: Value of total imports of EUTR products in EUR imported into the EU from the Republic of the Congo 2009-2018. Produced using data from Eurostat²².

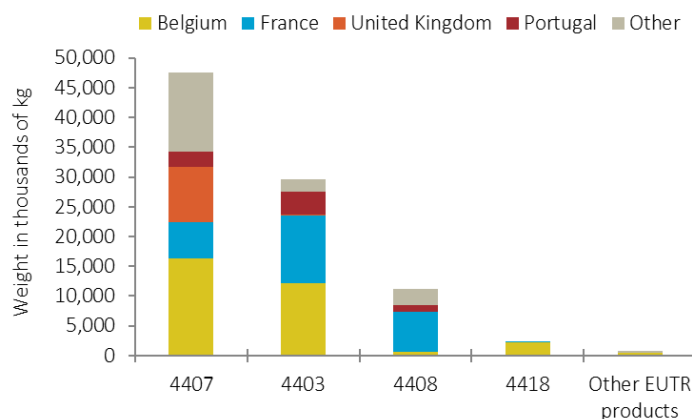


Figure 4: Main EUTR products by weight imported into the EU from the Republic of the Congo in 2018. Produced using data from Eurostat²².

According to national trade data statistics of the Service de Contrôle des Produits Forestier à l'Exportation (SCPFE)²³, exports of EUTR-regulated products from the Republic of Congo in 2017 amounted to 1.1 million m³. These were exported from two points of exit, namely the autonomous port of Pointe-Noire (in the Republic of Congo) and the port of Douala (in Cameroon). Between 2013 and 2018, average exports of 999 374 m³ were exported, primarily to Asia (80.27 %) and Europe (17.28%).

Table 1: Export of wood products from the Republic of Congo 2013 to 2018²³

| | 2013 exports (m ³) | 2014 exports (m ³) | 2015 exports (m ³) | 2016 exports (m ³) | 2017 exports (m ³) | 2018 exports (m ³) | Average exports (m ³) | % products exported |
|-------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|---|------------------------|
| Logs (round wood) | 645,892 | 769,950 | 702,915 | 664,929 | 873,658 | 798,905 | 742,708 | 68.64% |
| Sawn timber | 203,817 | 224,651 | 202,638 | 205,954 | 211,374 | 217,983 | 217,783 | 20.15% |
| Veneers | 24,134 | 20,861 | 24,974 | 25,868 | 25,005 | 28,206 | 24,841 | 2.30% |
| Plywood | 542 | 167 | 130 | - | - | - | 280 | 0.03% |
| Finished products | 5,231 | 6,996 | 7,076 | 9,065 | 4,064 | 618 | 5,508 | 0.51% |
| Eucalyptus chips | 145,049 | 36,171 | - | - | - | - | 90,610 | 8.37% |
| Eucalyptus logs | - | 11 | - | 148 | - | - | 79 | 0.01% |

KEY RISKS FOR ILLEGALITY

COMPLIANCE WITH LEGISLATION:

A 2014 assessment found that forest laws are “generally coherent and unambiguous”, although considered forest governance to be poor²⁴. Monitoring and enforcement was noted to be under-resourced and unable to ensure compliance²⁴. Effective application of the Forest Code and fraudulent exploitation and trade in illegal forest products were identified among the main challenges to the forestry sector in the Republic of Congo’s National Development Plan 2018–2022⁶. Corruption mitigation and tax collection methods along the supply chain have been described as unclear and ineffective²⁵. Reports of independent forest monitors document repeated breaches of national laws and regulations that guarantee reasonable and sustainable volumes of forest exploitation^{12,26, 27,28,29}. A lack of enforcement of timber regulations was documented, including the low level of performance of forestry sites’ inspections, the non-application/underassessment of fines, and a general lack of knowledge of forest legal provisions^{30,27}.

ILLEGAL LOGGING OF SPECIFIC TREE SPECIES:

Illegally-sourced okoumé (*Aucoumea klaineana*) has been documented entering Western markets³¹. A recent investigation into one company group documented the overharvesting of 46 different species 2013-2016, including the harvesting of 30 species for which it lacked the authorisation to harvest, and overharvesting >30 000 m³ of species classified as Vulnerable or Endangered on the IUCN Red List²². Major overharvested, authorised species included diania (*Celtis tessmannii*), dibetou (*Lovoa trichilioides*), kossipo (*Entandrophragma candollei*), okoumé (*Aucoumea klaineana*) and okan (*Cylicodiscus gabunensis*), whilst major unauthorised species harvested included azobé (*Lophira alata*), rikio (*Uapaca guineensis*), alone (*Rhodognaphalon brevicuspe*) and bodloa (*Anopyxis klaineana*)^{31,32}. Two-thirds of the legally-harvested logs are either okoumé (*Aucoumea klaineana*) or sapele (*Entandrophragma cylindricum*)²⁴.

PREVALENCE OF ILLEGAL LOGGING OF TIMBER:

A Chatham House study suggested that around 70% of total timber harvested in 2011 was illegal in some way (50% of timber logged within licensed concessions but was not verified legal and lacked a legally required management plan, 20% was illegal artisanal logging for domestic markets)³³.

Illegal logging has been noted to be particularly prevalent in the southern²⁵ and south-western¹² part of the country. A monitoring report covering the Niari region estimated the total theoretical volume of non-seized illegal wood between 2014 – 2015 monitoring periods to be close to 9.3 million cubic metres¹².

COMPLEXITY OF THE SUPPLY CHAIN

The majority of timber processing appears to occur outside the Republic of the Congo, with the majority of exports seen as logs¹¹, suggesting a relatively simple supply chain²⁶. Almost all mills are reported to be associated with logging concessions²⁴. There are two commonly used export routes for Congolese timber, overland and via river to Pointe Noire in the South and overland to Douala in Cameroon¹¹.

The chain of custody system targets timber checks at the point of export, with discrepancies reported to be rarely followed up on²⁴. Few checks take place during transport between concessions and port, or for timber consumed domestically²⁴.

RESTRICTIONS ON TIMBER TRADE

At least 85% of timber harvested should be processed in the country or a surcharge is levied on log exports³⁴. No EU³⁵ or UN³⁶ sanctions on timber exports or imports.

Illegal trade

Illegal logging falls under two categories in the Republic of the Congo: small-scale logging for the domestic market and large, licensed logging in concessions in contravention of forest legislation^{2,24}. The domestic timber market benefits from local operators willing to sell high quality timber on the local market, and forest policy aims to support the diversification of, and traceability within, this market³⁷. However, the local market has been described as unstructured and difficult to regulate³⁷. A joint report between the Congolese government and the European Union in 2016 noted that the informal market favours illegal timber due to the absence of a pricing policy³⁷. The artisanal sector, accounting for 30% of wood production, was considered likely to play an increasingly important role in forest degradation².

China is the largest importer of Congolese timber (42.14% of EUTR-regulated products in 2017) with much of the timber exported comprising logs (HS4403; 98% of China's imports from the Republic of the Congo by weight in 2017)³⁸. South-East Asia and the EU are also main markets for timber exports from Republic of the Congo⁵, where southern logging concessions (often unverified and with poor legal compliance) tend to supply the former and northern logging concessions (mostly managed) generally supply the latter, respectively²⁴. Despite efforts to promote the domestic processing of timber, very little secondary processing takes place within the Republic of the Congo¹¹.

In a 2017 risk assessment of timber legality in Republic of the Congo, NEPCon identified 18 of 21 sub-categories of forest law as having a "specified risk" of illegality (denoting medium or high risk)¹⁴. Key risks identified included: failure to follow the proper tending process for management rights and concession licences (due to a high level of corruption and lack of transparency); harvesting without management plans or management plans not implemented; greater volumes and unauthorised species being harvested; trees harvested outside the property/licence boundaries, including harvesting in protected areas; species, quantities and qualities not recorded or documents falsified; environmental, health and safety and legal employment requirements neglected and timber exported in breach of quotas¹⁴. Likewise, according to a detailed analysis of national timber trade records, very few logging companies operating in the Republic of Congo were considered to have obeyed the export quota system between 2014 and 2017³¹.

In 2011, every one of the 15 logging concessions visited (out of a total of 44) by an independent observer under the Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) project was found to be in breach of forest legislation, with out-of-bounds logging, logging of unauthorised species and exceedance of quotas detected in eight of these concessions²⁸. Similarly, IM-FLEG observed illegal cutting of 7790 trees worth EUR 2.27 million between 2011 and 2013²⁶. As a result, EUR 324 300 worth of fines were administered but only EUR 3800 were paid as of 2013, whilst in 2012 > EUR 7.8 million of taxes and fines went unpaid²⁶. The three most common illegal timber activities identified by the IM-FLEG independent monitors were fraud to lower taxes, non-respect of export quotas and logging outside of permitted boundaries²⁶.

A 2016 monitoring report of the project OI-APV FLEGT covering the Niari region (south-west Republic of Congo) and covering eight commercial forest units (under 6 different companies) reported key observations regarding the enforcement of laws and regulations by the forestry authorities to include: failure to produce key documents; persistent non-observance of cutting and export permit procedures; poor tax collection (up to 26% in arrears and 45% outstanding) and poor forestry financial transactions (flow of payment of funds due); use of fraudulent practice to avoid felling taxes; lack of blazing stumps, boles and blocks; and fraudulent felling (above permitted quantities and of unauthorised species)¹². The report estimated the volume and value of non-seized illegal wood between 2014 – 2015 monitoring periods to be close to 100 000 m³ and 92 000 EUR respectively, for four companies, with a total theoretical volume and value of illegally-cut wood estimated to be around 9.3 million m³ and 1.2 million EUR respectively¹². The validity of these figures was questioned by the Ministry of Forest Economy (pers. comm. 2020)²¹.

In 2017, OI-APV FLEGT synthesised findings from 13 reports of independent monitoring missions across national forestry operations (except for Bouenza and Kouilou regions), summarising key enforcement and compliance issues, including: allocating of non-lawful forestry concessions; 25 cases of unlawful felling authorisations; permitting up to 15% above annual export authorisation; poor tax and forestry transaction administration and poor forestry law-

enforcement. In total, non-compliance and fraudulent felling practices were reported to reach a global loss for the Public Treasury valued at just over 6.9 million EUR²⁷. Another 2017 OI-APV FLEGT independent monitoring specific mission to the region of Kouilou/Point-Noire covering two forestry development units (owned by two companies) also reported a plethora of enforcement and compliance failings, including: expired yearly licencing; exceeding annual bole quotas; fraudulent felling authorisations; poor management of taxes and fines; fraudulent felling activities to avoid tax payment; and lack of blazing on stumps and abutments – however over-felling of authorised tree species was notably minimal (two Pau rosa trees, *Bobgunnia fistuloides*, in 2016)²⁹. In February 2017, the Independent Observer annual report reiterated the conclusions regarding monitoring of the 13 concessions and in addition reported on the inappropriate overlapping use of one of these concessions for both mining and forest activities⁴¹.

In 2018, the following was noted for six forest concessions visited by the Independent Observer: four cases of non-transmission of company information (including 2017 balance sheets) by the prescribed deadline; an absence of factory entry and exist registers and inconsistency of declared cuts, as well as overloads on waybills; fraudulent schemes to evade tax payments in three of the four companies visited and fraudulent cuts totalling 8885 boles for two companies⁴².

A 2014 analysis of the number of cases being brought against artisanal loggers and logging companies showed an increase from 127 cases in 2007 to 337 cases in 2012, with 100% of cases between 2007 and 2012 settled out of court²⁴. It was suggested that the increase in cases represented the impact of IM-FLEG as well as the increased capacity of enforcement authorities on illegal logging activities²⁴. However, the payment of out-of-court settlements was also low as of 2013, at 8% overall and 5% for companies, suggesting that inefficiencies remain in the Republic of the Congo's efforts to curb illegal logging^{24,26}.

In 2019, the Environmental Investigation Agency (EIA) released a report documenting extensive entry of illegal timber from the Republic of the Congo into 'regulated markets' of the EU and United States³¹. A four-year investigation into the 'Dejia Group' – a Chinese timber conglomerate operating in Gabon and the Republic of the Congo – indicated large-scale, high level corruption on the part of Dejia Group companies, and violation of national laws regarding forest exploitation, timber processing and export and payment of taxes. In the Republic of the Congo, Dejia Group companies were alleged to be associated with activities including: bribing government officials; illegally obtaining rights to harvest in at least one logging concession (the Lebama concession); operating without approved management plans; overharvesting and logging non-authorised species; exceeding annual log export quotas and tax avoidance. Between 2013 and 2016, EIA estimated that 17 percent of one company's timber production came from overharvested species, totalling 84 363 m³ from 46 different species, 37% of which were Vulnerable or Endangered³¹. Despite the restriction on exporting >15% of exports as unprocessed timber, EIA estimated that log exports from two companies of the 'Dejia group' reached an average of 86% of their production (round wood equivalent) between 2013 and 2016, with 657 583 m³ of the 707 517 m³ of exported timber comprised of logs³¹. Over 100 000 logs worth USD 82 973 292 were estimated to have been exported in breach of the quota³¹. The EIA considered that such illegalities masked by corruption were not restricted to the Dejia Group but were systemic within industrial logging in the Republic of the Congo; they cautioned that timber products from the Republic of the Congo should be considered high risk under the EU Timber Regulation³¹. The Ministry of Forest Economy (pers. comm. 2020)²¹ reported that the Government of the Republic of Congo had denied the allegations of the EIA report.

Civil Society Organisations continue to call for greater forest revenue transparency in the Republic of the Congo, in particular the publishing of timber companies' payments to the government, noting that the February 2019 Extractive Industries Transparency Initiative (EITI) report again failed to include revenues from logging companies⁴³.

Forestry management and legislation

Forests of the Republic of Congo are divided between three main massifs located in the north, centre and south of the country and contain a heterogeneous mix of primary, secondary and swamp forests². Isolation of massifs in the north meant that harvest was limited to selective logging of larger diameter trees of commercially valuable species, limiting the extent of forest degradation due to logging, whereas forests in the Centre and South have been subject to logging for much longer, with species of larger diameters becoming rarer². There are two major logging areas in the south (massifs of Mayombe and Chaillu), which are particularly known for species such as okoumé (*Aucoumea klaineana*)

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and limba (*Terminalia superba*), whereas the northern logging area is known for red wood species such as sapelli (*Entandrophragma cylindricum*) and sipo (*Entandrophragma utile*)². The Republic of Congo is a country of high forest cover (69% forested) and low deforestation⁴⁴; historically the deforestation rate was calculated at 12 thousand ha per year (0.05%) 2000–2012³, compared with a regional deforestation rate for West and Central Africa of 0.46% over the period 2000-2010⁴⁴. In the 2020 *Global Forest Resources Assessment*, the deforestation rate was calculated at 13.8 thousand ha per year 2015–2020¹.

Forest resources in the Republic of the Congo are managed at the institutional level by the Ministry in charge of water and forests - since 2009 (decree No. 2009-315) known as the Ministère de l'Économie Forestière et du Développement Durable (MEFDD)⁴⁵, currently the Ministère de l'Économie Forestière (MEF). To date, this Ministry is structured as follows⁴⁰:

- A Cabinet of the Minister with a Director of Cabinet, advisers and attachés;
- Four attached Departments, namely: the Department of Studies and Planning (DEP), the Department of Cooperation (DC), the Department of Communication and Extension (DCV) and the Department of the Forest Fund (DFF);
- A General Inspectorate of Forest Economy Services (IGSEF) with four inspections (Inspectorate for Sustainable Development (IDD), Inspectorate of Forests (IF), Inspectorate of Fauna and Protected Areas (IFAP), Inspectorate of Administrative Affairs, financial and legal (IAAFJ), Forest Legality and Traceability Unit (CLFT).
- A General Directorate of Forest Economy (DGEF) with five central directorates (Forest Directorate (DF), Wildlife and Protected Areas Directorate (DFAP), Forest Resources Development Directorate (DVRF), Administrative Directorate and financial (DAF), Directorate of the Zoological Park (DPZ)); twelve Departmental Directorates (one per Department) and numerous forestry brigades (one per district and forest concession) and several checkpoints throughout the country;
- Five bodies under supervision, namely: the Congolese Agency for Fauna and Protected Areas (ACFAP), the National Reforestation Service (SNR), the National Center for Inventory and Development of Forest and Wildlife Resources (CNIAF), the Forest Products Export Control Service (SCPFE) and the Center for the Promotion of Non-Timber Forest Products (CVPFNL);
- Supervised programs such as: the National Afforestation and Reforestation Program (ProNAR) and the REDD + process.

The forests of the Republic of Congo are governed by various legal and regulatory texts as well as by commitments made at the international level through international agreements, conventions or treaties. The key piece of forestry legislation in the Republic of the Congo is the Forestry Code – Law No. 33-2020 of July 8, 2020⁴⁶ (replacing Law No.16-2000, amended by Law No.14-2009 in 2009), which outlines the governance framework of the forestry sector and sets the rules for exploitation and trade of forest products. The Forestry Code provides that activities authorised in the national forest domain are carried out in such a way as to avoid its destruction, on the basis of sustainable management of forest ecosystems (Articles 49 and 50 of Law No. 33-2020)⁴⁶.

The State has the responsibility to define policy, management and preservation of State-owned forest estates^{14,47}. The Departmental Directions of the MEF (DDEFs) are primarily responsible for forest law enforcement within their region²⁶. In practice, however, the limited resources of the State has meant logging companies have responsibility for preparing and implementing management plans²⁶. The forest estate is divided into 48 Forest Management Units⁴⁸, or Unités Forestières d'Aménagement (UFAs), which are designated areas for management, protection, conservation, restoration and production²⁵. In 2016, 87% of UFAs did not have an approved management plan⁴⁹, whereas by the end of 2017 it was reported that 42% of awarded concessions (21 out of 50) remained unmanaged⁴¹. In March 2018, 18 UFAs out of 60 (covering ~7.1 million ha or ~49.5% of the area allocated to logging) were reported to have a valid management plan⁴².

The utilisation of forest resources within the State-owned forest estate must be carried out under State control or by an exploitation title holder³⁹. There are four types of logging permit which confer on their holders the right to take limiting quantities of forest products under the conditions set by the Minister responsible for water and forests: the Industrial Transformation Convention (CTI), the Development and Transformation Convention (CAT), the Plantation Timber Cutting Permit (PCBP), and the Special Permit (PS)^{39,40}.

Although natural forests are publicly owned, the State grants logging rights to private entities²⁵ following calls for tenders launched at national and international level⁴⁰. The Republic of the Congo has a high proportion of commercial logging concessions, with 65% of total forest area designated for timber production⁵. In addition, between 2008 and 2012, it was reported that over half a million hectares of forested land had been distributed to palm oil and rubber concessions^{50,51}. Whilst there is an official tendering process for allocation of logging concessions, it has been noted that changes in the law would help to improve transparency and accountability^{24,14,51}. In 2018, a ministerial decree was published (Decree 9450 of 12/10/2018) which forces investors in agro-industrial palm oil units to now work in the savannah zone⁴⁰. In comparison to most other sectors in the country, there are relatively high levels of foreign investment in the timber sector⁵². The Republic of Congo's National Development Plan 2018–2022 identifies the following challenges in the forest sub-sector: i) deficiency of the transport chain, forcing logging companies in the north to export their products through southern Cameroon, which poses the problem of supplying the processing industries located in Pointe-Noire; ii) weakness in the application of the forest code; iii) fraudulent exploitation and trade in illegal forest and wildlife products; iv) insufficient development of timber transformation, with an industrial rate that is still low and mainly focused on the first transformation; v) a lack of knowledge of forest resources (woody species, non-timber forest products, etc.); and vi) a high rate of wastage in timber exploitation with a recovery rate of only 20 to 30%⁶. Specific objectives to address these issues included aiming to i) strengthen institutional capacities; ii) conserve biodiversity and promote the wildlife sector; iii) promote sustainable management of forest resources and the fight against climate change, and iv) support organisations and the private sector⁶.

The Republic of the Congo entered into a FLEGT Voluntary Partnership Agreement (VPA) with the EU on 1 March 2013⁵. The VPA defines a set of procedures and requirements to verify and certify that timber and timber products shipped from Congo are legally produced, with legality defined as “Any timber from acquisition, production and marketing processes that meet all of the statutory and regulatory provisions in force in Congo applicable to forest management and logging”⁵³. Conformity with forestry legislation is established on the basis of Principles, Criteria, Indicators and Verifiers (PCIV)⁵³. In practice, the implementation of the PCIV implies, on the part of the Forest Administration and the other public administrations involved, an in-depth analysis and control of the practices of private operators to ensure compliance with forest legality, and at the beginning of each year, issue them a certificate of legality (CL) which entitles those who have complied with the PCIVs to have Annual Cutting Authorisations (AAC)⁴⁰. The legality and traceability / supply chain verification system includes two legality grids: one for natural forest and the other for forest plantations. Within the General Inspectorate of Forest Economy and Sustainable Development Services (IGSEF), the Unit for Forest Legality and Traceability (CLFT) was created to verify the legality and traceability of timber and issue certificates of legality and FLEGT Authorisations for all cargo destined for the European Union^{54,37}. If a case of non-compliance is noted by CLFT, a certificate of legality cannot be provided³⁷, and can also be withdrawn⁴⁰. In 2017, a manual for handling cases of non-compliance with the indicators of the legality grid was developed to support this process, along with a computerised verification system (SIVL) that is intended to encompass all characteristics related to legality and traceability and the supply chain. The SIVL (<https://sivl.forets.gouv.cg>) is a national system, currently installed at the Datacentre of the Ministry of Finance⁵⁵ and Budget (MFB) in Brazzaville^{37,41}, with an additional relay server installed at the Datacentre in Pointe-Noire in November 2018⁴². In 2018, advancements on SIVL led to agreement at the Joint Implementation Committee (CCM 9) that the system is ready to be deployed⁴².

The 2017 joint report between the Congolese government and the European Union takes note of increasing collaboration among forestry actors and policy efforts to support the VPA's implementation⁴¹. Among other things, a national Strategy for 2018-2022 was adopted for the implementation of the VPA and its implementation tools, and activities of the Independent System Auditor (AIS) continued with the first audit of the legality verification system, at the level of some Departmental Directorates of Forest Economy in southern and northern Congo⁴¹. Independent observation by the Congolese civil society (OI-APV FLEGT) continued its activities, including publishing a summary report on the application of forest law and governance in the Republic of the Congo from 2013 to 2016²⁷ and observation reports from the DDEFs of Lékoumou⁵⁶ Pointe-Noire and Kouilou²⁹. In the 2018 joint report, the Independent Observer (CAGDF) carried out one data collection mission and two fact-finding missions, which included the following observations for forest administration of four departments: 12 cases of non-compliance with the procedure for granting cutting permits; a small number of site inspections/control missions carried out by the DDEF; low recovery rates of fines and taxes; four cases of poor application of the law in handling disputes; and little

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mobilisation of funds for the DDEF⁴². The AIS carried out four missions in the DDEFs of Niari, Lekoumou, Cuvette West and Sangha, accompanied by a few corrective action requests⁴². At the Joint Implementation Committee in November 2018, audit reports were validated for the DDEFs of Niari and Lekoumou, as well as the audit program for 2019.

In order to improve the management of forest resources, the Republic of Congo has been involved since 2008 in preparation for the implementations of the REDD+ mechanism, which provides incentives to developing countries to reduce their emission by promoting sustainable forest management². It has successfully finalised phase 1, the strategic tools and preparation phase, and began in January 2019 the last two phases of the REDD+ process, namely: the investment phase for the mobilization of carbon finance and climate finance and the payment phase for carbon transactions and remunerations of efforts to reduce deforestation and forest degradation⁵⁵.

In 2017 and 2018 the Ministry of Forest Economy organised regular workshops to strengthen the capacity of communities and supervisory bodies, such as the *Plateforme pour le Gestion Durable des Forest* (PGDF)⁴¹. These activities led to the adoption of the Brazzaville Roadmap, which constitutes an important step in the development of community forestry in Congo⁵⁷. Its effectiveness will largely depend on the quality of execution⁵⁸. Finally, commencing in 2019 with the signing of a partnership agreement between the Association for Forests and Rural Development and the *Comptoir Juridique Junior* (CJJ), the PGDF continues working with support from Cameroonian experts with a view to setting up of a Standardised External Independent Observation System (SNOIE). The SNOIE process includes a set of monitoring processes for the exploitation of natural resources based on the international standard (ISO 9001:2015) which documents and denounces violations linked to the exploitation of natural resources, monitoring and disseminating of decisions of the competent administrations⁴³. Several Congolese CSOs will be trained in the implementation of SNOIE throughout 2019⁵⁹. Tools are also being developed to fight illegal logging, such as the Automated Satellite System (WRI) that provides stakeholders with real-time information on forests every year⁶⁰.

IM-FLEG was a project implemented by the forestry administration, Resource Extraction Monitoring (REM), and *Le Cercle d'Appui à la Gestion Durable des Forêts* (CAGDF) and ran from 2007 to 2013^{26,61}. IM-FLEG was to produce reliable information on forestry in the Republic of the Congo, assist in FLEGT VPA implementation, and develop the capacity of Congolese civil society to take leadership^{26,61}. Since 2013, CAGDF is responsible for the formal structure of civil society in charge of independent forest monitoring⁶². Through a Permanent Mission Order signed by the Minister of forests, the Independent Observer has the authority to conduct inspections in all forestry companies and DDEFs in the Republic of the Congo, covering all services involved in forest management as well as all forest companies⁶².

LEGALLY REQUIRED DOCUMENTS¹

The list of documents required by the legislation in force (provided by the MEF⁴⁰, based on the 2020 Forest Code and the Principles, Criteria, Indicators and Verifiers of the FLEGT Voluntary Partnership Agreement between the EU and Republic of Congo) includes:

- Carte professionnelle (*Professional card*)
- Registre du Commerce et du Crédit Mobilier (RCCM) (*Trade and personal property credit register*)
- Attestation d'immatriculation à la CNSS (*Certificate of registration with the CNSS*)
- Déclaration d'existence (*Declaration of existence*)
- Agrément du Ministre des Forêts (*Approval of the Minister of Forests*)
- Convention - de transformation industrielle ou d'aménagement transformation) (*Agreement - of industrial transformation or transformation*)
- Cahier des charges particulier de la convention (*Specific specifications of the agreement*)
- Autorisations (d'installation, de coupe annuelle, d'achèvement et/ou de vidange) (*Authorisations (installation, annual cutting, completion and / or emptying)*)
- Patente (*Patent*)
- Agrément du commissionnaire en douane agréé (*Approval of the authorised customs broker*)
- Cahiers de réclamations et de revendications (*notebooks of complaints and demands*)
- Registre de l'employeur (*Employer register*)
- Contrat de travail (*Employment contract*)
- Registres de paie (*Payroll records*)
- Registres des visites médicales (*Records of medical visits*)
- Registres des accidents de travail (*Work accident registers*)
- Registres de sécurité (*Security registers*)
- Règlement intérieur de l'entreprise (*Internal regulations of the company*)
- Plan d'aménagement (*Development plan*)
- Plans de gestion (*Management plans*)
- Plan d'exploitation (*Map Operation*)
- Carnet de chantier (*Site notebook*)
- Feuille de route (*Roadmap*)
- Registre des bois entrés en usine (*Log of wood entering the factory*)
- Déclaration des revenus (*Declaration of income*)
- Déclaration en douanes (*Customs declaration*)
- Déclaration d'exportation (*Export declaration*)
- Déclaration d'importation (*Import declaration*)
- Déclaration annuelle des salaires (*Annual salary statement*)
- Registre des taxes/quittance payment (*Tax register / payment receipt*)
- Convention d'établissement (*Establishment agreement*)
- Carte grise (*Gray card*)
- Assurance (*Insurance*)
- Autorisation de transport (*Transport authorisation*)
- Certificat de navigabilité (*Certificate of airworthiness*)
- Certificat de contrôle technique de véhicule (*Vehicle technical inspection certificate*)
- Manifeste/connaissance (bateau) (*Manifest / bill of lading (ship)*)
- Bordereau d'identification de la cargaison (*Cargo identification slip*)
- Marteau forestier de la société (*Company forestry hammer*)
- Certificat d'origine (*Certificate of origin*)
- Feuille de spécification (*Specification sheet*)
- Certificat phytosanitaire (*Phytosanitary certificate*)

¹ The list provided may not be exhaustive and is intended as a guide only on required documents.

RELEVANT LEGISLATION AND POLICY²

National laws and regulations relevant to the timber legality definition in the FLEGT [Voluntary Partnership Agreement](#) between the EU and the Republic of Congo are listed in Annex II of the VPA. Legislation texts are available via the national VPA website: <http://www.apvflegtcongo.com/index.php/annexe-x>. For further relevant legislation and policy see the [Congo country page on FAOLEX](#) and the NepCon (2017)¹⁴ 'Timber legality risk assessment. Republic of the Congo'.

Main texts referenced in the 2011 VPA³

- **Law 3-1991 of 23 April 1991** on the protection of the environment
- **Law 6-1994 of 1 June 1994** regulating prices, trading standards, detection and repression of fraud
- **Forest Code [Law No. 33-2020](#)** of 8 July 2020 (replaces and repeals [Law No.16-2000](#) of 20 November 2000 and Law No.14-2009)
- **Law 6-2003 of 18 January 2003** pertaining to the Charter of investments
- **Law 19-2005 of 24 November 2005** regulating the exercise of the trading profession in the Republic of Congo
- **Law 3-2007 of 24 January 2007** regulating imports, exports and re-exports
- **Decree No. 86/775 of 7 June 1986** on making environmental impact studies compulsory
- **Decree No. 2002-434 of 31 December 2002** on the organisation and operation of the forest fund
- **Decree No. 2002-435 of 31 December 2002** relating to the attributions, organisation and functioning of the national centre for inventory and management of forest and wildlife resources
- **Decree No. 2002-436 of 31 December 2002** relating to attributions, organisation and operation of the forest products export control service
- **Decree No. 2002 437 of 31 December 2002** setting the conditions for the management and use of forests
- **Decree No. 2008-446 of 15 November 2008** setting the procedures for obtaining the professional merchant card
- **Order No. 5053 MEF/CAB of 19 June 2007** defining the national guidelines for sustainable management of forest concessions
- **Order No. 1450 MIME/DGE of 18 November 1999** relating to the implementation of certain provisions on classified installations of Law 003/91 on the protection of the environment
- **Order No. 835 fixing MIME / DCE of 6 September 1999** setting the approval conditions for carrying out studies or environmental impact assessments

Other relevant texts

- **Constitution of the Republic of Congo 25 October 2015**
- **Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa and to establish the Central African Forests Commission (COMIFAC) 5 February 2005**
- **General tax code 2016**
- **Law 9-2004 of 26 March 2004** establishing the State Domain Code
- **Law 10-2004 of 26 March 2004** setting the general principles applicable to state-owned forest and property
- **Law 37-2008 of 28 November 2008** on wildlife and protected areas
- **Law 5-2011 of 25 February 2011** on the promotion and protection of the rights of indigenous populations
- **Law 10-2017** on the code relating to transparency and accountability in the management of public finances
- **Law 21-2018 of 13 June 2018** setting the rules of occupation and acquisition of lands and lots
- **Law 33-2015 of 31 December 2015** on the Finance Law for the year, financial year 2016
- **Decree No. 2009-415 of 20 November 2009** setting the scope, content and procedures of the environmental and social impact study and notice

² The list provided may not be exhaustive and is intended as a guide only on required legislation.

³ Includes texts relating to forestry, environment, trade and export. See the VPA Annex II for full list, including texts relating to the workplace health and safety, transport and agriculture sectors.

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These EU Timber Regulation country overviews support the work of EU Competent Authorities in assessing potential legality risks of timber and timber products from source countries of importance to the EU market. They were produced following a thorough review of the publicly available literature, as well as requesting additional information from Competent Authorities and experts. To ensure their accuracy, relevance and completeness, country overviews have been subject to comprehensive peer review, including consultation with relevant national ministries/agencies and in-country experts, the European Commission and Competent Authorities. These documents are updated periodically based on available information. Specific inputs can be sent to timber@unep-wcmc.org, for potential inclusion in the next update. Published overviews are available from https://ec.europa.eu/environment/forests/timber_regulation.htm.