

**PROJECT FOR THE DEVELOPMENT AND INSTITUTIONALISATION OF A
PAFC CERTIFICATION SYSTEM FOR THE CONGO BASIN**



**National Interpretation Guide to the Sustainable Forest Management
Standard NORM-001-2019-1 for Congo**

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1. INTRODUCTION:

1.1. Purpose of the document

This interpretation guide aims to facilitate the implementation of the **PAFC/NORM-001-2019-1** standard in Cameroon for companies applying for certification as well as for auditors who will have to judge compliance with its requirements.

It is a tool to clarify the requirements of the PAFC Congo Basin standards in order to :

- clarify the relationship between national legal and regulatory requirements and regional certification requirements;
- to strengthen a common understanding between organisations seeking certification, or certified, and PAFC auditors;
- provide a list of operational and suitable national auditors.

This guide does not alter the structure and requirements of the forest management standard.

1.2. Reminders

The PAFC Congo Basin Sustainable Forest Management System (SFMS) requirements for forest management activities are listed in **PAFC/NORM-001-2019-1 Sustainable Forest Management - Requirements**.

They apply to the logging titles covered by this standard, which are logging titles intended for long-term sustainable management.

They cover the full range of products and services of the operations. They apply to managers, as well as contractors and other operators operating in the Congo Basin countries with a national PAFC organisation. The requirements in this document cover all the necessary processes of a management system aimed at sustainable forest management.

The rules governing the certification decision are listed in document **PAFC/NORM-002-2020-1 Requirements for bodies carrying out audits and certification** of sustainable forest management PAFC

The PAFC Congo Basin certification scheme applies in the three countries that have national PAFC organisations authorised to administer the scheme in their country: Cameroon, Congo and Gabon.

1.3. Prototype of the standard

The sustainable forest management requirements set out in **PAFC/NORM-001-2019-1** are intended to :

- maintain or enhance forests and their ecosystem services and to maintain or enhance the economic, ecological, cultural and social values of forest resources;
- maintain or enhance the health and vitality of forest ecosystems and to rehabilitate degraded forest ecosystems wherever possible, taking into account economic capabilities and making the best use of available structures and processes and using biological preventive measures;



- maintain the capacity of forests to produce a range of timber and non-timber forest products and services on a sustainable basis;
- maintain, preserve and enhance biodiversity at the landscape, ecosystem and species levels;
- maintain and enhance the ecosystem services of forests for society, such as their potential role in erosion control, flood prevention, water purification, climate regulation and carbon sequestration;
- respect all the socio-economic functions of forests, in particular by taking into account the formal and customary land rights of affected indigenous peoples and local communities and by maintaining their livelihoods.

Remarks on Part 3: Elements for meeting the requirements

The table content which presents the links between the requirements of the sustainable forest management standard and the national legislative, regulatory and technical framework is not fixed and may evolve to integrate

- changes in the national legislative, regulatory and technical framework
- feedback and good practices identified in the field
- etc.

2. CONSIDERATION OF APPLICABLE LEGISLATION AND REGULATIONS

2.1. Applicable legislation and regulations

The texts referenced in this document form the basis of the applicable legislation and regulations. Each company should take care, in accordance with requirement 5.1.1. of the SFM standard, to complete and update this list as necessary.

For a country that has signed a FLEGT Voluntary Partnership Agreement (VPA) between the EU and the producer country, the "applicable forest management legislation" is defined by the VPA agreement.

In the case of the Congo, this means

2.1.1. Forest

- Law N°33-2020 of 8 July 2020 on the forestry code

This text repeals all previous provisions to the contrary, in particular those of Law No. 16-2000 of 20 November 2000, but does not yet have its implementing regulations.

- Decree No. 2002-434 of 31 December 2002 on the organisation and operation of the forestry fund,
- Decree No. 2002-435 of 31 December 2002 on the attributions, organisation and functioning of the national centre for the inventory and management of forest and wildlife resources,
- Decree No. 2002-436 of 31 December 2002 on the attributions, organisation and functioning of the forest products export control service,
- Decree No. 2002-437 of 31 December 2002 establishing the conditions for the management and use of forests,
- Arrêté No. 5053/MEF/CAB of 19 June 2007 defining the national guidelines for the sustainable management of forest concessions.

2.1.2. Environment

- Law No. 003/91 of 23 April 1991 on environmental protection,
- Decree no. 86/775 of 7/06/86 making environmental impact studies mandatory,
- Arrêté No. 1450/MIME/DGE of 18/11/1999 on the implementation of certain provisions on classified installations of Law 003/91 on environmental protection,
- Arrêté No. 835/MIME/DGE of 6 September 1999 establishing the conditions for approval to carry out environmental impact studies or assessments in the Republic of Congo

2.1.3. Work, hygiene and health

- Law No. 45-75 of 15 March 1975 instituting a labour code in the People's Republic of Congo,
- Law No. 6-96 of 6 March 1996 amending and supplementing certain provisions of Law No. 45-75 of 15 March 1975 establishing a labour code in the People's Republic of the Congo,
- Law 004/86 of 25/02/86 instituting the social security code in the People's Republic of Congo,

- Act No. 022/88 of 17 September 1988 amending Act No. 001/86 of 22 February 1986 replacing and supplementing Act No. 03/85 of 14 February 1985 establishing the National Employment and Manpower Office (ONEMO) and amending the Labour Code,
- Decree No. 78/359/MJT.SGFPT.DTPS.ST. 3/8 of 12 May 1978 deciding on the derogations provided for in Article 105 of the Labour Code,
- Decree No. 78/360/MJT.SGFPT.DTPS.ST. 3/8 of 12 May 1978 establishing, for establishments not covered by the agricultural regime, the duration of work, the regulation of overtime and the terms of their remuneration,
- Decree No. 78/361/MJT.SGFPT.DTPS.ST. 3/8 of 12 May 1978 laying down the regulations governing overtime in agricultural and similar enterprises and the terms and conditions for their remuneration,
- Arrêté No. 9028/MTERFPPS/DGT/DSSHST of 10 December 1986 on special safety and health measures applicable to forestry work companies,
- Arrêté No. 9030/MTERFPPS/DGT/DSSHST of 10 December 1986 establishing health and safety committees in companies,
- Arrêté No. 9033/MTERFPPS/DGT/DSSHST of 10 December 1986, on the organisation and operation of the social and health centres of companies established in the People's Republic of Congo,
- Decree No. 2008-942 of 31 December 2008 fixing the amount of the guaranteed interprofessional minimum wage (SMIG),
- Arrêté no. 3092 of 9 July 2003, governing the conditions for the establishment and opening of private health facilities.

2.1.4. Trade

- Law No. 6-94 of 1 June 1994 on the regulation of prices, commercial standards, and the detection and repression of fraud,
- Law No. 19-2005 of 24 November 2005 regulating the exercise of the profession of trader in the Republic of Congo,
- Law No. 3-2007 of 24 January 2007 regulating imports, exports and re-exports,
- Decree No. 2008-446 of 15 November 2008 setting out the procedures for obtaining a professional trader's card.

2.1.5. Land management

- Law No. 17-2000 of 31 December 2000 on land ownership.

2.1.6. Agriculture and livestock

- Decree No. 86/970 of 27 September 1986 fixing the compensation due for the destruction of fruit trees and damage to crops,
- Arrêté 1 142 du 12 juin 1945 instituant un contrôle phytosanitaire en AEF,
- Arrêté 1143 of 12 June 1945 instituting a phytosanitary surveillance and police force for crops in the AEF,
- Arrêté no. 2866/MAE/MEFB of 3 July 2008 setting the fees for inspections, animal and plant health services and regulatory health documents.

2.1.7. Transport

- Law No. 018/89 of 31 October 1989 defining the various road transport activities and related motor transport activities and fixing the fees to be received for the issuance of licences to exercise these professions,
- CEMAC Community Road Code revised 2001,
- CEMAC/DRC Inland Navigation Code,
- Decree No. 90/135 of 31 March 1990 regulating access to the profession of road transport and the exercise of activities related to motor transport in the Republic of Congo,
- Decree No. 98-39 of 29 January 1998 on the organisation and regulation of maritime traffic to and from the Republic of Congo,
- Decree No. 2003-61 of 6 May 2003 regulating the registration of motor vehicles,
- Decree No. 5694 of 17 September 2001 laying down the conditions required to obtain approval for the profession of road transport and for professions related to motor transport,
- Arrêté no. 11599 of 15 November 2004 regulating the technical inspection of vehicles,
- Decree no. 2844 of 12 April 2005 setting the conditions for the preparation and issue of motor vehicle registration cards,
- Arrêté No. 1033/MTMMM-CAB of 14 May 2008 instituting the cargo tracking document on international traffic of goods coming from and going to the Congo.

2.1.8. Economy

- Law No. 6-2003 of 18 January 2003 on the investment charter,
- Decree 2004-30 of 18 February 2004 establishing the terms and conditions of approval for the advantages of the investment charter.

2.1.9. International, regional and sub-regional agreements

- OHADA Uniform Act on General Commercial Law,
- Uniform Act of 17 April 1997 on the Commercial Law of Commercial Companies and Economic Interest Groups,
- OHADA Uniform Act of 10 April 1998 on the organisation of collective procedures for the settlement of liabilities,
- OHADA Uniform Act of 10 April 1998 on the organisation of recovery procedures and enforcement,
- African Convention on the Conservation of Wildlife and Natural Resources, known as the Algiers Convention of 1968, ratified by Law No. 27/80 of 21 April 1980,
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), ratified by Law No. 34/82 of 7 July 1982, acceded to by Congo on 31 January 1983,
- Convention on Biological Diversity, Rio 1992, ratified by Law No. 29/96 of 25 June 1996,
- International Tropical Timber Agreement, ratified by Law No. 28/96 of 25 June 1996,
- Framework Convention on Climate Change, ratified by Law No. 26/96 of 25 June 1996,
- Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR Convention), ratified by Law 28/96 of 25 June 1996,
- Bonn Convention on the Conservation of Migratory Species of Wild Animals, 1985, ratified by Law 14/1999 of 3 March 1999,



- Convention to Combat Desertification, ratified by Act No. 8/1999 of 8 January 1999,
- Kyoto Protocol on combating climate change, ratified by Law No. 24-2006 of 12 September 2006,
- Treaty on the Central African Forest Commission, signed on 5 February 2005 in Brazzaville and ratified by Act No. 35-2006 of 26 October 2006 authorising the ratification of the treaty on the conservation and sustainable management of Central African forest ecosystems and establishing the Central African Forest Commission.

2.2. Procedure in case of contradiction between legal and PAFC Congo Basin requirements

The PAFC Congo Basin Standard for the Sustainable Management of Forest Resources **PAFC/NORM-001-2019** is applicable in three different countries, each with its own legislative and regulatory framework. The standard has been drafted in such a way as to limit references to these texts as much as possible, and its content is intended to be as neutral as possible so that it is understandable and applicable in each country.

However, this regional character of the standard could in practice result in some inconsistencies or contradictions between the legal requirements and the Congo Basin PAFC requirements.

This part of the document proposes a procedure to identify these inconsistencies and how to deal with them.

Procedure to be followed in case of contradiction between legal requirements and certification requirements

Who? The certification manager(s), the person(s) responsible for legal and regulatory monitoring - see **PAFC/NORM-001-2019-1** Requirement 4.1.4.

When? At the time of the implementation of the certification, prior to the initial certification audit, then at each evolution of either the **PAFC/NORM-001-2019** standard or the national legislation and regulations.

How?

- Read the requirements of **PAFC/NORM-001-2019** in full.
- Analyse for each one whether there are any contradictions with the relevant legislation and regulations or national technical directives and standards.

*Note: This step can be supported by the analysis of the operational transposition of legal and regulatory requirements - see **PAFC/NORM-001-2019** Requirement 5.1.2.*

- For each contradiction identified, develop a supporting note to
 - Define the means (administrative, technical, organisational) implemented to ensure compliance with the law and/or justify compliance with the law and regulations by documentary evidence.
 - Define and justify the means (administrative, technical, organisational) used to meet the CFP requirement to the maximum extent
 - Propose a strategy to reconcile the two
 - Depending on the case :
 - Develop a business case demonstrating the bona fides of the applicant company in relation to the PAFC requirement.
 - Propose a roadmap for lifting the contraction (approaching the administration if necessary, requesting a derogation or additional supporting documents, etc.).

Note: Progress and compliance with the roadmap will be checked at each monitoring audit.

2.3. List of national terms

The table below shows the correspondence between the terms in **PAFC/NORM-001-2019** and national regulations.

	Congo
Forest Management Unit - FMU (whole forest title) OR forest concession	Forest Management Unit (Article 52 of Law 33-2020 - formerly Article 54 of Law 16-2000)
Local community	grouping of citizens organised around a history, a land, habits, customs and a community of destiny (Law n° 33-2020)

	Congo
	of 8 July 2020)
Long-term planning document	Layout plan
Medium-term DA	Management Plan
Short-term DA	Annual operating plan
Five-year management unit	Unité Forestière de Production (in Congo, the duration of a UFP can be from 4 to 6 years)
Annual Management Unit	Annual cutting base
Minimum exploitable diameter under management	Minimum installation diameter
Forest	<p>Any natural or artificial vegetation formation, non-wooded or insufficiently wooded parts of the land where reforestation and/or restoration are recognised as necessary;</p> <p>For the purposes of carbon credits, a forest is considered to be any natural or artificial vegetation formation larger than 0.5 hectares, with trees higher than 3 metres and a tree cover of more than 30%.</p> <p>(Law n° 33-2020 of 8 July 2020)</p>
Indigenous peoples	<p>Forest dwellers, distinguished from other national population groups by their cultural identity and way of life</p> <p>(Law n° 33-2020 of 8 July 2020)</p>
Series dedicated to maintaining biodiversity and ecosystem services (7.1.4)	<p>Arrêté No. 5053/MEF/CAB of 19 June 2007: Conservation series (focused on maintaining biodiversity) and protection series (focused on protecting fragile environments and the ecosystem services of these environments, including cultural services)</p> <p>Law 33-2020 Art. 78: The management plan of a forest concession of the permanent forest estate shall provide for a production series, a conservation series, a protection series, a community development series and a research series, which shall constitute the basic units for the execution of the tasks of development, management, conservation and production</p>

3. ELEMENTS OF RESPONSES TO THE REQUIREMENTS

The following table links the requirements of PAFC/NORM-001-2019 with the national legislative, regulatory and technical framework. It identifies the documents and references on which the requirements can be based.

The links made in this table do not absolve organisations applying for PAFC Congo Basin Sustainable Forest Management certification from analysing the requirements and making every effort to meet them, if necessary, going beyond (but not against) national obligations.

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Principle	4. The organisation establishes, implements, maintains and improves a sustainable forest management system.			
Criterion 4.1	The organisation establishes and implements a SFMS sustainable forest management system			
Indicator 4.1.6	The organisation must establish and adhere to a Stakeholder Engagement Plan (SEP) that is adapted to the size and activities of the company, according to the relevant guidelines listed in annex 1.	Document to be developed		
Indicator 4.1.7	The organisation must establish and adhere to a communication plan that is adapted to the size and activities of the company, according to the relevant guidelines listed in annex 1.	Document to be developed		
Indicator 4.1.8	The organisation must implement grievance, complaint and conflict management processes developed with the stakeholders , according to the relevant guidelines listed in annex 1.	Document to be developed Minutes of the creation of the Consultation Committee	Art 80 Law 33-2020: Mechanism for consultation and conflict management in the forest concession	<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Indicator 4.1.9	The organisation must implement a documentation management system appropriate to its SFMS and in line with the scale, intensity and risk of its activities, according to the relevant guidelines listed in annex 1.	Document to be developed		
Indicator 4.1.10	The organisation must develop a procedures manual containing all the procedures referred to in this standard and any other procedures it deems relevant to meet these requirements.	Document to be developed		

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Criterion 4.2.	The organisation shall plan its actions on a five-year and annual basis, adapted to its challenges, its objectives and its resources.			
Indicator 4.2.1	The organisation must establish and implement a concrete environmental action programme, consisting of a five-year programme and an annual programme, adapted to its issues, objectives and means, according to the relevant guidelines listed in annex 1.	Document to be developed		Can build on EIAs and EMPs but must be presented at the required time scale (annual and five-year). Must also take on board the elements of the specific Terms of Reference on environmental aspects.
Indicator 4.2.2	The organisation must establish and implement a concrete external social action programme, consisting of a five-year programme and an annual programme, adapted to its issues, objectives and means, according to the relevant guidelines listed in annex 1.	Document to be developed		Can build on EIAs and EMPs but must be presented at the required time scale (annual and five-year). Environmental impact assessments and management plans include a social component. Must also take on board the elements of the specific Terms of Reference on social aspects. May also draw on the analysis of workers' needs and expectations required in requirement 8.1.1
Indicator 4.2.3	The organisation must establish and implement a concrete internal social action programme, consisting of a five-year programme and an annual programme, adapted to its issues, objectives and means, according to the relevant guidelines listed in annex 1.	Document to be developed		May be based on, among other things, the analysis of workers' needs and expectations required in requirements 9.2.1 and 9.3.1
Criterion 4.3.	The organisation establishes and implements an ongoing improvement system based on the monitoring of its SFMS and an internal audit programme.			
Indicator 4.3.1	The organisation must establish and implement a mechanism for the internal monitoring, measurement, analysis and evaluation of the sustainable forest management system that is adapted to the scale, intensity and risks of the activities, according to the relevant guidelines listed in annex 1.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 4.3.2	The organisation must plan, establish, implement and maintain an internal audit programme that is adapted to its SFMS , according to the relevant guidelines listed in annex 1.	Document to be developed		
Principle	5. The organisation carries out its activities in compliance with the applicable national laws and regulations and ratified international conventions			
Criterion 5.1.	Applicable national laws and regulations and ratified international conventions and those required by the PEFC Council are identified and known.			
Indicator 5.1.1	The main texts of the applicable national regulations as well as the international conventions ratified by the country and those required by the PEFC Council, relevant to the organisation's activities, must be available on the organisation's main sites, kept up to date through a regulatory monitoring procedure.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Indicator 5.1.3	The organisation must identify and document the land ownership situation within the FMU , taking into account possible titles of ownership as well as the customary rights of indigenous peoples and local communities within the FMU recognised by applicable national laws and regulations .	Development and Processing Agreement or Industrial Processing Agreement; Special Terms and Conditions of the Agreement; Notification of the approval of the exploitation title (issued following the procedure for the attribution of the exploitation title)		
Criterion 5.2.	The Organisation carries out its activities in compliance with applicable national laws and regulations.			
Indicator 5.2.1	The organisation must have - in appropriate places - all necessary documented proof of its legal existence, its right to operate, as well as its authorisations, approvals and registrations with the competent administrations, including for its transport and trade activities.	Identity card for wood and forestry professionals; Forestry approval certificate; Extract from the trade and real estate credit register; Proof of deposit of the forestry hammer; Transportation approval or exploitation approval		

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 5.2.2	The organisation must have - in appropriate places - all necessary documented proof of compliance with its environmental obligations in accordance with applicable national laws and regulations .	Minutes of the validation meeting of the ecological and biodiversity study report Impact studies of the different activities and sites	Circular 332 of 13 March 2009; Decree 2009-415 setting the scope, content and procedures of the environmental and social impact study and notice; Arrêté no. 3196 / MTE /CAB of 14 July 2008 on the nomenclature of classified installations of law no. 003/91 of 23 April 1991 on environmental protection; Art 55 Law 33-2020: ESIA obligation for all projects in the forestry sector	EIA: Depending on the structure and activities present in the certification perimeter (operation /base life / factory...)
Indicator 5.2.3	The organisation must have - in appropriate places - all necessary documented proof of compliance with its employer obligations to all its workers and subcontracted workers in accordance with applicable national laws and regulations .	Certificate of registration with the CNSS; Authorisation order for the company's social and health centre staff; Vote for the election of staff delegates; Vote for the health and safety committee meeting; Internal regulations		
Indicator 5.2.4	The organisation must have - in appropriate places - all necessary documented proof of compliance with its obligations to indigenous peoples and local communities in accordance with applicable national laws and regulations .	Specific terms of reference; Minutes and Report for the establishment of the Consultation Committee and the meetings held	Art 80 Law 33-2020	

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 5.2.5	Taxes, fees and charges, including fines, must be paid in accordance with applicable laws and regulations and in a timely manner. Proof of payment and/or moratoria must be documented where appropriate.	Patent; Tax receipts and payment certificates		
Principle	6. The organisation carries out its forestry activities in a sustainable manner within the FMU.			
Criterion 6.1.	Forestry is planned in a sustainable manner in accordance with the relevant legislation and regulations.			
Indicator 6.1.1	Management documents (management plans, five-year management documents and operational plans) must be prepared in accordance with legal and regulatory provisions and validated by the competent authorities.	Long term: Management plan / Decree of approval of the PAM Middle term: Management plan / Report of validation of the management plan Short term: Annual exploitation plan / Annual cutting authorisation or Annual certificate of felling and Notification of start of activities		The annexed management plan reports to be developed are the Ecological Study Report (Validation report), the Socio-Economic Study Report (Validation report) and the Multi Resource Inventory Report (Validation report).
Indicator 6.1.2	If the applicable national legislation and regulations allow it and if the organisation makes or contributes to a commercial use of NTFPs (including fishing and hunting products), the organisation shall establish and adhere to provisions regarding their harvest, ensuring the long-term maintenance of production, established in consultation with affected indigenous peoples and local communities .	Special Permit	Art 21 Law 33-2020 Art 103 Decree 437-2002	Exploitation is authorised in community forests within the framework of the populations' right of use. Holding of a special permit for the exploitation of accessory forest products [in application of art. 70 of the former Forest Code].
Indicator 6.1.3	The organisation must ensure that its forest management maintains or increase a harvestable volume of lumber and a species distribution that will sustain economic activity beyond the rotation in accordance with the management plan .	Management plan Report of the Evaluation Committee Development Plan	Art 77 Law 33-2020: The elaboration of the management plan is based on the principles of sustainable development and participatory forest management. It shall be drawn up in accordance with national management standards and directives.	CF. Definition of planning documents and in particular the NORM-001-2019 management plan.

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
			Art 4 Arrêté 5053-2007 fixant les directives d'aménagement ; National standards for forest resource management inventories	
Indicator 6.1.4	A public summary of the long-term management document including objectives, forest management principles and outlining the major management measures planned must be developed. Confidential information (which is commercial, personal or legally confidential in nature, or aimed at the protection of sensitive cultural sites or natural sites) may be excluded from this summary.	Summary of the management plan		
Criterion 6.2.	The organisation shall set up a system to track the geographical origin of its timber from the forest to the point of sale or processing and to identify certified products.			
Indicator 6.2.1	A procedure must describe all the provisions enabling the organisation to know and control the geographical origin of the timber from an initial point in the forest to a final destination (a point of sale and/or processing).	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Indicator 6.2.3	All official documents (arising from legal and regulatory provisions) and internal documents specific to the control of the traceability of timber must be kept up to date and be available.	Logging notebook at a minimum	Art 86 to 88 of Decree 437-2002	Complete with the elements necessary for compliance with the traceability procedure requested in requirement 6.2.1
Criterion 6.3.	The logging activities ensure of the sustainable production of the forest products that are harvested.			
Indicator 6.3.1	The provisions of the management documents relating to the production series enabling the long-term preservation of exploitable forest resources must be complied with, in particular the list of managed species , minimum diameter cutting limits and the cutting sequence.	Planning documents for the 3 levels; Report of the evaluation committees		

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 6.3.2	The organisation must optimise the use of the products it harvests within the limits set in the management documents (Management Plan and Operational Plan in particular).	Management documents for the 3 levels, in particular the Annual Operating Plan which provides a detailed framework for operations in the AACs; Report of the management plan evaluation committees	Art 128 Law 33-2020	
Indicator 6.3.4	In the event of a proven lack of natural regeneration or a very low rate of the harvested species' reconstitution, as a precautionary and preventive principle, additional measures must be prescribed and implemented for the relevant species, such as rehabilitation. Note: This is a requirement of means, not of performance		Art 95 Law 33-2020	
Indicator 6.3.5	Specific measures must be prescribed and implemented to minimise damage to the tree population so as not to negatively affect the FMU's production capacity.		Art, 68 and 71 of the Decree 437-2002	Link to requirement 7.1.3
Indicator 6.3.6	The construction of roads, logyards and engineering structures (bridges) must adhere to the planned route, while taking into account any applicable legal and regulatory provisions. Any major modification must be justified.			Link to requirement 7.1.3
Indicator 6.3.7	The organisation must demonstrate adequate road construction progress to ensure the proper evacuation of harvested products under acceptable technical and economic conditions.		Art 6 and 7 of the Decree 5053-2007 establishing the planning guidelines	
Indicator 6.3.8	The organisation must demonstrate that it seeks to improve its economic performance by taking into account the potential for new markets and new economic activities in relation to all relevant forest goods and services.	Rules for the research series in the Management plan	Chapter III, section 4 of the Arrêté 5053-2007 laying down planning guidelines	
Principle	7. The organisation conducts its activities in such a way as to minimise its impacts on biodiversity and on the protective functions of the forest.			

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Criterion 7.1.	Logging operations take into account the forest's protective functions and biodiversity.			
Indicator 7.1.2	In order to preserve the biodiversity present in the FMU, ecologically important forest areas must be identified, described and mapped, at least at the scale of the FMU and according to the intensity of harvesting. Appropriate measures to maintain the criteria for which they have been identified must be prescribed, adhered to and evaluated, in particular measures to maintain or enhance the natural connectivity of ecologically important forest areas with other important areas within and surrounding the FMU .	Document to be developed		Carry out a specific study to identify the AFEI. This can be based on the environmental description of the management plan and the ecological and biodiversity study (and EIAs) prepared to obtain the exploitation agreement.
Indicator 7.1.3	Forest areas with significant soil and water protection functions must be identified, described and mapped, at least at the scale of the five-year management unit and according to the intensity of harvesting. Specific and appropriate measures to maintain or enhance the ecosystem services associated with these areas must be prescribed, adhered to and evaluated.	Document to be developed		
Indicator 7.1.4	The planning and implementation of infrastructure must be carried out in such a way as to minimise damage to ecosystems, especially to rare, sensitive or representative ecosystems and genetic reserves ² , and to take threatened or other key species – in particular their migration patterns – into consideration.			Link to requirements 6.3.5 and 6.3.6
Indicator 7.1.5	The requirements of forest management documents in the series dedicated to the preservation of biodiversity and/or ecosystem services must be complied with.	Management plan	Chapter III, section 2 and 3 of the Decree 5053-2007 establishing the planning guidelines	
Indicator 7.1.6	Specific measures must be established and implemented in order to minimise damage to soil and watercourses within the FMU , in accordance with applicable laws and regulations and according to the	Document to be developed	Chapter IX of the Arrêté 5053-2007 laying down planning guidelines	The measures set comply at least with the national guidelines

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
	relevant guidelines listed in annex 2.			
Indicator 7.1.12	The organisation must establish a system to monitor scientific knowledge on tropical forests in terms of best practices in forest management and their impacts on biodiversity, on ecosystem services , and on the capacity of tropical forests to store and isolate carbon.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Criterion 7.2.	The organisation implements specific measures to reduce the direct and indirect impacts of its activities on the environment.			
Indicator 7.2.1	EIAs (Environmental Impact Assessments) produced in accordance with legal and regulatory requirements, together with management plans , and submitted to the administration for validation, and Environmental Management Plans, present a set of implemented measures to mitigate, prevent and compensate for impacts.	EIA or Ecological study requested as part of the preparation of the management plan	Law 003/91 of 23 April 1991, art. 2: any socio-economic development project must include an impact study Circular 332 of 2009 on ecological studies as EIA Decree 2009-415: content of ESIA and ESMPs	ok Can be complemented by data from the management plan's complementary socio-economic study
Indicator 7.2.2	Activities with a particularly significant impact must be identified and subjected to an in situ operational assessment of their impacts. The organisation is to apply mitigating, preventive or compensation measures appropriate to the scale, the intensity and the risk.	EIA or Ecological study requested as part of the preparation of the management plan	Law 003/91 of 23 April 1991, art. 2: any socio-economic development project must include an impact study Circular 332 of 2009 on ecological studies as EIA Decree 2009-415: content of ESIA and ESMPs	ok
Indicator 7.2.3	The organisation must establish and adhere to a policy on the use of chemicals, according to the relevant guidelines listed in annex 2.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 7.2.6	Preventive and corrective measures to limit accidental spills and the risk of pollution from oils, hydrocarbons and other chemicals must be established and implemented. An emergency procedure for accidental spills is available and implemented.	Document to be developed		Procedure to be included in the manual requested in requirement 4.1.10
Indicator 7.2.7	The organisation must develop and implement a wildlife and hunting management plan aimed at reducing the direct and indirect impacts of the organisation's activities on the animal populations present in the FMU , in accordance with the applicable laws and regulations, and according to the relevant guidelines listed in annex 2.	Document to be developed Wildlife management section of the Management Plan	Art 21 Arrêté 5053-2007 fixant les directives d'aménagement Arrêté 2013--178 approuvant les statuts de l'Agence Congolaise de la Faune et des Aires Protégées	Can be based on and/or complement - the "wildlife management" part of the management plan - the rules of procedure derived from the terms of reference Work with the anti-poaching units under ACFAP
Indicator 7.2.10	The organisation must monitor its FMU , and both document and map illegal activities observed within the FMU and inform the relevant authorities.		Arrêté 2013--178 approving the statutes of the Congolese Agency for Wildlife and Protected Areas	Working with ACFAP's anti-poaching units
Indicator 7.2.11	The organisation must participate in the protection of its FMU against illegal activities.		Arrêté 2013--178 approving the statutes of the Congolese Agency for Wildlife and Protected Areas	Working with ACFAP's anti-poaching units
Indicator 7.2.12	Where permitted by national laws and regulations, the use of fire shall be restricted to areas where it is an essential forest management tool for regeneration, wildfire protection, habitat management or a recognised practice of local communities and indigenous peoples . In these cases, and when organised by the organisation, management and control measures must be implemented, in accordance with legal and regulatory requirements, in particular to preserve ecologically important forest areas .		Art 61 Law 2020-33	

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 7.2.13	If the applicable national laws and regulations allows it and the organization contributes to the development of the recreational functions of forests, public access to forests should be organized taking into account the effects on the ecosystem and resources, as well as safety rules and respect for existing uses.			Recreational forests in the private domain of the State have this vocation
Criterion 7.3.	The organisation minimises negative impacts on forest carbon stocks and GHG emissions in order to maintain the capacity of forests to store and isolate carbon over the medium to long term.			
Indicator 7.3.1	The organisation must perform a GHG emissions audit of all its activities included in the scope of the SFMS and identify and implement appropriate measures to mitigate its GHG emissions, according to the relevant guidelines listed in annex 2.			CF. result of the ongoing project under PPECF funding to specifically address these two requirements
Indicator 7.3.2	The organisation must produce mapping of the FMU's estimated carbon stocks that includes - at a minimum - the aerial carbon stocks, and it must identify the significantly high carbon stocks. The guidelines for this mapping are provided in annex 2.			CF. result of the ongoing project under PPECF funding to specifically address these two requirements
Indicator 7.3.6	In the event of a forest conversion within the FMU , it must be justified and: <ul style="list-style-type: none"> - Complies with national land use and forest management policies and regulations and comply with the management plan; - does not destroy forests with a significantly high carbon stock; - cannot exceed 5% of the production series area; - Cannot be located in conservation series. - Does not have negative impact on EIFA, culturally and socially significant areas, or other protected areas - Contributes to long-term conservation, economic and social benefits - Includes consultation with affected stakeholders. 		Art 43 Law 2020-33	Land to be reforested or restored is classified by decree

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 7.3.7	<p>In the case of forest plantations established on non-forest ecosystems, they must not result in the destruction of areas with significantly high carbon stocks, in particular peatlands, and must not be established on more than 5% of the non-forest ecosystems considered ecologically important within the FMU. Such plantations must:</p> <ul style="list-style-type: none"> - Comply with national land use and forest management policies and legislation and regulations and comply with the management plan; - Have been subject to a participatory and transparent decision-making process with stakeholders affected by the conversion; - Have no negative impact on threatened (vulnerable, rare, endangered) non-forest ecosystems, areas of important social and cultural interest, significant habitats of threatened species or other protected areas; - Contribute to the preservation of economic and social benefits over the long term. <p>Note: forest plantations are not eligible for certification.</p>		Art 43 Law 2020-33	Land to be reforested or restored is classified by decree

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 7.3.8	<p>The conversion of proven degraded and non-regenerable forests into forest plantations by the organisation can only take place if the conversion:</p> <ul style="list-style-type: none"> - Complies with national land use and forest management policies, laws and regulations and adheres to the forest management plan; - Has been subject to a participatory and transparent decision-making process with stakeholders affected by the conversion; - Has a positive impact on the forest's ability to store carbon over the long term; - Has no negative impacts on ecologically, culturally or socially important forest areas and/or other protected areas; - Preserves these forests' protective functions, including ecosystem services; - Preserves these forests' socio-economic functions, including recreational functions, aesthetic values and other cultural services; - Enhances the economic, ecological, social and/or cultural values of the relevant area. <p>Plantations resulting from the conversion of damaged forests, whose state of damage is the result of deliberately poor management, for the purpose of conversion, are not eligible for certification.</p>		Art 43 Law 2020-33	Land to be reforested or restored is classified by decree

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Principle	8. The organisation contributes to the improvement of the living conditions of affected local communities and indigenous peoples.			
Criterion 8.1.	The forest's management respects the economic and cultural uses and sites that are important to the affected indigenous peoples and local communities.			
Indicator 8.1.1	The organisation must identify the indigenous peoples and local communities affected within their FMU and their needs and expectations in relation to the FMU's management.	Complementary socio-economic study to be carried out in addition to the management plan; Minutes of creation and activity report of the Consultation Committee	Art 3 Law 33-2020: one of the basic principles of the management of the national forest estate is consultation Art 80 Law 33-2020: mechanism for consultation and conflict management in the forest concession	The analyses and maps requested in the requirements of paragraph 8.1 may be based on and, if necessary, supplement the socio-economic and anthropological study to be carried out in the appendix to the management plan and the "social aspects" section of the management plan Methods to be integrated into the PEPP expected in requirement 4.1.6
Indicator 8.1.2	Areas of interest for meeting the basic needs of affected local communities and indigenous peoples should be identified and mapped in a participatory manner.	Additional socio-economic study to be carried out in addition to the management plan; Specific thematic maps for the community development series	Art 79 Law 33-2020: delimitation of series on the basis of consultation; Art 20 Decree 5053-2007 establishing the planning guidelines	idem 8.1.1
Indicator 8.1.3	The provisions of the forest management documents relating to the exercise of usage rights and/or the series dedicated to the activities of indigenous peoples and local communities must be complied with.	Management plan / "Social aspects" section	Chapter III, section 5 of the Arrêté 5053-2007 laying down planning guidelines	
Indicator 8.1.4	The organisation must develop a procedure and implement an ongoing FPIC process to ensure that it conducts the full activities for which it is responsible (related operations and works, road openings, installations of living bases and industrial sites, etc.) in accordance with the customary rights of the affected indigenous peoples and local communities , including those defined in legal and regulatory texts, in ILO convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples. This procedure can	Document to be developed	Procedure to be included in the manual requested in requirement 4.1.10 Art 79 Law 33-2020: delimitation of series based on consultation Art 80 Law 33-2020	Can rely on the Consultation Committee

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
	include a collective compensatory system. <i>Note: Guidelines for the implementation of FPIC are detailed in annex 2.</i>			
Indicator 8.1.6	Places of historical, cultural or religious significance to be protected from the organisation's activities must be identified, mapped and materialised, with the consent of the impacted indigenous peoples and local communities , prior to any activities.	Additional socio-economic study to be carried out in addition to the management Plan; Specific thematic maps for the community development series	Art 79 Law 33-2020: delimitation of series on the basis of consultation Art 20 Decree 5053-2007 establishing the planning guidelines	idem 8.1.1
Indicator 8.1.7	Trees whose harvest would compete with the use made by indigenous peoples and local communities for a product other than lumber must be identified, mapped and materialised at the appropriate scale in cooperation with them, and prior to any harvesting activity. They may only be harvested with the consent of the affected indigenous peoples and local communities prior to harvesting.	Additional socio-economic study to be carried out in addition to the management plan; Specific thematic maps for the community development series	Art 79 Law 33-2020: delimitation of series on the basis of consultation; Art 20 Decree 5053-2007 establishing the planning guidelines	idem 8.1.1
Indicator 8.1.8	The organisation must develop and implement a procedure for the inadvertent discovery of a historical, cultural or religious site or asset within the FMU , in order to ensure its protection from the organisation's activities.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Criterion 8.2.	The organisation shall establish and comply with specific measures for the improvement of the economic and social well-being of the affected indigenous peoples and local communities.			
Indicator 8.2.1	The SEIAs (socio-economic impact assessment - <i>études d'impact socio-économique</i>) and the SMPs (social management plans - <i>plans de gestion sociale</i>) produced in accordance with legal and regulatory requirements, together with the management plans , are available and present a set of measures to mitigate, prevent or compensate for impacts on the affected indigenous peoples and local communities .		Art 11 Decree 415-2009	The environmental impact assessment and the environmental management plan include social aspects. In addition, the socio-economic study associated with the management plan can serve as a source of information.

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 8.2.2	At a minimum, the organisation must contribute to local development in accordance with the applicable legal and regulatory provisions and according to its formal internal support policy in this area. Within this framework, it must inform indigenous peoples and local populations and, where appropriate, support local development initiatives and/or income-generating micro-projects in cooperation with them.	Decree on the creation / organisation / functioning of the UFA Local Development Fund; Report of the meeting of the Consultation Committee	Art 18 Decree 5053-2007 establishing the planning guidelines Art 115 and 116 of Law 33-2020 Art 168 of Decree 437-2002	See the articulation between the planning of the local development series, the use of the local development fund, the work of the consultation committee See also the provisions of the specific terms of reference on the actions planned in the framework of local economic development (if different from the management plan)
Indicator 8.2.3	Depending on the needs of the organisation, a system that provides priority hiring (all skill being considered equal) or training for affected indigenous peoples and local communities must be established by the organisation.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Principle	9. The organisation shall ensure decent working and living conditions for workers and their beneficiaries.			
Criterion 9.1.	The working conditions of workers and subcontracted workers comply with the applicable laws and regulations and the requirements of the ILO's basic conventions.			
Indicator 9.1.1	The organisation must comply with legal and regulatory recruitment requirements.		Art 152 Law 33-2020	
Indicator 9.1.2	The organisation must - at the very least - comply with legal and regulatory requirements, including those of collective agreements where applicable and the ILO's fundamental conventions on working conditions including minimum wage requirements. <i>Note: All the requirements of paragraph 9.3 contribute to ensuring decent living conditions for the organization's workers and subcontractors, complementing this requirement.</i>		Decree 2008-942 on the interprofessional minimum wage Collective agreement for agricultural and forestry enterprises	
Indicator 9.1.5	Workers must be free to organise themselves and negotiate with management, in particular: - through employee delegates, elected in accordance with legal and regulatory requirements; - and through trade union organisations (ILO Conventions 87 and 98).	Minutes of the election of the staff delegates; Staff demands register	Arrêté 1110-1996	

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 9.1.6	A multi-stakeholder Occupational Health and Safety Committee must be established and must function in accordance with the terms and conditions provided for by applicable laws and regulations.		Arrêté 9030-1986	The name of this committee is "Hygiene and Safety Committee".
Indicator 9.1.7	A system must exist within the organisation to ensure that the employment conditions of subcontracted workers comply with applicable laws and regulations and the requirements of the ILO's fundamental conventions. Consequences must be provided in the event of non-compliance.	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Indicator 9.1.8	The organisation must establish and implement a training plan for its staff and ensure that its contractors receive regular training in their areas of expertise, with a view to the proper performance of their duties and compliance with the requirements of this standard .	Document to be developed	Art 168 of Decree 437-2002	Can be based on the training plan initially foreseen in the specific terms of reference of the agreement
Criterion 9.2.	The organisation will promote adequate occupational health, hygiene and safety measures.			
Indicator 9.2.1	The organisation must identify its workers' health and safety needs and expectations.	Development plan / "Social aspects" section Staff claims register	Modalities to be integrated into the PEPP expected in requirement 4.1.6 Art 210-7, 177 new of law 06/96 of 06 March 1996. Art 26 of Arrêté n°1110/MTFPSS/DGT of 24 June 1996	Complementary to the grievance, complaint and conflict management mechanism called for in requirement 4.1.8
Indicator 9.2.4	The organisation must establish and implement emergency and medical evacuation procedures. The provisions of these procedures must be known to both workers and subcontracted workers .	Document to be developed		<i>Procedure to be included in the manual requested in requirement 4.1.10</i>
Criterion 9.3.	The organisation shall provide decent living conditions for workers and their beneficiaries in the living bases.			
Indicator 9.3.1	The organisation must identify and document its workers' needs and expectations in terms of living conditions in the living bases .	Development plan / "Social aspects" section Staff claims register	Modalities to be included in the PEPP expected in requirement 4.1.6	Complementary to the grievance, complaint and conflict management mechanism called for in requirement 4.1.8

	Principles, Criteria and Indicators	Related reference documents	Link to legal requirements	Remarks
Indicator 9.3.2	In the event of accommodations on the living base , the organisation must provide housing conditions in accordance with legal and regulatory requirements and those of the ILO , for both its workers and their beneficiaries.	Master plan for the development of the base life	Art 170 of Decree 437-2002	The Master Plan is a basic document that concerns the living conditions on the base. It should be developed in partnership with the administration,
Indicator 9.3.3	On living bases , basic necessities and basic food products must be available to both workers and their beneficiaries and to subcontracted workers . The prices of these products must be comparable to those of the same products being sold in the nearest urban centre.			idem 9.3.2
Indicator 9.3.4	The organisation must ensure that its workers (and their beneficiaries) and subcontracted workers have access to clean drinking water in the temporary forest camps and living bases .			idem 9.3.2
Indicator 9.3.5	The organisation must - at the very least - provide access to pre-school and primary schooling for the children present in the living bases .			idem 9.3.2
Indicator 9.3.6	Access to basic health care must be provided to both workers (and their beneficiaries) and subcontracted workers on the living bases and at an appropriate distance from temporary camps.			idem 9.3.2
Indicator 9.3.7	Access to electricity on the living bases must be provided. The terms and periods of access must be adapted to the priorities and needs of workers, sub-contracted workers and the beneficiaries. These terms and periods of access shall be communicated to the inhabitants or their living base representatives.			idem 9.3.2
Indicator 9.3.8	Health and Safety measures must be implemented and complied with in order to provide adequate sanitary conditions in both the living bases and temporary camps.			idem 9.3.2

3.1. Notes on legal documents

The documents listed in the previous table in the column "corresponding reference document" are indicated as a means of verifying the Congo Basin PAFC requirements that are set against them.

It is up to the company to provide this information and for the auditor to verify it.

The auditor must assess the conformity of a document approved by the national administration both in form and in substance. The auditor's role is to verify the consistency with the objectives of the sustainable forest management standard. This consistency analysis can be of several kinds:

- Effective validation by the administration,
- Consistency of dates of documents and activities on the ground,
- Respect for forest unit boundaries,
- Content analysis on sustainable management aspects.

3.2. Sustainable management

In order to meet the requirements of sustainability of forestry activities, the company may provide the management plan and all its supporting documents. On this basis and with an analysis of the actual activities carried out, compliance with the standard on the criteria of principle 6 will be assessed.

- Management inventory report and associated database
- Socio-economic and environmental study reports associated with the management plan
- Management plan clearly showing
 - types of management objectives :
 - sustainable management of natural resources and forest products,
 - timber production and processing,
 - protection of ecosystems and conservation of biodiversity,
 - socio-economic development of the riparian communities, awareness raising, education,
 - improving the living conditions of employees and beneficiaries
 - research,
 - the management series: objectives, functions, associated management elements.
 - Justification of minimum management diameters, calculations of the rate of reconstitution, and calculation of the effective possibility at the FMU and 5 years management unit level (detailed annual volume by species and area)

Various thematic maps provided in the individual reports or in a separate volume.

The management plan provides a framework for intervention and the objectives sought. The shorter-term documents (five-year management plan and annual operating plan) must include sustainable measures and practices.

And to confirm compliance with this sustainable management framework, operating reports and field observations make it possible to evaluate practices.