



Due diligence – Use of Timber Legality Frameworks (importers)

FACTSHEET 2.3



If you are an importer, once you have gathered information (as the first step of due diligence) on the timber you are importing, you may choose to use a Country Specific Guideline or a Timber Legality Framework in Step 2 to identify and assess risk.

Timber Legality Frameworks will be covered in this factsheet. More information about Country Specific Guidelines see *Factsheet 2.2 Due diligence – Use of Country Specific Guidelines (importers)*.

The Australian Government included this optional step to give you a pre-tested process to quickly assess the risk as to the timber or timber product having been illegally logged.

You may choose to assess the risk of the product being illegally harvested using a Timber Legality Framework that is listed in the *Illegal Logging Prohibition Amendment Regulation 2013* (the Regulation).

What do I need to do to utilise a timber legality framework?

The approved Timber Legality Frameworks that you can use are listed in Schedule 2 of the Regulation. These include:

- Forest Stewardship Council's (FSC) forest management certification scheme;
- Programme for Endorsement of Forest Certification's (PEFC) sustainable forest management certification; and
- European Union's (EU) Forest Law Enforcement Governance and Trade (FLEGT) licensing scheme for trade in timber products.

The Regulation provides what must be taken into consideration when using a timber legality framework. If you elect to use this optional process you must:

- confirm that you have gathered the information described in the framework
- take reasonable steps to ensure the information related to the framework is accurate and reliable (i.e. not fraudulent) by checking against the relevant websites listed overpage
- consider whether there is any other information that may indicate whether the timber is illegally logged
- make a written record of the process (this could be as simple as a file note).

If you can show that the Timber Legality Framework applies to the timber in the product or in the area in which the timber was harvested and can satisfy these requirements and have assessed the risk of illegal timber is low, you may continue without carrying out further steps of the due diligence process.

Timber Legality Frameworks

The frameworks that have been listed in the Regulation have a high level of rigour and robustness, and provide a high level of assurance that wood products traded under the banner of their respective programs are legally logged for the purpose of Australia's illegal logging laws. They are also interjurisdictional, overarching systems that cover a large percentage of international trade in timber.

THE DUE DILIGENCE PROCESS



The department has recently commissioned a report to review the FSC and the PEFC Chain of Custody standards to be included in the Regulation. The final report is due mid-2014. Depending on the report findings, Chain of Custody standards for FSC and PEFC may also be listed in the Regulation under Timber Legality Frameworks prior to the Regulations commencement.

Forest Stewardship Council's (FSC) Principles & Criteria for forest management

FSC does not issue certificates itself. The certification process is carried out by independent organisations called certification bodies. Only FSC accredited certification bodies are authorised to issue FSC certificates.

If you would like to verify FSC forest management certificates you may access certificate information through the public search function on the FSC website at info.fsc.org.

Programme for Endorsement of Forest Certification's (PEFC) sustainable forest management certification systems

PEFC is an international umbrella forest certification system that has endorsed more than 30 national forest certification systems.

If you would like to verify PEFC certificates you may access certificate information through the public search function on the PEFC website at pefcregs.info.

European Union's (EU) Forest Law Enforcement Governance and Trade (FLEGT) licensing scheme for trade in timber products

Voluntary Partnership Agreements (VPA) are treaties that the EU has made with timber-producing countries that export timber and timber products to the EU. A country that has a VPA and an operational licensing system can issue FLEGT licences for legally produced timber and timber products.

Each country that concludes a VPA with the EU will have an online portal to check FLEGT licences.

Currently no licences have been issued, however progress on VPA negotiation and implementation can be tracked on the EU FLEGT Facility website at euflegt.efi.int/vpa.



Frequently asked questions

Q: What is the role of other certification or legality verification systems not listed in the Regulation?

A: Any certification or legality verification system can be used in the risk assessment (Step 3) and risk mitigation (Step 4) steps of due diligence. These types of schemes and processes can assist in satisfying you that the timber or timber product is low risk. It is up to you to decide if other certification or legality verification systems allow you to assess and mitigate any risks of the timber being illegally logged. However only those listed in the Regulation can be used in Step 2 of the due diligence process.

Q: Will Forest Stewardship Council (FSC) and the Programme for Endorsement of Forest Certification (PEFC) Chain of Custody standards be included in the Regulation?

A: The department has commissioned a report to assess if these two chain of custody standards can be included in the list of Timber Legality Frameworks in the Regulation. The report will analyse the rigour and robustness of FSC and PEFC chain of custody standards against a framework to assess if they provide a high level of assurance of legality. This report is due to be finalised mid-2014.

Q: How will I know when other Timber Legality Frameworks are listed in the Regulation?

A: Further frameworks will be listed when they have been recognised by the Australian Government as providing a high level of assurance to a business importing into Australia that their timber product has been legally harvested.

The Department of Agriculture website will be updated when new Timber Legality Frameworks are recognised. To stay up to date you can also join the department's subscription list by visiting the website at daff.gov.au/illegallogging.

