



PRE-COP BRIEFING FOR CITES MANAGEMENT AUTHORITIES REGARDING THE VERIFICATION OF LEGAL ACQUISITION

By **Catherine Rutherford** and **Jade Saunders**,
with legal expert review by **Melissa Blue Sky**

Regulating the illegal timber trade: Comparison of the verification of legal acquisition under CITES with other legislation to tackle the trade in illegally harvested timber

There has been a paradigm shift since CITES was created, and rule of law was assumed, to the current situation where illegalities in the extraction of natural resources have been widely investigated, documented, acknowledged and quantified in a number of policy sectors outside the CITES process.

At the 18th Meeting of the Conference of the Parties to CITES, to be held in Geneva, Switzerland (August 17-18, 2019) document [CoP18 Doc. 39](#) containing a resolution on non-binding guidelines on the verification of legal acquisition (VLA) of CITES species will be discussed for adoption. The Annex attached to the draft resolution outlines the practical steps that should be followed and the draft resolution itself recommends that the following guiding principles be used by Management Authorities when verifying the legal acquisition of CITES species for export:

- a risk assessment approach may be followed;
- the procedures followed, where appropriate and possible, may be made publicly available;
- the applicant is responsible for providing sufficient information to demonstrate legal acquisition, such as statements or affidavits made under oath and carrying a penalty of perjury, relevant licenses or permits, invoices and receipts, forestry concession numbers, hunting permits or tags, or other documentary evidence;
- the information required be proportionate with the likelihood that the specimen was not legally acquired;
- the Management Authority retain records of permits issued, together with information supplied by the applicant concerning the legality of acquisition.



APRIL 2019

In addition, document CoP18 Doc. 40 has been submitted by the United States, containing suggested amendments to Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and Enforcement*, and outlining due diligence obligations¹ and importer responsibility of consumer countries:

- If the Management Authority of the State of import or re-export has any reason to believe that the specimen was not legally acquired, it is recommended that they:
 - consult with the Management Authority in the country whose laws were thought to have been violated;
 - request the basis for the relevant determination;
 - if satisfying information is not received import or re-export should not be authorized;
 - if there is no satisfactory response, request the assistance of the Secretariat;
 - where possible take stricter measures with regard to that transaction.

This additional document was submitted as Parties at the Standing Committee removed these elements from the VLA resolution, citing concerns that they were not part of the process of verifying legal acquisition of specimens prior to the granting of a CITES document and were more appropriately included in Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and Enforcement*.

Background and Context

The two tenets of CITES are that trade in wild species of fauna and flora should be both sustainable and legally acquired. There has been much discussion on how to support Parties in making science-based non-detriment findings (NDF) and non-binding guidelines were adopted by the CoP in Resolution Conf. 16.7 (Rev. CoP17) in 2013. However, an export permit issued by a relevant CITES authority was considered a valid government statement of legal harvest/acquisition, and in some cases challenging the validity of such documentation has been considered a threat to a country's sovereign right over its natural resources.

This concern about sovereignty has resulted in an absence of common understanding within CITES institutions of how to ensure that specimens in trade have been legally acquired in practice; as a result, the level of implementation of this requirement has varied widely. NDFs have been the focus of attention of the Parties and provided some basis for enforcement actions. However, there has been a paradigm shift since CITES was created, and rule of law

¹ The general legal concept of due diligence is defined as "undertaking a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent person under the particular circumstances; not measured by any absolute standard but depending on the relative facts of the special case" (Source: <https://thelawdictionary.org/due-diligence/>). In the context of the timber trade due diligence requires buyers to obtain information about their suppliers and products in order to assess and mitigate the risk that timber they are buying has been harvested or traded illegally. As due diligence is dependent on "the facts of the case" more scrutiny of supply chain information and more effort to validate supplier claims is expected in countries that have a higher documented incidence of illegal logging or more significant governance risk factors such as corruption.



APRIL 2019

was assumed, to the current situation where illegalities in the extraction of natural resources have been widely investigated, documented, acknowledged, and quantified in a number of policy sectors outside the CITES process. Notably many countries have passed laws, reached agreements, and drawn up programs to reduce illegal logging and the associated trade in illegally harvested timber, including Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements (VPAs), the EU Timber Regulation (EUTR), the Plant Amendments to the US Lacey Act, Canada's WAPPRITTA Act, the Australian Illegal Logging

Prohibition Act (ILPA), and the newly revised Korean Act on the Sustainable Use of Timbers. In the forest sector these laws are creating a new norm in the trade of wood products – one that requires supply chain documentation, and, for products harvested in countries in which there is significant illegality in the forest sector, robust verification of legal harvest. Similar controls have been put in place in the commercial fishing sector to challenge Illegal, Unreported and Unregulated (IUU) fishing.

The lack of consistency and oversight in the methods used to determine legal acquisition for CITES traded specimens not only undermines the credibility of the Convention but also the effectiveness of other legislation, as trade with CITES permits is often considered *de facto* legal, for example under the EUTR. This risks a counterintuitive situation where moving a species from “unprotected” to CITES-listed may result in less scrutiny of its source, rather than more.

In order to facilitate consistency, this briefing paper outlines the various existing requirements for the responsible trade in forest products, set out under the EUTR, Lacey Act and Australian ILPA.

The need for an effective framework for ensuring legal acquisition of CITES specimens was first discussed at CoP17 in document [CoP17 Doc. 23](#) where a significant compliance gap was identified; it was noted that 'In countries facing persistent non-compliance problems, their current verification systems, based mainly on paper documents that can be falsified or re-used along the value chain, has been shown to be susceptible to misuse by ill-informed or unscrupulous persons'. As a result, [Decisions 17.65-17.68](#) were adopted and, as instructed in these Decisions, the Secretariat organised a workshop in Brussels in 2018 to discuss the methodology used by Parties to verify legal acquisition. Following this meeting, document [SC70 Doc.27](#) was approved with amendments and has gone forward for adoption at CoP18 as document CoP18 Doc. 39.

Regulating the trade in illegal timber: established legislative best practice

In an ideal world, CITES legal provisions for trade and other legislative instruments would be mutually supportive and work in collaboration to ensure global enforcement cooperation and the best possible protection for the most vulnerable species. In order to facilitate consistency, this briefing paper outlines the various existing requirements for the responsible trade in



APRIL 2019

forest products, set out under the EUTR, Lacey Act and Australian ILPA. It also discusses the emerging legislation in Asia, such as the Korean Act on the Sustainable Use of Timber and the Japanese Clean Wood Act, as well as third party verification processes such as FSC and PEFC which are well established among responsible actors in the forest sector.

The table below lists the applicable legislation deemed necessary to comply with, in order to determine whether timber has been “legally harvested” under each of these legal regimes.

<p>EUTR</p>	<p>All applicable legislation in the country of harvest. This can include:</p> <ul style="list-style-type: none"> • Legal rights to Harvest; • Timber Harvesting Activities; • Trade and Transport; • Third Parties’ legal rights concerning use and tenure that are affected by timber harvesting <p>It does not include legislation of other countries through which the products are subsequently traded.</p>
<p>ILPA</p>	<p>Laws in place in country of origin of harvested timber</p>
<p>LACEY</p>	<p>Laws of the US or tribal territories which regulate the taking, possession, importation, exportation, transportation, or sale of plants²</p> <p>Plants</p> <ol style="list-style-type: none"> I. taken³, possessed, transported, or sold in violation⁴ of any law or regulation of any [US] State, or any foreign law, that protects plants or that regulates— <ol style="list-style-type: none"> a. the theft of plants b. the taking of plants from a park, forest reserve, or other officially protected area; c. the taking of plants from an officially designated area; or d. the taking of plants without, or contrary to, required authorization; II. aken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or III. taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or trans-shipment of plants;
<p>CITES</p>	<p>Laws for the protection of flora and fauna; this can include all aspects of international wildlife trade, including harvesting or production, keeping, modification, sale, transport, use and disposal.</p>

² The terms “plant” and “plants” mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands, but excluding non-tree common cultivars and food crops.

³ The term “taken” means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed

⁴ The term “violation” means a violation of (including a regulation issued to implement) with regard to a course of action, including— (A) in the case of a violation by the original purchaser of unprocessed timber, an act or omission with respect to a single timber sale; and (B) in the case of a violation of a subsequent purchaser of the timber, an act or omission with respect to an operation at a particular processing facility or log yard.



APRIL 2019

The following table* outlines the other main requirements under the Lacey Act, EUTR and Australian ILPA, including how operators are required to demonstrate the legality of their supply.

	Lacey Act ⁵	EUTR ⁶	Australian ILPA ⁷
Strict liability prohibition on the import of illegally harvested timber (opportunity for prosecution regardless of documentation)⁸	✓ Under Lacey strict liability applies to the wood for forfeiture proceedings, but for prosecution of individuals/companies the government has to demonstrate that the actor knew, or should have known in the exercise of due care, that the wood was illegal	✓	✓ Applies to both imports and Due Diligence System under Part 2, Arts 8-14 of the Regulation
Requirement on all companies to take “reasonable steps” to avoid breaking that prohibition	Due Care	Due Diligence	Due Diligence
Requirement on all companies to document supply chain back to concession of harvest	No	Where legislation or the risk of illegal harvesting differs between sub-national regions, the exact sub-national region has to be indicated in addition to the country of harvest; if there is a specific level of risk associated to a particular concession of harvest, this information has to be provided.	The country, the region of the country and the forest harvesting unit in which the timber in the product was harvested.
Requirement on all companies to undertake risk assessment	No	✓	✓

* To view complete table shown on pages 5-7 on one page, see page 10.

⁵ Derived from the Lacey Act and U.S. v. Lumber Liquidators, Plea Agreement: Exhibit A, Environmental Compliance Plan

⁶ Derived from Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market, the EU Commission Implementing Regulation No. 607/2012 and the accompanying Guidance Document. See also Guidance Document on steps to be taken by EU Member States in the case of doubts as to the legality of timber from CITES-listed species imported into the EU.

⁷ Derived from the Australian Illegal Logging Prohibition Act 2012 and the Australian Illegal Logging Prohibition Regulation 2012

⁸ Strict liability = strict liability means that the government does not need to prove a person’s particular level of knowledge of the violation in order to take an enforcement action prescribed in the law



APRIL 2019

	Lacey Act ⁵	EUTR ⁶	Australian ILPA ⁷
Factors considered to increase risk	<p>Any legal/regulatory requirements related to the raw materials for a specific product (such as logging bans or export quotas);</p> <p>Reported instances of illegal or unethical logging in the relevant geographical region or related to the relevant product or species;</p> <p>The potential for species substitution;</p> <p>The protected status of the species used in the product;</p> <p>The level of vertical integration between forest and supplier;</p> <p>Country-level corruption ratings from third party sources;</p> <p>Legality concerns noted by private sector or government third parties;</p> <p>Unusual “deals” or sales methods;</p> <p>Relative market and offer prices;</p> <p>Results of an in-person audit at the supplier’s place of business, completed by a member of the Lacey team, third-party certification body, or third-party auditor with specialized industry expertise; and</p> <p>In light of the above factors, the supplier’s past and present ability to provide documentation that appears to be legitimate and consistent with legal harvest and sufficient to demonstrate chain of custody⁹</p>	<p>Prevalence of illegal harvesting of specific tree species and of illegal harvesting practices in the place of harvest;</p> <p>Level of corruption and presence of armed conflict in country of harvest;</p> <p>Sanctions imposed by the UN Security Council or the Council of the European Union on timber imports or exports;</p> <p>Availability and ease of verifying relevant documents;</p> <p>Complexity of supply chain</p>	<p>Evidence of illegal logging in the area where the timber was harvested</p> <p>Species of the log often illegally harvested in this area</p> <p>Prevalence of armed conflict in the area of harvest</p> <p>Complexity of product</p> <p>Other information indicating that the timber was illegally logged</p> <p>E.g. potentially forged, inconsistent or missing documents; supplier is known to deal in illegally logged timber</p> <p>goods being sold significantly below the market rate; appropriate taxes not included in price; cash only, or lower price for goods without paperwork; asked to pay a bribe; unable to get rational answers to questions¹⁰</p>
Requirement to mitigate risk of buying illegally harvested timber			
Recommended approaches for private sector to mitigate risks for buying illegal timber	<p>An in-person audit by a member of the Lacey team, appropriate third-party certification body, or third-party auditor with specialized industry experience</p> <p>Review and catalog all supplemental documentation showing the harvest location, harvest legality, and chain of custody for timber used to fulfil each purchase order.</p> <p>Determine whether all supplemental documentation is capable of supporting the quantity of timber included in the PO;</p> <p>Determine whether all supplemental documentation is internally consistent and rational (e.g., the timber species is the same</p>	<p>Map supply chain and assess the following:</p> <p>Forest level documents (land registry, management plans, harvesting plans, annual management and harvesting plan monitoring and evaluation report, harvesting permit, post-harvest field inspection report);</p> <p>Tax related documents (receipts for payments of harvesting-related royalties, taxes, harvesting fees and other charges);</p>	<p>Documented system in place that explains how the requirements will be met;</p> <p>Information about the products being imported and their supply chain;</p> <p>Risk assessment to determine if wood or wood-fiber in products has been illegally logged using either:</p> <p>a) <u>Timber Legality Framework</u>, where the imported product is certified under Forest Stewardship Council (FSC) or</p>

⁹ Taken from U.S. v. Lumber Liquidators, Plea Agreement: Exhibit A, Environmental Compliance Plan

¹⁰ See Australian Government’s Department of Agriculture and Water Resources Illegal Logging website



APRIL 2019

	Lacey Act ⁵	EUTR ⁶	Australian ILPA ⁷
<p><i>(continued)</i></p> <p>Recommended approaches for private sector to mitigate risks for buying illegal timber</p>	<p>across all documents, there are no extensive temporal gaps, the timing is rational, the species actually grows in that area, etc.);</p> <p>Document the decision as to whether the purchase order, in consideration of above factors and the product and supplier risk, reasonably appears to be legally sourced, including the basis for that decision</p> <p>Ensure that appropriate auditing and monitoring activities including field and desk audits to verify that Company requirements are being met, identification of necessary corrective action, and ensuring that ongoing monitoring is incorporated into the Company's activities¹¹</p>	<p>Third Parties' rights related documents (stakeholder consultation report conducted prior to the approval of management plan, social and environmental impact assessment)</p> <p>Trade and transport related documents (copies of concession agreements and sales agreements)</p> <p>On site verification</p> <p>Targeted timber testing for species and location identification</p>	<p>Programme for the Endorsement of Forest Certification (PEFC) standards;</p> <p>Or b) <u>Country Specific Guideline (CSG)</u> where one is available,</p> <p>Or c) a risk assessment against certain regulated risk factors;</p> <p>Mitigate any associated risks (where they aren't already low);</p> <p>Keep a written record of the process undertaken.</p>
<p>"Green lane" for valid CITES certificates</p>	No		No

Tackling imports of illegally harvested wood in the Asia Pacific region

A range of other similar mechanisms to reduce the trade in illegally harvested wood have been put in place in the Republic of Korea and Japan. Under the Japanese Clean Wood Act there is no prohibition on trading illegal timber, nor is there a legal requirement to use legally logged timber, but businesses must make best efforts to use only legal timber.¹² Operators who take measures to ensure they are using legally sourced wood can become registered, and are then required to undertake 'due diligence' to ensure that they are trading in legally harvested timber. The Korean Act on the Sustainable Use of Timber was revised in 2018 to include a pre-import check on all regulated timber products. Under the implementing standards for the Act, timber legality requirements include compliance with harvest-related statutes in the country of origin, payments for harvest rights and timber, forest management and biodiversity conservation, third parties' use and tenure rights, and trade and customs payments.

¹¹ Taken from U.S. v. Lumber Liquidators, Plea Agreement: Exhibit A, Environmental Compliance Plan

¹² CWA, Art. 5



APRIL 2019

Tackling illegal logging and the trade in illegal wood through VPAs and FLEGT licensing

In addition to the above consumer country 'demand-side' legislation, several producer, or 'supply-side', countries¹³ have signed a Voluntary Partnership Agreement (VPA) with the

Mutually supportive implementation will require Management Authorities to scrutinise the legal origin for imports if there are doubts as to their legality.

European Union under the FLEGT Action Plan. In order to issue FLEGT licenses, confirming that timber or timber products comply fully with all relevant laws of the country of export, countries put in place a national timber legality assurance system (TLAS) and other measures outlined in each national VPA text. Once fully operational Legality Assurance Systems control supply chains, verify legal compliance and are independently audited. The systems are built on definitions of legality that have been developed through participatory processes involving stakeholders from government, the private sector, and civil society. FLEGT licences therefore indicate that products comply with a broad range of laws and regulations in the partner country, such as a selection of those relating to forest management, environmental aspects, labor rights, community benefits, import and export procedures, and payments of fees and taxes.¹⁴

FSC and PEFC

Third party verification and certification schemes such as FSC and PEFC also have a part to play in the legal trade in timber, as it is recognized that these schemes play an important role in due diligence efforts and are useful tools for assessing and mitigating risk. This is recognition of their requirement for regular independent auditing of full supply chains from harvest to point of retail. Certification claims can be used to demonstrate compliance with the due diligence requirement of the Australian ILPA, detailed in Part 2, Division 2 of the Regulation;¹⁵ and as an effective risk mitigation option under the EUTR. Under the Korean Act FSC and PEFC certificates are also considered proof of legality, resulting in an exemption of the due diligence requirements.

¹³ As of April 2019, seven countries have signed VPAs with the European Commission: Ghana, the Republic of Congo, Cameroon, Indonesia, the Central African Republic, Liberia and Vietnam. Indonesia is the only country that has begun implementing its Legality Assurance Systems with full acceptance of the system by the EU. Seven countries are currently negotiating or concluding VPAs (Côte d'Ivoire, the Democratic Republic of Congo, Gabon, Guyana, Honduras, the Lao People's Democratic Republic, Malaysia, and Thailand).

¹⁴ <http://www.flegtlicence.org/about-the-flegt-licence>

¹⁵ <https://www.legislation.gov.au/Details/F2018C00885>



APRIL 2019

Conclusion

Supporting the draft Resolution in document [CoP18 Doc. 39](#) containing non-binding guidelines on the verification of legal acquisition of CITES species, and document [CoP18 Doc. 40](#) containing amendments to Res.Conf. 11.3 on Compliance and Enforcement would make CITES significantly stronger and avoid undermining the integrity of other legislative efforts to tackle the trade in illegally harvested wood. It would also reduce the growing incentive for “laundering” illegally harvested timber or wood into the international market with CITES permits.

Proposals for Management Authorities of exporting countries:

It would be good practice to prepare written guidance regarding the evidence required of an applicant to substantiate the legality of the specimen’s acquisition and make those guidelines public. It is also recommended that the methodology used by the MA to verify the legality of the specimen’s acquisition is made available on their website. In the guidance for legal acquisition outlined in document [CoP18 Doc. 39](#) Management Authorities for the State of export are recommended to include as much information as possible on the legal origin of the specimens in the export permit to allow importing Parties to exercise due diligence.

Proposals for Management Authorities of importing countries:

Mutually supportive implementation will require Management Authorities to scrutinize the legal origin for imports if there are doubts as to their legality. The EU has recently established guidance¹⁶ for EU importers which could be instructive for others wishing to set their own procedures, benchmarked to international best practice.

This guidance encourages importers to exercise scrutiny on the legal origin of the timber or timber product if there is:

- information on the exporting country in relation to the implementation of CITES suggesting that it might not perform sufficient checks to guarantee the legality of the shipment
- information from reliable sources indicating that the timber shipment might not come from legal sources, for example:
 - Are there indications that a company in the supply chain has been involved in practices related to illegal logging?
 - How complex is the supply chain? How difficult is it to trace the source of the timber?
 - Is there a high risk of corruption in the country?

If information collected in order to check the elements above raises a concern that the shipment might have been obtained in contravention of relevant species-conservation laws of the exporting country, it is recommended that the importing MA contact the exporting MA (also informing that country’s CITES scientific authority and, where available, its FLEGT licensing authority and FLEGT or forestry administration contact points) and ask for further verification.

with support
from:



¹⁶ See [Guidance Document](#) on steps to be taken by EU Member States in the case of doubts as to the legality of timber from CITES-listed species imported into the EU.



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Strict liability prohibition on the import of illegally harvested timber (opportunity for prosecution regardless of documentation)⁸	✔ Under Lacey strict liability applies to the wood for forfeiture proceedings, but for prosecution of individuals/ companies the government has to demonstrate that the actor knew, or should have known in the exercise of due care, that the wood was illegal	✔	✔ Applies to both imports and Due Diligence System under Part 2, Arts 8-14 of the Regulation
Requirement on all companies to take “reasonable steps” to avoid breaking that prohibition	Due Care	Due Diligence	Due Diligence
Requirement on all companies to document supply chain back to concession of harvest	No	Where legislation or the risk of illegal harvesting differs between sub-national regions, the exact sub-national region has to be indicated in addition to the country of harvest; if there is a specific level of risk associated to a particular concession of harvest, this information has to be provided.	The country, the region of the country and the forest harvesting unit in which the timber in the product was harvested.
Requirement on all companies to undertake risk assessment	No	✔	✔
Factors considered to increase risk	Any legal/regulatory requirements related to the raw materials for a specific product (such as logging bans or export quotas); Reported instances of illegal or unethical logging in the relevant geographical region or related to the relevant product or species; The potential for species substitution; The protected status of the species used in the product; The level of vertical integration between forest and supplier; Country-level corruption ratings from third party sources; Legality concerns noted by private sector or government third parties; Unusual “deals” or sales methods; Relative market and offer prices; Results of an in-person audit at the supplier’s place of business, completed by a member of the Lacey team, third-party certification body, or third-party auditor with specialized industry expertise; and In light of the above factors, the supplier’s past and present ability to provide documentation that appears to be legitimate and consistent with legal harvest and sufficient to demonstrate chain of custody ⁹	Prevalence of illegal harvesting of specific tree species and of illegal harvesting practices in the place of harvest; Level of corruption and presence of armed conflict in country of harvest; Sanctions imposed by the UN Security Council or the Council of the European Union on timber imports or exports; Availability and ease of verifying relevant documents; Complexity of supply chain	Evidence of illegal logging in the area where the timber was harvested Species of the log often illegally harvested in this area Prevalence of armed conflict in the area of harvest Complexity of product Other information indicating that the timber was illegally logged E.g. potentially forged, inconsistent or missing documents; supplier is known to deal in illegally logged timber goods being sold significantly below the market rate; appropriate taxes not included in price; cash only, or lower price for goods without paperwork; asked to pay a bribe; unable to get rational answers to questions ¹⁰
Requirement to mitigate risk of buying illegally harvested timber	✔	✔	✔
Recommended approaches for private sector to mitigate risks for buying illegal timber	An in-person audit by a member of the Lacey team, appropriate third-party certification body, or third-party auditor with specialized industry experience Review and catalog all supplemental documentation showing the harvest location, harvest legality, and chain of custody for timber used to fulfil each purchase order. Determine whether all supplemental documentation is capable of supporting the quantity of timber included in the PO; Determine whether all supplemental documentation is internally consistent and rational (e.g., the timber species is the same across all documents, there are no extensive temporal gaps, the timing is rational, the species actually grows in that area, etc.); Document the decision as to whether the purchase order, in consideration of above factors and the product and supplier risk, reasonably appears to be legally sourced, including the basis for that decision Ensure that appropriate auditing and monitoring activities including field and desk audits to verify that Company requirements are being met, identification of necessary corrective action, and ensuring that ongoing monitoring is incorporated into the Company’s activities ¹¹	Map supply chain and assess the following: Forest level documents (land registry, management plans, harvesting plans, annual management and harvesting plan monitoring and evaluation report, harvesting permit, post-harvest field inspection report); Tax related documents (receipts for payments of harvesting-related royalties, taxes, harvesting fees and other charges); Third Parties’ rights related documents (stakeholder consultation report conducted prior to the approval of management plan, social and environmental impact assessment) Trade and transport related documents (copies of concession agreements and sales agreements) On site verification Targeted timber testing for species and location identification	Documented system in place that explains how the requirements will be met; Information about the products being imported and their supply chain; Risk assessment to determine if wood or wood-fiber in products has been illegally logged using either: a) Timber Legality Framework where the imported product is certified under Forest Stewardship Council (FSC) or Programme for the Endorsement of Forest Certification (PEFC) standards; Or b) Country Specific Guideline (CSG) where one is available, Or c) a risk assessment against certain regulated risk factors; Mitigate any associated risks (where they aren’t already low); Keep a written record of the process undertaken.
“Green lane” for valid CITES certificates	No	✔	No

⁵ Derived from the Lacey Act and U.S. v. Lumber Liquidators, Plea Agreement: Exhibit A, Environmental Compliance Plan

⁶ Derived from Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market, the EU Commission Implementing Regulation No. 607/2012 and the accompanying Guidance Document. See also Guidance Document on steps to be taken by EU Member States in the case of doubts as to the legality of timber from CITES-listed species imported into the EU.

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