WWF/GFTN-TRAFFIC

Guidance Note on the Common Framework for Assessing Legality of Forestry Operations, Timber Processing and Trade and National Legality Frameworks

Summary

The US Lacey Act, the European Union Timber Regulation (EUTR) and the Australian Illegal Logging Prohibition Act all represent major milestones in international efforts to curb illegal logging through application of trade controls. While strong policies are critically important for mainstreaming responsible forestry and trade, there is often a gap between the development and roll-out of market-based legislation and the ability of companies to understand and comply with these requirements.
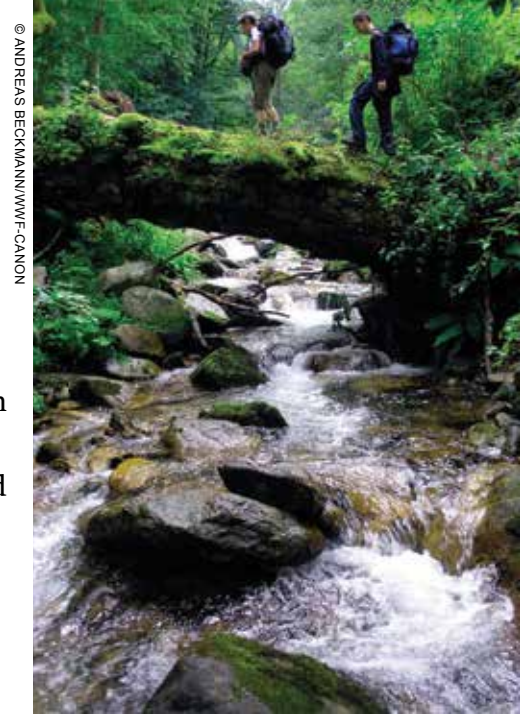
Acting as a support to these policy developments is The Common Framework for Assessing Legality of Forestry Operations, Timber Processing and Trade – also known as the Common Legality Framework – a simple checklist developed by WWF/GFTN and TRAFFIC to enable

WWF staff crossing a stream. Retezat National Park, Romania.

governments and companies to access and understand relevant aspects of laws, regulations, administrative circulars and contractual obligations that affect forestry operations, timber processing and trade. When the Common Legality Framework is applied to a specific country, this is known as a National Legality Framework.

Use of the Frameworks directly supports implementation of FLEGT and bilateral Voluntary Partnership Agreements, the Lacey Act and the Australian Illegal Logging Prohibition Act by promoting equitable and just solutions to the illegal logging problem that do not have an adverse effect on poor people; helping partner countries to build systems to verify timber has been harvested legally; promoting transparency of information and policy reform; helping companies to meet legal requirements; and building the capacity of civil society and partner country governments to participate in these processes.

How do the Frameworks support and create synergies with similar efforts?

The Frameworks complement national-level legislative efforts including VPA/TLAS-related processes by helping a growing number of governments, NGOs, industry and other stakeholders to map out and verify national timber harvest and trade controls They are also a helpful tool for importer companies that need to exercise due diligence (or due care for the US) and for exporter companies to demonstrate their legal compliance.

Where countries are already undertaking processes to review and clarify forestry and trade-related laws and/or develop robust legality assurance systems, GFTN-TRAFFIC aims to play a supporting role, e.g. through convening regular opportunities for dialogue and coordination meetings and provision of technical support. To ensure alignment with national and international processes, each Framework is informed by interviews and consultation workshops with key forestry stakeholders including government representatives, the private sector, legal experts, NGOs and independent auditors.

What is covered?

The Common Legality Framework is composed of a set of principles, each supported by one or more criteria. When developed for use within a national context the criteria are further supported by nationally appropriate indicators and guidance notes/verifiers – specific to that country – based on the existing legislative base, that are practical, easily implemented on the ground and readily audited. The format of principles, criteria and (national) indicators is a format widely used within forest certification and already accepted by civil society, industry and government.

A protected forest area close to the Russia-China border.

GFTN-TRAFFIC use the Frameworks in order to:

- Describe legislation and associated procedures for timber from harvest to export in a uniform way
- Provide targeted capacity building for GFTN members and other companies to help them understand and adhere to international and national timber legality requirements and as part of a stepwise approach towards certification
- Support training approaches for institutionalizing legal and responsible forest management and trade
- Identify gaps and shortcomings in forest legislation and control measures for timber harvest and trade
- Strengthen the design and implementation of national harvest and trade controls in source countries
- Support implementation of the US Lacey Act, EUTR and the Australian Illegal Logging Prohibition Act, among others

Tropical rainforest in Gabon.

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FREQUENTLY ASKED QUESTIONS

Are GFTN-TRAFFIC's Frameworks replacing or duplicating existing legal definitions/systems/ standards related to forestry?

FSC certified acacia forest at Quang Tri Smallholder Forest Group, Vietnam.

No, GFTN-TRAFFIC's Frameworks provide an exhaustive list of general and national-level legislation applicable at all stages of the timber supply chain in a uniform way. This acts as a checklist for users of all laws that need to be complied under EU, US, and Australian systems for companies to act with confidence that they are meeting requirements for demonstrating legality.

What is the value of the Frameworks in relation to the development of legality definitions and timber legality assurance systems under VPA processes in general?

The Frameworks can serve as user-friendly reference tools for stakeholders (e.g. companies, NGOs, CSOs, etc.) to understand the full scope of legislation related to forest products and their supply chains and to advocate effectively for their interests to be included as part of their contributions to VPA processes.

What is the role of the Frameworks in relation to credible certification as a 3rd party market tool to verify legal and responsible forestry and trade?

The Frameworks serve as a checklist for what is needed to fulfil legal requirements under credible certification and all other requirements along the rest of the supply chain (which are not fully included as part of any certification scheme). The Frameworks are available for verifying legality along the entire supply chain and complement traceability systems.

How can the Frameworks be used to address challenges created by inadequate regulations?

The Frameworks present a clear picture of existing legal requirements but do not contain commentary on the relative efficacy of legislation. They may be used as tools by policy makers and practitioners (such as those involved in VPA processes) to highlight key issues for further discussion.