



Introducere in due diligence: ce este in practica?

Autumn 2017



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- Obligatiile operatorilor
- Explicarea procedurii de due diligence
- Rolul si limitarile documentelor
- Utilizarea testarii lemnului
- Rolul certificarii

- 1** Introducerea pe piata a lemnului exploatat ilegal sau a produselor din lemn este interzisa
- 2** Exercitare due diligence prin sistem si proceduri
- 3** Mentinerea si evaluarea in mod regulat sistemul de due diligence

Ce este due diligence?

...prin sisteme si proceduri care sa permita:

1. Accesul la informatii
2. Evaluarea de risc
3. Reducerea riscurilor

“Un ‘sistem de due diligence’ poate fi descris ca o **metoda documentata, testata, pas cu pas**, inclusiv controale, menit sa produca un rezultat dorit in mod consecvent intr-un proces de afaceri”

Sursa: Documentul de indrumare UE

Ce este due diligence?



[ORGANISATION NAME] Supply Chain Overview

This document is the principal record for cataloguing supply chain information from all suppliers and recording risk assessment and mitigation actions as part of the [ORGANISATION NAME] due diligence system.

Page

Ce este due diligence?

- ✓ Angajament de aprovisionare legala
- ✓ Stabilire responsabilitati si asigurare competenta
- ✓ Stabilire proceduri
- ✓ Monitorizare performante
- ✓ Definire domeniu de aplicare pentru lantul de aprovisionare si produse

- ✓ Identificare riscuri:
 - la administrare padurii
 - la furnizori
 - in amestecare si inlocuire in lantul de aprovisionare
- ✓ Specificare riscuri pentru locul de identificare



- ✓ Inregistrare informatii despre lant aprovisionare:
 - origine
 - furnizori
 - specii
 - documentatie
- ✓ Evaluare lant de aprovisionare

- Optiuni de reducere
 - ✓ Documentatie suplimentara
 - ✓ Inlocuire furnizor
 - ✓ Aprovisionare cu material certificat
 - ✓ Audituri de verificare a lantului de aprovisionare

1. Sistem de management al calitatii

1. Sistem de management al calitatii

De ce sunt necesare proceduri?

- Pentru a furniza **cadru sistematic** necesar la sistemul de due diligence si pentru a-l pune in functiune
- Permite implementarea sistematica si **evaluarea externa** a sistemului



Autoritatea Competenta din Marea Britanie (2015):

"...lipsa de explicare clara a modului in care se imbina colectarea documentelor, evaluarea riscurilor si atenuarea ... permite companiei sa ajunga la o concluzie de risc neglijabil"

2. Acces la informatii

2. Acces la informatii

- Tip de produs
- Specie
- Origine
- Cantitate
- Furnizor (nivelul 1)
- Documente sau *alte informatii care indica respectarea legislatiei*

Origine = Tara, si daca este cazul, regiunea sau concesiunea



**Informatiile despre
lantul de aprovisionare
sunt cheia**

2. Acces la informatii



Important!

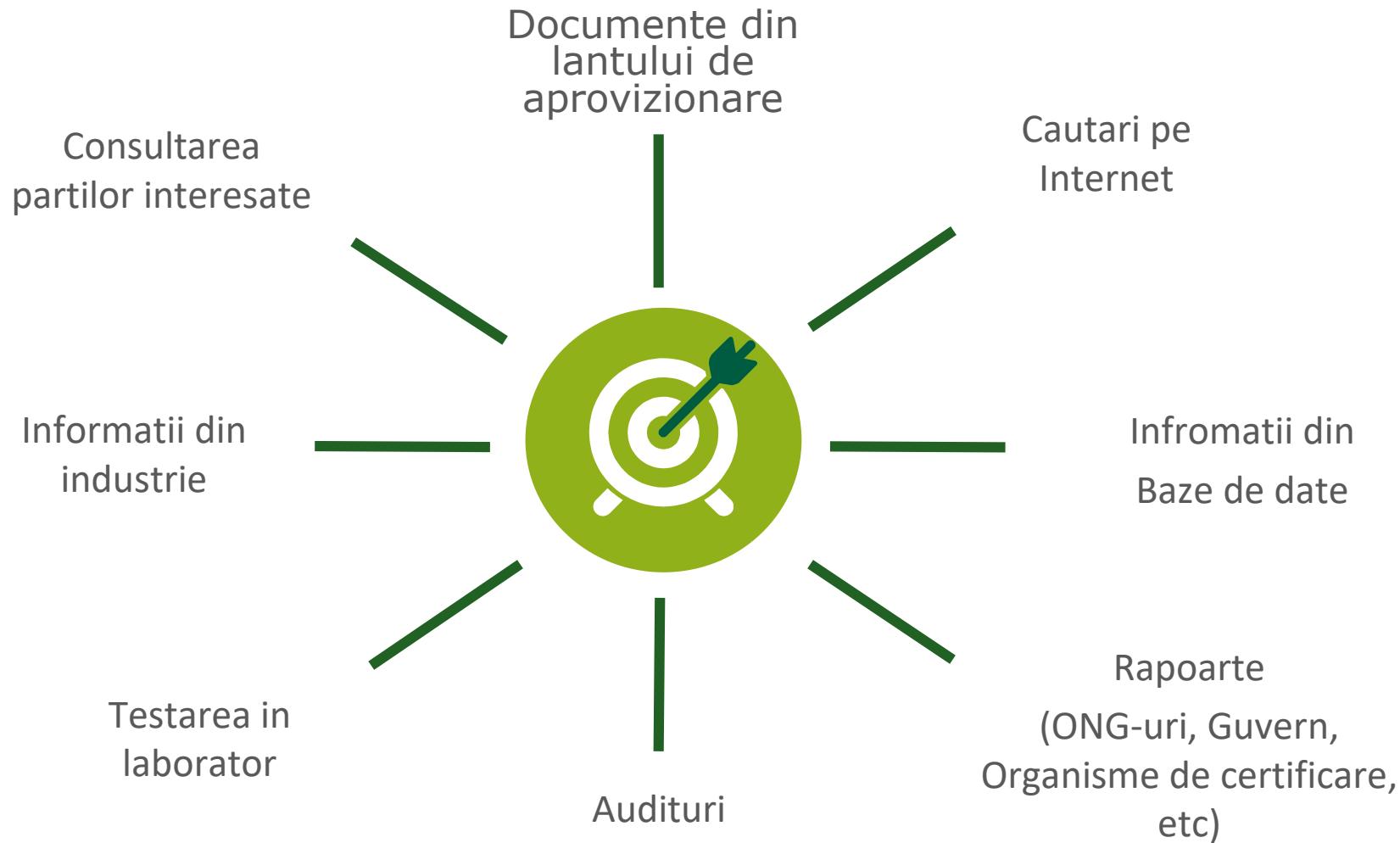
"Trebuie subliniate la bun inceput ca obtinerea documentelor trebuie facuta in scopul evaluarii riscurilor si nu ar trebui privita ca o cerinte de sine statatoare."

Sursa: Documentul de indrumare UE

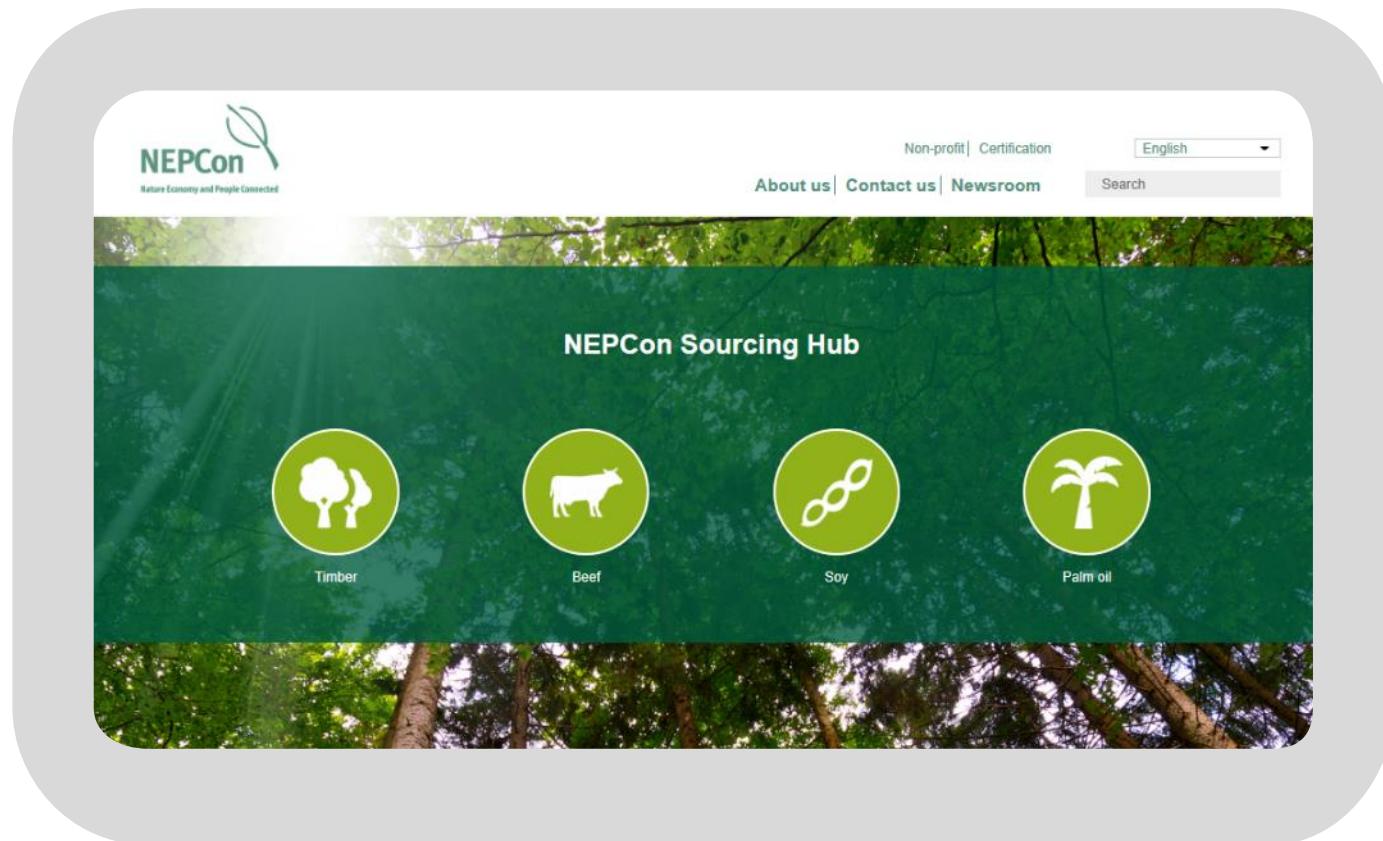


2. Acces la informatii

Surse de informatii



Lansat in August 2017... v1.0



www.nepcon.org/sourcinghub

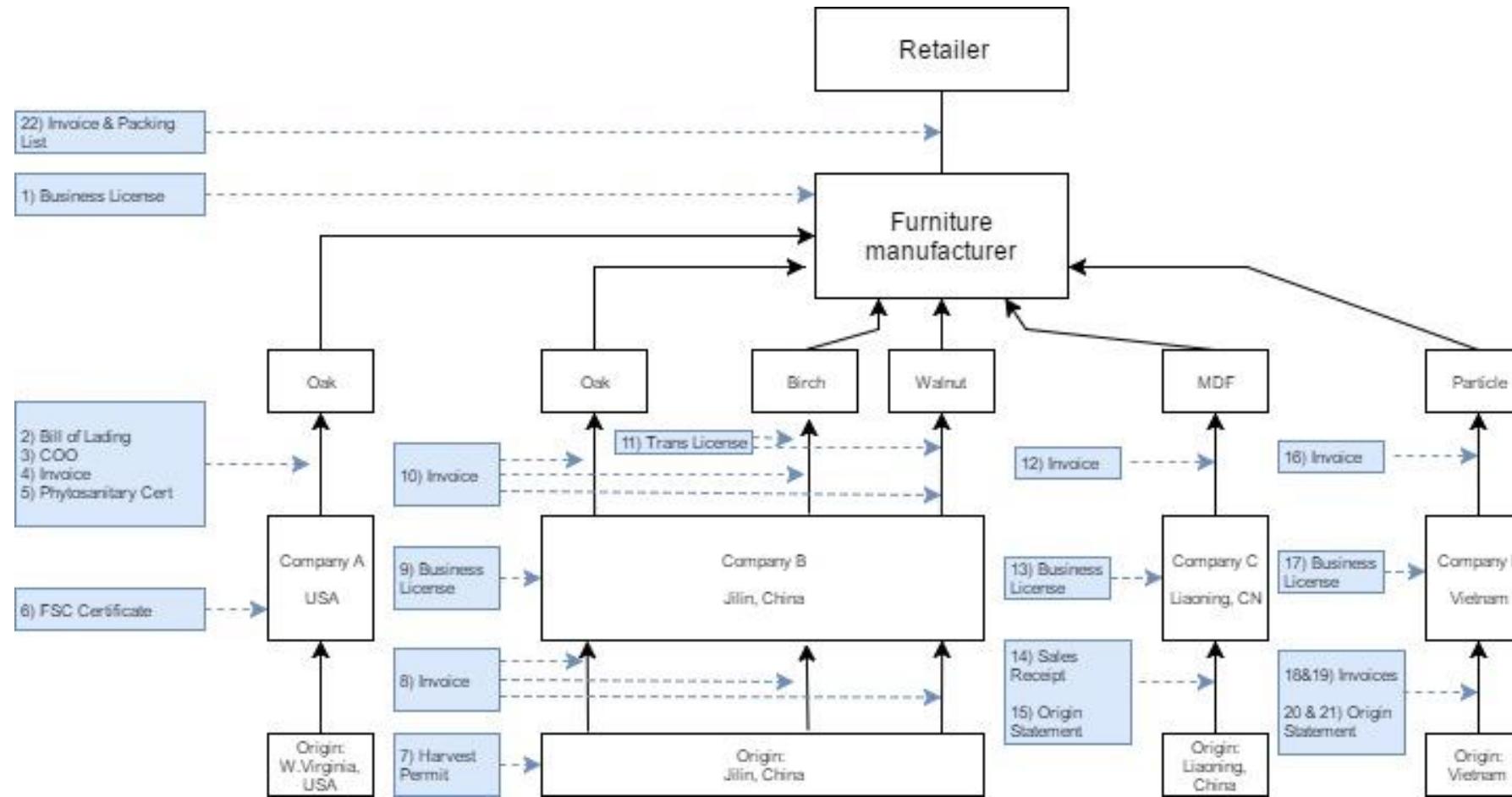
"Harta" lanturilor de aprovisionare

- Primul pas in majoritatea evaluariilor de risc este **crearea unei "harti" a lantului de aprovisionare**.
- Scopul "hartii" lantului de aprovisionare este de a:
 - colecta informatii despre lantul dvs. de aprovisionare si despre produse; si/sau
 - verificati daca declaratiile furnizorului sunt corecte.



2. Acces la informatii

Documente din lantul de aprovisionare



Audituri si vizite la fata locului

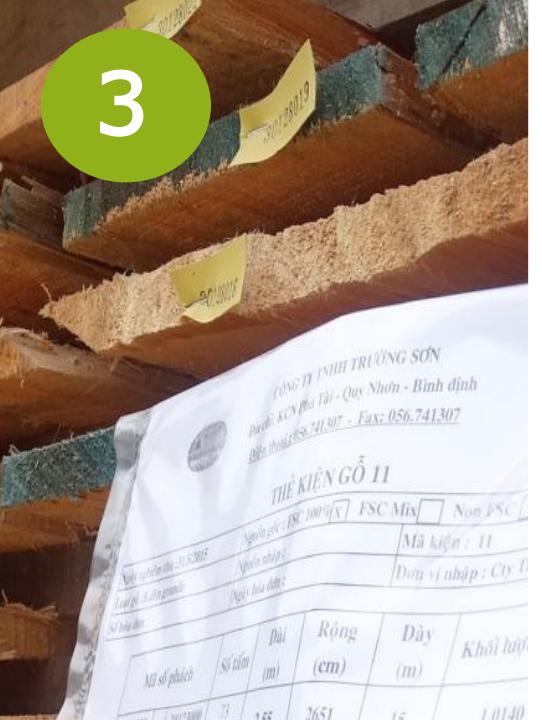
Au rolul de a observa dotarile, practicile si lanturile de aprovizionare ale furnizorilor, existente in timpul vizitelor la fata locului sau in timpul controalelor oficiale de legalitate.

Sa ne uitam la cateva exemple...

Fabrica



1



3



5



2



4



6

Padure

2. Acces la informatii

Testarea lemnului

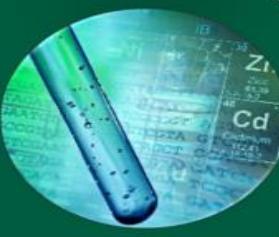
Wood
Anatomy



DNA



Stable
Isotope



- Identificati speciile pana la nivelul de gen (ex: *Quercus* spp.)

- Identificati speciile pana la nivelul de specii (ex: *Quercus robur*)
- Identificati originea geografica

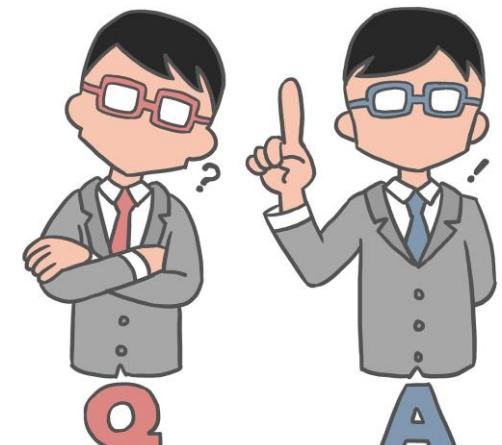
- Identificati originea geografica

Informatii din industrie

- Utilizati *propria* experienta
- Cunoasterea speciilor, structurilor lantului de aprovisionare, practicilor generale, originilor, etc.
-  Nu va bazati pe 'relatii pe termen lung' si pe 'furnizori de incredere'
- Fiti critici si furnizati dovezi

Consultarea partilor interesate

- La nivelul de administrare a padurilor (OS), acest lucru poate implica consultarea localnicilor si a grupurilor indigene.
- La nivel OS-ului si al lantului de aprovisionare, acest lucru poate implica:
 - ONG-uri
 - Autoritati guvernamentale (autoritatile emitente)
 - Organismele de certificare
 - Angajati
 - Alti furnizori
 - Alti importatori
 - Etc.



2. Acces la informatii

Informatii la un nivel de detaliu care sa va permita sa:

1. Concluzionati ca materialele provin din paduri cu risc scazut de incalcare a legislatiei sau cu riscuri potentiiale care au fost deja atenuate;

SAU

1. Identificati risc specificat si diminuati riscul ca materialul sa provina din exploatare, transportat sau comert ilegal.

2. Acces la informatii

Managementul lantului de aprovizionare

- Informati furnizorii despre politica si cerinte
- Obtineti consimtamantul furnizorilor pentru a permite audituri
- Cereti furnizorilor sa numeasca o persoana responsabila



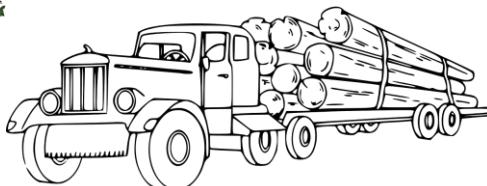
Mentinere

- Informatiile trebuie sa fie **actualizate**
- Sa va asigurati ca furnizorii va anunta daca intentioneaza sa modifice lanturile de aprovizionare

3. Evaluare de risc

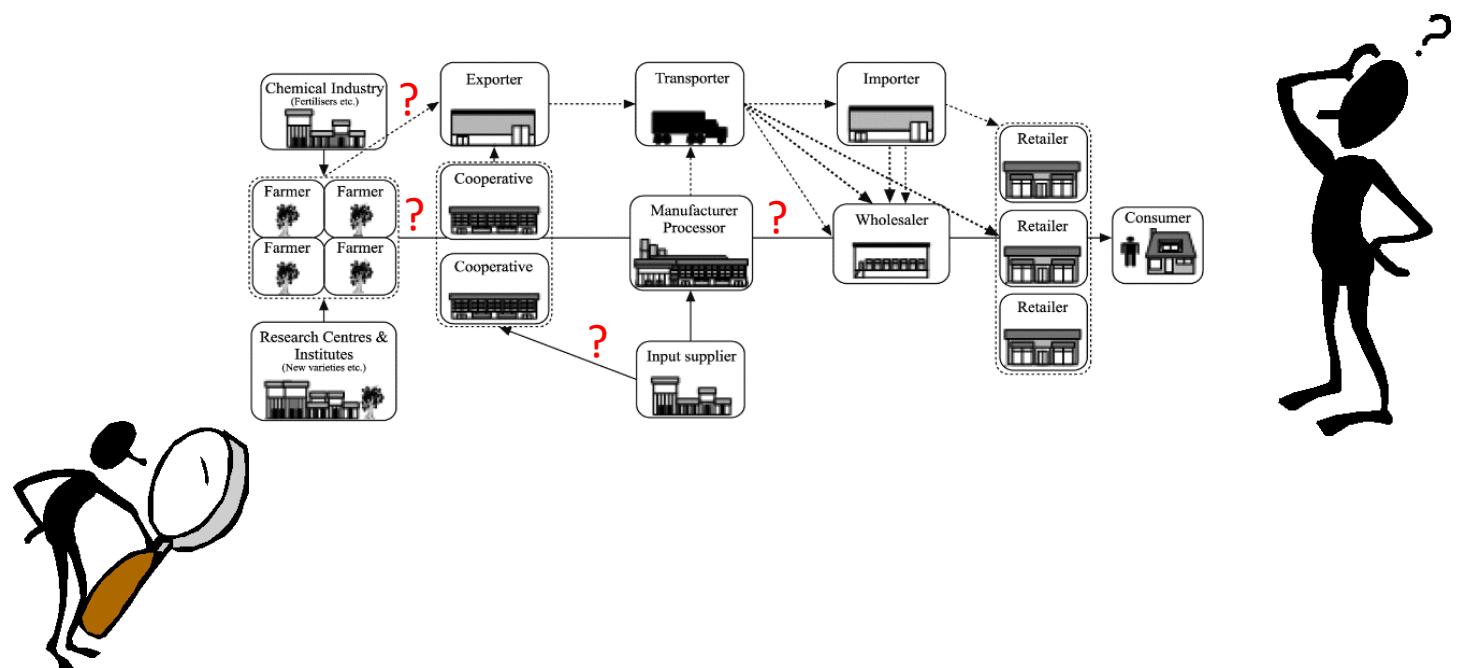
3. Evaluare de risc

Obiective



- Identificati **unde** pot exista riscuri in lanturile de aprovizionare
- **Specificați** riscurile la un nivel care să permită reducerea efectiva

- Evaluati riscul ca produsele forestiere sa fie:
 - **Exploatate** ilegal,
 - **Transportate/comercializate**, sau
 - **amestecate** ilegal cu materiale de origine ilegala sau necunoscuta.



3. Evaluare de risc

Criteriile includ:

- asigurarea conformitatii cu legislatia aplicabila, care poate include certificarea sau alte sisteme verificate de terti care acopera respectarea legislatiei aplicabile
- Prevalenta exploatarii ilegala a anumitor specii de arbori
- Preponderenta exploatarii sau practicilor ilegale in zona de origine, inclusiv luarea in considerare a preponderentei conflictelor armate
- Consiliul de Securitate al ONU sau Consiliul UE a sanctionat importurile sau exporturile de lemn
- Complexitatea lantului de aprovizionare a lemnului si produselor din lemn

3. Evaluare de risc

Concluzia de risc

Risc neglijabil (risc scazut)

SAU

Risc ne-neglijabil (risc specificat)



Concepte cheie

- Riscul poate fi scazut, dar nu poate fi niciodata absent
- Nu este definit nici un prag
- Operatorul trebuie sa defineasca pragul cand este necesar diminuarea riscului
- Trebuie sa existe o justificare clara si cuprinzatoare a acestei concluzii



4. Reducerea riscului

4. Reducerea riscului

In cazul in care riscul introducerii pe piata de lemn ilegal nu este neglijabil, riscul trebuie diminuat.

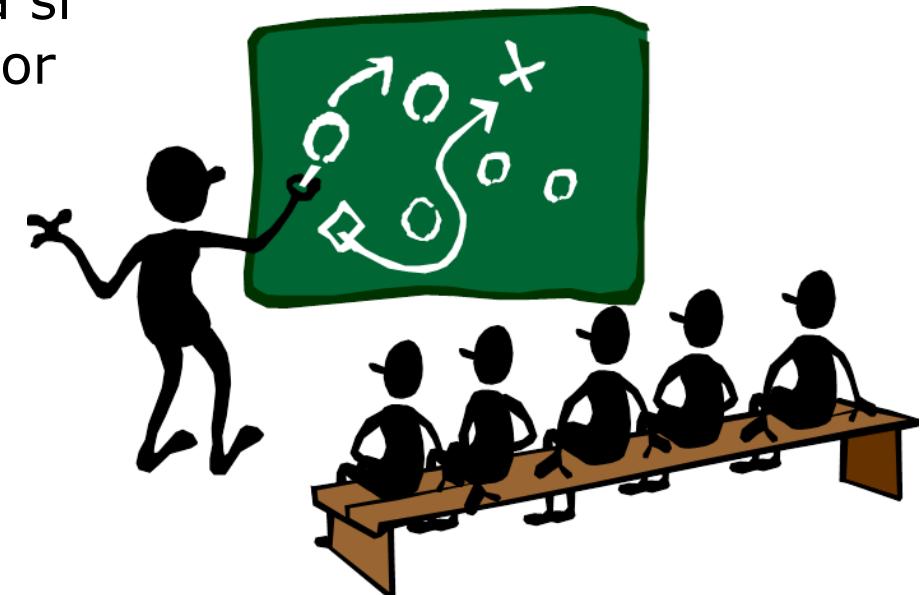
Masurile de diminuare a riscului pot include:

- solicitarea de informatii si documente suplimentare de la furnizori
- aprobarea actiunilor de atenuare in colaborare cu furnizorii
- verificarea/ certificarea de catre terti
- Efectuati audituri ale furnizorilor sau de verificare a padurii pentru a verifica conformitatea cu legislatia
- inlocuirea furnizorilor

4. Reducerea riscului

Identificarea actiunii corespunzatoare

- Masurile de atenuare trebuie sa abordeze riscurile specifice identificate
ex: riscul lipsei de instruire in domeniul sanatatii si sigurantei pentru muncitorii din padure → solicita si verifca inregistrarile instruirilor, dovezile auditurilor externe
- Justificati eficienta
- Verificati eficienta



4. Reducerea riscului



Relatii
bune cu
furnizorii
este cheia



<https://nepcon.org/library/guide/eutr-supplier-relations-leaflet>

Studiu de caz

Testarea originii pentru mobila de stejar



Tier	Tier 0	Tier 1	Tier 2
Location	Germany	Shanghai, China	North-East China
Certification	None	Unknown	Unknown
Species	(Oak) <i>Quercus mongolica</i>	(Oak) <i>Quercus mongolica</i>	(Oak) <i>Quercus mongolica</i>

Jilin 000511454



Jilin province county (city), No. 22028301011505281028

Owner of timber

Responsible person for transfer: Gonggang

Place of Origin:

place of shipping, Jilin province

place of arrival: Shanghai city.

Means of Transport: Truck

Period of Validation: From May. 28th 2015, to Jun. 4th, 2015

Species Type specification Volume

Number volume(m³)

Broad leaf (oak) board 200-600 cm, 10-60cm, 70

林木采伐许可证

No. 220283831408

forest farm:	forest (bureau) [2014] 491
Based on Your farm's Application of felling designing, We approve	
Farm/ count	167 compartment 5 Operating area 010 Subcompartment to be harvested
The four boundaries: EAST SOUTH WEST North	
GPS position:	
Origin of Stand: Natural forest Forest type: River Protective belt, Species: broad leaved forest	
Ownership: State-owned Forest Tenure certificate No.: 330211	
Harvesting type: Tending cutting Harvesting methods: Increment felling Felling intensity: 15	
Harvesting area: 7.90 ha, Number of trees: 949 株)	
Stock volume: 174 m ³ 立方米(出材) (Mill run: 110m ²) 立方米)	
Harvesting time: Aug. 29 th , 2014 to Oct. 29 th , 2014 0 月 29 日	
Stands Renewal time: year month	
Renewal area: ha, (number of trees) 株)	
Included in cutting quota Non-included in cutting quota	
Note: National public welfare forest of grade 3	

Person for issue(seal)

Issuing agency (seal), Person applying: Yuzhi

吉林省林业厅
机关(章) 管理

送 货 单

Consignee:					
Delivered by					
Species	Thickness of board	Length of board	Volume	Price	Total price
Oak	3.0cm	2m	13.58		
Oak	3.5cm	2m	9.17		
Oak	4.0cm	2m	8.43		
Oak	4.5cm	2m	9.22		
Oak	5.0cm	2m	4.16		
Oak	5.5cm	2m	3.54		

Total price

(盖章)

4. Reducerea riscului

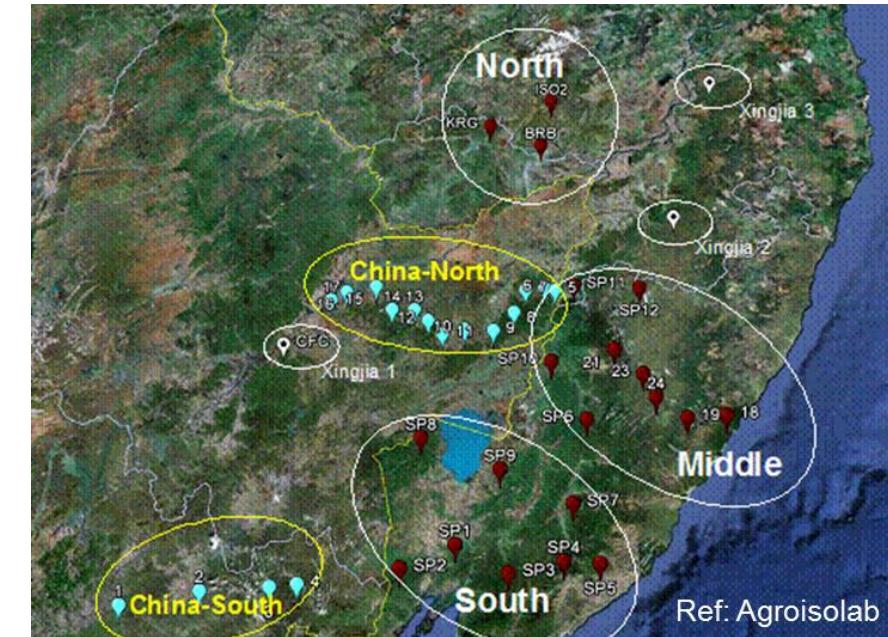
Studiu de caz Testarea originii pentru mobila de stejar

Evaluarea riscurilor

- ✓ Produse trimise catre Agroisolab
- ✓ Testat pentru origine
- ✓ Rezultatele au aratat ca originea probabila este Rusia Oriental Independat (RFE)

Actiuni de atenuare:

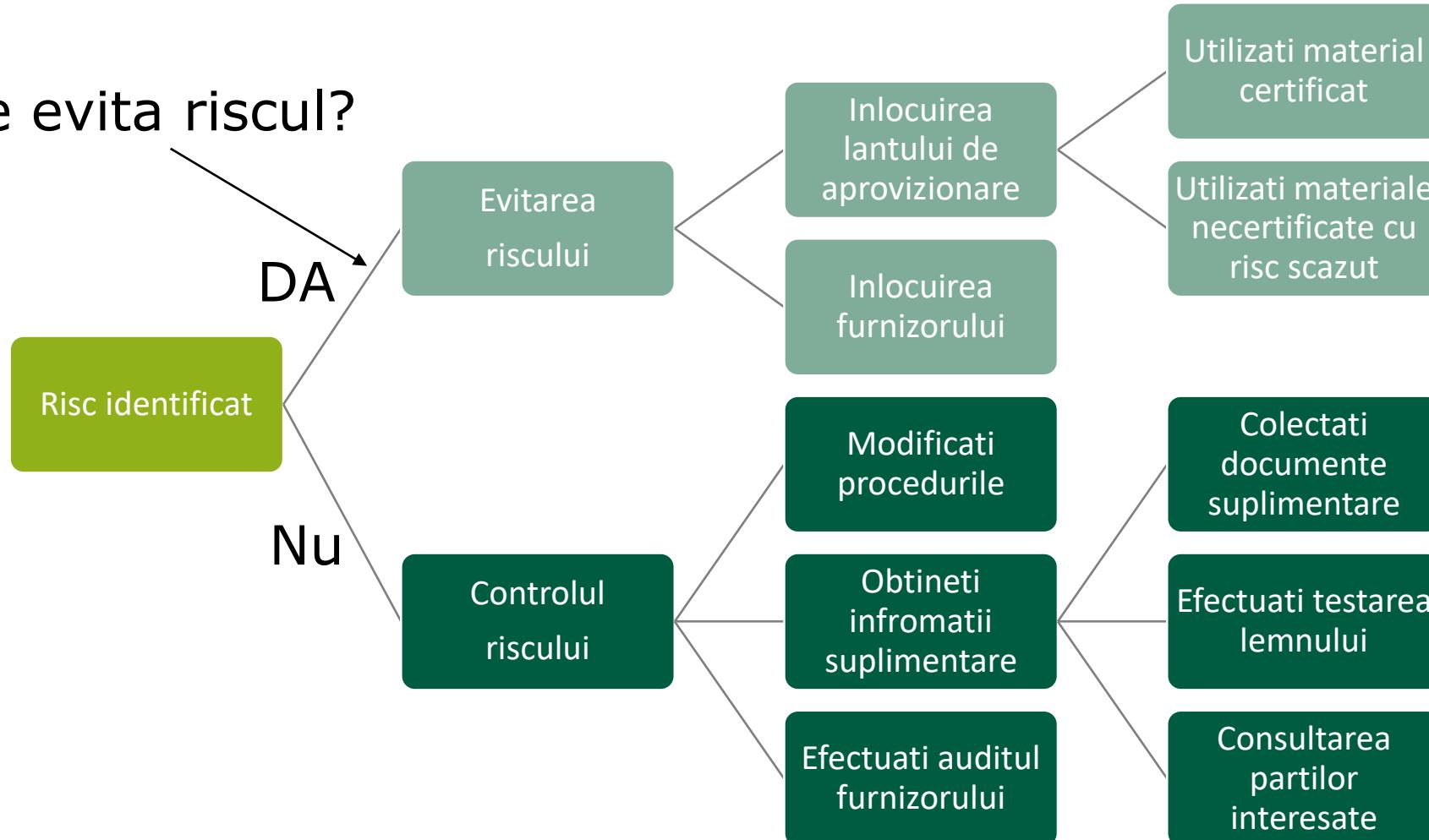
- ✓ Instruire EUSTR si referitoare la risurile pentru personalul fabricilor
- ✓ Schimbarea aprovisionarii cu stejar din SUA
- ✓ Implementarea de proceduri de verificare a documentelor
- ✓ Ajutarea furnizorului sa implementeze sistemul CoC
- ✓ Re-testarea periodica pentru a asigura prezenta doar a stejarului american

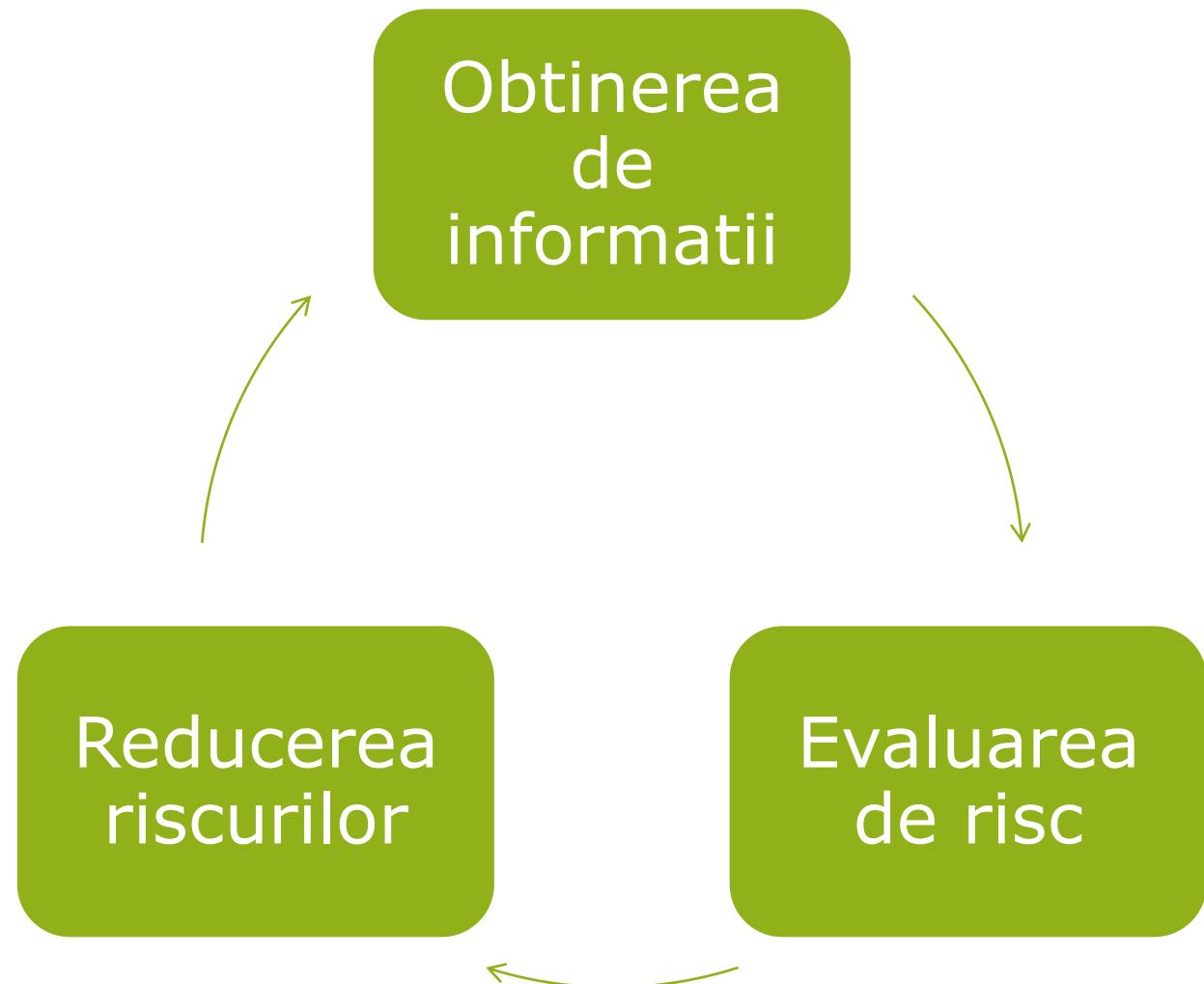


4. Reducere risc

Procesul poate lua diferite cai: **evitare sau diminuare**

Se poate evita riscul?





Unele subiecte cheie...

5. Documente

"Este suficient?"

Intrebare gresita!

1. **Relevanta:** Ce informatii va spun despre riscul de ilegalitate?
2. **Validitate:** Informatiile sunt autentice?
3. **Legatura:** Infromatiile se aplica in lantul *dvs.* de aprovisionare sau transport?



Test rapid!

采伐类型:	立伐	采伐方式:	/	采伐强度:	
采伐面积:	231亩	公顷(株数:	9332	株)	
采伐蓄积:	2115	立方米(出材量:		立方米)	
采伐期限:	2016年4月16日	至	2016年6月16日		
更新期限:	年月日				
更新面积:	公顷(株数:		株)		
<input type="checkbox"/> 占限额 <input type="checkbox"/> 不占限额					

Verificarea documentelor false:

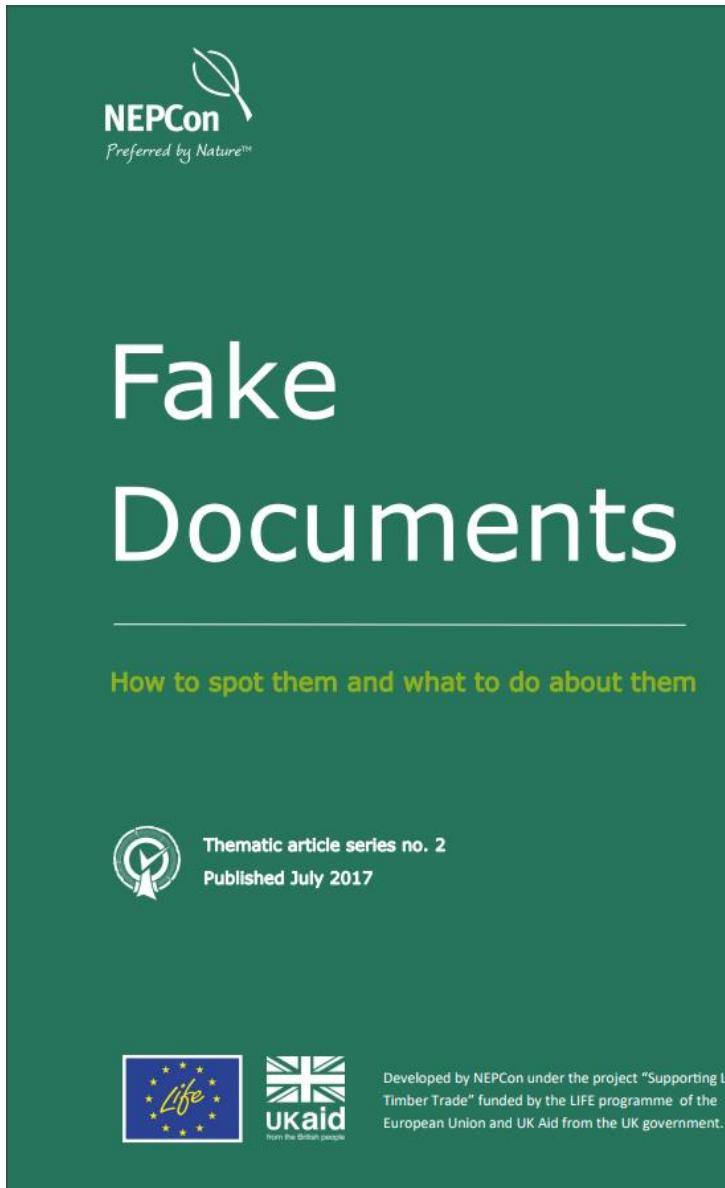
- Greseli evidente
- Greseli si inconsecvente de scriere
- Formatarea sau textul este mai neclar decat restul
- Verificati documentele intr-o baza de date oficiale
- Verificati daca infromatiile se potrivesc
- Utilizati un program pentru a va ajuta sa verificati PDF-urile

CATEGORY	
	DOGS AND PUPPIES
	CATS AND KITTENS
	MONKEYS
X	BIRDS
	OTHERS

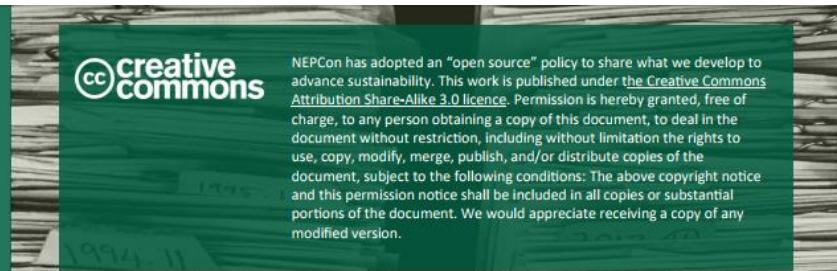
CERTIFICATE OF ORIGIN

The undersigned [REDACTED] President
ITL, LLC dba [REDACTED] (Owner or Agent in USA)
for [REDACTED] declares

that the following mentioned goods shipped on S/S [REDACTED]
on the date of SEPTEMBER 14, 2015 consigned to [REDACTED] (Name of Ship)
[REDACTED] Viet Nam are the product of the United States of America

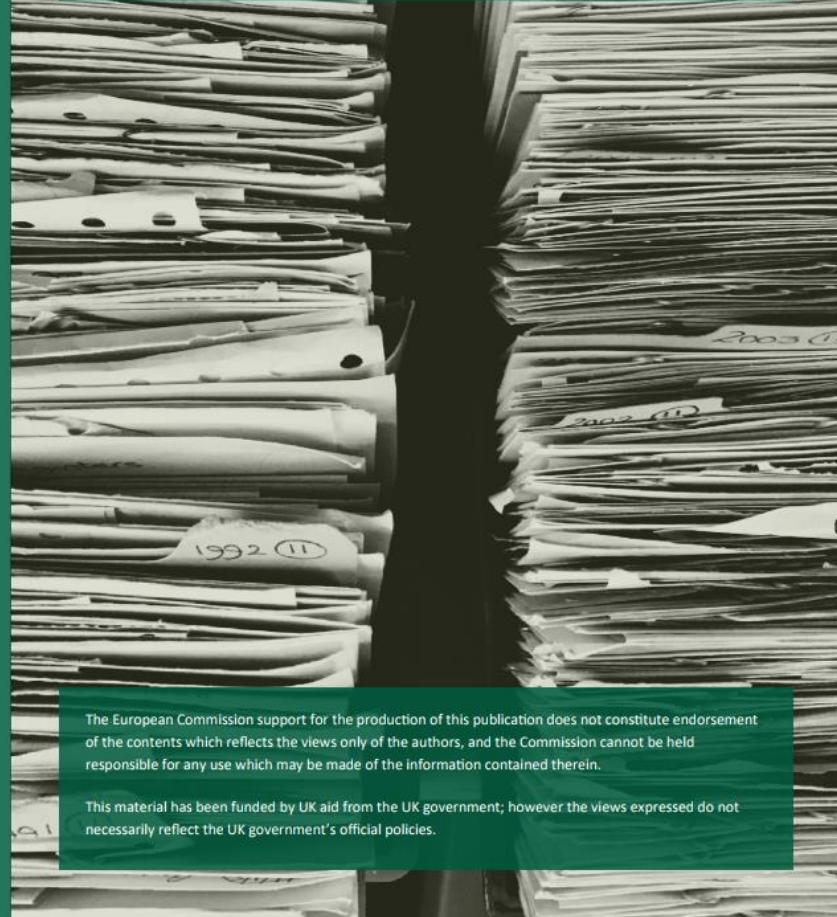


The image shows the front cover of a document titled "Fake Documents". The cover is dark green with white text. At the top left is the NEPCon logo with the tagline "Preferred by Nature™". Below the title is a subtitle: "How to spot them and what to do about them". At the bottom left are logos for the LIFE programme and UKAID. The main title "Fake Documents" is in large, bold, white font. A horizontal line separates the title from the subtitle.



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The background of the page features a black and white photograph of two tall stacks of papers or files, one labeled "1994" and the other "2003". In the foreground, there is a dark green rectangular box containing text about the Creative Commons license and European Commission support. Another dark green box at the bottom contains funding information.

Thematic article series no. 2
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Provocarea cheie...coruptia



In tarile cu nivel ridicat de coruptie puteti obtine orice stampila si orice semnatura – este doar o chestiune de plata.

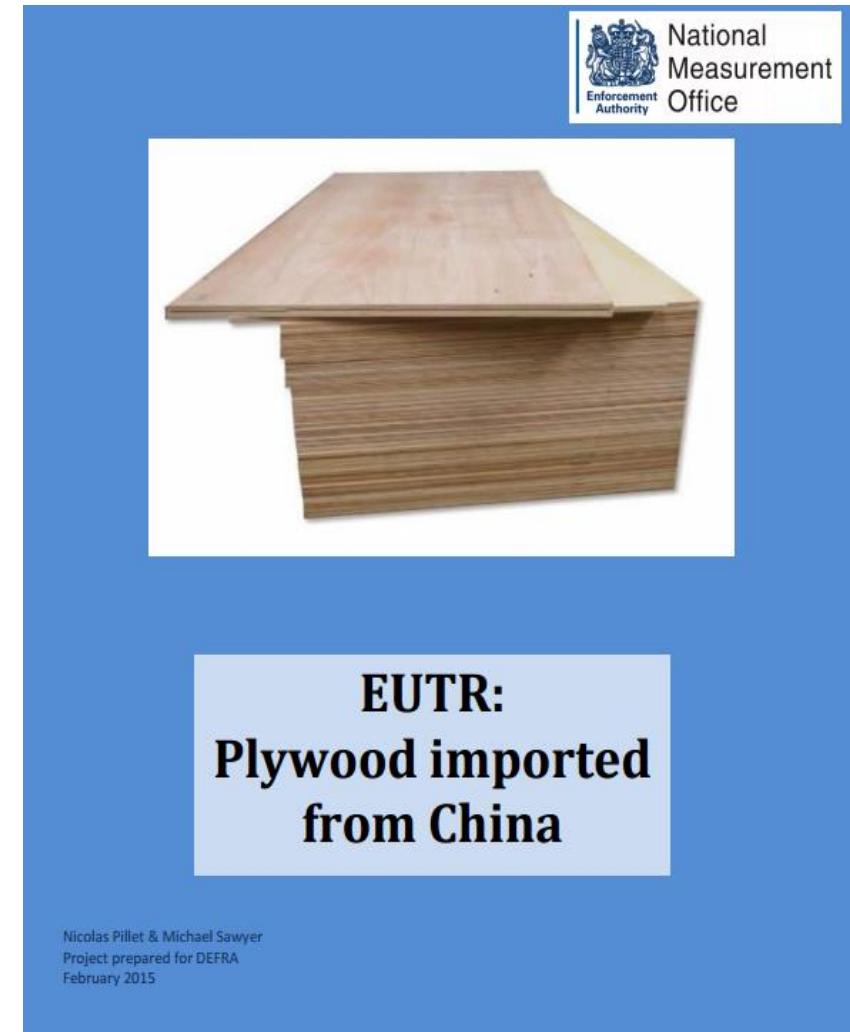


5. Testarea lemnului

In Februarie 2015, AC din Marea Britanie a lansat un raport privind *Proiectul de sanctionare a placajului chinezesc*.

De ce placajul din China?

- Furnir de inalta calitate & miez de valoare scazuta
- Lanturi complexe de furnizare
- Ieftin
- Risc ridicat de coruptie
- Dovada importului de lemn ilegal in China



Testarea lemnului

14 din 16 companii
au furnizat o
procedura de due
diligence
insuficientă (88%)

Alte probleme au
apărut odată cu
testarea lemnului...

Company	Face declaration	Face tested	Core declaration	Core tested
1	Palaquium	Palaquium	Eucalyptus	Eucalyptus
2	Betula	Betula	Eucalyptus	Poplar Kedongdong Pine
3	Sapeli	Sapeli	Poplar	Poplar Elm
4	Palaquium	Palaquium	Poplar Eucalyptus	Poplar Kasai
5	Bitangor	Palaquium	Poplar	Poplar Eucalyptus
6	Lotofo	Sapeli	Poplar	Poplar
7	Beech	Beech	Eucalyptus	Eucalyptus
8	Eucalyptus	Ozigo	Eucalyptus	Eucalyptus Poplar
9	-	Phenolic resin	Poplar	Poplar
10	Sapeli	Sapeli	Poplar	Poplar
11	Palaquium	Palaquium	Eucalyptus	Poplar Pulai Red Meranti
12	Eucalyptus	Bitangor	Eucalyptus	Eucalyptus Poplar
13	Bitangor	Bitangor	Poplar	Kasai Medang

- “testarea a devenit un instrument esential in proiectele EUTR, deoarece permite... sa stabileasca daca a fost comisa o potentiala infractiune.”

UK CA

- Un sistem de due diligence nu poate fi considerat adekvat daca produsul pe care se concentreaza nu contine speciile care au facut obiectul cercetarii si riscurile evaluate in



Photo: Exoma DB TRATA

Analiza ADN pentru a identifica originea



The White Oak Lottery: UK Mystery Sh... Overall results, all samples (by continent of origin)

Actual origin, % of white oak samples



Continent	Percentage
Asia	~25%
North America	~45%
Eurasia	~10%
Europe	~15%

- More than half of white oak product samples declared as "U.S. white oak" were not from North America at all

Via DoubleHelixTracking.com

2. Colecatrea de informatii

Wood
Anatomy



DNA



Stable
Isotope



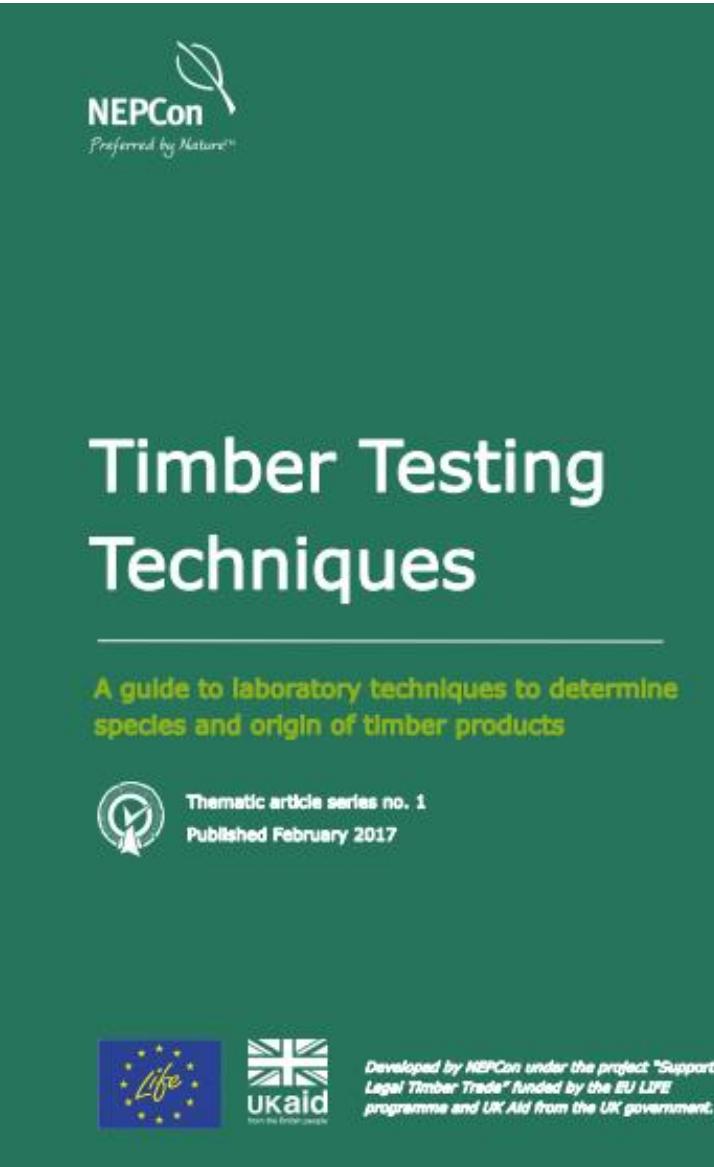
- Identificati speciile pana la nivelul de gen (ex: *Quercus* spp.)

- Identificati speciile pana la nivelul de specii (ex: *Quercus robur*)
- Identificati originea geografica

- Identificati originea geografica

Cand sa testez?

- Atunci cand sunt introduse noi linii de productie
- Atunci cand exista ingrijorari referitoare la declaratiile furnizorilor
- Atunci cand produsele contin diferite componente sau specii
- Atunci cand o companie din lantul de aprovisionare este schimbata
- Cand testarea de catre parti terțe a aratat ca speciile/ originea difera fata de declaratiile dvs.



The image shows the front cover of a document titled "Timber Testing Techniques". The cover is dark green. At the top left is the NEPCon logo. Below it is the title "Timber Testing Techniques" in large white font. Underneath the title is a subtitle: "A guide to laboratory techniques to determine species and origin of timber products". At the bottom left are logos for the EU LIFE programme and UK Aid. The right side of the cover features a large, detailed black and white photograph of a tree trunk's cross-section, showing its growth rings.



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6. Certificare

Folosirea de materiale certificate – este o cale libera?



NU! Retineti:

- Nu reprezinta dovada legalitatii
- Poate fi utilizat in evaluarea riscului
- Lista de cerinte UE pentru sistemele de certificare
(Regulament de punere in aplicare 607/2012).



Realitatea...

Certificatul joaca un rol esential in reducerea riscului de exploatare ilegală pentru multi importatori.

EUTR definirea unei scheme de certificare credibile:

- Au un sistem public de cerinte
- Sa specifice un control corespunzatoar (inclusiv vizite in teren) efectuat de o terta parte la intervale regulate (nu mai mult de 12 luni)
- Include mijloace de verificate de o terta parte pentru a urmari lemnul in orice punct al lantului de aprovizionare inainte de introducerea pe piata a lemnului/ produselor din lemn
- Include controale, verificate de o terta parte

- Standardul acopera *toata* legislatia aplicabila?
- 'Se controleaza' intrarile necertificate
- Lant de custodie
- Probleme cu sistemul intr-o anumita tara?

Toate sistemele garanteaza legalitatea?



SUSTAINABLE
FORESTRY
INITIATIVE



The mark of
responsible forestry
FSC® A000535



Origine et legalité
du bois

Evaluari ale certificarilor facute de NEPCon

- NEPCon a inceput sa efectueze evaluari
- Realizata in cadrul proiectului NEPCon finantat de UE in Vietnam
- Pentru a creste infromatiile disponibile publicului
- Pentru a ajuta Operatorii sa evite duplicarea eforturilor si sa furnizeze informatii de specialitate



Verificarea certificatelor online

- **Valabilitate** – certificatul este inca activ?
- **Domeniul de aplicare** – ce site-uri, produse si specii acopera?

FSC: <http://info.fsc.org/certificate.php>

PEFC: <http://www.pefc.org/find-certified/certified-certificates>

*Doar pentru ca o organizatie este certificata,
nu inseamna ca produsele sunt!*



Verificarea documentelor

FSC

Facturile de vanzare si documentele de transport trebuie sa includa:

- Codul certificatului in format XX-COC-XXXXXX
- 'Declaratia' FSC ex: FSC 100%, FSC Mix Credit, FSC Mix 70%

PEFC

Facturile de vanzare si documentele de transport trebuie sa includa :

- Codul certificatului ex: NC-PEFC/COC-000084, CH12/0441
- 'Declaratia' FSC ex: x % certificat PEFC



Buying Certified Timber

INF.07 Ver 1.1

Buying certified timber is an important step you can take to verify the legality of your supply chains, and it will make it easier for you to obtain the necessary information about the origin of your timber products. It will also help your customer to assess and mitigate risk.







FAQ: If I buy certified, what do I still need to do?

Even where you are able to provide your customer with certified timber, they are likely to still ask you for information to help them carry out due diligence. In addition to your general sales information such as quantity (expressed in volume, weight or number of units), your name and address and the name and address of the trader used, if applicable, they will also need the following information:

1. Which country/countries the timber was harvested
2. What species the product contains – common names will suffice unless these lead to ambiguity, in which case the scientific names will also be needed
3. Documents or other information indicating compliance of those timber and timber products with the applicable legislation.

The FSC system will help you to provide the information about the country of harvest and the species to your customer. If your supplier does not automatically provide you with information about country/concession of harvest or species they are obliged to if you ask them for it (according to ADVICE-40-004-10: Access to information regarding species and origin of timber). If this supplier does not have that information, he or she is obliged to use the Advice Note to go further up the supply chain until he or she has obtained the information for you.

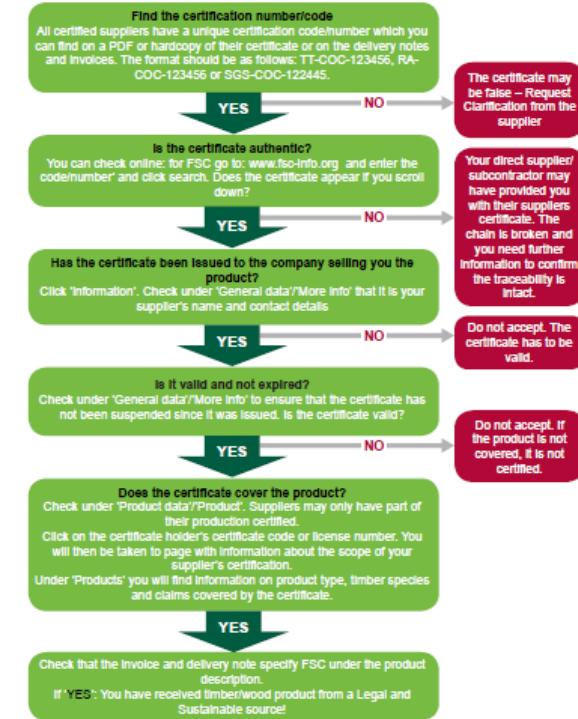
Regarding the documents or other information indicating compliance of

those timber and timber products with the applicable legislation, some of the applicable legislation is covered by the FSC Forest Management Certification schemes. Therefore, the information indicating compliance is the certificate itself. One area not covered by the FSC Forest Management Scheme are Trade and Customs laws. If your supplier does not automatically provide you with information about compliance with trade and customs laws, they are obliged to do so if you ask them for it (according to ADVICE-40-004-11: Trade and customs laws).

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The following tips are useful for any buyer who seeks to buy certified, for example in order to comply with procurement policies.

Note: FSC certificate holders are obliged to regularly verify the validity and scope of their suppliers' certificate.



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