

Timber Legality Risk Assessment United Kingdom

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B. Overview of legality risks

Timber Risk Score: 100 / 100 in 2017

This report contains an evaluation of the risk of illegality in the United Kingdom for five categories and 21 sub-categories of law. We found:

- Specified risk for 0 sub-categories.
- Low risk for 16 sub-categories.
- No legal requirements for 5 sub-categories.

The Timber Risk Score for the United Kingdom is 100 out of 100, and no legality risks have been identified in this report.

Timber source types and risks

There are 3 timber source types found in the United Kingdom. Knowing the “source type” that timber originates from is useful because different source types can be subject to different applicable legislation and have attributes that affect the risk of non-compliance with the legislation. We have analysed the risks for the source types and found that the risk is the same.

Plantations on Ancient Forest and Ancient Semi-natural Forest (ANSW)

Timber from plantations on woodland that has been in continuous existence since 1600 (1750 in Scotland). No logging permitted except Plantation timber via PAWS (plantation on ancient woodland site). Ownership can be private and public. Felling license and forest management plan is required.

Semi-natural Forest (OSNW)

Timber from woodland with natural characteristics (predominantly native species of trees, ground plants and animals) where wood production is not a primary objective; this term is used rather than natural because the woodland may have originally been planted or have been managed for wood production in the past. Ownership can be private and public. Felling license and forest management plan is required.

Plantation Forest

Timber from plantations on non-ancient forest land. Ownership can be private and public. Felling license and forest management plan is required.

This table summarises the findings of the timber legality risk assessment.

Legal Category	Sub-Category	Risk conclusion
Legal rights to harvest	1.1 Land tenure and management rights	Low
	1.2 Concession licenses	N/A
	1.3 Management and harvesting planning	Low
	1.4 Harvesting permits	Low
Taxes and fees	1.5 Payment of royalties and harvesting fees	N/A
	1.6 Value added taxes and other sales taxes	Low
	1.7 Income and profit taxes	Low
Timber harvesting activities	1.8 Timber harvesting regulations	N/A
	1.9 Protected sites and species	Low
	1.10 Environmental requirements	Low
	1.11 Health and safety	Low
	1.12 Legal employment	Low
Third parties' rights	1.13 Customary rights	Low
	1.14 Free prior and informed consent	Low
	1.15 Indigenous/traditional peoples rights	N/A
Trade and transport	1.16 Classification of species, quantities, qualities	Low
	1.17 Trade and transport	N/A
	1.18 Offshore trading and transfer pricing	Low
	1.19 Custom regulations	Low
	1.20 CITES	Low
	1.21 Legislation requiring due diligence/due care procedures	Low

C. Overview of the forest sector in the United Kingdom

The woodland area as of 2015 was 3.15 million hectares and represented 13% of the total land area in the United Kingdom: 10% in England, 15% in Wales, 18% in Scotland and 8% in Northern Ireland¹. Of the total UK woodland area, 0.87 million hectares (27.6%) is publicly owned by the Forestry Commission (in England and Scotland), Natural Resources Wales (in Wales) or the Forest Service (in Northern Ireland). 2,285 million hectares (72.4%) is private sector owned. The total certified woodland area in the UK in 2015 was 1.38 million hectares, including all Forestry Commission/Natural Resources Wales/Forest Service woodland. Overall, 44% of the UK woodland area is certified. 10,000 ha of new woodlands were created in the UK in 2014-15, mostly with broadleaved species. 18,000 ha of woodlands were restocked in the UK in 2014-15, mostly with conifers. A total of 187 sites were served with a Statutory Plant Health Notice in 2014-15, requiring a total of 0.4 thousand hectares of woodland to be felled. Forest concessions do not exist in the UK.

Conifers account for around one half (51%) of the UK woodland area, although this proportion varies from around one quarter (26%) in England to around three quarters (74%) in Scotland. Sitka spruce accounts for around one half (51%) of the conifer area in Great Britain, followed by Scots pine (17%) and Larches (10%). Sitka spruce is less dominant in England, accounting for just one quarter (26%) of the conifer area there. The most commonly occurring broadleaved species in Great Britain are Birch (accounting for 18% of broadleaf woodland), Oak (16%) and Ash (12%). Birch is more dominant in Scotland, accounting for 43% of the broadleaf area there.

The UK has no truly natural forest², there are around 650,000 ha of semi-natural woodland – of which about 326,000 hectares (around 1.2% of land area) are identified as ancient semi-natural forest (ANSW). This is mainly composed of broadleaved species, but includes the native pine forests of Highland Scotland. Timber production is usually the primary aim in the management of larger forests, but an increasingly wide range of objectives now exist – including biodiversity, amenity and investment. 552,000ha³ is ancient woodland sites (around 2.3 per cent of land area) and of this 223,000ha is planted with non-native species referred to as planted ancient woodland sites (PAWS).

Forest policy: In addition to national forestry policies and strategies of England, Scotland, Wales and Northern Ireland, the UKFS (UK Forestry Standard) provides a framework for the delivery of international agreements on sustainable forest management, alongside policies on implementation. The UKFS is the basis of forestry practice for the independent UK Woodland Assurance Standard (UKWAS).

Approval for the felling (cutting down) of trees is granted through felling licences issued by the Forestry Commission (England and Scotland) or Natural Resources Wales.

¹ Forestry Commission 2015 Statistics
(<http://www.forestry.gov.uk/website/forstats2015.nsf/LUContentsTop?openview&RestrictToCategory=1>)

² UKFS (<http://www.forestry.gov.uk/theukforestrystandard>)

³ Sian Atkinson and Mike Townsend (2011) The State of the UK's Forests, Woods and Trees, Perspectives from the sector. The Woodland Trust

Whereas in Northern Ireland, a felling management plan will be an integral part of a felling licence under the Forestry Act (Northern Ireland) 2010. Decreases in woodland area result from the conversion of woodland to other land uses. Regulatory approval is usually required before trees can be felled. Felling approval will normally require the area to be restocked, but there are some cases in which trees may be permanently removed, generally for environmental reasons. The permanent removal of trees may also be authorised under planning regulations, to enable development.

Monitoring: The UK reports at intervals of about 5 years on indicators developed by the Global Forest Resources Assessment (GFRA) and Forest Europe. These indicators show the extent and condition of forests and woodlands, together with environmental, social and economic aspects of sustainable forest management. The main bodies responsible for the regulation and monitoring of the UKFS and Guidelines are the Forestry Commission (FC) in Great Britain and the Forest Service in Northern Ireland. A representative sampling survey provides a general audit on the implementation of UKFS Requirements and related systems.

According to the 2014 Chatham House report (Trade in Illegal Timber - The Response in the United Kingdom (D. Brack)); the UK has been very engaged in tackling the trade in illegal timber. It was the first country to implement a timber public procurement policy and has played an active part in the development of the EU's Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, including the negotiation and implementation of the voluntary partnership agreements (VPAs). The private sector in the UK has also been proactive, as reflected in the increase in the number of companies with chain-of-custody certification and in the amount of certified wood-based products on the UK market. As an EU Member State, the UK is required to implement the EU Timber Regulation, which came into force in March 2013.

Illegal timber is estimated to make up a small proportion of total imports. In 2013, it was estimated that 2% of imports (by volume) of wood-based products were illegal – a decline from 3% in 2000. A growing proportion of these products are imported from China, reflecting the increased trade with this country (Chatham House, 2014⁴).

⁴ Brack, D. (2014): Trade in Illegal Timber - The Response in the United Kingdom, Chatham House.

D. Legality Risk Assessment

LEGAL RIGHTS TO HARVEST

1.1. Land tenure and management rights

Legislation covering land tenure rights, including customary rights as well as management rights that includes the use of legal methods to obtain tenure rights and management rights. It also covers legal business registration and tax registration, including relevant legal required licenses. Risk may be encountered where land rights have not been issued according to prevailing regulations and where corruption has been involved in the process of issuing land tenure and management rights. The intent of this indicator is to ensure that any land tenure and management rights have been issued according to the legislation.

1.1.1. Applicable laws and regulations

Land Tenure:

UK:

- Law of Property Act 1925 (Section 193)
- Settled Land Act 1925 (Sections 41, 48 and 66)
- Land Charges Act 1972
- Trusts of Land and Appointment of Trustees Act 1996
- Land Registration Act 2002
- The Land Registration Rules 2003

Scotland:

- The Registration Act 1617 c.16
- Public Records (Scotland) Act 1809
- Act of Sederunt 10 July 1811
- Titles to Land Consolidation (Scotland) Act 1868
- Land Registers (Scotland) Act 1868
- Judgments Extension Act 1868
- Conveyancing (Scotland) Act 1924
- Public Registers and Records (Scotland) Act 1948
- Land Registration (Scotland) Act 1979
- Civil Jurisdiction and Judgments Act 1982
- Register of Sasines (Scotland) Act 1987
- Scotland Act 1998 (section 38(1))
- Public Finance and Accountability (Scotland) Act 2000
- Title Conditions (Scotland) Act 2003
- Land Reform (Scotland) Act 2003

- Agricultural Holdings (Scotland) Act 2003 (Part 3)
- Nature Conservation (Scotland) Act 2004 (Section 22)
- Crofting Reform (Scotland) Act 2010
- Land Registration etc. (Scotland) Act 2012

Northern Ireland:

- Land Registration Act (Northern Ireland) 1970

Business Registration:

- Companies Act 2006
- Company registration matters are dealt with in law, by the Companies Act 2006.

All limited companies in England, Wales, Northern Ireland and Scotland are registered at Companies House, an Executive Agency of the Department for Business, Innovation and Skills (BIS).

Note: All legislation can be found (including Table of Contents for each piece of legislation) from the The National Archives: UK database on Statutory Instruments:

<http://www.legislation.gov.uk/search>

1.1.2. Legal authority

- Forestry Commission (UK, England and Scotland), Natural Resources Wales or the Forest Service (Northern Ireland)
- Department for Environment Food & Rural Affairs (DEFRA)
- Department of Agriculture and Rural Development (Northern Ireland)
- Department for Business, Innovation and Skills (BIS)
- Local Authorities and Country government departments with responsibility for land titles management

1.1.3. Legally required documents or records

Documentation proving ownership (title) for privately owned (freehold) land, i.e. property certificate arising from a property title search or proof of leasehold arrangements for leased forest, such as:

- Companies House
- Long term unchallenged use
- Integrated Agriculture Control System (IACS) registration
- A signed declaration detailing nature and location of tenure documentation
- Solicitor's letter
- Title deeds
- Land registry records

1.1.4. Sources of information

Government sources

- Gov.uk, (2013). *Guidance notes including CPET Guidance for the Growers of Timber in the UK*. [online] CPET. Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324795/CPET Growers Guide - Final Dec13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324795/CPET_Growers_Guide_-_Final_Dec13.pdf)

- Gov.uk, (2017). *DEFRA Homepage*. [online] Available at: <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>
- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
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- Forestry Commission, (2017) *Keepers of Time: statement of policy for England's Ancient and Native Woodland*. [Online] Available at: <https://www.forestry.gov.uk/ukfs>
- Forestry Commission, (2015). *Corporate Plan Performance Indicators and Woodland Indicators 2015*. [online] Forestry Commission. Available at: [https://www.forestry.gov.uk/pdf/FC-England-Indicators-Report-20152.pdf/\\$file/FC-England-Indicators-Report-20152.pdf](https://www.forestry.gov.uk/pdf/FC-England-Indicators-Report-20152.pdf/$file/FC-England-Indicators-Report-20152.pdf)
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- Forestry Commission, (N.Y) *National Forest Inventory*. [Online] Available at: <https://www.forestry.gov.uk/inventory>
- Forestry Commission, (2017) *Woodland Area Planting and Restocking*. [Online] Available at: <https://www.forestry.gov.uk/forestry/inf-d-7aqknx>
- Chatham House, (2017) *Illegal-logging Portal*. [online] Available at: <http://www.illegal-logging.info/>

Non-Government sources

- Ukwas.org.uk, (2016). *The UK Woodland Assurance Standard. Fourth edition (draft)*. [online] UKWAS. Available at: <http://ukwas.org.uk/wp-content/uploads/2016/02/UKWAS-4-Pre-approval-Consultation-Draft-15.02.16.doc>
- Worldbank.org, (2017). *Worldwide Governance Indicators*. [online] Available at: <http://info.worldbank.org/governance/wgi/index.aspx#countryReports>
- Eia-international.org, (2017). *Homepage*. [online] Available at: <http://www.eia-international.org>
- Ec.europa.eu, (2017). *Illegal logging/FLEGT Action Plan*. [online] Available at: http://ec.europa.eu/environment/forests/illegal_logging.htm
- Government reports and assessments of compliance with related laws and regulations
- Public summaries of FSC forest management certification reports published at info.fsc.org (information on legal areas where non-compliances have been identified during the certification process that are likely to be common for non-certified operations)

- Soilassociation.org, (2017). *Forest Management Reports*. [online] Available at: <https://www.soilassociation.org/certification/forestry/about-certification/forest-management-fm/forest-management-reports/>
- Public summaries of other 3rd party forest legality certification/verification systems
- FSC UK Controlled Wood risk assessment: <https://ic.fsc.org/en/our-impact/program-areas/controlled-wood-01/controlled-wood-risk-assessments/national-risk-assessments>
- Transparency.org, (2017). *Transparency International Corruption Perceptions Index*. [online] Available at: http://www.transparency.org/policy_research/surveys_indices/cpi ;
- Fao.org, (2017). *Legislation – United Kingdom*. [online] Available at: <http://www.fao.org/forestry/country/30806/en/gbr/>

1.1.5. Risk determination

Overview of legal requirements

Legislation is at UK level, but this is generally implemented at regional (England/ Wales/ Scotland/ Northern Ireland) level.

The woodland area as of 2015 was 3.15 million hectares and represented 13% of the total land area in the UK: 10% in England, 15% in Wales, 18% in Scotland and 8% in Northern Ireland⁵. Of the total UK woodland area, 0.87 million hectares was owned or managed by the Forestry Commission (in England and Scotland), Natural Resources Wales (in Wales) or the Forest Service (in Northern Ireland). The total certified woodland area in the UK in 2015 was 1.38 million hectares, including all Forestry Commission/Natural Resources Wales/Forest Service woodland. Overall, 44% of the UK woodland area is certified. 10,000 ha of new woodlands were created in the UK in 2014-15, mostly with broadleaved species. 18,000 ha of woodlands were restocked in the UK in 2014-15, mostly with conifers. A total of 187 sites were served with a Statutory Plant Health Notice in 2014-15, requiring a total of 0.4 thousand hectares of woodland to be felled. Forest concessions do not exist in the UK.

Conifers account for around one half (51%) of the UK woodland area, although this proportion varies from around one quarter (26%) in England to around three quarters (74%) in Scotland. Sitka spruce accounts for around one half (51%) of the conifer area in Great Britain, followed by Scots pine (17%) and Larches (10%). Sitka spruce is less dominant in England, accounting for just one quarter (26%) of the conifer area there. The most commonly occurring broadleaved species in Great Britain are Birch (accounting for 18% of broadleaf woodland), Oak (16%) and Ash (12%). Birch is more dominant in Scotland, accounting for 43% of the broadleaf area there.

Most public sector woodland is owned by or managed by the Forestry Commission (FC) in England and Scotland, Natural Resources Wales (NRW) in Wales, or the Forest Service (FS)

⁵ Forestry Commission 2015 Statistics
(<http://www.forestry.gov.uk/website/forstats2015.nsf/LUContentsTop?openview&RestrictToCategory=1>)

in Northern Ireland. Woodland owned by local authorities, the Ministry of Defence, and other public sector bodies is included in 'private sector woodland'.

Typically, woodlands owned by family interests are a part of mixed estates or farms where there are many thousands of small and scattered woodlands. Based on agricultural censuses, it is estimated that there are around 60 000 farm woodland holdings of which about 50 000 are less than 10 hectares. Unlike parts of mainland Europe, the UK has relatively few holdings where both forestry and agriculture are run as an integrated business.

The UK has no truly natural forest⁶, but there are around 650,000 ha of semi-natural woodland – of which about 326,000 hectares (around 1.2% of land area) are identified as ancient semi-natural. This is mainly composed of broadleaved species, but includes the native pine forests of Highland Scotland. Timber production is usually the primary aim in the management of larger forests, but an increasingly wide range of objectives now exist – including biodiversity, amenity and investment.

In addition to national forestry policies and strategies of England, Scotland, Wales and Northern Ireland, the UKFS (UK Forestry Standard) provides a framework for the delivery of international agreements on sustainable forest management, alongside policies on implementation. The UKFS is the basis of forestry practice for the independent UK Woodland Assurance Standard (UKWAS).

- Both standards are being revised in 2016

Description of risk

The process for obtaining licenses for production and business, forest planting activities and forest harvesting is clear and transparent. This is independently corroborated by Transparency International and the World Bank:

- According to Transparency International's 2016 Corruption Perceptions Index, which measures perceived levels of public sector corruption in countries around the world using a score of 0-100 (where 0 is highly corrupt and 100 is completely clean). UK is ranked 10th out of 168 countries assessed. It scored a corruption index of 81, meaning it has a very low perception of corruption.
- The Worldwide Governance Indicators compiled by the World Bank show that the UK scored in the 94.2 percentile rank in 2015 with Rule of Law (93.75), Control of Corruption (94.23), Government Effectiveness (93.75), Voice & Accountability (92.12), Political Stability and Absence of Violence/Terrorism (62.38) and Regulatory Quality (98.56).

Cases of illegal felling are rare, but suspected cases are investigated, and prosecution may ensue (UK Forestry Standard (UKFS, <http://www.forestry.gov.uk/ukfs>), Forestry Commission. More information is included in section 3.1.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where

⁶ UKFS (<http://www.forestry.gov.uk/theukforestrystandard>)

law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.1.6. Risk designation and specification

Low risk

1.1.7. Control measures and verifiers

N/A

1.2. Concession licenses

Legislation regulating procedures for the issuing of forest concession licenses, including use of legal methods to obtain concession license. Especially bribery, corruption and nepotism are well-known issues in connection with concession licenses. The intent of this indicator is to avoid risk related to situations where organizations are obtaining concession licenses via illegal means such as bribery, or where organizations or entities that are not eligible to hold such rights do so via illegal means. Risk in this indicator relates to situations where due process has not been followed and the concession rights can therefore be considered to be illegally issued. The level of corruption in the country or sub-national region is considered to play an important role and corruption indicators (e.g., Corruption Perception Index, CPI) should therefore be considered when evaluating risks.

1.2.1. Applicable laws and regulations

N/A

1.2.2. Legal authority

N/A

1.2.3. Legally required documents or records

N/A

1.2.4. Sources of information

N/A

1.2.5. Risk determination

N/A

1.2.6. Risk designation and specification

N/A

1.2.7. Control measures and verifiers

N/A

1.3. Management and harvesting planning

Any legal requirements for management planning, including conducting forest inventories, having a forest management plan and related planning and monitoring, as well as approval of these by competent authorities. Cases where required management planning documents are not in place or are not approved by competent authorities should be considered. Low quality of the management

plan resulting in illegal activities may be a risk factor for this indicator as well.

1.3.1. Applicable laws and regulations

Management Planning:

England, Scotland and Wales:

- Forestry Act 1967 (as amended) (Part II)

Northern Ireland:

- Forestry Act (Northern Ireland) 2010 (Part 3)

Impact Assessments (including statutory consultation):

The following regulations govern afforestation, deforestation, forest road works and forest quarry works. There are separate regulations relating to drainage.

England and Wales:

- The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999 (SI 1999 No 2228, as amended by SI 2006 No 3106)

Northern Ireland:

- Environmental Impact Assessment (Forestry) Regulations (Northern Ireland) 2006 (SR 2006 No 518, as amended by SR 2007 No 355)

Scotland:

- The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 (SSI 1999 No 43)

1.3.2. Legal authority

- Forestry Commission (UK, England and Scotland), Natural Resources Wales or the Forest Service (Northern Ireland) are responsible for the implementation of the Regulations, and will advise applicants about their scope and whether there is likely to be a need for an EIA.

1.3.3. Legally required documents or records

- Management planning documentation
- Appropriate maps and records
- Documented environmental impact assessment or 'Appropriate Assessment' where such has been requested by the appropriate forestry authority (Sources of information used to describe, identify and evaluate risk, such as reports, laws, regulations, articles, web pages news articles etc.).

1.3.4. Sources of information

Government sources

- Gov.uk, (2013). *Guidance notes including CPET Guidance for the Growers of Timber in the UK*. [online] CPET. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32

[4795/CPET Growers Guide - Final Dec13.pdf](#)

- Gov.uk, (2017). *DEFRA Homepage*. [online] Available at: <https://www.gov.uk/government/organisations/departments-for-environment-food-rural-affairs>
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1.3.5. Risk determination

Overview of Legal Requirements

According to the UK Forestry Commission, woodland is defined in UK forestry statistics as land under stands of trees with a canopy cover of at least 20% (25% in Northern Ireland), or having the potential to achieve this.

Forest management plans are the key reference documents for monitoring and assessing forests and forestry practice in the UK. They define and communicate forest and woodland management proposals, set out how sustainable forest management is to be achieved and describe the consequences of management activities over time. (Further detail on the requirements for forest management plans can be found in the UK Forestry Standard (in

the sections dealing with General forestry practice) and from individual country websites).

The details required for a forest or woodland grant or felling application can provide the basis for the forest management plan. This basic plan will be appropriate for the majority of low-key and small-scale proposals, and provides an approach that is proportionate to the risks of the operations involved.

For extensive or sensitive areas, a more comprehensive approach is required. Additional information will need to be collected to ensure that all the relevant issues have been addressed. The most significant proposals may come under the Environmental Impact assessment (EIA) Regulations, and will require comprehensive analysis.

Proposals for new planting, deforestation, and the construction of forest roads and quarries come under the forestry provisions of the EU Environmental Impact Assessment (EIA) Regulations. Forestry proposals that may have significant environmental impacts will require an EIA before approval is granted. If an EIA is required, the applicant must prepare a comprehensive forest management plan, together with an exploration of the potential environmental impacts. The applicant must submit an Environmental Statement to the forestry authority, and this and the EIA will be made available to the public and to the various statutory environmental authorities.

Restocking: There is a presumption against the removal of woodland and the loss of forest cover in the UK, felling approval is normally granted subject to restocking. Restocking is required as a policy priority. The Forestry Commission may serve a Restocking Notice, which requires restocking and establishment to take place.

Description of Risk

The forestry authorities make provision for anybody to comment on forestry proposals before a decision is reached. The mechanisms for doing this vary across England, Scotland, Wales and Northern Ireland, and with the significance and extent of the proposal. Consultation is extensive where an Environmental Impact Assessment is involved. This shows evidence of full and transparent stakeholder consultation, particularly where sites are most sensitive.

Regular, robust and transparent reporting is essential to assessing the risk level of management and harvesting planning. The UK is committed to international agreements on sustainable forest management and these require countries to report at intervals of about five years on indicators developed by the Global Forest Resources Assessment (GFRA) and Forest Europe (formerly the Ministerial Conference on the Protection of Forests in Europe). These indicators show the extent and condition of forests and woodlands, together with environmental, social and economic aspects of sustainable forest management.

A range of mechanisms provides data for this monitoring and reporting. For indicators concerned with UK forests, the national forest inventories, where the total forest and woodland resource is assessed. Additional data are provided by a range of research plots across the UK that are used for environmental monitoring (<http://www.forestry.gov.uk/environmentalresearch/level2>). Aspects covered include biodiversity, forest health, air pollution and climate change.

The Forestry Commission has a digital base map for all woodlands over 0.5 hectares, as part of the National Forest Inventory. A sample survey, based on the digital map, is undertaken for these woodlands and data collected on species, structure, timber potential,

and a range of environmental attributes.

England and Scotland:

The Public Registers can be found on the Forestry Commission website for England and Scotland at: www.forestry.gov.uk/publicregister as follows

- Grant scheme and felling applications: This Register details grant applications to carry out new planting, or other forestry work, and any felling included in the grant application. If only felling is proposed, details from the felling licence are published. A map displaying the boundary or location of the proposals can also be viewed.
- Environmental Impact Assessments

England:

- The Forestry Commission England Headline Indicators Report for year to 31 December 2015 recorded that 99.90% of known tree felling was carried out with Forestry Commission approval. This high level of compliance with the Forestry Act is a strong indicator of legislative awareness.

Wales:

- Natural Resource Wales provides Public Registers as follows (<http://naturalresources.wales/forestry/tree-felling-and-other-regulations/public-register/?lang=en>) :
- Felling licence register: gives a short summary of the applications received for a licence to fell growing trees
- Forest resource plans: a core management document used on the Welsh Government's Woodland Estate.
- Environmental Impact Assessments

Northern Ireland:

- Natural Resource Wales provides and EIA Public Registers as follows: <https://www.dardni.gov.uk/articles/environmental-impact->

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.3.6. Risk designation and specification

Low risk

1.3.7. Control measures and verifiers

N/A

1.4. Harvesting permits

Legislation regulating the issuing of harvesting permits, licenses or other legal document required for specific harvesting operations. It includes the use of legal methods to obtain the permit. Corruption is

a well-known issue in connection with the issuing of harvesting permits. Risk relates to situations where required harvesting is carried out without valid permits or where these are obtained via illegal means such as bribery. In some areas, bribery may be commonly used to obtain harvesting permits for areas and species that cannot be harvested legally (e.g., protected areas, areas that do not fulfil requirements of minimum age or diameter, tree species that cannot be harvested, etc.). In cases where harvesting permits classify species and qualities to estimate fees, corruption and bribery can be used to classify products that will result in a lower fee. The level of corruption in a country or sub-national region is considered to play an important role and corruption indicators should therefore be considered when evaluating risks. In cases of illegal logging, harvesting permits from sites other than the actual harvesting site may be provided as a false proof of legality with the harvested material.

1.4.1. Applicable laws and regulations

- Regulatory Reform (Forestry) Order 2006
- Criminal Justice Act 1982
- Habitats and Species Regulations (2010)
- Wildlife and Countryside (amendment) Act 1985

Felling licences:

- Forestry Act 1967 (as amended) (part II)
- The Forestry (Felling of Trees) Regulations 1979 (SI 1979 No 791, as amended by SI 1987 No 632 and, for England and Wales, SI 2002 No 226)
- The Forestry (Exceptions from Restriction of Felling) Regulations 1979 (SI 1979 No 792, as amended by SI 1998 No 603)
- The Forestry (Modification of Felling Restrictions) Regulations 1985 (SI 1985 No 1958)

Scotland:

- Nature Conservation (Scotland) Act 2004

Northern Ireland:

- Forestry Act (Northern Ireland) 2010 (Part 3)
- The Forestry (Felling of Trees) (Calculation of the Area of Land) Regulations (Northern Ireland) 2013 (SR 2013 No 137)
- The Forestry (Felling of Trees) Regulations (Northern Ireland) 2013 (SR 2013 No 139)

Other controls on felling:

- Felling without a licence may be required by statutory notices served under plant health legislation, principally The Plant Health (Forestry) Order 2005 (SI 2005 No 2517, as amended) and The Plant Health Order (Northern Ireland) 2006 (SR 2006 No 82, as amended).
- There are also a number of other laws which give local authorities and other statutory bodies the right to control felling of trees, for example the Planning Act (Northern Ireland) 2011 (as amended) and The Planning (Trees) Regulations (Northern Ireland) 2015 (SR 2015 No 84).
- Tree Preservation Orders (TPOs) are made by the Local Planning Authority, usually a local council or National Park, in order to protect specific trees and woodland from

deliberate damage and destruction. No felling, topping, lopping or uprooting of trees can be carried out without the permission of the Local Planning Authority.

Bribery:

- Bribery Act 2010 (as amended)

1.4.2. Legal authority

- Forestry Commission (UK, England and Scotland), Natural Resources Wales or the Forest Service (Northern Ireland)
- Local Planning Authority

1.4.3. Legally required documents or records

- Felling Licences
- Management Plans

1.4.4. Sources of information

Government sources

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- Gov.uk, (2017). *DEFRA Homepage*. [online] Available at: <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>
- Government reports and assessments of compliance with related laws and regulations
- Chatham House, (2017) *Illegal-logging Portal*. [online] Available at: <http://www.illegal-logging.info/>
- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
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- Forestry Commission, (2015). *Corporate Plan Performance Indicators and Woodland Indicators 2015*. [online] Forestry Commission. Available at: [https://www.forestry.gov.uk/pdf/FC-England-Indicators-Report-20152.pdf/\\$file/FC-England-Indicators-Report-20152.pdf](https://www.forestry.gov.uk/pdf/FC-England-Indicators-Report-20152.pdf/$file/FC-England-Indicators-Report-20152.pdf)
- Forestry Commission, (2017). *2015 Forestry Statistics*. [online] Available at: <https://www.forestry.gov.uk/website/forstats2015.nsf/LUContentsTop?openview&RestrictToCategory=1>

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Non-Government sources

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- Public summaries of FSC forest management certification reports published at info.fsc.org (information on legal areas where non compliances have been identified during the certification process that are likely to be common for non-certified operations)
- Ukwass.org.uk, (2016). The UK Woodland Assurance Standard. Fourth edition (draft). [online] UKWAS. Available at: <http://ukwas.org.uk/wp-content/uploads/2016/02/UKWAS-4-Pre-approval-Consultation-Draft-15.02.16.doc>
- Ic.fsc.org, (2017). FSC Risk Assessments. [online] Available at: <https://ic.fsc.org/en/what-is-fsc-certification/controlled-wood/risk-assessments>

1.4.5. Risk determination

Overview of Legal Requirements

The Forestry Act 1967 conveys wide powers to control felling and provide assistance to promote the interests of forestry, the development of afforestation, and the production and supply of timber in Great Britain. The Forestry act was amended by the Wildlife and Countryside (amendment) Act 1985 and, in Scotland, by the nature Conservation (Scotland) Act 2004 to take account of wider environmental considerations and to incorporate the concept of 'a reasonable balance' between the interests of forestry and the environment. In Northern Ireland, the Forestry Act (Northern Ireland) 2010 conveys wide powers to promote afforestation and sustainable forestry, to protect the environment and to promote recreational use. There are also powers to regulate felling.

Under the Forestry Act, it is illegal to fell trees without prior approval, although there are exceptions for trees below a specified size, dangerous trees, and very small-scale felling operations. Cases of illegal felling are rare, but suspected cases are investigated, and prosecution may ensue. Where trees are subject to designations, for example on Sites of Special Scientific Interest, the consent of the relevant statutory authorities is required for management activity. The fines and sanctions for the illegal felling of trees are laid out in the Forestry Act 1967 (as amended). The Criminal Justice Act 1982 made provision to increase the level of fine when it introduced the standard scale of fines for summary offences. The Forestry Act 1967 was also amended by the Regulatory Reform (Forestry) Order 2006. This amendment now enables the Forestry Commissioners the option of serving a Restocking Notice on a person who appears to the Commissioners to have committed an offence of felling without a licence.

The permanent removal of trees may be sanctioned if there are overriding environmental considerations, for example to allow the restoration of important habitats. The removal of trees may also take place to enable development, authorised under the planning

regulations, to proceed. As deforestation is involved, an Environmental Impact Assessment is likely to be required.

A felling licence gives the owner the legal authority to proceed on the basis of the discrete operational area and activity involved. The licence requires the applicant to submit a range of information and to exercise good forestry practice.

The Town and Country Planning acts do not apply to forestry activities themselves, as they are not defined as 'development'. The exception is where development, for example housing, is proposed on a woodland site, in which case the planning procedures apply. Local authorities (in northern Ireland, the Planning Service of the department of the Environment) can apply Tree Preservation orders (TPOs) and designate Conservation areas to protect trees that are important in the landscape. Owners are notified of these designations. Local authorities may apply planning conditions to protect existing trees or plant new ones as part of the development consent. They may also enter into 'planning gain' agreements for additional woodland creation or protection. In areas with landscape designations, forest roads and quarries that do not form part of an approved afforestation scheme may be subject to planning controls. Areas of woodland are material considerations in the planning process and may be protected in local authority area plans. These plans pay particular attention to woods listed on the ancient Woodland Inventory and areas identified as Sites of Local nature Conservation Importance (SLnCIIs).

England and Wales:

European Protected Species (EPS): An EPS mitigation licence may be required from Natural England or Natural Resources Wales under the Habitats and Species Regulations (2010) if felling operations could adversely affect any EPS. The majority of felling operations will however be able to proceed without a mitigation licence even in the presence of EPS, providing that good practice guidance is followed. Species include all 17 Bat Species, Dormouse, Great Crested Newt, Otter, Sand Lizard and Smooth Snake.

Northern Ireland:

In Northern Ireland, a felling management plan will be an integral part of a felling licence under the Forestry Act (Northern Ireland) 2010.

From 17 June 2013, owners of private woodlands of 0.2 hectares or more need a licence to fell trees, and are required to re-establish the woodland under an approved felling management plan. Applications are assessed against legal requirements, forestry standards and best practice guidance.

Description of Risk

All felling carried out in England, Wales and Scotland without either a felling licence or other permission is a criminal offence, unless it is covered by a recognized exemption.

In England, the Land Information Search (LIS) shows whether a felling licence has been obtained for the area being felled (<http://www.forestry.gov.uk/forestry/infd-6dfkmm>). LIS for Scotland: http://map.environment.scotland.gov.uk/landinformationsearch/lis_map.html

Cases of illegal felling are investigated. For example:

- The number of restocking and enforcement notices relating to illegal tree felling are shown in the UK Parliament website for England from 2004 to 2014

(<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140910/text/140910w0001.htm>). The Forestry Commission does not hold records for the number of trees that are illegally felled because it is the volume of licensable timber that is the key consideration in whether any action may be taken. In 2013/14 however, 99.91% of licensable tree felling was carried out with Forestry Commission approval. It is assumed that this level of legal tree felling would be broadly similar throughout the UK due to the similarity of regulations and enforcement.

- The 2015 investigation into unauthorised tree felling at Dyke and Forsinain Forests, near Forsinard, Caithness in Scotland (<http://scotland.forestry.gov.uk/supporting/grants-and-regulations/felling-licences/penalties>)
- In Wales, there are 100 reports of suspected illegal tree felling every year, either from members of the public or from other organisations. This results in between 10 and 20 proven cases of illegal felling, which can lead to prosecution under breaches of one or more articles of forestry legislation. (<http://naturalresources.wales/forestry/tree-felling-and-other-regulations/report-suspected-illegal-tree-felling/?lang=en>)

The minimum levels of UKFS assurance provided by a felling licence will be confined to the discrete operational area and defined as:

- Environmental suitability to the site
- Conservation of high-value habitats and protected sites
- Protection of society values and the provision of opportunities for public comment
- Protection of the forest area through a replanting condition

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.4.6. Risk designation and specification

Low risk

1.4.7. Control measures and verifiers

N/A

TAXES AND FEES

1.5. Payment of royalties and harvesting fees

Legislation covering payment of all legally required forest harvesting specific fees such as royalties, stumpage fees and other volume based fees. It also includes payments of the fees based on correct classification of quantities, qualities and species. Incorrect classification of forest products is a well-known issue often combined with bribery of officials in charge of controlling the classification.

1.5.1. Applicable laws and regulations

N/A

1.5.2. Legal authority

N/A

1.5.3. Legally required documents or records

N/A

1.5.4. Sources of information

N/A

1.5.5. Risk determination

N/A

1.5.6. Risk designation and specification

N/A

1.5.7. Control measures and verifiers

N/A

1.6. Value added taxes and other sales taxes

Legislation covering different types of sales taxes, which apply to the material being sold, including selling material as growing forest (standing stock sales). Risk relates to situations where products are sold without legal sales documents or far below market price resulting in illegal avoidance of taxes.

1.6.1. Applicable laws and regulations

- Value Added Tax Act 1994 (only for VAT registered businesses)

1.6.2. Legal authority

- Her Majesty's Revenue and Customs (HMRC)

1.6.3. Legally required documents or records

- VAT returns
- Sales documents and receipts
- VAT-registered businesses must keep records of sales and purchases for at least 6 years

(or 10 years if you the VAT MOSS service is used.

- Accountancy records must be kept for all goods bought and sold

1.6.4. Sources of information

Government sources

- Her Majesty's Revenue and Customs (HMRC).
<https://www.gov.uk/government/organisations/hm-revenue-customs>
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Non-Government sources

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[http://www.forestry.gov.uk/pdf/IPD_UK_Forestry_Index_2013_final.pdf/\\$FILE/IPD_UK_Forestry_Index_2013_final.pdf](http://www.forestry.gov.uk/pdf/IPD_UK_Forestry_Index_2013_final.pdf/$FILE/IPD_UK_Forestry_Index_2013_final.pdf)
- Confor.org.uk, (2017). *This is Confor*. [online] Available at:
<http://www.confor.org.uk/AboutUs/Default.aspx?pid=151>

1.6.5. Risk determination

Overview of Legal Requirements

Government revenue is collected from the domestic production and trade of forest products and services. Goods include roundwood; sawnwood; biomass; woodbased panels; pulp and paper and non-wood forest products. In 2010, forest revenue was GDP 170,000 the majority of which comes from public forests.

([http://www.forestry.gov.uk/pdf/FRA2015UKfinaldraft.pdf/\\$FILE/FRA2015UKfinaldraft.pdf](http://www.forestry.gov.uk/pdf/FRA2015UKfinaldraft.pdf/$FILE/FRA2015UKfinaldraft.pdf))

Income from timber sales in the UK is free of Income and Corporation Tax and growing timber is exempt from Capital Gains Tax. After two years of ownership, commercial woodlands qualify for 100% Business Property Relief from Inheritance Tax (IPD UK Annual Forestry Index, 2013).

More detail is available from HMRC or Confor

Description of Risk

According to Transparency International's 2016 Corruption Perceptions Index, which measures perceived levels of public sector corruption in countries around the world using a score of 0-100 (where 0 is highly corrupt and 100 is completely clean). UK is ranked 10th out of 168 countries assessed. It scored a corruption index of 81, meaning it has a very low perception of corruption.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where

law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.6.6. Risk designation and specification

Low risk

1.6.7. Control measures and verifiers

N/A

1.7. Income and profit taxes

Legislation covering income and profit taxes related to the profit derived from sale of forest products and harvesting activities. This category is also related to income from the sale of timber and does not include other taxes generally applicable for companies or related to salary payments.

1.7.1. Applicable laws and regulations

- Income Tax Act 2007
- Taxation of Chargeable Gains Act 1992
- Inheritance Tax Act 1984
- Corporation Tax Act 2010

Northern Ireland

- Corporation Tax (Northern Ireland) Act 2015

1.7.2. Legal authority

- HMRC (HM Revenue & Customs)

1.7.3. Legally required documents or records

- The usual documents of a commercial business such as separate bank account, VAT returns, accounts, etc.

1.7.4. Sources of information

Government sources

- Her Majesty's Revenue and Customs (HMRC).
<https://www.gov.uk/government/organisations/hm-revenue-customs>
- Forestry Commission, (2017). *Homepage*. [online] Available at: www.forestry.gov.uk

Non-Government sources

- Confor.org.uk, (2017). *This is Confor*. [online] Available at:
<http://www.confor.org.uk/AboutUs/Default.aspx?pid=151>

1.7.5. Risk determination

Overview of Legal Requirements

According to Confor (<http://www.confor.org.uk/AboutUs/Default.aspx?pid=151>) , the

principal forms of taxation affecting commercial woodlands in the UK are:

- Income/Corporation Tax
- Capital Gains Tax (CGT)
- Inheritance Tax (IHT)
- Value Added Tax (VAT)

The key features of each are summarised as follows:

Income Tax:

- No Income or Corporation Tax on the occupation of, or timber income from, commercial woodlands.
- Profits from the sales of timber are tax free, rents and other revenue receipts from woodlands are liable to Income Tax.
- No relief from Income Tax is given for expenditure incurred in commercial woodlands.

Capital Gains Tax (CGT):

Special provision is made for commercial woodlands under CGT legislation such as:

- CGT is not payable on the gain in value attributable to the trees; only the increase in value of the underlying land is assessable.
- Roll-over relief is available when qualifying business assets are replaced, but this relief only applies to the land and capital works.
- Non-commercial woodlands are subject to normal CGT rules.

Inheritance Tax (IHT):

- Commercial woodlands currently attract 100% business property relief provided the transferor has owned the "relevant business property" for a minimum of two years immediately before the transfer.
- Heritage Relief -woodlands may qualify for the conditional exemption from IHT which is available for assets of national heritage quality e.g. land of outstanding scenic, historic or scientific interest.

Value Added Tax (VAT):

- Those registered for VAT must charge VAT on all timber sales.
- Those not currently providing any taxable supplies, but intending to do so at a later date, may register for VAT as an "intended trader".
- Standard rate VAT is currently chargeable for fuelwood sold to a wholesaler. A lower rate of 5% is chargeable if fuelwood is sold to the general public for domestic use.

Commercial Woodlands:

There is no definition of commercial woodlands. They are best described as woodlands which are "managed on a commercial basis with a view to the realisation of profits." There should be evident intent to make profits - income or capital - and the usual attributes of a commercial business.

Description of Risk

According to Transparency International's 2016 Corruption Perceptions Index, which measures perceived levels of public sector corruption in countries around the world using a score of 0-100 (where 0 is highly corrupt and 100 is completely clean). UK is ranked 10th out of 168 countries assessed. It scored a corruption index of 81, meaning it has a very low perception of corruption.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.7.6. Risk designation and specification

Low risk

1.7.7. Control measures and verifiers

N/A

TIMBER HARVESTING ACTIVITIES

1.8. Timber harvesting regulations

Any legal requirements for harvesting techniques and technology including selective cutting, shelter wood regenerations, clear felling, transport of timber from felling site and seasonal limitations etc. Typically this includes regulations on the size of felling areas, minimum age and/or diameter for felling activities and elements that shall be preserved during felling etc. Establishment of skidding or hauling trails, road construction, drainage systems and bridges etc. shall also be considered as well as planning and monitoring of harvesting activities. Any legally binding codes for harvesting practices shall be considered.

1.8.1. Applicable laws and regulations

N/A (No legal controls on 'harvesting techniques and technology', apart from on machinery (health and safety), haulage (legal weight limits), and infrastructure development. There are no codes for harvesting practices that are legally binding, although felling licences would be conditional on conformance to UKFS.)

1.8.2. Legal authority

- Forestry Commission (UK, England and Scotland),
- Natural Resources Wales or the Forest Service (Northern Ireland)
- The statutory authorities responsible for archaeology and the historic environment are English Heritage, Cadw in Wales, Historic Scotland and the Northern Ireland Environment agency
- Local authorities

1.8.3. Legally required documents or records

N/A

1.8.4. Sources of Information

Government sources

- Forestry Commission.
- Natural Resources Wales and the Forest Service (Northern Ireland)

1.8.5. Risk determination

N/A

1.8.6. Risk designation and specification

N/A

1.8.7. Control measures and verifiers

N/A

1.9. Protected sites and species

International, national, and sub national treaties, laws, and regulations related to protected areas allowable forest uses and activities, and/or, rare, threatened, or endangered species, including their habitats and potential habitats. Risk relates to illegal harvesting within protected sites, as well as illegal harvest of protected species. Note that protected areas may include protected cultural sites, including sites with historical monuments.

1.9.1. Applicable laws and regulations

- Convention on Biological Diversity (The UK signed the Convention on Biological Diversity in 1992).
- The Ancient Monuments and Archaeological Areas Act 1979

England and Wales:

- National Parks and Access to the Countryside Act 1949
- Wildlife and Countryside Act 1981, as amended
- The Hedgerows Regulations 1997
- Natural Environment and Rural Communities Act 2006 (the NERC act)
- Countryside and Rights of Way Act 2000 (CRoW) (Chapter II)
- The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations)
- Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, as amended

Northern Ireland:

- Nature Conservation and Amenity Lands (Northern Ireland) Order 1985
- Environment (Northern Ireland) Order 2002, Part IV
- Wildlife (Northern Ireland) Order 1985
- Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995, as amended (Habitats Directive)
- Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995

Scotland:

- Environmental Regulation (Enforcement Measures)(Scotland) Order 2015
- Regulatory Reform (Scotland) Act 2014
- Nature Conservation (Scotland) Act 2004
- Environmental Liability (Scotland) Regulations 2009

1.9.2. Legal authority

- Forestry Commission (UK, England and Scotland), Natural Resources Wales or the Forest Service (Northern Ireland)
- Natural England
- Scottish Natural Heritage (SNH)

- Natural Resources Wales.
- Northern Ireland Department of Environment
- Ramsar
- The Joint Nature Conservation Committee (JNCC)
- RSPB

1.9.3. Legally required documents or records

- Condition statements from statutory bodies
- Planning documentation shows how areas will be safeguarded and/or enhanced
- Monitoring records relating to protected sites and species
- Approval of forest plan by the relevant forestry authority
- Management plans for statutory conservation areas and monitoring of implementation of those plans
- Approval of forest plan by the relevant forestry authority

1.9.4. Sources of Information

Government sources

- The Joint Nature Conservation Committee, (2017). *UK SAC/SCI sites summary*. [online] Available at: <http://www.jncc.gov.uk/page-1456>
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- Natural Resources Wales, (2017). *Sites of special scientific interest*. [online] Available at: <http://naturalresources.wales/conservation-biodiversity-and-wildlife/find-protected-areas-of-land-and-seas/sites-of-special-scientific-interest-sssis/?lang=en>
- Northern Ireland Department of Environment, (2017). *Areas of special scientific interest*. [online] Available at: <https://www.daera-ni.gov.uk/topics/land-and-landscapes/areas-special-scientific-interest>
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Non-Government sources

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- Ukwass.org.uk, (2016). The UK Woodland Assurance Standard. Fourth edition (draft). [online] UKWAS. Available at: <http://ukwas.org.uk/wp-content/uploads/2016/02/UKWAS-4-Pre-approval-Consultation-Draft-15.02.16.doc>

1.9.5. Risk determination

Overview of Legal Requirements

The UK has a responsibility to ensure the conservation and enhancement of habitats and species in both a national and international context. One approach to achieving this is the establishment of a system of protected sites. The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation.

Convention on Biological Diversity: The 'Fourth National Report to the United Nations Convention on Biological Diversity: United Kingdom' provides an overall positive analysis of the UK's efforts to protect and increase biodiversity.

The UK Biodiversity action Plan (UKBaP) lists priority habitats and species; those associated with woodland include wood pasture and parkland. Delivery against the UKBaP is through strategies and plans at country and local levels.

A significant proportion of woodland and associated habitats is designated or has other legal protection. The UKFS sets out these statutory requirements together with requirements of good forest practice to ensure the status of priority habitats and species is protected or enhanced. These considerations will apply both within woodland and to the potential effects of new woodland on existing habitats. However, duties to further the conservation of biodiversity apply more generally and all forests have an important function in this respect.

The Countryside and Rights of Way (CROW) Act (2000) places a responsibility on

Government to take reasonably practicable steps to further the conservation of priority habitats and species. These include the 6 Habitat Action Plan types for native woodland which occur in England and at least 67 associated Species Action Plans. 'Conservation' is explicitly defined in the Act as including both restoration and enhancement of the habitat or population.

The Ancient Monuments and Archaeological Areas Act 1979 in Great Britain and the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995, provide the legal basis for protecting historic environment heritage in the UK. Consent is required from the relevant historic environment authority for any work on a Scheduled Monument site that has the potential to damage the monument. Causing unauthorised damage can lead to criminal prosecution.

Historic landscape character: Policies have been developed to reflect the importance of historic character and protect important landscapes. Many areas have special designations and some may have locally-specific policies that apply in addition to those accompanying the designation.

Birds Directive 2009/147/EC Provides a framework for the conservation and management of wild birds in Europe. The directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species.

Four terrestrial eco-regions have been identified in the UK:

- English Lowlands Beech Forests (PA0421)
- Celtic Broadleaf Forests (PA0409)
- Caledon Conifer Forests (PA0503)
- North Atlantic Moist Mixed Forests (PA0429). PA0421, PA0409 and PA0503 have been classified as 'Critical/Endangered', PA0429 has been categorised as 'Vulnerable'.

Biodiversity Hotspots - Conservation International have not identified any Biodiversity Hotspots in the UK.

High Biodiversity Wilderness Areas - Conservation International have not identified any regions in the UK as High Biodiversity Wilderness Areas.

Global 200 Ecoregions - No forest or woodland areas in the UK have been identified as Global 200 Ecoregions.

Intact Forest Landscapes - Greenpeace have not identified any Intact Forest Landscapes in the UK.

Centres of Plant Diversity - No Centres of Plant Diversity have been identified in the UK by the World Conservation Union (IUCN).

UK Biodiversity Action Plan - 65 habitats have been in the UK have been listed as priorities for conservation under the UK Biodiversity Action Plan.

Sites of Special Scientific Interest (SSSIs) (England, Scotland and Wales) and Areas of Special Scientific Interest (ASSIs) (Northern Ireland) 4129 SSSIs have been identified in England, 1425 in Scotland and 1019 (as at 2012) in Wales. 422 ASSIs have been identified in Northern Ireland.

Areas of Outstanding Natural Beauty (AONBs) (England, Wales, Northern Ireland) and National Scenic Areas (NSAs) (Scotland): 46 sites have been designated as AONBs in England, Wales and Ireland. Natural England (NE), the Countryside Council for Wales (CCW) and Environment Agency Northern Ireland (EANI) are responsible for formally designating AONBs and advising on policies for their protection. NE, CCW and EANI act as national “watchdogs” over AONBs, to ensure that they are successfully conserved and enhanced. 40 sites in Scotland have been designated as National Scenic Areas.

- Special Areas of Conservation (SACs)/Sites of Community Importance (SCIs): 652 sites have been designated as SACs, SCIs or cSACs in the UK
- Classified and Potential Special Protection Areas (SPAs): 270 sites in the UK have been designated as classified SPAs.
- Ramsar: Wetlands of International Importance: 170 Ramsar sites have been identified in the UK mainland.
- Important Bird Areas (IBAs) 287 IBAs (as at 2012) have been identified in the UK mainland.

(Note: Except where specified all above figures are from 2015)

Description of Risk

Designated nature sites and areas of countryside can be identified through the Gov.UK website (<https://www.gov.uk/check-your-business-protected-area>) so it can be ascertained whether forestry operations are being carried out in a designated site. Cases of illegal harvesting within protected sites, as well as illegal harvest of protected species are not prevalent and laws relating to protected areas and species are largely observed.

Scotland:

The Regulatory Reform (Scotland) Act 2014 (RR(S) Act) enabled Scottish Ministers to give SEPA (Scottish Environmental Protection Agency) the power to impose fixed and variable monetary penalties and to accept enforcement undertakings (the new enforcement measures). The overall aim of the new enforcement measures is to deter and discourage offending by punishing those who damage the environment and undermine legitimate businesses in Scotland. Being able to tackle non-compliance at an earlier stage - before it becomes entrenched –is viewed as a major benefit. It is anticipated that these new measures will be implemented from summer 2016

Site Condition Monitoring is Scottish Natural Heritage's programme for monitoring the condition of nature conservation features of special interest on designated sites in Scotland. The purpose of Site Condition Monitoring is to determine the condition of the designated natural feature within a site. This is to establish whether the natural feature is likely to maintain itself in the medium to longer term under the current management regime and wider environmental or other influences. Specific site results can be found on here: <http://www.environment.scotland.gov.uk/get-interactive/data/protected-nature-sites/>.

Forestry operations are not among the highest pressures listed on nature conservation and risks are limited.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where

law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.9.6. Risk designation and specification

Low risk

1.9.7. Control measures and verifiers

N/A

1.10. Environmental requirements

National and sub-national laws and regulations related to the identification and/or protection of environmental values including but not limited to those relating to or affected by harvesting, acceptable level for soil damage, establishment of buffer zones (e.g. along water courses, open areas, breeding sites), maintenance of retention trees on felling site, seasonal limitation of harvesting time, environmental requirements for forest machineries, use of pesticides and other chemicals, biodiversity conservation, air quality, protection and restoration of water quality, operation of recreational equipment, development of non-forestry infrastructure, mineral exploration and extraction, etc... Risk relates to systematic and/or large-scale non-compliance with legally required environmental protection measures that are evident to an extent that threatens the forest resources or other environmental values.

1.10.1. Applicable laws and regulations

- Environmental Liability Directive (2004/35/EC)
- Part III of the Food and Environment Protection Act (FEPA) 1985
- Control of Pesticides (Amendment) Regulations (COPR) 1997
- Code of practice for using plant protection products (Defra, 2006), the Code of practice for suppliers of pesticides to agriculture, horticulture and forestry (commonly referred to as the 'Yellow code') (MAFF, 1998), and the Agricultural Information Sheet AIS16 Guidance on storing pesticides for farmers and other professional users (HSE, 2003).
- Control of Pesticide Regulations 1997(COPR).
- Control of Pesticides Regulations 1986
- The Plant Protection Products (Basic Conditions) Regulations 1997.
- Dangerous Substances (Notification and Marking of Sites) Regulations 1990.
- Electricity at Work Regulations 1989.
- Environmental Protection (Duty of Care) Regulations 2003.
- Health and Safety (First Aid) Regulations 1981.
- Health and Safety (Safety Signs and Signals) Regulations 1996.
- Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972.
- Personal Protective Equipment at Work Regulations 1992.
- Producer Responsibility Obligations (Packaging Waste) Regulations 2002.
- Poisons Act 1972.

- Poisons List Order 2002.
- Poisons Rules 1982.
- Special Waste Regulations 1996.
- The Control of Substances Hazardous to Health (COSHH) 2002.
- Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) Regulations 2002
- The Agricultural or Forestry Tractors (Emission of Gaseous and Particulate Pollutants) and Tractor etc (EC Type-Approval) (Amendment) Regulations 2015
- Waste Management Licensing Regulations 1994
- Water Environment (Water Framework directive) (England and Wales) Regulations 2003,
- Water Environment (Water Framework directive) (Northumbria River Basin district) Regulations 2003
- Water Environment (Water Framework directive) (Solway Tweed River Basin district) Regulations 2004

England

- Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (ED Regulations)

Northern Ireland

- Waste Management Licensing Regulations (Northern Ireland) 2003 Amended
- Water Environment (Water Framework directive) Regulations (Northern Ireland) 2003
- Water (northern Ireland) order 1999 (including amendments up to 2004)
- Control of Pesticides (Amendment) Regulations (Northern Ireland) 1997

Scotland

- Water Environment and Water Services (Scotland) act 2003
- Water Environment (Controlled activities) (Scotland) Regulations 2005
- Water Environment (diffuse Pollution) (Scotland) Regulations 2008

1.10.2. Legal authority

- DEFRA
- Health and Safety Executive (HSE)
- Vehicle Certification Agency (VCA)
- British Agrochemical Standards Inspection Scheme (BASIS)
- Environment Agency (EA) in England and Wales, or the Scottish Environmental Protection Agency (SEPA) and Scottish Water in Scotland
- Local Authorities

1.10.3. Legally required documents or records

- Control of Substances Hazardous to Health (COSHH) assessments
- FEPA records
- Pesticide policy
- Operators are trained and competent, and hold pesticide operator certification

1.10.4. Sources of information

Government sources

- Natural England, (2011). *Enforcement Guidance*. [online] Natural England. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf
- Gov.uk, (2016). *Enforcement laws: advice on protecting the natural environment in England*. [online] Available at: <https://www.gov.uk/guidance/enforcement-laws-advice-on-protecting-the-natural-environment-in-england>
- Environment Agency, (2008). *Enforcement and sanctions statement*. [online] Environment Agency. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389348/LIT_5197.pdf
- Criminal Justice Inspection Northern Ireland (CJI), (2015). A Review of the Northern Ireland Environment Agency's Environmental Crime Unit. [online] Criminal Justice Inspection Northern Ireland. Available at: <http://www.cjini.org/CJNI/files/77/776ee5fc-b3c0-4759-8fbe-18a72a8f31e5.pdf>
- Vehicle Certification Agency (VCA), (2017). Type Approval and OECD for Agricultural and Forestry Tractors. [online] Available at: <http://www.dft.gov.uk/vca/vehicletype/agricultural-forestry-tractors.asp>
- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
- Forestry Commission, (2017). *Homepage*. [online] Available at: www.forestry.gov.uk
- Forestry Commission, (2017) *The UK Forestry Standard*. [Online] Available at: <https://www.forestry.gov.uk/ukfs>

Non-Government sources

- Coxall, M., Hardacre, E. and Chance, C. (2015). Environmental law and practice in the UK (England and Wales): overview. [online] Thomas Reuters Practical Law. Available at: <http://uk.practicallaw.com/6-503-1654?source=relatedcontent#a460037>

1.10.5. Risk determination

Overview of Legal Requirements

The Environmental Liability Directive (2004/35/EC) establishes a common framework for

liability with a view to preventing and remedying damage affecting the land, including damage to animals, plants, natural habitats and water resources. The main objectives include the application of the 'polluter pays' principle. It requires those responsible for the most significant cases of environmental damage to take immediate action to prevent the damage occurring and to put right damage where it does occur. Environmental liability applies alongside any prosecution for criminal offences.

Control of Pesticides Regulations 1986 (as amended) provide details of pesticides subject to control and prescribe approvals required for supply, storage and use, including aerial application. Users are required to take all reasonable precautions to protect the health of humans, animals and plants, safeguard the environment and, in particular, avoid the pollution of water.

Waste management regulations apply to sewage sludge and other waste materials (such as waste soil, bark, wood or other plant material) that may be applied to forest or other soils and any operations involving the above must be registered with the regulatory authority.

The storage of pesticides is strictly controlled by the legislation contained in Part III of the Food and Environment Protection Act (FEPA) 1985. In addition, the Control of Pesticides (Amendment) Regulations (COPR) 1997 require that the storage of pesticides is subject to all reasonable precautions being taken to protect people, animals, plants and the environment.

The forest industry must be able to demonstrate to regulators such as the Health and Safety Executive (HSE) that it complies with current legislation. It must also conform to the requirements of the British Agrochemical Standards Inspection Scheme (BASIS), an independent registration, standards and certification scheme set up by Government to establish and assess standards in the pesticide industry relating to storage, transport and competence of staff.

In England, Wales and Northern Ireland it is an offence to cause or knowingly permit the entry of poisonous, noxious or polluting material into any controlled waters.

In Scotland, it is an offence to carry out, or to cause or permit others to carry out, any controlled activity unless that controlled activity is authorised and carried out in accordance with that authorisation. Authorisation is given under the Water Environment (Controlled activities) (Scotland) Regulations 2005(as amended) subject to General Binding Rules for specific activities, such as operating any vehicle, plant or equipment for certain purposes, the storage and application of fertiliser, the construction and maintenance of water-bound roads and tracks, and the discharge of water run-off via a surface water drainage system to the water environment.

In England and Wales, it is an offence to fail to meet the requirements of a Water Protection Zone, as specified under the Water Resources act 1991 (amendment) (England and Wales) Regulations 2009. There is also a requirement to abide by any Work notices issued to polluters to restore water quality and prevent damage to, or restore, the physical condition of water if the riverbed or banks are damaged.

Legislation sets out the acceptable emissions that apply to forestry tractor engines.

Planning for new pesticide stores must be carried out in consultation with the following authorities:

- Environment Agency (EA) in England and Wales, or the Scottish Environmental Protection Agency (SEPA) and Scottish Water in Scotland
- Local fire authority.
- Local authority planning and building control department.
- Local authority environmental health department.
- Police crime prevention officer.

Description of Risk

The Environment Agency (EA) (as the principal regulator) takes its enforcement powers very seriously. However, it does not have the necessary resources to enforce in every case and has therefore adopted an enforcement and prosecution policy to assist it in deciding which cases to pursue. Enforcement is generally discretionary, but in some cases enforcement is compulsory. The EA tends to prioritize the more serious breaches and recurring breaches (<http://uk.practicallaw.com/6-503-1654?source=relatedcontent#a460037>). The Regulatory Enforcement and Sanctions Act 2008 provides for a number of forms of civil sanction to be used by certain regulators, instead of immediate reliance on criminal prosecution. These penalties include:

- Fixed or variable monetary penalties.
- Compliance notices.
- Restoration notices.
- Stop notices.
- Enforcement undertakings.

Natural Resources Wales (NRW) took on regulatory responsibility for Wales from 1 April 2013 and has since adopted its own guidance on enforcement and sanctions in line with that adopted by the EA. To date, its enforcement practice remains to be seen.

NGOs (such as Greenpeace and Friends of the Earth) are very active, particularly in influencing environmental law and policy (Michael Coxall, Elizabeth Hardacre and Clifford Chance, 2015). NGOs and local pressure groups often attempt to challenge the decisions of public authorities (by judicial review) and to divert the proposals of large companies that they consider to be harmful to the environment. NGOs also have powers to:

- Bring a derivative action against a company's directors to ensure that the environment is fully considered.
- Request action under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 (ED Regulations).

The Environment Agency has produced guidance on environmental enforcement which can be found on the Gov.UK website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389348/LIT_5197.pdf

Natural England has produced more detailed guidance on environmental enforcement, which is similar throughout the UK. This guidance is focused on how enforcement action is undertaken including offences and sanctions.

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389649/enforcement-guidance.pdf).

The following example gives some insight into environmental enforcement (although it is waste specific): In 2011-12, the Environmental Crime Unit (of the Northern Ireland Environment Agency) secured 23 criminal convictions for environmental crimes, with fines amounting to £104,051. This represents an average fine per conviction in the range of £4,523. While the average fine per prosecution in England and Wales is in the order of £7,13747. During 2012-13 the Environment Agency in England, made 171 successful prosecutions and issued 62 formal cautions for waste crime. Per capita comparisons therefore put Northern Ireland at a higher rate of conviction while comparisons by area put Northern Ireland on a par with England. (Criminal Justice Inspection Northern Ireland (CJI): <http://www.cjini.org/CJINI/files/77/776ee5fc-b3c0-4759-8fbe-18a72a8f31e5.pdf>)

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.10.6. Risk designation and specification

Low risk

1.10.7. Control measures and verifiers

N/A

1.11. Health and safety

Legally required personnel protection equipment for persons involved in harvesting activities, use of safe felling and transport practice, establishment of protection zones around harvesting sites, and safety requirements to machinery used. Legally required safety requirements in relation to chemical usage. The health and safety requirements that shall be considered relate to operations in the forest (not office work, or other activities less related to actual forest operations). Risk relates to situations/areas where health and safety regulations are consistently violated to such a degree that puts the health and safety of forest workers at significant risk throughout forest operations.

1.11.1. Applicable laws and regulations

- Part III of the Food and Environment Protection Act (FEPA) 1985
- Control of Pesticides (Amendment) Regulations (COPR) 1997
- Health and Safety at Work etc. Act 1974 (as amended)
- The Control of Pesticide Regulations 1997(COPR).
- The Plant Protection Products (Basic Conditions) Regulations 1997.
- Dangerous Substances (Notification and Marking of Sites) Regulations 1990.
- Electricity at Work Regulations 1989.
- Environmental Protection (Duty of Care) Regulations 2003.
- Health and Safety (First Aid) Regulations 1981.

- Health and Safety (Safety Signs and Signals) Regulations 1996.
- Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972.
- Personal Protective Equipment at Work Regulations 1992.
- Poisons Act 1972.
- Poisons List Order 2002.
- Poisons Rules 1982.
- Special Waste Regulations 1996.
- The Control of Substances Hazardous to Health (COSHH) 2002.

England, Scotland and Wales

- The Provision and Use of Work Equipment Regulations 1998 (SI 1998 No 2306)
- The Control of Substances Hazardous to Health Regulations 2002 (SI 2002 No 2677, as amended by SI 2003 No 978 and SI 2004 No 3386)

Northern Ireland

- Provision and Use of Work Equipment Regulations (Northern Ireland) 1999 (SR 1999 No 305)
- Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003 (SR 2003 No 34, as amended by SR 2003 No 288 and SR 2005 No 165)

1.11.2. Legal authority

- Health & Safety Executive (HSE)
- DEFRA
- Local Authorities

1.11.3. Legally required documents or records

- Contracts specifying health and safety requirements
- On-site records such as accident book, site risk assessments, chemical record book and tree safety reports.
- System to ensure that anyone working in the woodland has had relevant instruction in safe working practice and that the appropriate number have had training in basic first aid and, where relevant, hold a certificate of competence
- Procedure for monitoring compliance with safety requirements (written for larger organisations) and for dealing with situations where safety requirements are not met
- Documented health and safety policy and consideration of issues in all procedures and work instructions
- Evidence of a systematic approach to accident prevention.

1.11.4. Sources of information

Government sources

- The Health & Safety Executive, (2017). *Tree work health and safety*. [online] Available at: <http://www.hse.gov.uk/treework/>
- Forestry Commission, (2017) *Homepage*. [Online] Available at: www.forestry.gov.uk
- Forestry Commission, (2017) *The UK Forestry Standard*. [Online] Available at: <https://www.forestry.gov.uk/ukfs>
- Forestry Commission, (2017). *2015 Forestry Statistics*. [online] Available at: <https://www.forestry.gov.uk/website/forstats2015.nsf/LUContentsTop?openview&RestrictToCategory=1>
- Forestry Commission, (2016). *National Tree Safety Group*. [online] Available at: <http://www.forestry.gov.uk/forestry/infd-7t6bpp>

Non-Government sources

- Trees.org.uk, (2017). *Help for arborists*. [online] Available at: (<https://www.trees.org.uk/Help-Advice/Public/Help-for-arborists>)
- Ukwas.org.uk, (2016). *The UK Woodland Assurance Standard. Fourth edition (draft)*. [online] UKWAS. Available at: <http://ukwas.org.uk/wp-content/uploads/2016/02/UKWAS-4-Pre-approval-Consultation-Draft-15.02.16.doc>

1.11.5. Risk determination

Overview of Legal Requirements

The Health & Safety Executive (HSE) have a webpage (<http://www.hse.gov.uk/treework/>) which gives guidance on legal obligations and information on forestry related accidents and how to avoid them. In general, employers must:

- Make the workplace safe and eliminate or control risks to health;
- Ensure plant and machinery are safe and that safe systems of work are set and followed;
- Ensure articles and substances are moved, stored and used safely;
- Provide adequate welfare facilities;
- Give workers the information, instruction, training and supervision necessary for their health and safety;
- Consult workers on health and safety matters.

A business should create risk assessments and a Health & Safety manual. For each of the tasks a business carries out, e.g. manual cutting, extraction, the risks associated with them should be stated and methods of working that have been put in place to reduce these risks.

Description of Risk

The storage of pesticides is strictly controlled by the legislation contained in Part III of the Food and Environment Protection Act (FEPA) 1985. In addition, the Control of Pesticides (Amendment) Regulations (COPR) 1997 require that the storage of pesticides is subject to all reasonable precautions being taken to protect people, animals, plants and the environment.

Research ([http://www.forestry.gov.uk/PDF/FCMS024.pdf/\\$FILE/FCMS024.pdf](http://www.forestry.gov.uk/PDF/FCMS024.pdf/$FILE/FCMS024.pdf)) undertaken

by the Centre for Decision Analysis and Risk Management (DARM) on behalf of the NTSG (National Tree Safety Group) demonstrated that the overall risk to the public from falling trees is extremely low, representing about a one in 10 million chance of an individual being killed by a falling tree (or part of a tree) in any given year.

The forest industry must be able to demonstrate to regulators such as the Health and Safety Executive (HSE) that it complies with current legislation. Statistics from HSE show that the vast majority of fatal and major injuries in tree work are associated with chainsaw operations, being struck by a tree/tree branch or a fall. Between 1 April 2000 and 31 March 2013 a total of 60 people in the UK have been killed as a result of tree work activities and many more have been injured or have suffered ill health. Accident rates in forestry and wood products have tended to decline in recent years, but are still higher than the averages in agriculture and manufacturing respectively (FC 1015 Forestry Statistics).

The forest industry must also conform to the requirements of the British Agrochemical Standards Inspection Scheme (BASIS), an independent registration, standards and certification scheme set up by Government to establish and assess standards in the pesticide industry relating to storage, transport and competence of staff.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.11.6. Risk designation and specification

Low risk

1.11.7. Control measures and verifiers

N/A

1.12. Legal employment

Legal requirements for employment of personnel involved in harvesting activities including requirement for contracts and working permits, requirements for obligatory insurances, requirements for competence certificates and other training requirements, and payment of social and income taxes withhold by employer. Furthermore, the points cover observance of minimum working age and minimum age for personnel involved in hazardous work, legislation against forced and compulsory labour, and discrimination and freedom of association. Risk relates to situations/areas where systematic or large scale noncompliance with labour and/or employment laws. The objective is to identify where serious violations of the legal rights of workers take place, such as forced, underage or illegal labour.

1.12.1. Applicable laws and regulations

- Equality Act 2010
- Employer's Liability (Compulsory Insurance) Act 1969
- Gangmasters (Licensing) Act 2004
- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999

- National Minimum Wage Regulations 1999 (amendment) Regulations 2009
- Occupiers' Liability acts 1957 and 1984
- Reporting of Injuries, diseases and dangerous occurrences Regulations 1995

1.12.2. Legal authority

- Department for Work and Pensions
- Local Authorities
- ILO

1.12.3. Legally required documents or records

- Insurance documents
- Contracts
- Certificates of competence (individual workers)
- System to ensure that only workers who are appropriately trained or supervised work in the woodland

1.12.4. Sources of information

Government sources

- Gangmasters Licensing Authority
- Forestry Commission, (2017). *2015 Forestry Statistics*. [online] Available at: <https://www.forestry.gov.uk/website/forstats2015.nsf/LUContentsTop?openview&RestrictToCategory=1>

Non-Government sources

- Forestry Contracting Association

1.12.5. Risk determination

Overview of Legal Requirements

The Equality Act 2010 protects people with disabilities and other defined 'protected characteristics') from being discriminated against in the provision of all facilities, goods and services. The act describes a wide range of illegal discrimination and makes a requirement for reasonable adjustments for disabled people to allow them access to facilities, goods and services.

The Equality act 2010 provides a legal framework to protect the rights of individuals with protected characteristics, advance equality of opportunity and tackle inequality and discrimination. The Act provides Britain with a discrimination law that protects individuals from unfair treatment and promotes a fair and more equal society.

UK Engagement with ILO: The UK has a permanent seat in the ILO governing body and, since the ILO's formation in 1919, has ratified 87 ILO conventions and 2 protocols including the eight core conventions covering human rights in the work place.

(http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID

:102651)

UK Child Labour Legislation: The UK has specific child employment laws which restrict how much children can work and what kinds of work they may do. It is compulsory for children under 16 years of age to attend school. Children under the age of 16 are only permitted to undertake light work (http://www.direct.gov.uk/en/Parents/ParentsRights/DG_4002945)

A total of 3,685 forestry businesses, 555 sawmilling businesses, 130 wood-based panel businesses and 230 pulp & paper businesses were registered for VAT and/or PAYE purposes in the UK in 2014. There has been an overall increase in forestry businesses over the last ten years, whilst sawmilling and pulp and paper businesses have declined (FC 2015 Forestry Statistics).

The majority of the forestry contractors in the UK are self-employed, those that they contract to carry out work are usually self-employed sub-contractors rather than employees. It is the contractor who determines the level of wages and working conditions for their employees therefore the contractor's employees could not associate with the Constituent unions associated with the Forestry Commission for collective bargaining purposes because they are dealing with a different employer.

The mission of the Gangmasters Licensing Authority is to safeguard the welfare and interests of workers whilst ensuring Labour Providers operate within the law. The term "acting as a gangmaster" equally applies to a natural or legal person who uses a worker to do work in connection with services provided by that person to a third party. There is no provision in the Act exempting any individual or organisation from the need to have a licence where it acts as a gangmaster by 'supplying a worker' or 'using a worker to provide a service' to another person. Accordingly, a self-employed labour provider who supplies or uses a self-employed sub-contractor falls within the scope of the Act and will require a licence.

Description of Risk

Landowners and managers need to be fully aware of their obligations under employment health and safety legislation. This is extensive and includes equality of treatment for recruitment processes and contracts, and a duty of care for staff while at work. There is also a duty of care towards people visiting business premises or land whether they are there with permission or not.

Child Labour: UK Record. No evidence of child labour or violation of ILO fundamental principles on an exceptional scale is known to occur.
(<http://www.ilo.org/ipecinfor/product/viewproduct.do?productId=2299>)

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.12.6. Risk designation and specification

Low risk

1.12.7. Control measures and verifiers

N/A

THIRD PARTIES' RIGHTS

1.13 Customary rights

Legislation covering customary rights relevant to forest harvesting activities including requirements covering sharing of benefits and indigenous rights.

1.13.1. Applicable laws and regulations

- The Bill of Rights 1689
- Human Rights Act 1998
- The UK ratified the Convention for the Protection of Human Rights and Fundamental Freedoms in 1951.

1.13.2. Legal authority

- Northern Ireland Human Rights Commission
- Equality and Human Rights Commission (England, Scotland and Wales)
- Scottish Human Rights Commission

1.13.3. Legally required documents or records

- Documentation or maps of existing permissive and traditional uses of the woodland

1.13.4. Sources of information

Government sources

- The National Archives, (N.Y). *Making history*. [online] Available at: http://www.nationalarchives.gov.uk/pathways/citizenship/rise_parliament/making_history_rise.htm

Non-Government sources

- Council of Europe, (2017). *Chart of signatures and ratifications of Treaty 005*. [online] Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures>
- Charter of Fundamental Rights. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:I33501>

1.13.5. Risk determination

Overview of Legal Requirements

Unlike some countries in mainland Europe, the UK does not have a tradition of forests owned or managed on a community basis. However, in recent years the concept of greater local involvement in woodlands is becoming more evident, in both urban and rural areas. Community engagement can give local people a sense of ownership and responsibility, and can range from consultation on forestry proposals to full community ownership and management.

Rights and Legislation: The Bill of Rights 1689 enshrined ancient rights and liberties in statute. The British Constitution is not written down in a single formal document. Instead

the rights and responsibilities held as individuals and as a society are formed from a number of different sources.

European Convention on Human Rights: Individuals in the UK can make a complaint to the European Commission of Human Rights should they wish to do so. The Charter of Fundamental Rights of the European Union (EU) summarises the common values of the EU Member States and brings together in a single text the traditional civil and political rights as well as economic and social rights. The Human Rights Act 1998 gives further legal effect in the UK to the fundamental rights and freedoms contained in the European Convention on Human Rights.

Description of Risk

The UKFS (UK Forestry Strategy) recommends considering the use of forests for sustainable low-key community uses, especially where such uses are linked to cultural activities or are established by tradition. However there is no specific legislation for this.

Freedom House, in their 2016 Freedom in the World report, categorised the UK as having a rating of one for both political rights and civil liberties on a one-to-seven scale, with one representing the highest degree of freedom and seven the lowest. The report also categorises the UK as 'Free', as opposed to 'Partly Free' or 'Not Free' with a Freedom rating as one. (<https://freedomhouse.org/report/freedom-world/freedom-world-2016>)

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.13.6. Risk designation and specification

Low risk

1.13.7. Control measures and verifiers

N/A

1.14. Free prior and informed consent

Legislation covering "free prior and informed consent" in connection with transfer of forest management rights and customary rights to the organisation in charge of the harvesting operation.

1.14.1. Applicable laws and regulations

N/A

1.14.2. Legal authority

N/A

1.14.3. Legally required documents or records

N/A

1.14.4. Sources of information

N/A

1.14.5. Risk determination

N/A

1.14.6. Risk designation and specification

N/A

1.14.7. Control measures and verifiers

N/A

1.15. Indigenous/traditional peoples' rights

Legislation that regulates the rights of indigenous/traditional people as far as it's related to forestry activities. Possible aspects to consider are land tenure, right to use certain forest related resources or practice traditional activities, which may involve forest lands.

1.15.1. Applicable laws and regulations

N/A

1.15.2. Legal authority

N/A

1.15.3. Legally required documents or records

N/A

1.15.4. Sources of information

Government sources

- Parliament.uk, (2017). *Untitled*. [online] Available at: <http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70619w0001.htm>

Non-Government sources

- Ilo.org, (2017). *Homepage*. [online] Available at: <http://www.ilo.org/global/lang-en/index.htm>
- Crofting.org, (2017). *Homepage*. [online] Available at: <http://www.crofting.org>
- Scottish Crofting Foundation, (2017). Parallels between highland crofters and Norwegian Sami. [online] Scottish Crofting Foundation. Available at: <http://www.crofting.org/uploads/news/crofters-indigenous-peoples.pdf>

1.15.5. Risk determination

Overview of Legal Requirements

It is widely accepted that there are no indigenous people in the UK. Lord Triesman, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office made a statement to this effect the House of Lords in 2007 regarding (ILO) Convention 169

(<http://www.publications.parliament.uk/pa/ld200607/ldhansrd/text/70619w0001.htm>).

Description of Risk

The Scottish Crofting Federation's (SCF) indigenous people project (in 2008) indicated that there is a historical case for crofters to be considered. This issue does not appear to have progressed beyond the SCF and no longer appears to be an active project for SCF (according to the SCF website).

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.15.6. Risk designation and specification

Low risk

1.15.7. Control measures and verifiers

N/A

TRADE AND TRANSPORT

1.16. Classification of species, quantities, qualities

Legislation regulating how harvested material is classified in terms of species, volumes and qualities in connection with trade and transport. Incorrect classification of harvested material is a well-known method to reduce/avoid payment of legality prescribed taxes and fees. Risk relates to material traded under illegal false statements of species, quantities or qualities. This could cover cases where this type of false classification is done to avoid payment of royalties or taxes or where trade bans on product types or species are implemented locally, nationally or internationally. This is mainly an issue in countries with high levels of corruption (CPI<50).

1.16.1. Applicable laws and regulations

- 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. <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32010R0995>
- Timber and Timber Products (Placing on the Market) Regulations 2013 (S.I. No. 233 of 2013). Available at: <https://www.ecolex.org/details/legislation/timber-and-timber-products-placing-on-the-market-regulations-2013-si-no-233-of-2013-lex-faoc121416/>

1.16.2. Legal authority

- National Measurement and Regulation Office (NMRO).

1.16.3. Legally required documents or records

- Records as required by the EUTR (see below)

1.16.4. Sources of information

Government sources

- Gov.uk, (2017). *The European Union timber regulation: compliance and guidance*. [online] Available at: <https://www.gov.uk/guidance/eu-timber-regulation-guidance-for-business-and-industry#diligence>

Non-Government sources

- NEPCon.org, (2015). *Two years with the EUTR: rooting for enforcement*. [online] Available at: <http://www.nepcon.net/newsroom/two-years-eutr-rooting-enforcement>

1.16.5. Risk determination

Overview of Legal Requirements

General haulage regulations for the UK are applicable.

The EU Timber Regulation (EUTR) is implemented in the UK by SI 2013 No. 233; 'Timber and Timber Products (Placing on the Market) Regulations' which provides powers of enforcement for the NMRO as well as establishing penalties.

Description of Risk

There are no regulations apart from the EUTR (which includes species information) that are applicable within the UK (as confirmed with the Forestry Commission). As such, the only risk applicable here is the risk of non-compliance with EUTR requirements.

According to the European Commission's EUTR scorecard, the UK has competent authorities, penalties and rules for regular checks in place.
<http://ec.europa.eu/environment/forests/pdf/EUTR%20implementation%20scoreboard.pdf>. However, EUTR enforcement by the NMRO has focussed mainly on imported materials rather than domestic material.

There is limited evidence to suggest that the EUTR requirements are uniformly enforced at forest level in the UK. However, since low risk has been found in CW Categories 1.1- 1.15 and 1.17 - 1.21, it is concluded that the potential impact of this lack of enforcement will be limited both in impact and in scale. As a consequence, the risk has been concluded to be low for this indicator.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.16.6. Risk designation and specification

Low risk

1.16.7. Control measures and verifiers

N/A

1.17. Trade and transport

All required trading permits shall exist as well as legally required transport document which accompany transport of wood from forest operation. Risk relates to the issuing of documents permitting the removal of timber from the harvesting site (e.g., legally required removal passes, waybills, timber tags, etc.). In countries with high levels of corruption, these documents are often falsified or obtained by using bribery. In cases of illegal logging, transport documents from sites other than the actual harvesting site are often provided as a fake proof of legality with the harvested material.

1.71.1. Applicable laws and regulations

- Plant Health (Forestry) Order 2005
- Plant Health Act 1967(1)
- Forestry Act 1967 (Part II) as amended by the Trees Act 1970 and the Forestry Acts 1979 and 1986
- The Plant Health (Forestry) (Great Britain) Order 1993 (SI 1993 No 1283, as amended by SI 1994 No 3094, SI 1995 No 1989, SI 1996 No 751, SI 1998 No 2206, SI 1998 No 3109, SI 2001 No 299, SI 2002 No 295)
- The Watermark Disease Local Authorities Order 1974 (SI 1974 No 768, as amended by SI 1984 No 688, SI 1986 No 1342 and SI 1992 No 44)
- The Dutch Elm Disease (Local Authorities) Order 1984 (SI 1984 No 687, as amended by

SI 1988 No 604)

- The Plant Health (Forestry) (*Phytophthora ramorum*) (Great Britain) Order 2004
- The Plant Health (Forestry) (Wood Packaging Material Marking) Order 2006
- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community.

England and Scotland

- The Plant Health (Fees) (Forestry) Regulations 2015
- The Plant Health (Fees) (Forestry) (Amendment) Regulations 2014
- The Plant Health (Forestry) (Amendment) Order 2014

England

- The Plant Health (Forestry) (Miscellaneous Revocations) Order 2015

Wales

- The Plant Health (Forestry) (Amendment) Order 2015

Scotland

- The Plant Health (Forestry) (*Phytophthora ramorum* Management Zone) Order 2014

There are biosecurity guidance notes but no regulation.

1.17.2. Legal authority

- Forestry Commission (UK, England and Scotland), Natural Resources Wales or the Forest Service (Northern Ireland)
- Forest Research Disease Diagnostic and Advisory Service (England)

1.17.3. Legally required documents or records

Movement of timber Regulations exist to prevent the spread of pests and diseases of trees. Under Plant Health legislation, a 'Plant Passport' may need to be attached to consignments of wood before they can be moved. Only registered forestry traders issue Plant Passports. These can be incorporated into the delivery note or issued as a separate document.

Any movement of *Phytophthora ramorum* affected wood from a forest site (or subsequently move the affected material from a mill or processing site) requires a Movement Licence. *Phytophthora*-affected wood may only be moved to a facility that holds a valid processing licence.

Scotland:

Records must be kept of the movement of susceptible material (*Larix decidua* and *Larix kaempferi*)

1.17.4. Sources of information

Government sources

- Gov.uk, (2017). *DEFRA Homepage*. [online] Available at: <https://www.gov.uk/government/organisations/departments-for-environment-food-rural-affairs>
- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
- Forestry Commission, (2017). *Homepage*. [online] Available at: www.forestry.gov.uk
- Forestry Commission, (2017). *Pests and Diseases*. [online] Available at: <http://www.forestry.gov.uk/pestsanddiseases>
- Forestry Commission, (2017) *The UK Forestry Standard*. [Online] Available at: <https://www.forestry.gov.uk/ukfs>

Non-Government sources

- Ukwass.org.uk, (2016). The UK Woodland Assurance Standard. Fourth edition (draft). [online] UKWAS. Available at: <http://ukwas.org.uk/wp-content/uploads/2016/02/UKWAS-4-Pre-approval-Consultation-Draft-15.02.16.doc>

1.17.5. Risk determination

Overview of Legal Requirements

The main regulatory requirements are general, rather than forestry specific transport regulations.

Key regulations relate to plant health and *Phytophthora ramorum* affected wood. The Plant Health Order (2005) is the principal instrument in Great Britain implementing the plant health requirements in the European Community in respect of forestry material, as set out in Council Directive 2000/29/EC. The Order includes prohibiting the keeping, storage, sale or release of tree pests, sets out conditions for sending relevant material to other Member States, the rules for registration of importers, forestry traders and producers, the rules for the issue of plant passports to accompany certain relevant material circulated in trade, the powers of inspectors to enter premises (other than private dwellings) and to undertake examinations etc., or order remedial action to be taken. There are prescribed offences and penalties for failing to comply with the Order.

The Plant Health (Forestry) (Wood Packaging Material Marking) Order 2006 formalises the procedures for becoming accredited within the Programme in Great Britain, and makes it an offence, for any person to apply a mark to wood packaging material without the authority of the Forestry Commission. It also gives inspectors powers to enter premises (other than private dwelling houses) without a warrant where they believe wood packaging material is being fraudulently marked, or is being stored, and to seize marking equipment and have obliterated any marks found on wood packaging material present there. The Order also prescribes the fees payable on application for a certificate and for renewal of certificates, which will no longer be subject to VAT.

A series of good practice guidelines for timber transport have been produced (<http://timbertransportforum.org.uk/work/good-practice/guidance>). The Road Haulage of Round Timber Code of Practice 2012 provides an overview of the technical and legal issues relating to road haulage. It covers stacking timber, the use of forest roads, loading logs,

securing loads and unloading.

A Voluntary Agreed Routes Maps are used as a partnership approach to timber transport. (<http://timbertransportforum.org.uk/maps/agreed-routes>).

- Agreed Routes can be used for timber haulage without restriction (other than as regulated by the Road Traffic Act 1988).
- Consultation Routes are recognised as being key to timber extraction but are not up to Agreed Route standard. Consultation with the Local Authority is required and it may be necessary to agree limits of timing, allowable tonnage etc. before the route can be used.
- Severely Restricted Routes should not normally be used for timber transport in their present condition.
- Excluded Routes should not be used for timber transport in their present condition.
- Some roads are covered by a more formal Timber Transport Management Plan that sets out an agreed traffic management and road monitoring plan to allow controlled timber haulage across sensitive roads.

Wales:

- Road Haulage of Round Timber Code of Practice: Relates to maximum lorry loads.

Scotland:

Timber haulage often relies on using roads that weren't designed for heavy traffic so there is a focus on projects which minimise the environmental and social impact of timber miles under the Strategic Timber Transport Fund:

- Strategic Timber Transport Fund - available for proposals designed to minimise the impact of timber transportation on Scotland's fragile rural and public roads.
- The Timberlink Service moves timber by sea on the west coast of Scotland, removing nearly one million lorry miles a year from Scottish roads.
- In the South West management zone it is prohibited to move susceptible material (*Larix decidua* and *Larix kaempferi*) from within the management zone to outside the zone unless the movement is to an approved facility for the purposes of processing the material. In addition, records must be kept of the movement of such material.

Description of Risk

General regulations pertaining to transportation of goods within the UK are clear and well-enforced across all regions of the UK. In addition, transportation of species susceptible to pests is strictly regulated through a system of plant passports. Whilst infringements may occur, this has not been highlighted as a serious enforcement issue by the regulatory authorities and is seen as a low risk.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.17.6. Risk designation and specification

Low risk

1.17.7. Control measures and verifiers

N/A

1.18. Offshore trading and transfer pricing

Legislation regulating offshore trading. Offshore trading with related companies placed in tax havens combined with artificial transfer prices is a well-known way to avoid payment of legally prescribed taxes and fees to the country of harvest and considered as an important generator of funds that can be used for payment of bribery and black money to the forest operation and personnel involved in the harvesting operation. Many countries have established legislation covering transfer pricing and offshore trading. It should be noted that only transfer pricing and offshore trading as far as it is legally prohibited in the country, can be included here. Risk relates to situations when products are sold out of the country for prices that are significantly lower than market value and then sold to the next link in the supply chain for market prices, which is often a clear indicator of tax laundry. Commonly, the products are not physically transferred to the trading company.

1.18.1. Applicable laws and regulations

- Finance Act 2015
- Taxation (International and Other Provisions) Act 2010 (TIOPA 2010), Part 4

1.18.2. Legal authority

- Her Majesty's Revenue and Customs (HMRC)

1.18.3. Legally required documents or records

- The UK has not issued specific regulations governing the documents that a taxpayer is required to prepare to support its Transfer Pricing. Instead, the United Kingdom has preferred to rely on the general rule for self-assessment that 'requires taxpayers to keep and preserve the records needed to make and deliver the correct and complete return', although it should be noted that the United Kingdom has not announced its approach to implementing the OECD's proposed approach for transfer pricing documentation under the BEPS action plan.
- HMRC provides guidance in its International Manual on record-keeping requirements.

1.18.4. Sources of information

Government sources

- Gov.uk, (2017). Her Majesty's Revenue and Customs (HMRC). [online] Available at: <https://www.gov.uk/government/organisations/hm-revenue-customs>

Non-Government sources

- Price Waterhouse Coopers (PwC). *International Transfer Pricing 2015/2016*. [online] Price Waterhouse Coopers. Available at: <http://www.pwc.com/gx/en/services/tax/transfer-pricing/itp-download.html>

1.18.5. Risk determination

Overview of Legal Requirements

The Finance Act 2015 introduced new legislation to enable the introduction of country-by-country reporting requirements into UK law. Further legislation is expected to formally introduce other aspects of the OECD's BEPS action plan into UK law in the short to medium term.

According to the PwC Transfer Pricing 2015

(<http://www.pwc.com/gx/en/services/tax/transfer-pricing/itp-download.html>), 'pricing legislation in the UK is well established and the law requires that UK rules should be 'construed in such manner as best secures consistency' with the OECD Guidelines. In addition, the legislation is supported by a large amount of guidance material, which has been published by Her Majesty's Revenue and Customs (HMRC). This guidance sets out HMRC's interpretation of the law and how it assesses TP risks. The guidance is publically available as part of HMRC's International Manual and is available via the HMRC website (<https://www.gov.uk/government/organisations/hm-revenue-customs>). In addition, the UK operates an advance pricing agreement (APA) regime and maintains a strong global treaty network.

HMRC identifies groups with entities located in tax havens and seeks to establish whether their profitability is commensurate with the level of functions, assets and risks relating to these entities. For example, limited functions undertaken by entities located in tax havens that enjoy healthy profits may give rise to a Transfer Pricing enquiry.

Description of Risk

Transfer pricing disputes in the UK are usually resolved by negotiation between HMRC and the taxpayer. As stated in the PwC Transfer Pricing 2015, UK-UK transactions are seen as low risk.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.18.6. Risk designation and specification

Low risk

1.18.7. Control measures and verifiers

N/A

1.19. Custom regulations

Custom legislation covering areas such as export/import licenses, product classification (codes, quantities, qualities and species).

1.19.1. Applicable laws and regulations

- EU Timber Regulation (EUTR – Regulation (EU) No 995/2010)

- ISPM (International Standard for Phytosanitary Measures) 15 Phytosanitary Regulations

1.19.2. Legal authority

- Phytosanitary certificates are issued by the Forestry Commission for wood, wood products, bark, wooden packaging, and used forestry machinery.
- International Standard for Phytosanitary Measures
- EUTR: National Measurement and Regulation Office (NMRO)

1.19.3. Legally required documents or records

- Export (EU): Controlled material must be accompanied by a plant passport unless exempt.
- Export (non EU): Controlled products must usually be accompanied by a Plant Health (Phytosanitary) Certificate declaring the goods to be free of harmful organisms.
- EU Timber Regulation (EUTR) states that a record must be kept of the supplier, the product's timber species, where it comes from, and the amount bought. The risk assessment on the product, based on the collected evidence must also be recorded. FLEGT and CITES licenses are considered to comply with the EUTR.

1.19.4. Sources of information

Government sources

- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
- Forestry Commission, (2017). *Homepage*. [online] Available at: www.forestry.gov.uk

1.19.5. Risk determination

Overview of Legal Requirements

If wood material or products are not classed as regulated there are no restrictions to their movement. Restrictions and requirements on relevant material imported into Great Britain from third countries, including material coming via another country in the European Community

Description of Risk

Export (EU)

Generally, there is free movement of forestry materials between EU member states. However, there are some exceptions. Controlled material (listed here - <http://www.forestry.gov.uk/forestry/INFD-9P2M34>) must be accompanied by a plant passport unless exempt. Movement of host material without control is permitted between EU member states not listed as being part of a protected zone. Exceptions are:

- Specific regulations for kiln drying and sourcing from disease free locations for all conifers (*Coniferae*), plane (*Platanus*) and sweet chestnut (*Castanea*).
- Also for exporting ash (*fraxinus*) to Ireland

Export (non EU)

Controlled products must usually be accompanied by a Plant Health (Phytosanitary) Certificate declaring the goods to be free of harmful organisms. More information can be found here: <http://www.forestry.gov.uk/forestry/INFD-9P2LYZ>

Under the new EU Timber Regulation (EUTR) placing illegally harvested timber and products derived from such timber on the EU market is prohibited. The EUTR applies to wood and wood products being placed for the first time on the EU market.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.19.6. Risk designation and specification

Low risk

1.19.7. Control measures and verifiers

N/A

1.20. CITES

CITES permits (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention). Note that the indicator relates to legislation existing for the area under assessment (and not e.g., the area from which CITES species are imported).

1.20.1. Applicable laws and regulations

- Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408516420443&uri=CELEX:31997R0338>
- The Control of Trade in Endangered Species (Enforcement) Regulations 1997. 1997 No. 1372. Available at: <http://www.legislation.gov.uk/ukxi/1997/1372/contents/made>
- The Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations 2007. 2017 No 2952. Available at: <http://www.legislation.gov.uk/ukxi/2007/2952/contents/made>
- The Control of Trade in Endangered Species (Enforcement) (Amendment) Regulations 2009. 1009 No 1773. Available at: <http://www.legislation.gov.uk/ukxi/2009/1773/contents/made>

1.20.2. Legal authority

- Animal and Plant Health Agency (APHA)

1.20.3. Legally required documents or records

- CITES permit

1.20.4. Sources of information

Government sources

- Gov.uk, (2017). *Endangered species: imports and exports and commercial use*. [online] Available at: <https://www.gov.uk/guidance/cites-imports-and-exports>

Non-Government sources

- Cites.org, (2017). *Homepage*. [online] Available at: www.cites.org

1.20.5. Risk determination

Overview of Legal Requirements

The import, export and use for commercial gain of certain species requires a CITES permit

Description of Risk

There are no tree species in the UK that require a CITES certificate

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.20.6. Risk designation and specification

Low risk

1.20.7. Control measures and verifiers

N/A

1.21. Legislation requiring due diligence/due care procedures

Legislation covering due diligence/due care procedures, including e.g. due diligence/due care systems, declaration obligations, and /or the keeping of trade related documents, legislation establishing procedures to prevent trade in illegally harvested timber and products derived from such timber, etc.

1.21.1. Applicable laws and regulations

- 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 Timber and Timber Products (Placing on the Market) Regulations 2013

Penalties:

- Criminal Justice Act 1982

1.21.2. Legal authority

- The National Measurement and Regulation Office (NMRO) acts as the competent authority (CA), contracted by the Department of Environment, Food and Rural Affairs.

1.21.3. Legally required documents or records

EUTR Requirements:

Operators are any (natural or legal) person first placing timber on the EU market. They must maintain records of any traders that they supply timber to. Operators must provide the following information:

- description of the type of product and species of the wood used (trade and common name and, where applicable, the full scientific name)
- country of harvest, and where applicable; sub-national region where timber was harvested and concession of harvest
- quantity (expressed in volume, weight or number of units)
- name and address of the supplier to the operator
- name and address of the trader to whom the timber or timber products have been supplied
- documents or any information indicating compliance of those timber and timber products with the applicable legislation

Traders are any (natural or legal) person who sells or buys timber products that have already been placed on the EU market. They must maintain records of: who supplied it to them whom they have supplied the timber or timber products to. This information shall be kept for at least five years and be provided for checks if requested.

1.21.4. Sources of information

Government sources

- Legislation.gov.uk, (2017). *The National Archives: UK database on Statutory Instruments*. [online] Available at: <http://www.legislation.gov.uk/search>
- Forestry Commission, (2017). *Homepage*. [online] Available at: www.forestry.gov.uk
- Forestry Commission, (2017) *The UK Forestry Standard*. [Online] Available at: <https://www.forestry.gov.uk/ukfs>
- Gov.uk, (2015). EUTR: assessment of plywood imported from China. [online] Available at: <https://www.gov.uk/government/publications/eutr-assessment-of-plywood-imported-from-china>
- Gov.uk, (2017). *DEFRA Homepage*. [online] Available at: <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>
- Chatham House, (2017) *Illegal-logging Portal*. [online] Available at: <http://www.illegal-logging.info/>

Non-Government sources

- ClientEarth, (2015). *Info-brief: EUTR enforcement in the UK*. [online] Available at: <http://documents.clientearth.org/wp-content/uploads/library/2015-11-27-info-brief-eutr-enforcement-in-the-united-kingdom-ce-en.pdf>
- BSI (British Standards Institution), (N.Y) *Annex A to the BSI PAS*. [online] HM

Government. Available at: <http://shop.bsigroup.com/upload/PASs/PAS91-2013.pdf>

1.21.5. Risk determination

Overview of Legal Requirements

The EUTR is implemented in the UK through legislation, The Timber and Timber Products (Placing on the Market) Regulations 2013.

UK Timber Procurement Policy (TPP), for public sector procurers and suppliers of timber: All central government departments, their executive agencies, executive non-departmental public bodies, non-ministerial government departments in England and their suppliers must comply with the Timber Procurement Policy (TPP). The policy states that the specified public sector procurers must buy all timber and wood-derived products from only independently verifiable legal and sustainable sources, including Forest Law Enforcement, Governance and Trade (FLEGT) licenses, for use on the government estate. Application of the TPP includes certain social criteria in contract conditions. Suppliers are required to comply with all applicable legislation, including where appropriate the EUTR.

The approach taken in Scotland, Wales and Northern Ireland is similar to those applied in England. Short-rotation coppice is exempt from the requirements of the TPP and falls under agricultural regulation and supervision rather than forestry.

Description of Risk

Checks have been carried out since the EUTR came into force. The number of checks is not publicised. Enforcement checks are carried out in projects where checks focus on a specific product/supply chain. Reports have been made publicly available (see, for instance, the NMRO report on Chinese plywood: <https://www.gov.uk/government/publications/eutr-assessment-of-plywood-imported-from-china>). According to ClientEarth UK Info Briefing:

- Substantiated concerns can be submitted to the NMRO.
- There is no prescribed format for substantiated concerns.
- Internal procedures exist to assess and respond to evidence provided by third parties. The NMRO has no legal obligation to respond.
- There are no formal appeal procedures against inaction or a decision by the competent
- It is very difficult for NGOs in the UK to have legal standing to bring cases against operators. NMRO co-operates with operators to facilitate compliance.
- NMRO co-operates with customs authorities.
- NMRO conducts enforcement investigations into specific products/supply chains and has published a report summarising the outcome of one of these investigations.
- There is no mechanism to challenge CA decisions or inaction on substantiated concerns.

Timber Procurement Policy (TPP): Timber traceable to a forest with a fully implemented forest management plan in line with the UK Forestry Standard (UKFS) requirements and guidelines meets the UK government's Timber Procurement Policy. The Forestry Commission has guidance to woodland owners in England, and suppliers using wood from small English woodlands, to help them meet the requirements of government TPP. See EU Timber Pro-Forma:

[https://www.forestry.gov.uk/pdf/EUTRRiskAsstAddendum.pdf/\\$FILE/EUTRRiskAsstAddendum.pdf](https://www.forestry.gov.uk/pdf/EUTRRiskAsstAddendum.pdf/$FILE/EUTRRiskAsstAddendum.pdf).

If woodland is not certified through either FSC or PEFC UK (category A evidence), it is possible to demonstrate compliance with the UK Woodland Assurance Standard (UKWAS). If a woodland is assessed by either FSC or PEFC against the UKWAS, timber can be sold as FSC and / or PEFC certified.

- Alternatively, Category B evidence can be met by using the Forest source: "checking category B evidence" and if needed, "the Forestry supply chain: check category B evidence" guidance documents.
- CPET guidance will remain but the support unit ceased from April 2016.

Furthermore, since low risk has been found in sub-categories 1.1-1.20, it is concluded that the potential impact of this lack of implementation will be limited both in impact and in scale for French forestry. Therefore, the risk has been concluded to be low.

Risk Conclusion

This indicator has been evaluated as low risk. Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

1.21.6. Risk designation and specification

Low risk

1.21.7. Control measures and verifiers

N/A

Annex I. Timber source types

The table **Timber Source Types in the United Kingdom** identifies the different types of sources of timber it is possible to find in the country of origin.

'Timber Source Type' is a term used to describe the different legal sources of timber in a country, in order to allow a more detailed specification of risk. The Timber Source Type is used to clarify:

- which forest types timber can be sourced from legally;
- what the legal requirements are for each source type, and
- if there are risks related to certain source types and not others.

Timber Source Type can be defined by several different characteristics. It may be based on the actual type of forest (e.g. plantation or natural), or other attributes of forests such as ownership, management regime or legal land classification. In this context Timber Source Types are defined and discerned using the following characteristics:

- a) **Forest type** - refers to the type of forest such as plantation or natural tropical forest, or mixed temperate forest. Often the clearest differentiation is between natural forest and plantations.
- b) **Spatial scale (Region/Area)** - relating to meaningful divisions of a nation. However, in some cases the assessment may be carried out at national level where that allows the risk assessment to establish risk at a meaningful level. E.g. a small country with uniform legislation and a uniform level of risk in all areas of the country, as national level assessment may be enough. In case there are significant differences in the legal framework or legality risks between different types of ownership (e.g. public forest, private forest, industrial forest), between different type of forest (e.g. natural forest and plantations) and/or between different geographical regions the conformance risk evaluation shall specify these differences when specifying the risk and apply the appropriate control measures.
- c) **Legal land/forest classification** - refers to the legal classification of land. Focus is on land from where timber can be sourced, and this could entail a number of different legal categories such as e.g. permanent production forest, farm land, protected areas, etc.
- d) **Ownership** - Ownership of land may differ in a country and could be state, private, communal etc. Ownership of land obviously have impacts on how land can be managed and controlled.
- e) **Management regime** - Independently of the ownership of the land, the management of forest resources may differ between areas. Management may also be differentiated as private, state, communal or other relevant type.
- f) **License type** - Licenses may be issued to different entities with a range of underlying requirements for the licensee. A license might be issued on a limited area, limited period of time and have other restrictions and obligations. Examples could be a concession license, harvest permit, community forestry permit etc.

TIMBER SOURCE TYPES IN THE UNITED KINGDOM

Forest type	Region/Area	Legal Land Classification	Ownership	Management regime	License / Permit Type	Description of source type
Ancient Forest	UK	Woodland that has been in continuous existence since 1600 (1750 in Scotland).	Public and Private	Central Government and managed by Country agencies* or privately owned	Felling Licences/Forest Management Plan	No logging permitted except Plantation timber via PAWS (plantation on ancient woodland site)
Ancient Semi-natural Forest (ANSW)		Woodland that is both ancient and semi-natural	Public and Private	Central Government and managed by Country agencies or privately owned	N/A	No logging permitted except Plantation timber via PAWS (plantation on ancient woodland site)
(Other) Semi-natural Forest (OSNW)		Woodland with natural characteristics (predominantly native species of trees, ground plants and animals) where wood production is not a primary objective; this term is used rather than natural because the woodland may have originally been planted or have been managed for wood production in the past.	Public and Private	Central Government and managed by Country agencies or privately owned	Felling licences/ Forest management plan based on ownership type, management regime and country.	Management plan or felling licence
Plantation forest		Forests that have been planted or sown and are characterised by intensive silviculture treatment to meet a specific objective or limited range of	Public and Private	Central Government and managed by Country agencies or privately owned	Felling licences/ Forest management plan based on ownership	Management plan or felling licence

		objectives. Plantations lack most of the characteristics of natural forests.			type, management regime and country.	
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About

Supporting Legal Timber Trade

Supporting Legal Timber Trade is a joint project run by NEPCon with the aim of supporting timber-related companies in Europe with knowledge, tools and training in the requirements of the EU Timber Regulation. Knowing your timber's origin is not only good for the forests, but good for business. The joint project is funded by the LIFE programme of the European Union and UK aid from the UK government.



NEPCon (Nature Economy and People Connected) is an international, non-profit organisation that builds commitment and capacity for mainstreaming sustainability. Together with our partners, we foster solutions for safeguarding our natural resources and protecting our climate.

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