

# **CPET Guidance for the Growers of Timber in the UK**

What woodland owners and managers need to know about:

- UK Government Timber Procurement Policy;
- the EU Timber Regulation;
- and supplying woodfuel to the renewable energy and heat markets.

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# 1. Introduction







This guidance summarises what you, as a woodland owner or manager in the UK, need to know about sustainable forest management (SFM), the UK Forestry Standard (UKFS), and meeting the requirements of:

- **the EU Timber Regulation** – if you place timber and timber products on the UK market;
- **the UK Government Timber Procurement Policy** – if you sell timber or wood-derived products to central government and other parts of the public sector;
- **sustainable forest management criteria** - if you sell timber as wood-fuel or biomass to the renewable energy and heat markets supported by energy subsidies.

**The good news is that by complying with the UK Forestry Standard you are likely to have already fulfilled the majority of these requirements.**

The following table summarises the various requirements and ways of meeting them.

**Figure 1. Overview of the EU Timber Regulation, UK Government Timber Procurement Policy and requirements for sustainable woodfuel.**

	EU Timber Regulation (EUTR) requirements for operators	UK Government's Timber Procurement Policy (TPP)	UK woodfuel requirements - Legal & Sustainable forest source
What timber products are included?	A wide range of timber products placed on the EC market fall under the EUTR scope (see the EUTR Annex).	All timber and wood-derived products that you supply to central government, devolved governments and some other parts of the public sector.	All woodfuel supplied to generators under the Renewables Obligation and Renewable Heat Incentive Scheme Approved Suppliers List.
Requirements for evidence of legality	 Designed to ensure that all timber sold in the EU has been legally harvested.	TPP, RO & RHI requires legal & sustainable timber. 	
Requirements for evidence of sustainability	 Does not contain a sustainability requirement.		
Is a felling licence evidence of compliance?	Partially: delivers majority of information requirements. Risk assessment (and where appropriate risk mitigation) is still needed. See Forestry Commission EUTR DDS Proforma (Annex3).	 Offers evidence of the fundamental aspects of sustainability but as this is confined to felling site and felling operation, rather than the wider forest, it is insufficient..	
Is an approved UKFS - forest management plan evidence of compliance?		 A Forest Management Plan conforming to the UKFS & Guidelines and approved by the forestry authority is sufficient forest-source information. Supply chain information is also needed to demonstrate traceability to the forest.	
Does forest certification provide evidence of compliance?	Partially: whilst forest certification schemes provide most of the information requirements risk assessment (and where appropriate risk mitigation) is still needed.	 Forest certification schemes are referred to as 'Category A' evidence under the timber procurement policy.  <b>FSC and PEFC have been assessed as satisfying the UK Government's TPP requirements and land criteria' for woodfuel requirements for sustainable and legal timber.</b>	

## 2. Sustainable woodland management in the UK

### 2.1. *Introduction to the UK Forestry Standard*

The UK Forestry Standard (UKFS) is the reference standard for sustainable forest management in the UK and is the fundamental tenet of UK forestry policy. Supported by a series of Guidelines, it outlines the context for forestry in the UK, defines standard requirements, and provides a basis for regulation and monitoring. The articulation of forestry policy is devolved to country administrations, although some overarching functions – including plant health and international issues – are dealt with on a Great Britain or UK basis. England, Scotland, Wales and Northern Ireland each have their own forestry programmes or strategies setting out policies and priorities for forest creation and management in the national context.



The UKFS ensures that the UK can deliver on commitments it has made to the concept of sustainable forest management both domestically and at the international level. The UK reports on the delivery of these commitments by providing data on agreed criteria and indicators for sustainable forestry - known as the “Forest Europe - Pan European Criteria and Indicators of Sustainable Forest Management.”

In international comparisons, the risks of timber from the UK being illegal or unsustainable are recognised as being low for a number of reasons. The UK scores highly on indices of governance, with a low incidence of illegal felling, (estimated at less than 1% from Forestry Commission data.). In addition, the processes of regulatory approval for forestry are subject to extensive public scrutiny. An independent assessment, undertaken for the Forest Stewardship Council (FSC), summarised the level of risk as low for four key factors: illegally harvested wood, wood harvested in violation of traditional and civil rights, wood harvested in forests where high conservation values are threatened by management activities, and wood harvested in forests being converted to plantations or non-forest use. Accordingly, both major certifications schemes (PEFC and FSC) have independently assessed timber from the UK as being uncontroversial or low risk. This means that these independent schemes regard UK timber as qualifying for the proportion of uncertified material that is allowed to enter their supply chains.

Turning to the forest level, the UKFS lays emphasis on forest management planning as the key to providing evidence of sustainable forest management within the general context provided by the Pan European Criteria. Guidance is

provided on how to go about forest planning in your woodland. This provides the principal way of demonstrating that your forest is managed sustainably, unless you decide to certify your woods, see below. The forest plan needs to provide detailed information and provide a clear statement of your intentions. However the plan should not be overly bureaucratic, but proportionate to the scale and complexity of the woodland and the management operations envisaged.

The UKFS Guidelines, published as separate documents, provide more detail on seven specialist elements of forest management. Supporting these, the Forestry Commission publishes a wide range of technical and scientific publications both at a UK and country level, which underpin the approach set out in the UKFS.

### **Guidance and resources**

- UK Forestry Standard [www.forestry.gov.uk/ukfs](http://www.forestry.gov.uk/ukfs)
- UKFS Quick Start Guide (in preparation)
- FC Publications [www.forestry.gov.uk/publications](http://www.forestry.gov.uk/publications)

## ***2.2. Getting regulatory approval to undertake forestry operations***

**The UK regulatory framework**, covering a range of laws and regulations applies to all occupiers of land and parties engaged in commercial activities. Some are of special relevance to land-based activities in general and others are more specific to forestry. Compliance with the law is fundamental to the UKFS.

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 in Great Britain without prior approval, although there are exceptions for trees below a specified size, dangerous trees, and very small-scale felling operations. In Northern Ireland, the Forestry Act (Northern Ireland) 2010, with its provisions for felling licences and felling management plans, now aligns more closely with Great Britain.

**Responsibility for most aspects of forestry** in the UK is devolved. Each administration has a “forestry authority” with responsibility for overseeing, supporting and regulating the forestry sector. These forestry authorities can advise and assist you in getting approval. Precise arrangements vary for each country.

The forestry authorities are:

- for England: [Forestry Commission England](#);
- for Northern Ireland: [Forest Service](#);
- for Scotland: [Forestry Commission Scotland](#);
- for Wales: [Natural Resources Wales](#).



There are two mechanisms for the forestry authorities to approve your proposals.

**A Felling licence** – a simple one-off permission to fell trees (including thinnings) in a defined area. Subject to some minor exceptions, it is illegal to fell trees without permission and a felling approval is normally only granted subject to restocking of the harvested areas. For more information see Annex 1.

**A Forest management plan** – a more comprehensive and longer term approval applied to a “forest management unit” (FMU).

To encourage landowners to establish new woodlands and to manage existing woodlands sustainably, the forestry authorities in each country also offer a range of grants for woodland management and other related activities. These are country-specific and are revised frequently. They help with the costs of tree planting, woodland management or the provision of environmental or community benefits. There may also be grants to help you prepare a forest management plan.

All grants are conditional on complying with UKFS Requirements and these, together with the rules of the grant schemes, provide the basis for assessing whether your forest management proposal can be approved.

**The Environmental Impact Assessment Regulations** also apply to proposals for creating new woodland on previously non-wooded land, deforestation, or construction of forest roads and quarries. If your forestry authority determines that your proposal might have a significant effect on the environment, you will need to undertake an Environmental Impact Assessment (EIA) and prepare an Environmental Statement describing how you propose to address these significant effects. You cannot proceed with your proposal unless it is approved by your forestry authority.

Guidance and resources on EIA can be found at:

- for England: [Forestry Commission England](#);

- for Northern Ireland: [Forest Service](#);
- for Scotland: [Forestry Commission Scotland](#);
- for Wales: [Natural Resources Wales](#).



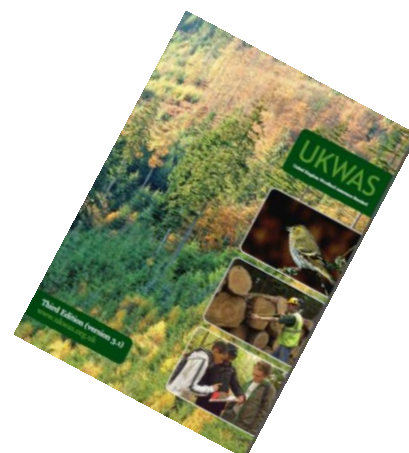
#### **Statutory Plant Health Notices (SPHNs)**

SPHNs requiring the felling of infected trees, are issued by the forestry authority to prevent the spread of pests and diseases. For example, these are currently being issued to attempt to halt the spread of *Phytophthora ramorum*, first found in Japanese larch in the UK in 2009.

### **2.3. *Independent voluntary certification***

In addition to adherence to the UKFS and the associated regulatory requirements, independent voluntary certification is available to forestry managers. Most larger customers specify certification as a condition of buying timber woodland products and approximately 70% of the timber production from privately owned woods is now certified. The costs of certification have to be met by you as the owner or manager, although it is sometimes reflected in higher prices for timber. Certification is essentially a product labelling system that provides further independent third party assurance that woodland is responsibly managed in accordance with internationally agreed criteria.

**The UK Woodland Assurance Standard (UKWAS)** is used in the UK by the two leading international voluntary schemes, the Forest Stewardship Council (FSC) and the Programme for Endorsement of Forest Certification (PEFC). UKWAS is an audit protocol used by the independent auditors who undertake the inspections. It is distinct from the UKFS in terms of its purpose and how it is written, but it nevertheless draws on the content of the UKFS and combines this with the requirements of the certification schemes themselves. This means that in terms of forestry practice, by complying with the UK regulatory requirements, you are going a long way to meet the requirements of independent certification.



**Chain of Custody (CoC)** certification is the mechanism for tracking certified material from its woodland source to its final product; it minimises the risk that responsibly sourced timber can be mixed with other material. For a product to carry a certification label and provide customers with assurances about the legality and sustainability of their products, the forest must be certified and all entities along the supply chain must be CoC certified.



For more information, see Annex 3.

**Guidance and resources**

- UKWAS [www.ukwas.org.uk](http://www.ukwas.org.uk)
- FSC UK [www.fsc-uk.org](http://www.fsc-uk.org)
- PEFC UK [www.pefc.co.uk](http://www.pefc.co.uk)



### 3.3. What will I need to do to comply as an operator?

Operators need to apply due diligence to ensure the risks of the timber being illegal are minimised. A due diligence system (DDS) means a systematic way of gathering information, assessing the risk and if necessary applying measures to minimise that risk.

You need to record:

- information about the timber you place on the market, such as where it was felled, species and quantity and your customer's details, (see Table 1 in Annex 2 for a detailed list of requirements and guidance on how to comply);
- evidence of legal harvesting.

The Regulation defines 'legal harvesting' in a broad way; it includes biodiversity legislation, replanting requirements and the use and tenure rights of third parties. See Table 2 and Table 3 in Annex 2 for a full list of applicable legislation.

#### **EUTR information, where the felling requires a licence**

If the felling is licensable, then a felling licence or an approved forest plan will satisfy most of the EUTR DDS requirements, but the responsibility for due diligence remains with the operator.

#### **EUTR information, where the felling does not require a licence**

For felling authorised through planning laws - the planning approval will be key to demonstrating legality. For other situations, such as small scale felling, arboriculture, felling dead or dying trees or where a Statutory Plant Health Notice has been issued, felling wayleaves etc., see Table 3 in Annex 2.

#### **As part of due diligence, risk assessment will be required in all cases.**

To help with this, a standardised one-page form is available. This will accompany the proof of legality – normally a felling licence or forest management plan. In addition, **forest certification schemes (FSC and PEFC)** provide evidence of good practice and should be cited in the risk assessment. Other third party verification systems, such as ISO 14001, may also be used.

Guidance on the EUTR and the Due Diligence System Proforma can be found in Annex 2 and 3 and is also available from your forestry authority EUTR webpage listed in Section 3.5.

### 3.4. What do 'traders' need to do to comply?

Under the EUTR most growers in the UK not likely to be 'traders', but are often classified as 'operators' (see Section 3.2).

If you are classed as 'trader', you must ensure you can trace timber / timber products up and down the supply chain. You will need to keep records to demonstrate:

- from whom you bought the timber or timber products; and, where applicable
- to whom you have sold the timber or timber products.

This information must be kept for at least five years and be provided for checks by authorities if requested.

### **3.5. Guidance**

- National Measurement Office [www.bis.gov.uk/nmo/enforcement/EU-Timber-Regulation](http://www.bis.gov.uk/nmo/enforcement/EU-Timber-Regulation)
- CPET [www.cpet.org.uk/uk-government-timber-procurement-policy/EUTR](http://www.cpet.org.uk/uk-government-timber-procurement-policy/EUTR)
- UK Government policy [www.gov.uk/government/policies/sustaining-and-enhancing-trees-forests-and-woodland/supporting-pages/working-to-stop-deforestation](http://www.gov.uk/government/policies/sustaining-and-enhancing-trees-forests-and-woodland/supporting-pages/working-to-stop-deforestation)
- European Commission [ec.europa.eu/environment/eutr2013](http://ec.europa.eu/environment/eutr2013)
- Forestry Commission England: <http://www.forestry.gov.uk/england-eutr>
- Forestry Commission Scotland [www.forestry.gov.uk/scotland-eutr](http://www.forestry.gov.uk/scotland-eutr)
- Natural Resources Wales <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/timber/tree-felling-licence/European-union-timber-regulations/?lang=en>

## 4. Government Timber Procurement Policies (TPP)

### 4.1. *Introduction to the TPP*

The UK Government and various parts of the public sector have policies to ensure that only timber and timber products that are legally and sustainably sourced are specified for their use.

The UK Government's TPP requires that

**“Only timber and wood-derived products originating from an independently verifiable Legal and Sustainable source will be demanded for use on the government estate – appropriate documentation will be required to prove it.”**

The policy is **mandatory** for all central Government Departments, Executive Agencies and Non Departmental Public Bodies. English local authorities, other public bodies and the private sector are encouraged to adopt sustainable timber procurement policies.

The devolved administrations in Northern Ireland, Scotland and Wales are not covered by the UK Government TPP. However, Northern Ireland and Scotland have adopted closely aligned approaches, whilst the Welsh Government is currently developing its policy.

CPET : the UK Government funds the Central Point of Expertise on Timber (CPET) which provides an advisory service for public sector buyers and their suppliers across the United Kingdom (including the devolved administrations) on ways to meet the TPP requirements in practice.



### 4.2. *Evidence required under the TPP*

Documentary evidence of compliance may be required before the timber and wood-derived products are delivered. Evidence of legality and sustainability can be provided in two ways:

**Category A evidence** - through **independent certification** of the timber and timber products by one of the forest certification schemes that meet the policy requirements. FSC and PEFC certification schemes are the only schemes currently approved as meeting the procurement requirements. In the UK, these schemes are applied in combination with the UK Woodland Assurance Standard (UKWAS). In addition to forest certification, evidence will have to be provided of the chain of custody from forest source to end use.

**Category B evidence** – alternative, (i.e. non certification) documentary evidence that provides assurance that the source is legal and sustainable. For Category B, all forms of credible documentary evidence can be considered and will be assessed on a case by case basis. CPET has developed a framework to help with this, available on the CPET website.

**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, as suitable Category B evidence.**

The country approaches to this vary, in England for example, a Category B protocol has been developed for the smaller woodland owner (less than 100ha) to ensure all the necessary elements are addressed.

In addition to the plan itself, you will need to provide evidence that links the timber itself to its forest of origin along the supply chain. The burden of proof will increase with the scale and complexity of the supply chain. As supply chains for domestic timber tend to be only one or two links, this should not prove to be too difficult. If there is any concern about the adequacy, robustness or veracity of the evidence provided then independent verification of the evidence may be required.

Other types of Category B evidence can also be put forward and will be judged by CPET on a case-by-case basis. For further information visit the CPET website.

#### **4.3. Guidance**

- UK Government Timber Procurement Policy available at CPET [www.cpet.org.uk](http://www.cpet.org.uk)
- Northern Ireland Public Procurement Policy [www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content\\_-\\_cpd\\_-\\_policy\\_-\\_procurement\\_guidance\\_notes/content\\_-\\_cpd\\_procurement\\_guidance\\_notes\\_pgn\\_04\\_-\\_06.htm](http://www.dfpni.gov.uk/index/procurement-2/cpd/cpd-policy-and-legislation/content_-_cpd_-_policy_-_procurement_guidance_notes/content_-_cpd_procurement_guidance_notes_pgn_04_-_06.htm)
- Scottish Procurement Policy <http://www.scotland.gov.uk/Topics/Government/Procurement/policy/corporate-responsibility/CSR/SSPAP/TimPap>;
- The Welsh Government is currently developing Procurement Policy is currently in development.

## **5. Additional sustainable forest management criteria for wood-fuel**

### ***5.1. Introduction to woodfuel requirements***

The EU Renewable Energy Directive promotes the use of renewable energy (including renewable heat and electricity from virgin woodfuel) and sets the UK a binding target to achieve 15% of its energy consumption from renewable sources by 2020.

The UK government has introduced a number of schemes to increase the generation and use of renewable energy including woodfuel. Those relevant to woodland owners are:

- The Renewables Obligation (RO) – this provides incentives for large-scale renewable electricity generation by requiring UK electricity suppliers to source a proportion of their electricity from eligible renewable sources
- The Renewable Heat Incentive (RHI) – this provides incentives for generators of renewable heat with support available to households and businesses.

The UK government is bringing in sustainability controls to the RO and RHI that consist of a greenhouse lifecycle emissions target for the resulting biomass heat or electricity, and ‘land criteria’ to protect land with high carbon stock or biodiversity value.

### ***5.2. Evidence is required for woodfuel under the RO and RHI***

To ensure that woodfuel is responsibly sourced, the Department of Energy and Climate Change (DECC) is developing specific ‘land criteria’ for virgin woodfuel supplied to the UK renewable energy and heat markets. These ‘land criteria’ will specify that virgin woodfuel must originate from legal and sustainable forest sources.

The initial requirement for the land criteria under the Renewable Obligation for electricity suppliers will be to report on their performance from April 2014 with the intention to make the land criteria mandatory for power generators of 1MWe and above from April 2015.

Under the Renewable Heat Incentive, the land criteria will be made mandatory for heat installations of all sizes. A further revision to RHI Scheme Regulation covering this compliance requirement is expected to enter into force by 1st April 2015. There will be no requirement to report against land criteria for the RHI before the date they become mandatory, although heat installations of 1MW or above in capacity must continue to submit sustainability information as per Ofgem’s guidance.

When the land criteria are made mandatory, woodfuel users receiving financial support under the RO and RHI will want to purchase woodfuel that they are confident meets the criteria.

The new land criteria have not yet been published in law but it is intended for woodfuel, that they will be aligned with the UK Government's Timber Procurement Policy's principles and its definition of 'legal and sustainable'.

You will be able to meet the requirements included in the 'land criteria' for woodfuel through providing similar evidence required as set out under the TPP above by using either certification schemes approved by CPET (known as Category A evidence - currently forest certification schemes FSC and PEFC, but may soon also include some biomass certification schemes) or Category B, "other" evidence as set out above.

### **5.3. Guidance**

- CPET [www.cpet.org.uk](http://www.cpet.org.uk).
- Ofgem Renewables Obligation [www.ofgem.gov.uk/environmental-programmes/renewables-obligation-ro](http://www.ofgem.gov.uk/environmental-programmes/renewables-obligation-ro)
- Ofgem Renewable Heat Incentive [www.ofgem.gov.uk/environmental-programmes/renewable-heat-incentive-rhi](http://www.ofgem.gov.uk/environmental-programmes/renewable-heat-incentive-rhi)
- Ofgem Draft Renewable Heat Incentive Guidance: Non- domestic scheme Volume Two: Ongoing obligations and payments (Version 3) [www.ofgem.gov.uk/publications-and-updates/draft-renewable-heat-incentive-guidance-non-domestic-scheme-volume-two-ongoing-obligations-and-payments-version-3](http://www.ofgem.gov.uk/publications-and-updates/draft-renewable-heat-incentive-guidance-non-domestic-scheme-volume-two-ongoing-obligations-and-payments-version-3)





## Annex 1. Controls on tree felling

You need to get approval to fell trees (although there are a few exceptions, for example trees that are small, dying or dangerous, small volumes or areas, or trees interfering with power-lines). If the trees fall under planning regulations, you will need permission from the local authority. Otherwise there are essentially two mechanisms for the forestry authorities to approve proposals that involve felling trees:

- **felling licence** – a simple one-off permission to fell trees (including thinnings) in a defined area; and
- **forest management plan** – a more comprehensive and longer term approval applied to a “forest management unit” (FMU).

Arrangements differ slightly in Northern Ireland, for example approval is not needed for areas less than 0.2ha. In all parts of the UK, felling approval is open for a defined period of up to 5 years and normally only granted subject to a legal requirement to restock.

If you undertake felling without permission it will be investigated by the authorities and prosecution may ensue.

### Guidance

- Forestry Commission [www.forestry.gov.uk/felling](http://www.forestry.gov.uk/felling)

You may be required to fell trees infected by pests or diseases, under a **Statutory Plant Health Notices (SPHN)**. These are, issued by the forestry authority to prevent spread or reinfection.

**The Environmental Impact Assessment (EIA) Regulations** apply to proposals for creating new woodland on previously non-wooded land, deforestation or construction of forest roads and quarries. Your forestry authority needs to decide if your proposal might have a significant effect on the environment. If so, you will need to undertake an Environmental Impact Assessment describing how you propose to address these significant effects. You cannot proceed with your proposal unless it is approved by your forestry authority.

Before determining your felling or forest management proposal, your forestry authority will consult local authorities and other statutory bodies and make provision for anybody to comment on forestry proposals before a decision is reached. The mechanisms for doing this vary across the UK and with the significance and extent of the proposal. Where trees are subject to designations, for example on Areas or Sites of Special Scientific Interest, the

consent of the relevant statutory authorities is also required before management activity can commence.

There is thus a strong presumption against the removal of woodland across the UK, and felling approval is normally only granted subject to conditions that require the adequate restocking and the reestablishment of felled areas. Where deforestation does occur, an EIA may be required and the authorities are likely to require an equivalent area of woodland establishment to avoid a net loss of forest area. This is referred to as compensatory planting.

## **Annex 2. Developing an EU Timber Regulation due diligence system: practical steps**

For all timber placed on the market in the UK the EU Timber Regulation (EUTR) requires that due diligence is carried out, including information gathering, risk assessment and, where appropriate, risk mitigation.

All timber will also need evidence that links it to the forest site. For certified produce, there is a mechanism known as chain of custody (CoC) certification. However other documentary evidence can be used and this is not an onerous requirement for UK-grown timber where the supply chains are usually short.

For UK-grown timber Forestry Commission Great Britain, together with Forestry Commission England, Forestry Commission Scotland, Natural Resources Wales, the National Measurement Office and industry have developed a 'EUTR DDS Proforma' (see Annex 3), which is linked to the felling approval. The Proforma is designed to help 'operators' demonstrate the steps they are taking to minimise the risk of their timber being illegal. This includes information on risks relevant to UK grown timber and space for the 'operator' to identify any additional risks they have identified, together with mitigating actions. To meet the requirements of the EUTR, 'Operators' can complete and retain this form along with other relevant documents, such as a felling licence or forest management plan, and ensure they are up-to-date.

Annex 3 sets out the Proforma which will help 'operators' to comply with the legislation. The Proforma is also available to download from your forestry authority

- Forestry Commission England: <http://www.forestry.gov.uk/england-eutr>
- Forestry Commission Scotland [www.forestry.gov.uk/scotland-eutr](http://www.forestry.gov.uk/scotland-eutr)
- Natural Resources Wales <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/timber/tree-felling-licence/European-union-timber-regulations/?lang=en>

If applying to your forestry authority for either a felling licence or a grant scheme that includes felling approval, or if you are in receipt of a Statutory Plant Health Notice (SPHN) requiring you to fell infected trees, your forestry authority will issue one of these forms with your licence, grant contract or notice and will annotate section one of the form, identifying the reference number appropriate to the felling. The remaining sections of the form must be completed by the 'operator'. The 'operator' should keep the form for at least 5 years.

For further information please refer to the guidance from your forestry authority, available on the above webpages.

Table 1 below outlines the information requirements set out in the EUTR and provides guidance on how ‘Operators’ may meet the requirement.

**Table 1. Overview of EUTR information requirements for ‘Operators’**

<b>EUTR Requirement</b>	<b>Guidance</b>
Description, including the trade name and type of product as well as the common name of tree species and, where applicable, its full scientific name	<p>Your felling licence or forest plan will specify the tree species and the quantity of each species, and where the felling took place.</p> <p>Where timber may have been listed as mixed species, such as mixed conifer or mixed broadleaf on a felling licence, the species will need to be stated regardless of quantity that makes up the mix, and an approximate proportion given of each species in the mix.</p>
Country of harvest	As it is UK timber this is not applicable
Quantity	You could record this as volume, weight or number of units.
Name and address of the trader to whom the timber and timber products have been supplied	You could use your financial records at point of sale to gather this information.
Documents or other information indicating compliance of those timber and timber products with the applicable legislation.	See Table 2.

Table 2 provides a detailed explanation of documents indicating compliance with applicable legislation in the UK. An easy way to demonstrate compliance is to use an FSC or PEFC SFM certificate. Alternative, you can use an approved Forest Management Plan and/or Felling Licence, or Planning Approval. ‘Operators’ may use the Forestry Commission EUTR DDS Proforma to link these documents to the information gathering requirements (see Table 1 above), as well as risk assessment and where necessary risk mitigation actions.

**Table 2. Detailed overview of documents indicating compliance with applicable legislation in the United Kingdom**

<b>Category of legislation</b>	<b>Broad EC guidance</b>	<b>UK examples</b>
1. Documentation for rights to harvest timber within legally gazetted boundaries	Generally available documents in paper or electronic form e.g. documentation of ownership/rights to land use or contract or concession agreements	<p>An easy way to demonstrate compliance is to use an FSC or PEFC SFM certificate.</p> <p>Alternative, you can use an approved Forest Management Plan and/or Felling Licence, or Planning Approval.</p> <p>Where a felling licence or planning approval is not required:</p> <ul style="list-style-type: none"> <li>• Ownership or tenure: confirmation of long term unchallenged use; signed declaration detailing nature and location of tenure documentation; solicitor's letter; title deeds; land registry records.</li> <li>• Rights to harvest: contract/agreement with land owner or tenant, or a Statutory Plan Health Notice issued by the forestry authority.</li> </ul>
2. Payments for harvest rights and timber including duties related to timber harvesting	Generally available documents in paper or electronically e.g. contracts, bank notes, VAT documentation, official receipts, etc.	There are no specific payments or duties applicable to harvesting timber in the UK.

Category of legislation	Broad EC guidance	UK examples
3. Timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting	Official audit reports; environmental clearance certificates; approved harvest plans; coupe closure reports, ISO certificates; codes of conducts; publicly available information demonstrating rigorous legislative supervision and timber tracking and control procedures; official documents issued by competent authorities in a country of harvest etc.	<p>An easy way to demonstrate compliance is to use an FSC or PEFC SFM certificate.</p> <p>Alternative, you can use an approved Forest Management Plan and/or Felling Licence, or Planning Approval.</p> <p>Where required you should also keep a record of: Environmental Statement and consent.</p> <ul style="list-style-type: none"> <li>• Conservation Area consent.</li> <li>• Tree Preservation Order consent.</li> <li>• SSSI/ASSI consent.</li> <li>• Scheduled Ancient Monument consent.</li> <li>• Statutory Plant Health Notice.</li> </ul>
4. Third parties' legal rights concerning use and tenure that are affected by timber harvesting	Environmental impact assessments, environmental management plans, environmental audit reports, social responsibility agreements, specific reports on tenure and rights claims and conflicts.	<p>An easy way to demonstrate compliance is to use an FSC or PEFC SFM certificate.</p> <p>Alternative, you can use an approved Forest Management Plan and/or Felling Licence, or Planning Approval.</p> <p>Where a felling licence or planning approval is not required: Evidence that existing statutory and traditional uses of the woodland have been sustained e.g. rights of way, traditional and common rights.</p>

Category of legislation	Broad EC guidance	UK examples
5. Trade and customs, in so far as the forest sector is concerned	Generally available documents in paper or electronic format e.g. contracts, bank notes, trade notes, import licenses, export licenses, official receipts for export duties, export ban lists, export quota awards, etc.	There are no trade and customs applicable to harvesting timber in the UK.

**Table 3. Demonstrating legal harvesting where a felling licence, forest management plan and planning approval is not required**

‘Operators’ involved in the following activities will need to comply with information gathering requirements (see Table 1 above) and also demonstrate evidence of legal harvesting as well as risk assessment and where necessary risk mitigation actions.

‘Operators’ may use the Forestry Commission EUTR DDS Proforma to do this.

Activity	Compliance requirements
<p><i>Small scale felling</i></p> <p>Those felling less than 5 cubic metres in a calendar quarter, provided not more than 2 cubic metres are sold, are excluded from the felling controls in the Forestry Acts.</p>	<ul style="list-style-type: none"> <li>• Information gathering as set out in Table 1</li> <li>• Written permission from landowner confirming the timber in question comes from felling activity outside the scope of felling licensing, e.g. a note outlining the circumstances in the contract/invoice paperwork.</li> </ul>
<p><i>Windblown timber</i></p> <p>The removal of windblown timber does not need a licence.</p>	<ul style="list-style-type: none"> <li>• Information gathering as set out in Table 1</li> <li>• Establish that windblow has occurred, for example through photographic evidence and documenting the location of the site.</li> </ul>
<p><i>Arboriculture/Coppicing</i></p> <p>Timber which is placed on the market as a result of arboriculture/coppicing activities is unlikely to be subject to a felling licence.</p>	<ul style="list-style-type: none"> <li>• Information gathering as set out in Table 1</li> <li>• Evidence of legality in the form of a contract/invoice</li> </ul>
<p><i>Dead and dying trees</i></p> <p>These do not require a felling licence, and mostly apply to single (often roadside) trees.</p>	<ul style="list-style-type: none"> <li>• Information gathering as set out in Table 1</li> <li>• Evidence of legality in the form of a contract/invoice may be prudent.</li> </ul>
<p><i>Trees felled through Statutory Plant Health Notice</i></p> <p>SPHNs requiring the felling of infected trees are issued by the forestry authority to prevent the spread of pests and diseases.</p>	<ul style="list-style-type: none"> <li>• Information gathering as set out in Table 1 and Table 2, including the SPHN.</li> </ul>



## Annex 3. Forestry Commission EUTR DDS Proforma

### EU Timber Regulation: Due Diligence for Timber Grown in Great Britain.

This document is intended to help meet the obligations placed on "operators", as defined under EU Timber Regulation (No 995/210), to undertake a risk assessment. It outlines the risk factors associated with timber grown in Great Britain (see overleaf). The details of the timber's species, volume etc. are listed on the felling licence/grant scheme contract /management plan or in the absence of these on a separate sheet.

#### Evidence of Lawful Harvesting

1. Felling licence, grant scheme, statutory plant health notice or management plan ref no (s)	Date approved

Signed :  
(on behalf of Forestry Commission)  
OR

Dated :

2. In the absence of felling licence or management plan: Please attach a separate sheet with details of the species and volumes.  Where the timber came from: Name & address of supplier/land owner:  Reason the timber does not derive from an approved felling licence or management plan:
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**Certification:** If the timber is independently certified enter the certificate number below:

3.
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**Additional Risk Factors:** If there are any factors (not covered overleaf) that indicate a risk that the timber could be illegally harvested, enter these below with an explanation of how that risk has been mitigated. Continue on a separate sheet if necessary.

4. Factor	Means of mitigation

**Declaration by the operator:** I declare that the timber referred to above is grown in Great Britain. I have identified any additional risk factors and the action taken to mitigate that risk, and I have no reason to believe that there are further risks of the timber being illegal.

Signed :

Dated :

**The timber described overleaf was produced from Great Britain forests where the following risk factors apply.**

**1 Illegality** - Forests in Great Britain are regulated by the Forestry Commission or Natural Resources Wales. The incidence of illegal felling is low, estimated at much less than 1% of the timber volume harvested.

**2 Governance** - The UK is ranked highly for good governance in independent assessments, such as The Worldwide Governance Indicators project (funded by The World Bank). Moreover forestry proposals in Great Britain are available for comment and Great Britain is well served by bodies from civil-society that contribute specialist knowledge and opinion to the assessment of forestry proposals.

**3 International Perspective** - There is no UN Security Council ban on timber exports from the UK and the UK is not associated with or designated as a source of 'conflict timber', both of which are key international indicators of illegality.

**4 Forest Regulation** - Great Britain has specific forest laws (principally, The Forestry Act 1967), which convey powers to regulate forestry activities, control felling, administer woodland grants and to manage state forests. The Forestry Commission issued a revised UK Forestry Standard (UKFS) in 2011 which provides a benchmark against which forestry is regulated and is explicit in terms of legal requirements and the assurances of legality and sustainability that can be given by the process of forest regulation. The Forestry Commission/Natural Resources Wales are the competent authorities with respect to Environmental Impact Assessment (Forestry) Regulations. The Forestry Commission reports on behalf of the UK the sustainability of UK forests in the Global Forest Resources Assessment and Forest Europe indicators and compiles annual statistical information. These various sources of information indicate that forests in the UK are managed on a sustainable basis.

**5 Endangered Timber Species** - There are no endangered timber species present in the UK.

**6 Assessment of UK grown timber by the certification schemes** - The two major international certification schemes, FSC and PEFC, have assessed Great Britain as being of low risk in terms of their "Controlled Wood" and "Avoidance of Controversial Sources" respectively. This allows up to 30% of non-certified GB grown timber to enter supply chains. Approximately 85% of timber coming to the market in Great Britain has been independently certified as coming from well managed forests. This is in addition to the regulatory processes outlined above

**Notes on completing the form.**

- a) The person who first places timber and/or timber products on the market or uses them in his/her business is defined as an "operator" under the Regulation.
- b) If you are a landowner, harvesting and selling the trees, then complete this form and keep it with the felling licence/management plan or other details (as appropriate) together with a copy of the contract for sale of the timber.
- c) If you are buying the timber 'standing' and harvesting the trees, then complete this form, ask for a copy of the felling licence or management plan approval from the owner and keep this form together with details of the contract for purchase of the timber.
- d) It is important to keep a record for at least 5 years, as required by the legislation, of timber sales and purchases.

## **Annex 4. Forest certification**

### **4.1. *About forest certification***

Forest certification schemes develop Sustainable Forest Management (SFM) and Chain of Custody (CoC) standards and accredit service providers or so-called certification bodies who undertake independent third party verification that a timber source meets these standards. Certification schemes can therefore provide evidence that timber is sourced from a legal and sustainable source.

Various forest certification schemes operate around the world. Some schemes are international, others limited to one country or region. Two international certification schemes have been approved as satisfying the UK Government's criteria for demonstrating that timber is legally and sustainably sourced:

- Forest Stewardship Council (FSC); and
- Programme for the Endorsement of Forest Certification (PEFC).

Although they differ in detail, each certification scheme is made up of four main components.

- A sustainable forest management certification standard sets out the requirements that must be met at forest level.
- A chain of custody certification standard provides a mechanism to track timber along the supply chain from forest to final consumer.
- A verification, or certification, process through which a third party (the certification body) checks conformance with the certification standard.
- An accreditation process for approving certification bodies as competent to undertake the certification process.

### **4.2. *About forest certification in the UK***

In addition to adherence to the UKFS and regulatory requirements, independent voluntary certification is a common tool used by the UK's forestry managers to demonstrate to customers that wood is sourced from sustainably managed woodlands.

The FSC and PEFC schemes are the two largest global schemes and in the UK both use the UK Woodland Assurance Standard (UKWAS). The UKWAS is a bespoke certification standard for verifying SFM in the UK; it is set by a multi-stakeholder partnership and is aimed at finding a balance between the interests of economic, environmental and social stakeholders.

The UKWAS standard is highly regarded for its level of detail and clarity and for the high degree of inclusivity and stakeholder support in the standard-setting process.

Woodland owners and managers who fulfil UK regulatory requirements fulfil most requirements of the voluntary certification schemes at the same time.

This is because the UKWAS standard used by FSC and PEFC relies to a substantial extent on woodland managers demonstrating that they meet the requirements of the UKFS and associated Good Practice Guidelines.

It is a unique feature of the UK forestry sector that woodlands can be dual-certified by two global certification schemes to a single national standard (UKWAS) so providing UK growers and processors with the maximum possible flexibility to meet their customers' needs at least cost.

However, it is recognised that many smaller woodland owners are not certified because they find voluntary certification to be difficult in terms of cost and administration; these smaller owners tend to rely on approved forest management plans or felling licences from the UK's forestry authorities to demonstrate legality and sustainability.

### **4.3. *What is required?***

Certification is undertaken by a certification body accredited according to the requirements of each certification scheme. A list of accredited certification bodies is available from FSC UK and PEFC UK.

The woodland owner, manager or tenant must commit to conforming to the certification standard's requirements and to protecting and maintaining the woodland management unit and its ecological integrity in the long term. Management planning is central to meeting the requirements of the certification standard.

During the certification process, the certification body checks that a specified, geographically defined area of woodland (a woodland management unit) is being managed according to the requirements set out in the certification standard.

The certification process can involve an initial visit by the certifier to help identify issues and provide guidance on meeting the requirements (often called a 'pre-assessment').

The certification assessment is carried out to determine whether the forest is managed according to FSC or PEFC requirements. This 'main assessment' can take a few days to complete and will form the basis of the auditor's recommendation to certify your forest management unit or not.

The focus of the main assessment is the management planning documentation and a visit to the woodland to check performance against the certification standard's requirements. Following the main assessment, the certifier provides the forest owner or manager with a report detailing areas of conformance and any areas of non-conformance and may issue 'Corrective Action Requests' to resolve any areas of non-conformance. More serious non-conformances may have to be addressed by issuing 'Major Corrective Actions

Requests which need to be undertaken before the forest can be certified. Where the certifier finds non-conformances of a minor nature, they may issue 'Minor Corrective Action Requests', which can be addressed following certification. Once the certifier is satisfied that forest management meets the standard, a forest management certificate is issued by FSC and/or PEFC for the woodland management unit, valid for five years subject to surveillance audits by the certifier.

The certification body makes regular monitoring visits following certification, annually for individual certificate holders, and less frequently for woodlands certified under a group certificate.

The forest management certificate is an important document as it provides the basis for tracking the forest's products along the supply chain from forest gate to final consumer. The purchaser of your timber will require details of your certificate so that they can obtain the necessary chain-of-custody certification.

#### ***4.4. What certification options are there?***

Many larger woodland owners opt for individual certification but group certification is a good option, especially for smaller owners, as this allows some costs to be shared and a reduced auditing intensity.

There are various categories of "groups" for which group certification under the Scheme might be suitable, including for example:

- a formal or informal co-operative of neighbouring or other forest owners;
- a forest owners association or sub-set of the association;
- a forest manager/private practitioner or forest management company or other management practice managing woodlands on behalf of different owners;
- a timber marketing co-operative.

For further information on group certification schemes in the UK you are advised to contact the certification schemes' UK offices.

- FSC UK [www.fsc-uk.org](http://www.fsc-uk.org)
- PEFC UK [www.pefc.co.uk](http://www.pefc.co.uk)

#### ***4.5. What types of cost are involved in forest certification?***

Certification costs include both direct and indirect costs which vary according to the size of the woodland management unit and intensity of management.

Costs fall into three broad categories – costs relating to adapting forest management, costs associated with adapting internal management systems and preparing the management planning documentation, and the certification body's audit fees.

The UK Woodland Assurance Standard defines small woodlands as those individual woodlands of 500 hectares or under in size and low intensity managed woodlands as those with a low level of timber harvesting. In undertaking their assessment, certification bodies will take account of the size of the woodland and the scale and intensity of management and operations, Small and/or low intensity managed (SLIM) woodlands are not expected to need the same level of documentation or management systems and procedures as are normally used for larger or more intensively managed woodland areas.

It is sensible to contact several different certification bodies and request a quote for certification.

#### ***4.6. How long does it take?***

The length of time to achieve certification will vary, depending upon a range of factors and advice, including the time needed to prepare for a pre-assessment or main audit, or to undertake any 'Corrective Action Requests' issued by a certified after a pre-assessment visit, or main audit. Completing the 'Corrective Action Requests' can take anything from 3 months to 1 year, depending on the strengths and weaknesses of the activities in your forest.

Advice should be sought from the certification bodies, whose contacts details are available from FSC UK and PEFC UK.