



SBP Standard 1: Feedstock Compliance

Principle 1 – Legality

Revision Draft v1 for Public Consultation
(for status see document history on page ii)

Revision Draft v1 for Public Consultation

Date: 01 June 2021

Formal status of document: Consultation Document

Document history

(see Standards Development Process Terms of Reference v1, page 29)

SEC editing team working document	X
Working Group A working document	X
Agreed by Working Group A	X
Technical Committee review document	X
Technical Committee reviewed	X
Standards Committee review document	X
Standards Committee reviewed	X
Working Group A working document for public consultation approval	X
Approved by Working Group A as Revision Draft v1 for public consultation	X

© Copyright Sustainable Biomass Program Limited 2020



Contents

Principle 1 – Legality

1

1	Principle 1 – Biomass feedstock is legally sourced	1	Principle 1 – Legality
1.1	Criterion: The Supply Base is defined		[Moved to Standard 2]
	<p>Includes parts of:</p> <p>Criterion 1.2: The forest owner and manager hold legal use rights to the forest (CPET L1)</p> <p>Criterion 1.3 There is compliance with the requirements of local, national and applicable international laws, and the laws applicable to Forest Management (CPET L2).</p> <p>Criterion 1.4 All applicable royalties and taxes have been paid (CPET L3).</p> <p>Criterion 1.5 There is compliance with the requirements of CITES (CPET L4).</p> <p>Criterion 2.4 Management of the forest ensures that forest ecosystem health and vitality is maintained (CPET S7).</p>	1.1	<p>Criterion</p> <p>Operators and operations are legal.</p>
1.2.1	<p>Indicator</p> <p>The BP has implemented appropriate control systems and procedures to ensure that legality of ownership and land use can be demonstrated for the Supply Base.</p>	1.1.1	<p>Indicator</p> <p>The organisation has implemented appropriate control systems and procedures for verifying that:</p> <p>Operations are legal.</p> <p>That must include:</p> <ul style="list-style-type: none"> • Legality of ownership and/or land and resource use • Feedstock is legally harvested, supplied and produced, including in compliance with CITES and EUTR or other applicable legal trade requirements • Payments for harvest rights and timber, including duties, relevant royalties

			and taxes related to timber harvesting, are complete and up to date
	<p>Examples of means of verification</p> <ul style="list-style-type: none"> Existing legislation Levels of enforcement Documents demonstrating that the BP is a legally defined entity Documentation showing legal ownership patterns in the region, level of enforcement, records of disputes over land tenure, etc. In situations where customary rights govern use and access, these rights are clearly identifiable Long term unchallenged use 		[Means of Verification moved to S2 and new standalone document]
	<p>Guidance</p> <p>Factors affecting the risks of compliance will include the effectiveness of the land tenure system in place in the Supply Base.</p> <p>Where there are, or have been, disputes, evidence should be available that fair compensation has been made to previous owners and occupants, and that this has been accepted with free, prior and informed consent (FPIC).</p>		<p>Guidance</p> <p>Certification is not a legal compliance audit.</p> <p>There should be evidence that systems are in place to ensure operations are legal.</p> <p>The organisation shall keep a registry of all applicable international, regional, national and local legislation.</p> <p>Applicable legislation includes that in force in the country of harvest, covering all aspects within this standard, including but not limited to, the following aspects:</p> <ul style="list-style-type: none"> Rights to harvest timber within legally gazetted boundaries Payments for harvest rights and timber, including duties related to timber harvesting Timber harvesting, including forest and tree management and silvicultural activities Environmental impacts (water and soil protection) Biodiversity conservation, (including rare, threatened and endangered species and ecosystems) Third parties' legal rights concerning use and tenure that are affected by timber harvesting

		<ul style="list-style-type: none"> • Trade and customs, in so far as the forest sector is concerned • Labour conditions • Health and Safety Standards <p>Factors affecting the risks of disputes over land use will include the effectiveness of the land tenure system in place in the Supply Base.</p> <p>Risks of legal non-compliance are greater in areas with high levels of corruption relating to the granting of harvesting permits and other aspects of the management, harvesting and wood trade.</p> <p>Where appropriate to the operation, CITES requirements are understood at planning and operational level, and the requirements are implemented.</p> <p>Lists of species purchased by organisations should be verified as being consistent with the species available in the Supply Base.</p> <p>It should be verified that tree species purchased by organisations are not listed in CITES or have been purchased with the appropriate permits and approvals.</p> <p>Where the forest or landowner or management organisation is not legally able to protect the area fully, there must be a system for working with appropriate regulatory bodies to identify, report, control and discourage unauthorised activities.</p> <p>Where illegal/ unauthorised activities are detected, appropriate action should be taken.</p> <p>Control systems and procedures must firstly stipulate the adequate protection measures for the particular forest habitat type and region, and secondly, verify that these are being implemented.</p>
	<p>Sources of further information</p> <p>UK Department of Energy and Climate Change (DECC), Timber Standard for Heat and Electricity, 2014</p> <p>Article 2 of the EU Timber Regulation (EUTR). 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 (OJ L 295, 12.11.2010, p.23)</p>	<p>Sources of further information</p> <p>UK Department of Energy and Climate Change (DECC), Timber Standard for Heat and Electricity, 2014: https://www.gov.uk/government/publications/timber-standard-for-heat-electricity</p> <p>Article 2 of the EU Timber Regulation (EUTR). 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 (OJ</p>

		<p>L 295, 12.11.2010, p.23): https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0995</p> <p>The Royal Institute of International Affairs/ Chatham House: https://forestgovernance.chathamhouse.org/</p> <p>Environmental Investigation Agency (EIA): https://eia-international.org/forests/</p> <p>Global Witness: www.globalwitness.org</p> <p>Transparency International Corruption Perceptions Index (CPI): https://www.transparency.org/en/cpi/</p> <p>Global Forest Watch Map: https://www.globalforestwatch.org/map/</p>
1.3.1	<p>Indicator</p> <p>The BP has implemented appropriate control systems and procedures to ensure that feedstock is legally harvested and supplied and is in compliance with EUTR legality requirements.</p>	
	<p>Examples of Means of Verification</p> <ul style="list-style-type: none"> • Existing legislation • Level of enforcement • Reference to sources of information in guidance notes • Interviews with key staff show a good knowledge of relevant forestry legislation • BPs have an up-to-date forest legislation/regulations registry • BPs make use of public information on legal non-compliance, provided by regulatory authorities 	
	<p>Guidance</p> <p>Certification is not a legal compliance audit.</p> <p>There should be evidence that systems are in place to ensure forestry operations are legal.</p>	

	<p>Applicable legislation includes that in force in the country of harvest, covering the following aspects:</p> <ul style="list-style-type: none"> • Rights to harvest timber within legally gazetted boundaries and tenure that are affected by timber harvesting • Trade and customs, in so far as the forest sector is concerned <p>Risks of non-compliance are greater in areas with high levels of corruption relating to the granting of harvesting permits and</p>		
	<p>Sources of information include</p> <p>UK Department of Energy and Climate Change (DECC), Timber Standard for Heat and Electricity, 2014</p> <p>Reference: Article 2 of the EU Timber Regulation (EUTR). 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 (OJ L 295, 12.11.2010, p.23)</p> <p>The Royal Institute of International Affairs: www.illegal-logging.org</p> <p>Environmental Investigation Agency: www.eia-international.org</p> <p>Global Witness: www.globalwitness.org</p> <p>Transparency international index: www.transparency.org</p>		
1.4.1	<p>Indicator</p> <p>The BP has implemented appropriate control systems and procedures to verify that payments for harvest rights and timber, including duties, relevant royalties and taxes related to timber harvesting, are complete and up to date.</p>		
	<p>Examples of Means of Verification</p> <ul style="list-style-type: none"> • Records of payments and correspondence with revenue • Authorities show payments are complete and up to date 		
1.5.1	<p>Indicator</p>		

	<p>The BP has implemented appropriate control systems and procedures to verify that feedstock is supplied in compliance with the requirements of CITES</p>		
	<p>Examples of Means of Verification</p> <ul style="list-style-type: none"> List of species purchased by BP Records of field inspections Assessment of risk that CITES species may be mixed in with non-CITES species in the supply chain Interviews demonstrate that the CITES requirements are understood CITES species are known and identified <p>Where relevant, the operation possesses permits for harvest and trade in any CITES species</p>		
	<p>Guidance</p> <p>Where appropriate to the operation, CITES requirements are understood at planning and operational level, and the requirements are implemented.</p> <p>Lists of species purchased by BPs should be verified as being consistent with the species available in the SB.</p> <p>It should be verified that tree species purchased by BPs are not listed in CITES or have been purchased with the appropriate permits and approvals.</p>		
2.4.3	<p>Indicator</p> <p>The BP has implemented appropriate control systems and procedures for verifying that there is adequate protection of the forest from unauthorised activities, such as illegal logging, mining and encroachment</p>	1.1.2	<p>Indicator</p> <p>The organisation has implemented appropriate control systems and procedures for verifying that:</p> <p>There is adequate protection of the land from unauthorised activities, such as illegal logging, mining and encroachment.</p>
	<p>Examples of Means of Verification</p> <ul style="list-style-type: none"> Maps 		[Means of Verification moved to S2 and new standalone document]

<ul style="list-style-type: none"> • Records of BPs' field inspections • Monitoring records • Interviews with staff • Interviews with stakeholders • Publicly available information 		
<p>Guidance</p> <p>Where the forest owner or management organisation is not legally able to protect the forest fully, there must be a system for working with appropriate regulatory bodies to identify, report, control and discourage unauthorised activity within the forest.</p> <p>Where illegal/unauthorised activities are detected, appropriate action should be taken.</p> <p>Control systems and procedures must firstly stipulate the adequate protection measures for the particular forest type and region, and secondly, verify that these are being implemented.</p>		<p>Guidance</p> <p>Where the forest owner or management organisation is not legally able to protect the land fully, there must be a system for working with appropriate regulatory bodies to identify, report, control and discourage unauthorised activity within the forest.</p> <p>Where illegal/unauthorised activities are detected, appropriate action should be taken.</p> <p>Control systems and procedures must firstly stipulate the adequate protection measures for the particular forest or land type and region, and secondly, verify that these are being implemented.</p>