

Timber Legality Risk Assessment Spain

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COUNTRY RISK
ASSESSMENTS



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The original document of FSC can be accessed here <https://ic.fsc.org/en/document-center>.

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A. Introduction

Version history

Version 1.0: Published August 2017

Overview of methodology

Preferred by Nature would like to recognise the huge contribution our consultants working in Ghana have performed in connection with this report. Their involvement has been invaluable in obtaining the latest information across the broad range of timber legality issues presented in this report. Preferred by Nature's country, risks assessments are always evolving, and by retaining local experts, we are confident the advice expressed in this report is truthful and reliable.

The risk assessments are developed with local forest legality experts and use an assessment methodology jointly developed by FSC and Preferred by Nature. A detailed description of the methodology can be found on the [Preferred by Nature Sourcing Hub](#).

Interviews with experts

The list of experts is not included in the risk assessment. However, all experts are known to Preferred by Nature.

Public consultation

Online public consultation on the Sourcing Hub: 20 June – 20 July 2022

B. Overview of legality risks

Timber Risk Score: 100 / 100 in 2022

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

- Specified risk for 0 sub-categories.
- Low risk for 19 sub-categories.
- No legal requirements for 2 sub-categories.

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

Timber source types and risks

There are three timber source types found in Spain. 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 all source types and found the risks differ between them.

Public forest	Forest on state land, managed by forest administrations.
Private forest with an approved management plan	Forest on private land, with an approved management plan. A Harvest Notification document should cover management plan activities, while other activities will need a Harvesting Permit.
Private forest without an approved management plan	Forest on private land, without an approved management plan. Harvesting should be conducted with a Harvesting Permit containing all forest/harvest-related details, such as volume, species, harvesting activity, machinery, etc.

This table summarises the findings of the timber legality risk assessment by source type.

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

C. Overview of the forest sector in Spain

There are approximately 27.9 million ha of woodland within Spain, representing 55,3% of the total land area surface of Spain. Specifically, the forest area with tree coverage over 10% represents 36,3% of the national total, which represents more than a third of the country's area (source: 2019, Anuario forestal de estadística, MITECO).

Regarding the type of forest, it should be noted that hardwood forests continue to predominate, occupying 53% of the surface. Coniferous forests are present in 33% of the wooded area, mixed forest represent around 6% and 8% for other formations (source: 2019, Anuario forestal de estadística, MITECO).

Regarding the most abundant types of formations, the "dehesas" stand out in the first place, which occupy 14% of the wooded forest area, followed by holm oaks, present in 13%, and the Aleppo pine forests represent 10,5% of the forest. In terms of stocks, the two species that contribute the most cubic meters are still *Pinus pinaster* and *Pinus sylvestris*.

Total stocks keep increasing. In the last 10-12 years they have increased 43% in timber volume and 35% in number of larger stems.

In Spain there are three major biogeographic regions: the Eurosiberian, the Mediterranean and the Macaronesian. The Eurosiberian region is typical of the North and Northwest of the peninsula. The forest is dominated by deciduous forests, mainly oak and beech.

The Mediterranean region occupies around the 80% of the Peninsula and the Balearic Islands. It's covered by evergreen forests, where holm oak and, in some places, Aleppo pine predominated. However, depending on the climate and soils, these species gave way to others such as junipers or, in the most arid areas, to open formations of herbaceous species or scrub.

The Macaronesian region, to which the Canary Islands belong, is exposed to opposing influences: on one hand, the cool and humid air masses brought by the trade winds and, on the other by the dry and warm Saharan winds. Also, the differences in orientation and altitude determine a great diversity of environments. In the islands of higher altitude, a sequence can be observed, from the coast to the summit, that goes from the vegetal communities adapted to sub-desert conditions, in the most arid zones; passing through evergreen forests dominated by laurels in the most humid areas; until you reach the pine forests and even the high mountain vegetation (Source: 2019, Anuario forestal de estadística, MITECO)

The public administration of forests and forestry is divided among different jurisdictional levels in Spain: i. State General Administration; ii. Autonomous Communities (AC) of which there are 17 covering all Spanish territory and; iii. Local public bodies within each Autonomous Community.

One third of Spanish forests are under public ownership, however only a very small proportion is owned by the State (28% of the forest is publicly owned and the remaining 72% privately owned). Most public land is owned by local public corporations. Forest management is also shared among the different jurisdictional levels; there are State laws which include general regulations but most responsibility for the management of public forests falls at the level of the Autonomous Community. Wood harvesting is regulated by the Autonomous Community's forest agency, these agencies authorize and supervise harvesting in accordance with the

applicable legislation. Management and legislation is shared between state and Autonomous Communities; but it depends on the topic. There are specific areas legislated mostly by the state (e.g. land tenure, tax payment, transports) but others for which each AC has developed their own legislation, the content and provisions of which differs from one community to another (as with management and harvesting planning). Regarding the reforestation of private and municipal woodlands by means of a consortium, these are especially important to allow the restoration of private woodlands whose benefits are of public interest.

The Spanish state Forest Act (Act 43/2003) and its most recent reform (Act 21/2015) form the legislative basis for forest management. Most Autonomous Communities have their own law ("Ley de Montes") that regulates the protection, management and harvesting of forests in their territory. Article 33 establishes the need for both public and private forests to have the following: a Forest Management Plan, a working scheme or other equivalent Management Instrument. These documents will be elaborated by the owner/title holder and must always be approved by the regional forestry organization. In case of an approved management plan, this sets out the specific regulations to take into account in the forest in question. Article 32 in the reformed Act 21/2015 establishes that the competent regional body may approve standard forest management models for those forest whose characteristics allow it, as well as procedures for adherence to them that entail a commitment to monitoring by their owners. If so established, in these cases the adhesion will entail the consideration of "managed forest" or forest under management plan.

Multiple laws in each Autonomous Community regulate forestry and harvesting and the specific technical constraints (type of cut, maximum surface-area permitted to be cut, machinery to be used according to ground conditions, etc.), diameters (minimum and/or maximum), species and other parameters.

Sustainable forest management is evaluated through management projects or equivalent. The percentage of forest area subject to management instruments or equivalent represents 18.5% of the forest area total, increasing by almost 43,000 ha from the previous year. The percentage continues to increase year after year and, since 2006, the year in which these statistics began to be collected, they have been incorporated almost 1.7 million hectares, which represents an average of just over 140,000 ha / year. The protected area represents 41% of the total forest area (Source: 2019, Anuario forestal de estadística, MITECO).

Sources of information

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance with regards to the national legality risk assessment of Spain. The following sources have been used:

- a) Chatham House: <http://www.illegal-logging.info/>;
- b) EU FLEGT process:
http://ec.europa.eu/comm/development/body/theme/forest/initiative/index_en.htm;
- c) Government reports and assessments of compliance with related laws and regulations;
- d) Independent reports and assessments of compliance with related laws and regulations
- e) Interpol: <http://www.interpol.int/Crime-areas/Environmental-crime/Projects/Project-LEAF>;
- f) Stakeholder and expert consultation outcomes from NRA development processes;

- g) Transparency International Corruption Perceptions Index:
http://www.transparency.org/policy_research/surveys_indices/cpi;
- h) World Bank Worldwide Governance Indicators:
<http://data.worldbank.org/datacatalog/worldwide-governance-indicators>;
- i) Annual Forest Statistics (Anuario Forestal de Estadística):
https://www.miteco.gob.es/es/biodiversidad/estadisticas/aef2019_completo_estandar_tcm30-534526.pdf

In cases where other sources of information are not available, consultations with local experts within the area were conducted. Where relevant, they have been specifically referenced under “sources of Information” for each applicable sub-category.

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

Registering property (not legally required):

- Mortgage Law, revised by Decree of February 8, 1946.
- Mortgage Regulation approved by Decree of February 14, 1947.
- 1867/1998 Royal Decree of 4 September, by which items Mortgage Regulation were amended.
- Real Estate Cadastre - Registration is compulsory and without charge. The cadastral description of the property includes the physical, legal and economic characteristics, among which are its location, cadastral reference, surface area, use, cultivation, plan, rateable value and owner. The cadastre is primarily used in apportioning taxes.

State Regulations:

- Legislative Royal Decree 1/2004, of 5 March, approving the revised text of the Law of Real Estate Cadastre
- 417/2006 Royal Decree of 7 April, in which the revised text of the Law on Real Estate Cadastre is developed.
- Type of property - public / private
- Catalogue of Forests for Public Use (Montes de Uso Público, MUP)
- Law 55/1980, of 11 November, regarding Communally-owned community forests (Montes Vecinales en Mano Común)
- Law 7/2012 of 28 June regarding the forests of Galicia
- Law 3/2004 of Asturias, 23 November, regarding Forests (Forest Management) and other figures
- Consortiums / Conventions: The reforestation of private and municipal woodlands by means of a consortium. Consortia are especially important to allow the restoration of private woodlands whose benefits are of public interest.
- Law and Regulations of the Forest Patrimony of the State (This law was derogated by Decree 485/1962 of 22 February but remains valid due to the adopting of Forestry Regulation, Book III, Title I, Chapter 1).

- Forest Act and Regulations (Act 43/2003 of 21 November on Forestry, Act 10/2006 of 28 April, which modifies Act 43/2003).
- Easements - An easement is a tax lien on a property for the benefit of another belonging to another owner. The Administrative easements are legal easements on a particular property for the benefit of another public domain. All aspects concerning easements established for public or communal use are governed by special laws and regulations. In addition, provisions of the Civil Code may apply: Water Law, Land Law, Law of Railways, Regulation on the maintenance and policing of Highways, Forest Law, Drover's Roads Law, Electric Power Supply Law.
- Royal Decree of 24 July 1889 approving the Spanish Civil Code is published (BOE no. 206 of 07.25.1889), Title VII.
- Applicable rates - The Real Property Tax (IBI) is a tax levied on real property located in the municipality that collects the tax. Its management is shared between the central government and the municipalities.
- Revised text of the Law on Local Finance (Legislative Decree 2/2004) and the revised text of the Law on Real Estate Cadastre (Legislative Decree 1/2004) and the implementing regulations (RD 417/2006).
- Taxation - (Direct and Indirect) Depending on the whether the Owner/Manager is a physical or legal entity, taxes will apply directly or indirectly.
- Direct Taxes at 3 levels: State, Autonomous Community (Autonomous Basque Country and Navarre with their own tax system, Common Regime for the rest with exceptionality for the Canary Isles) and Local. The regional and local levels also have some ability to generate their own taxes. Income tax (individual), Corporate tax (IS, company) Capital taxes
- Indirect Taxes, the most important is VAT, although there are many more.
- Fees to be paid whenever they apply.
- General Tax Law (officially, Law 58/2003, of 17 December, General Tax)
- Law 12/2002 of 23 May, approving the Economic Agreement with the Basque Country.
- Organic Law 13/82 of August 10, Reintegration and Improvement of the Regional Government of Navarra and Law 28/1990, of 26 December, approving the Economic Agreement between the State and the Autonomous Community of Navarra.
- Law 37/1992, of 28 December, Value Added Tax. (BOE, 29-Dec-1992)
- 1624/1992 Royal Decree of 29 December, approving the Regulations on Value Added Tax (BOE, 31-dec-1992)

Social Security:

- Royal Legislative Decree 1/1994, of 20 June - approving the revised text of the General Social Security Act.
- Order ESS/56/2013 of 28 January - the legal rules for contributions to Social Security, unemployment, protection for stoppage of work, wage guarantee, fund vocational training, contained in Law 17/2012 of 27 December on the State General Budget for

2013.

- Law 12/2012, of 26 December - urgent measures to liberalize trade and certain services.
- 1619/2012 Royal Decree of 30 November - approving the Regulation laying down the obligations regulating billing is approved.
- Law 20/2007, of 11 July - Statute regarding self-employment.
- Royal Decree 84/1996 of 26 January - the General Regulations on business registration and enrolment, registering, unregistering and data changes in workers' Social Security are approved.
- Royal Legislative Decree 1/2010, of 2 July - the revised text of the Companies Act (effective September 1, 2010, this standard regulates Corporations and Limited Liability companies)
- Law 4/1997, of 24 March, Labour Societies (Sociedades Laborales)
- Law 27/1999, of 16 July, Cooperatives.
- Law 12/1991 of 29 April on Economic Interest Groupings.
- Title III and VIII of the Civil Code (Civil Societies and Real Communities)
- Law 1/1994, of 11 March, on the Legal Regime of Mutual Guarantee
- Law 2/2007, of 15 March, professional societies
- Organic Law 1/2002 of 22 March regulating the Right of Association.
- 1497/2003 Royal Decree of 28 November, approving the Regulation on the National Register of Associations and its relations with the other associations' records
- 1740/2003 Royal Decree of 19 December - the procedures for the declaration of public utility associations and federations, confederations and federations of associations and the rendering of the accounts of these entities when they are declared for public use or revocation of declarations public interest.

1.1.2. Legal authority

- Property records: under the Ministry of Justice, Directorate General of Registries and Notaries. The entire territory of Spain is divided into districts, called Mortgage Districts. For each Mortgage District there is a corresponding Mortgage District Land Registry, maintained by a Registrar.
- Cadastre: Ministry of Finance and Public Administration, Directorate of Land Registry.
- Consortia and Agreements: Public administration involved: Central Government ministry (MAGRAMA) or Autonomous Community. Canary Island Councils.
- Easements: Private (propietarios envueltos), Public (Public or Regional competent authority - Public Domain must comply by law)
- Fees and taxes: Municipal councils (IBIS), Finance: Directorate General of Taxation, Ministry of Finance and Public Administrations and other Regional public administrations. Autonomous Communities and Local (Taxes, including VAT, and Taxes)
- Social Security: General Treasury of the Social Security.

1.1.3. Legally required documents or records

- Register of Ownership: Nota Simple o Certificación
- Cadastre: Rateable property code (Referencia catastral del predio)
- Consortium / Convention: Consortium supporting evidence, nº cast - documento acreditativo consorcio, nº elenco
- Easements: In Public Utility Forests (MUPs) they must be in the Catalogue of MUPs, other forests are in the Property Registry. Administrative concessions that are considered real property are recorded in the Land Registry; easements are reflected in the registration documents; in the section on charges related to a property (see section I Register). As the easement represents a restriction on rights of ownership, their existence must be demonstrated via documentation of the easement.
- Other rates: IBI (property tax), certificate declaring the property owner is up to date with payments
- Finance: certificate declaring owner is up to date with payments
- Social Security: certificate declaring owner is up to date with payments.

1.1.4. Sources of information

Government sources

- mjusticia.gob.es (N.Y.) *Ministerio de Justicia* [online] (Ministry of Justice) Available at: <http://www.mjusticia.gob.es/>
- seg-social.es (2014) *Ley General de la Seguridad Social* [online] Available at: <http://www.seg-social.es/prdi00/groups/public/documents/normativa/095093.pdf>.
- catastro.meh.es (N.Y.) *Dirección General del Catastro (General Directorate of Cadastre)*[online] Ministerio de Hacienda y Administraciones Públicas (Ministry of Finance and Public Administration). Available at: <http://www.catastro.meh.es/>
- Miteco.gob.es (N.Y.) *Ministerio de Transición Ecológica y Reto Demográfico* [online] (Ministry of Ecological Transition and the Demographic Challenge. Available at: <https://www.miteco.gob.es/es/>

Regional Public Administrations:

- gobiernodecanarias.org (N.Y.) *Cabildo* [online] (Local Government Council) Available at: <http://www.gobiernodecanarias.org/>
- navarra.es (N.Y.) *Gobierno de Navarra*[online] (Government of Navarra) Available at: <http://www.navarra.es/>
- agenciatributaria.es (N.Y.) *Agencia Tributaria*[online] (Tax Agency) Available at: <http://www.agenciatributaria.es/>
- seg-social.es (N.Y.) *Tesorería General de la Seguridad Social*[online] (General Treasury of the Social Security). Available at: <http://www.seg-social.es/>
- boe.es (N.Y.) *Boletín Oficial del Estado*[online] (Official Gazette, BOE). Available at: www.boe.es

1.1.5. Risk determination

Overview of legal requirements

Land tenure and management rights are comprehensively covered by legislation in Spain, and the authorities have implemented tools to record and monitor land tenure and management rights. Since ancient times, these rights have had a lot of social and economic relevance so they are widely developed and recognised. Examples of land tenure and management rights relevant to the Spanish context include, but are not limited to: surveying and marking of public forests, property register and cadastre, boundary stones (as property markers) on private small property, Public utility forests Catalogue, Easements, Community forests, Forestry Boards (Juntas de Montes) etc. There are many civil associations (e.g. owners associations in Galicia, Soria Forestry Association, Forestry Boards) that play an important role in the recovery and maintenance of various types of ownership: small property, partner forests (Montes de socios), community forest.

Description of risk

Some specific and local issues with land tenure and management rights have been identified:

- Private contracts not registered with a notary, old documents / manuscripts (e.g. inheritance) or property from antiquity without documentary evidence.
- Different levels of awareness of forest property boundaries based on different records: old maps, literary description documents (including property registrations), old landmarks, registration not updated, cadastre not updated, etc...

These two issues are being resolved by concerned parties, by updating information and ensuring property by legally established channels (notary, property register, cadastre). This issue is more relevant in north-western Spain for smallholdings. These risks, however, can be defined as low, given that there are clear pathways to address the situation.

- Abandoned lands unclaimed by heirs (related to migrations in XIX-XX centuries). Regional Governments have issued laws regarding these situations where relevant (eg. [http://www.xunta.es/dog/Publicados/2011/20111026/AnuncioC3B0-191011-7669 es.html](http://www.xunta.es/dog/Publicados/2011/20111026/AnuncioC3B0-191011-7669_es.html))
- Easements conflicts (eg. public trails on private properties unrecognized by owners not allowing public transit, eg. specific issues on public domains). These are usually denounced by civil associations and solved via negotiation or via the courts.
- Local conflicts with customary rights (eg. nestled lands conflicts in Sierra de Cazorla). Local conflicts with Consortia. Local, specific and identified issues usually complex. They are usually public cases, well known by people and governments concerned. These usually require government legislation to be solved.

The above two issues are local, specific and known to the relevant authorities. There are clear ways to address these via legal avenues, as they arise, and existing conflicts are in the process of being resolved. Therefore, the risk can be classified as 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.

1.1.6. 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

- Most public forests are the property of the municipalities. Article 148 of Spanish Constitution and Law 23/2003 states that of these municipal forests are under the management responsibility of the Autonomous Community's competent authority.
- The reforestation of private and municipal woodlands by means of a consortium is legislated by: Law and Regulations of the Forest Patrimony of the State (This law was derogated by Decree 485/1962 of 22 February but remains valid due to the adopting of Forestry Regulation, Book III, Title I, Chapter 1).
- Act 21/2015 of 20 July which modifies the Act 43/2003 of 21 November ("Forest Act"). Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2015-8146&p=20150721&tn=1>

1.2.2. Legal authority

- In each Autonomous Community an agency is designated to have oversight of the relevant requirements.

1.2.3. Legally required documents or records

- Consortium / Convention: Consortium supporting evidence, nº cast - documento acreditativo consorcio, nº elenco

1.2.4. Sources of information

Government sources

- congreso.es (1978). *Spanish Constitution*[online]. Available at: http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- Miteco.gob.es (N.Y.) *Ministerio de Transición Ecológica y Reto Demográfico* [online] (Ministry of Ecological Transition and the Demographic Challenge. Available at: <https://www.miteco.gob.es/es/>
- boe.es (2003). *Forest Act* [online]. BOE. Available at: <http://www.boe.es/boe/dias/2003/11/22/pdfs/A41422-41442.pdf>

1.2.5. Risk determination

Overview of Legal Requirements

Private and public forests can be managed legally by someone who is not the owner, under the condition that applicable legislation and regulations are followed. The allocation of Consortia was far more common before 1980. These consortia were primarily allocated for reforestation between 1940-1980. In many, the contracts were between private or public owners and the State Forestry Authority (SFA), giving the SFA the right to manage forests and the future incomes from the harvest.

Description of risk

Today, those Consortia still in existence are managed by Autonomous Communities. There is no available information to indicate any risk of illegality related to Consortia. Therefore risk can be considered as 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.

1.2.6. Risk designation and specification

Low risk

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

- [Act 43/2003](#) (Forest Act/*Ley de Montes*) modified by laws 10/2006 and [21/2015](#)):
 - Chapter II Articles 8 and 9, establishes the division of competences in forest issues assigned to each autonomous community.

- Chapter II Articles 29-31, (and Act 10/2006, which amends Chapter IV of article 17 of Act 43/2003), provide for the development of a Spanish Forest Strategy including a Spanish Forest Plan revised every 10 years, and the possibility for the autonomous community to develop Forest Resources Management Plans (PORF), which together with Natural Resources Management Plans (PORN) and with Municipal Urban Planning will represent the planning tools.
- Chapter III Article 32 states that the Autonomous Communities have responsibility for the approval of management instructions and use of forests.
- Chapter III Article 33 - Forests declared to be of public utility and protection forests must have a forest management project, a dasocratic plan or another equivalent management tool. The documents will be developed at the request of the owner, or the regional forest organization (autonomous community). Regional forest organizations must always approve these documents.
- Chapter III Article 37 states that the Autonomous Communities have responsibility for the regulation of harvesting operations. It indicates different process and requirements for obtaining harvesting licenses for forests that are managed under an approved management plan or similar instrument, versus those forests without forest management plan or similar instrument.
- Chapter III Article 63 includes reference to economical incentives for forests with a management plan or similar instrument.

The different Autonomous Communities have developed, or are developing, their own Forest laws to apply in their territory. State law, in turn defines the departments responsible for forest management and planning. The most relevant regional items of legislation are as follows:

Galicia:

- Order of September 28, 2004, by which timber and firewood harvesting is regulated
- Decree 105/2006, June 22, on measures relating to the prevention of forest fires, protection of settlements in rural areas and the regulation of harvesting and reforestation (DOG nº 125, do 30 de xuño de 2006)
- Act 7/2012 of 28 June on the forests of Galicia. (DOG nº 140, del 23 de julio de 2012)
- Act 73/2020 of 24 April on timber harvest regulations for private-owned forest areas.
- Order of 9 February 2021 including amendments for Annex I of Order of 19 May 2014 on the establishing of Silviculture Models or Orientative Forest Management Models for good forestry practices on the Galician forestry districts.
- Decree 52/2014 of 16 April for regulating general forest management instructions in Galicia.

Principality of Asturias:

- Asturian-Law 3/2004, of 23 November, on Forests and Forest Management.
- Asturian-Law 6/2010, of 29 October, the first amendment of the Forests and Forest Management Law.

- Forest Plan of Asturias (2001-2015)
- District (Comarca) Forest Plans (for some Asturian districts only)

Cantabria:

- Preliminary Draft Law on Forestry in Cantabria (Draft Law)

Basque Country:

- Gipuzkoa: Norma Foral 7/2006 on the Forests of Gipuzkoa.
- Bizkaia: Norma Foral 3/94 on Forestry and the Management of Protected Natural Areas. Modifications: Norma Foral 3/2007 on the modification 3/1994 Provincial Law.
- Álava: Norma Foral de Montes 11/2007 of March 26.

Navarra:

- Foral Law 13/1990 of 31 December, on the protection and development of the forest heritage of Navarre. Modification of Foral Law 3/2007, of 21 February on amending the Foral Law 13/1990 is modified.
- Foral Decree 59/1992, of 17 February, in which the regulation of forests in development of the Law is approved.

La Rioja:

- Law 2/1995 of February 10 on Forest Protection and Development of the Forest Heritage of Rioja
- 114/2003 Decree of 30 October, by which the regulations implementing that law are passed

Aragon:

- Law 15/2006 of 28 December on the Forests de Aragón.

Catalonia:

- Law 6/1988, of 30 March, Forests of Catalonia. Modifications made: Legislative Decree 3/2010, of 5 October; Regional law 31/2002 of 30 December; 7/1999 autonomous law of 30 July; Regional Legislative Decree 10/1994, of 26 July.

Valencia:

- Law 3/1993, of December 9, of the Generalitat Valenciana, Forestry of the Valencian Government developed by Decree 98/1995, of 16 May, by which the rules of Act 3/1993 are approved

Castilla y León:

- Law 3/2009 Forests de Castilla y León.

Madrid:

- Law 16/1995 Forest and Nature Conservation in the Community of Madrid.
- Decree 114/2003 of 30 October, by which the regulation developing the law is passed.

Castilla La Mancha:

- Law 3/2008, of 12 June, Forestry and Sustainable Forest Management of Castilla-La Mancha.
- Order of 09/03/2011, of the Ministry of Agriculture, Environment, which approves special technical specifications optional conditions for regulating the implementation of the exploitation and standards for the conducting of harvesting.

Extremadura:

- Act 1/1982, of 25 May, of Dehesa
- Decree 9/1989, of 13 February, on the promotion of afforestation
- Order of November 13, 2003, which establishes the procedure for certain administrative authorizations in the area of forest harvesting and silvicultural treatments on lands not managed by the Regional Forestry Administration.

Andalucía:

- Forest-Law 2/1992 of Andalucía
- Decree 208/1997 of 9 September on the Forest regulation of Andalucía
- Decree 15/2011 of 1 February, by which the general system of planning of uses and activities in parks are approved and actions established to streamline administrative procedures.

Region of Murcia:

- Forestry Strategy Review Document in the Region of Murcia. 2003-2007.
- Balearic Islands:
- No law developed for Forests

Canarias:

- No Forest Law developed for the region. Keep in mind that management rights for forest services, cattle trails and pastures have been transferred to the Island Councils.

Regarding the requirements to be met by forest management plans, applicable state legislation exists in all autonomous communities:

- Ministerial Order of 29 December 1970 amending the General Instructions for the Management of Forests Woodlands, and the Ministerial Order of 29 June 1971 laying down general rules for the study and drafting of Technical Plans for Woodlands.

These communities have developed their own instructions and require the development of plans in their territories:

- Castilla y León (General Instructions for the Management of Forests in Castilla and Leon, 1999)
- Andalucía (General Instructions - and Manual - for the Management of Forests in the Autonomous Community of Andalucía: Management Plans and Technical Plans, 2004)
- Madrid (Instructions for the Management of Forests in Madrid, 2010)
- Catalonia: ORDER of 20 July 1994 laying down the general instructions for the drafting, adoption and review of the technical management plans and forest improvement

(PTGMF). ORDER MAB/394/2003 of 18 September, by which the content is regulated, approval, review and monitoring of the technical management plans and forest improvement (PTGMF) and simple forest management plans (PGSF). This last command adapts and updates the regulation of PTGMF to create PSGF which apply to areas with a lower extension 25 ha.

- Navarre: Administrative Tender documents for Management Plans and review of Management plans (1995).
- Galicia: Decree 52/2014 of 16 April for regulating general forest management instructions in Galicia. Article 9 allows for private-owned small properties, less than 15 ha, to adhere to Silviculture Model for Good Practices developed by the Galicia Forest Service, thus providing for opportunities to increase dramatically the proportion of "managed forests", which the Decree sees as must in order for Galician timber to access certification and sustainable timber markets. The vast majority of private forest areas in Galicia are labelled "nanoproperties", ranging 1 – 1,5 ha and often spread over a number of separate polygons.

And we know that the following have developed the drafts:

- Castilla - La Mancha

Forest fires:

- Decree 3769/1972 of 23 December, approving the Regulations of Law 81/1968, of 5 December, regarding forest fires.
- Royal Decree Law 11/2005 laying down urgent measures relating to forest fires.

Hunting and fishing:

- Real 1095/1989 Decree of 8 September, by which the species hunted and fished are declared and standards established for their protection.
- Real 1118/1989 Decree of 15 September, by which the species hunted and fished in a commercial way are determined and related rules determined.
- Law 1/1970 of 4 April, Hunting

Livestock:

- Law 8/2003, of 24 April, on animal health.
- Royal Decree 479/2004 of 26 March, which establishes and regulates the general register of livestock farms.

Other:

- Royal Decree 1098/2002 of 25 October, by which the feeding of carrion-eating birds of prey with certain dead animals and products is regulated.
- Royal Decree 342/2010 of 19 March, which modifies the Royal Decree 664/2007, of 25 May, by which the feeding of carrion-eating birds of prey with animal sub-products not intended for human consumption, is regulated.
- Royal Decree 39/1998 of 16 January, which modifies the Royal Decree 401/1996, of March 1, laying down conditions for the introduction into the country of certain harmful plants, vegetable products and others, for testing purposes, scientific activity and variety

selection.

- Act 43/2002, of 20 November, on plant health.
- Royal Decree 1290/2012 of 7 September, modifying the Public Water Regulation, approved by Royal Decree 849/1986, of 11 April, and Royal Decree 509/1996, of 15 March, developing Royal Decree-Law 11/1995 of 28 December, the rules applicable to the treatment of urban waste water.
- Royal Decree 1220/2011 of 5 September, which modifies the Royal Decree 289/2003 of 7 March, on the marketing of forest reproductive material. Law 3/1995, of March 23, on driving roads.
- Law 8/2007 of 28 May on Soils.
- 1st National Accessibility Plan 2004-2012 (Adopted by the Council of Ministers on July 5, 2003)
- Law 26/2011 of 1 August, for adaptation of the international convention on the rights of persons with disabilities

1.3.2. Legal authority

- In each Autonomous Community has an agency is designated to review and approve Management Plans.

1.3.3. Legally required documents or records

- Formal Management Plan according to applicable legislation in the Autonomous Community.
- Document confirming the registration with the Competent Authority for the Management Plan.
- Resolution approving the Management Plan by the Competent Authority of the Autonomous Community.

1.3.4. Sources of information

Government sources

- congreso.es (1978). *Spanish Constitution* [online]. Available at: http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/const_espa_texto_ingles_0.pdf
- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- boe.es (2003). *Forest Act* [online]. (Consolidation Act). Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2003-21339>
- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at: https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php
- miteco.gob.es (2012). *Control of timber harvesting and risk assessment in each region to meet DDS requirements* [online] Study published by MAGRAMA (Ministry of Environment)

in collaboration with COSE (Spanish Confederation of Forester Organisations). Available at:

https://www.miteco.gob.es/es/biodiversidad/publicaciones/control_cortas_de_madera_espanya_2012_tcm30-152390.pdf

- mapa.gob.es (2019) EUTR management data in Spain: <https://www.miteco.gob.es/es/biodiversidad/temas/internacional-especies-madera/madera-legal/sistema/lignum-data.aspx> mapa.gob.es
- Sustainable Forest Management: https://www.mapa.gob.es/es/desarrollo-rural/estadisticas/forestal_gestion_sostenible.aspx
- mapa.gob.es (2018) Statistics of the National Wood Balance: https://www.mapa.gob.es/es/desarrollo-rural/estadisticas/forestal_balance_nacional_madera.aspx
- mapa.gob.es (2016) Harvesting production and other forest products: https://www.mapa.gob.es/es/desarrollo-rural/estadisticas/forestal_produccion_cortas_y_opf_2016.aspx

Forest owners associations, e.g.:

- Asociación de Propietarios Forestales de Ávila, Castilla y León. Available at: <http://www.fafcyle.es/asfoavi/>
- Asociación de Propietarios Forestales de La Región de Murcia. Available at: <http://www.profomur.com/profomur/>
- Asociación Forestal de Soria. Available at: <http://www.asfoso.org/es/>
- Asociación de Propietarios Forestales de Navarra. Available at: <http://www.foesna.org/>
- Asociación de Empresas Forestales y Paisajísticas de Andalucía. Available at: http://www.aaf.es/aso_af.aspx

Non-Government sources

- Rojo Alboreca A. (2013) *The challenge of managing private forests in Spain* [online] (El reto de la ordenación de los montes privados en España). 6^o Spanish Forestry Congress. Available at: (<http://www.congresoforestal.es/actas/doc/6CFE/6CFE02-020.pdf>)

1.3.5. Risk determination

Overview of Legal Requirements

A clear legal framework exists for the development of forest planning figures (Forest Act- Ley 43/2003 de Montes, modified by Laws 10/2006 y 21/2015). The Forest Act promotes the development of forest management plans. However, there are regional differences in the regulatory framework for forest planning and management. Article 32 of the Forest Act establishes that the autonomous communities are responsible for approving forest management and use instructions. The different autonomous communities have developed or are developing their own forestry laws to apply in their territory

According to Forest Act, legal obligation to have a management project, a dasocratic plan or another equivalent instrument is limited to the cataloged "Public Utility forests" (*bosques de utilidad pública*) or "Protection forests" (*bosques protectores*) due to the forest or natural

values they possess and which make this specific instrument necessary. Likewise, the autonomous communities may extend this obligation to forests they deem appropriate.

According to Art 33(5), the competent Regional (Comunidad Autónoma) Forestry body will regulate in which cases it may be mandatory to have a management instrument for private and public forests that are not catalogued as "protection" or "Public Utility forests". Following this, many Autonomous Communities (AC) have developed, or are in active process of developing, consistent regulations on the management of forest areas.

In this way the Forest Act includes provisions for simplified management and planning requirements for private owned forests, and small forests areas, for which an individualized forest management/technical plan is very expensive and unaffordable by their owners or managers. The autonomous communities can establish a series of forest management model-types for each of the types of forest that they have in their territory and that they consider that, due to their size, their structural simplicity or for any other reasons, they can be the subject of a very simple management plan. The owner who, in writing, adheres to one of these approved models, commit to follow what is indicated in the forest management model and the adhered forest is considered to be ordered. (Article 32.4).

Forests management plans or equivalent management tools developed for Catalogued "Forest Utility forests" and "Protection Forests" should be approved by the corresponding Regional Forest Administration ("Órgano forestal de la CCAA correspondiente"). The elaboration of these instruments must be directed and supervised by professionals with university forestry degrees and must have as a reference, where appropriate, the PORF (Forest Resources Management Plan/Plan de Ordenación de los Recursos Forestales) within which the forest is located.

Even if there is no legal obligation for private and public forests that are not catalogued as "protection" or "Public Utility forests". to have a management plan, the article 33 (point 1) mentions that public administrations will technically and economically promote the management of all forest and in this sense, according to Article 63 General Provisions, private forests, can benefit from economic incentives to prepare one.

In accordance with Spanish legislation, Timber and wood products (firewood, etc.) harvesting will be regulated by the regional Forestry body of the autonomous community. In summary there are 2 possible ways to obtain legal authorisation in forests, not managed by regional forest authority (private or public forests):

- For harvesting operations in forests with an approved Management Plan or equivalent, the owner must provide a self-declaration/ notification to the competent body of the Autonomous Community before harvesting. (NOTE: If forest is under an approved management instrument, it is enough with notifying the Regional Forest Authority, it is not required to obtain a specific harvesting license. Silence from Forest authority after notification means harvesting activities can take place according to what is described in the approved management plan)(art 37 -a).
- For harvesting in forests without an approved Forest Management Plan or equivalent, it is required to obtain a specific harvesting authorisation issued by the regional forest authority (art 37-b);(there are some exceptions for domestic harvesting and short turn species)(*Forest Act. Art. 23 private forest management- paragraph3... In the absence of a management instrument, for forest harvesting, it is required a prior authorization for forest harvesting in*

the terms that the autonomous community establishes according to articles 36 and 37).

These documents (notification, authorisation) will help each Autonomous Community to keep an accounting and regulation of the activities carried out in the forest.

Description of Risk

Based on annual forest statistics data reviewed, and confirmed by interview with Ministry of Forest, during recent years, the area of public forests as well as private forests under a forest management instrument have increased.

The public data (2019) reviewed indicates that 42,8% of public area and 11,1% of private area is managed based on a management instrument:

COMUNIDAD AUTÓNOMA	Superficie pública ordenada (ha)	% Superficie ordenada respecto superficie pública	Superficie privada ordenada (ha)	% Superficie ordenada respecto superficie privada
Andalucía	666.895	57,0%	651.021	20,2%
Aragón	148.873	14,2%		
Canarias				
Cantabria	54.434	20,8%	308	0,30%
Castilla - La Mancha	487.036	59,4%	398.475	14,5%
Castilla y León	801.147	46,7%	133.162	4,3%
Cataluña	209.229	43,3%	455.512	30,0%
Comunidad de Madrid	36.535	25,3%	26.610	9,1%
Comunidad Foral de Navarra	299.409	76,4%	19.289	9,5%
Comunidad Valenciana	97.073	24,1%	42.237	5,0%
Extremadura	82.099	42,3%	216.935	8,1%
Galicia	20.279	67,1%	231.007	11,5%
Islas Baleares	482	3,3%	11.903	5,8%
La Rioja	84.852	41,1%	327	0,3%
País Vasco	56.772	25,0%	38.319	14,4%
Principado de Asturias	84.485	28,1%	4.987	1,1%
Región de Murcia	155.908	100%	11.416	3,1%
ESPAÑA	3.285.508	42,8%	2.241.508	11,1%

Figures are steadily moving upwards, with private forest areas increasing from 5% to 11% in the last decade and public forest areas doing accordingly from 30 to 42%, resulting in an overall increase from 12 to 20% at a national level.

Despite the low level of management planning, there is a minor risk related with illegal harvesting timber, as there is a legal requirement (Chapter IV of the Forest Act -Forest Harvesting) that, where no forest management plan has been approved, administrative authorization is required prior to harvesting (see legal description above where the different types are described).

The latest amendment to the Forest Act (21/2015), in article 32, considers "managed forests" all those that adhere to one of the established types of management models. This facilitates access to management planning and more area becomes managed under the control and supervision of the administration. Gradually, the Autonomous Communities where the forest

sector is a key economic player, such as in Galicia, forest agencies are developing different management models and passing the correspondent laws. ([Orden de 9 febrero de 2021 por la que se modifican el anexo I de la Orden de 19 de mayo de 2014 por la que se establecen los modelos selvícolas o de gestión forestal orientativos y referentes de buenas prácticas forestales para los distritos forestales de Galicia](#))

In order to monitor the evolution per region (Comunidad Autónoma), the administration keeps a registry of all authorizations/declarations for timber harvesting done during the year and report the data to the Ministry to keep updated statistics.

The "Balance de la Madera" (Timber balance) is a statistic methodology which objective is to provide a quantitative description of the annual roundwood circuit in Spain, considering the timber harvesting figures, as well as the foreign trade figures (imports and exports) and the consumption of timber made by the first transformation industry (pulp, board, saw, veneer, bioenergy, poles). In this Balance (developed by the MITECO- Ministry for the Ecological Transition and the Demographic Challenge) it is analyzed by Autonomous Community, by public or private property and by species, feeding the Forest Statistics Annual registry of which provide data in volumes of timber until 2019. In this Annual registry, we can see that until 2011 there was a certain percentage of timber volume was unclassified (this label belonged to a volume that was not registered in the permits) and that therefore did not allow that to confirm timber flows are correct; however, from 2011, we can appreciate that this label disappears including only data from coniferous and hardwood so that it is appreciated how the data is correct and match with the reality.

There are three ways of accounting and verifying the timber harvested/use data provided by different sources match and reflect the reality with no irregularities.

1st methodology: For any private forest harvesting, it will be necessary to request a permit/authorization that must be approved by the competent entity, in this case the Forest Administration from the Autonomous Community. In this permit, the amount of timber harvested will be included and accounted on registry.

2nd methodology: An accounting of the amount of timber that is sold in the market by the agents is kept (e.g. sawmills have to declare the amount of timber they work with). Data provided by associations like ANFTA, ASPAPEL and others.

3rd methodology: Ministry works with EUTR responsible declarations that are aimed at those who harvest national timber or import timber or timber products in Spain in order to sold at first time in the market. These companies must periodically maintain and evaluate a Due Diligence System (DDS) and annually submit a responsible declaration of the EUTR products that they have used or imported the previous year. These declarations are collected by Autonomous Communities, by product code and origin and by type.

Using these 3 methodologies, comparing and matching the information, the Ministry, in addition to reviewing, approving the "harvest permit", "management plans", has develop a tool to check if the data from the forest is consistent and help them to avoid any risk from non-approved permit/harvesting enter in the market.

Reports from local experts from the forest sector stress the dramatic increase in figures of "managed forest areas" due to numerous advantages for public funding (local, national and European) and access to markets (through certification under Sustainable Forest Management schemes). Some of the Autonomous Communities, such as Castilla y Leon,

already have more than 50% of their public forest areas under FM Plans and significant public investment is being oriented to developing new Forest Management Plans and updating those expired or about to.

Throughout the North of Spain, where most of timber harvest takes place (Galicia, Castilla y Leon, Cantabria, Asturias, País Vasco, Navarra and Aragon), forest owner associations are helping develop Simplified Management Plans, adherances to Silviculture Models or other feasible legal instruments in order to become "managed forests". In this strategy, the Local Forest Service agencies are contributing by exerting regular control checks and awarding managed areas to have privileged access to funding opportunities (reforestation, restoration, silviculture treatments, integrated pest management, tax deductions and others.

Therefore, it can be ensured that the timber sold in Spain, as well as the forest harvesting activities are regulated and follow a meticulous process in which volumes, species and areas of origin are analysed among other data, thus allowing to ensure that the risk of illegality is kept 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.

1.3.6. 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

- The Forest Act (Act 43/2003, of 21 November, Forestry; Act 10/2006, of 28 April, which modifies Act 43/2003 - Consolidation Act) assigns responsibilities relating to forestry to the Autonomous Communities.

Regulated at the general level by Chapter IV of the Forest Act -Forest Harvesting. This chapter establishes that: Where a Management Plan or equivalent management plan exists,

or the forest is included within the scope of a PORF (Management Plans for Forest Resources), the title holder must notify the competent body of the Autonomous Community before harvesting.

In other cases, (where there is no Management Plan or similar) administrative authorization prior to the harvesting is required.

The Forest Act explicitly states that timber and firewood harvesting is governed by the forestry organization of the Autonomous Community. Therefore each Autonomous Community designates its competent authority on the subject and develops the harvesting permit system and prior-notice requirement.

- As an example in Asturias, see:
<https://sede.asturias.es/portal/site/Asturias/menuitem.46a76b28f520ecaaf18e90dbbb30a0a0/?vgnnextoid=8687799a28d4f010VgnVCM100000b0030a0aRCRD>
- or Galicia for the authorization in private forests that do not have approved management tool: <https://sede.xunta.es/detalle-procedemento?codCons=MR&codProc=603A&procedemento=MR603A>
- and for the reporting with regards to private forests that have approved management tools: <https://sede.xunta.es/detalle-procedemento?codCons=MR&codProc=602A&procedemento=MR602A>.

In areas of public domain, it is also necessary obtain permission from the specific competent authority for the Public Domain (e.g. area of water, roads, etc.)

1.4.2. Legal authority

- Each Autonomous Community defines the competent authority to regulate forestry and forest harvesting.
- For example, in Galicia: SECRETARIA XERAL DE MEDIO RURAL E MONTES de la CONSELLERÍA DO MEDIO RURAL E DO MAR. Regulations: Orde do 28 de setembro de 2004, pola que se regulan os aproveitamentos madeiros e leñosos, en aplicación da Lei 43/2003, do 21 de novembro de montes (DOG nº 195 do 6 de outubro de 2004). Available at:
http://www.xunta.es/dog/Publicados/2004/20041006/Anuncio1A372_gl.html
- For areas in the public domain: Roads (County Councils for local administrations), Water (Water Boards, Aguas de Galicia ...), Maritime-Terrestrial Public Domain (Area of Activity relatín to Coasts and Marine Environment, MAGRAMA), ...

1.4.3. Legally required documents or records

- Felling permit or harvesting notification. Information required, applications and procedures differ for each AC.
- As an example in Cantabria AC there are 2 different applications for harvesting activities: for fast and slow- growing species. In both cases the applicant shall provide information about: Area, owner or representative, affidavit stamped by the municipality, buyer data and harvesting characteristics (species, No. of trees, type of harvesting, product and destiny, declared value in euros, wood volume). For slow- growing species an official tree marking report is requested as is a report from regional (Autonomous Community) forest

inspectors.

- Source of reference: Environmental Service of each Autonomous Community. See examples and models here:
http://www.magrama.gob.es/es/biodiversidad/publicaciones/control_cortas_de_madera_espaa_2012_tcm7-266223.pdf

1.4.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at: https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php
- magrama.gob.es (2012). *Control of timber harvesting and risk assessment in each region to meet DDS requirements* [online] Study published by MAGRAMA (Ministry of Environment) in collaboration with COSE (Spanish Confederation of Forester Organisations). Available at: https://www.miteco.gob.es/es/biodiversidad/publicaciones/control_cortas_de_madera_espaa_2012_tcm30-152390.pdf
- Autonomous Communities Competent Authority websites

1.4.5. Risk determination

Overview of Legal Requirements

A study published by MAGRAMA, in collaboration with COSE (Spanish Confederation of Forester Organisations), states that the degree of control by the forest authority is high or very high in all Autonomous Communities (AC) except Galicia, where the level of control is considered medium, and in Cantabria, which is medium-high. The report states that there is no risk in any AC of undeclared timber harvesting of significant size. The study concludes that Spanish regulations and the surveillance procedures conducted by Autonomous Communities are consistent and guarantee legality of timber harvesting.

Description of Risk

There are some problems, usually on a small scale, of illegal harvesting/gathering of NTFPs, especially pine cones, but also cork and heather (Brezo). The magnitude of this is usually very small and not of significant economic impact. Some problems exist relating to poaching. Although these issues do have general relevance to legality in the timber sector, they do not have an impact on the legality of the timber itself.

There are no reports of significant fraud or falsehood with links to corruption in the area of forestry.

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

- The Forest Act (Act 43/2003, of 21 November, Forestry, Act 10/2006, of 28 April, which modifies Act 43/2003; Consolidation Act) assigns responsibilities for forestry to the Autonomous Communities. These are therefore responsible for establishing, if any, fees to pay (usually associated with the harvesting permit). Therefore there is great variability in this regard; with some regions that do not set rates and others that do but only for select species.
- As an example see in Asturias:
<https://sede.asturias.es/portal/site/Asturias/menuitem.46a76b28f520ecaaf18e90dbbb30a0a0/?vgnnextoid=8687799a28d4f010VgnVCM100000b0030a0aRCRD> where it is established that one of the requirements to obtain a felling license is the payment of the fees for slow-growing species (the fast-growing species do not pay a fee).
- Or in Galicia where no fees are charged for forest harvesting, but fees are payable in the bonded zones in the public domain (rivers, roads, ...) which are payable to the appropriate public entity.

1.5.2. Legal authority

- Each Autonomous Community defines the Competent Authority to regulate forestry and forest harvesting.
- For example, in Galicia: SECRETARIA XERAL DE MEDIO RURAL E MONTES of CONSELLERÍA DO MEDIO RURAL E DO MAR. Regulations: Orde do 28 de setembro de 2004, pola que se regulan os aproveitamentos madeiros e leñosos, en aplicación da Lei 43/2003, do 21 de novembro de montes (DOG nº 195 do 6 de outubro de 2004):
http://www.xunta.es/dog/Publicados/2004/20041006/Anuncio1A372_gl.html.
- In areas in the public domain: Carreteras (County Councils for local administrations), Water (Water Boards, Aguas de Galicia ...), Maritime-Terrestrial Public Domain (Area of Activity relating to Coasts and Marine Environment, MAGRAMA).

1.5.3. Legally required documents or records

- Document certifying the payment of fees, which must include the seal of the competent authority.

1.5.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at:

www.boe.es

- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at:
https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php
- magrama.gob.es (2012). *Control of timber harvesting and risk assessment in each region to meet DDS requirements* [online] Study published by MAGRAMA (Ministry of Environment) in collaboration with COSE (Spanish Confederation of Forester Organisations). Available at:
http://www.magrama.gob.es/es/biodiversidad/publicaciones/control_cortas_de_madera_es_panya_2012_tcm7-266223.pdf
- Autonomous Communities Competent Authority websites

Non-Government sources

- Transparency International's Corruption Perceptions Index -
<http://www.transparency.org/country#ESP> .

1.5.5. Risk determination

Overview of Legal Requirements

Payment of the required fees is necessary to obtain harvesting license. A study published by MAGRAMA in collaboration with COSE states that the degree of control by the forest authority is high or very high in all AC except in Galicia, where the control is medium and Cantabria, which is medium-high. The report does not identify risk in AC of undeclared timber harvesting of significant size. The study concludes that Spanish regulations and surveillance procedures conducted by Autonomous Communities are consistent and guarantee legality of timber harvesting.

Description of Risk

The possible risk in this category relates to fraud in the issuance of harvesting permits (the process for which includes the necessary cooperation of responsible officer) or illegal activities without harvesting permits. There are no reports on significant fraud or falsehood linked to corruption in forest sector nor about significant impact on illegal logging. The Transparency International Corruption Perceptions Index (CPI) is above 50 (61) in 2021, and the issues related to corruption in Spain are not commonly related to the forest sector.

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.

1.5.6. Risk designation and specification

Low risk

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

- Indirect tax of Finance: Tax (VAT): Law 37/1992, of 28 December, Value Added Tax. (BOE, 29-Dec-1992)
- 1624/1992 Royal Decree of 29 December, approving the Regulation of Value Added Tax (BOE, 31-dec-1992) and amending Royal Decree 1041/1990, which regulates the census declarations that must be presented for tax purposes by taxpayers
- Royal Decree 338/1990, which regulates the composition and the use of the tax identification number
- Royal Decree 2402/1985, which regulates the duty of issuing and delivering invoices to employers and employees
- Royal Decree 1326/1987, which establishes the procedure for implementing the European Economic Community Directives on the exchange of tax information

1.6.2. Legal authority

- Ministry of Finance and Public Service, Ministry of Finance.
- State Tax Administration Agency (AEAT)
- Departments of Economy and Finance of the different Autonomous Communities and local bodies (Town halls, municipalities, councils, etc.)

1.6.3. Legally required documents or records

- VAT: Certificate verifying that the owner is up to date with their payments to the Treasury. Companies and freelancers are obliged to make quarterly payments of VAT.
- Invoice with corresponding VAT.
- Declaration of the corresponding Annual Income, for individuals.

1.6.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- agenciatributaria.es (N.Y.) *Agencia Tributaria* [online] (Tax Agency) Available at: <http://www.agenciatributaria.es/AEAT.internet/Inicio/ Segmentos /Empresas y profesionales/Empresas/IVA/Novidades en IVA/Novidades en IVA.shtml>
- FLEGT legal timber and EUTR management
- <https://www.mapa.gob.es/es/desarrollo-rural/temas/politica-forestal/Madera Legal FLEGT EUTR/sistema/LIGNUM-Gestion-EUTR.aspx>

Non-Government sources

- atkearney.com (2013) *The Shadow Economy in Europe 2013* [online]. Available at: <http://www.atkearney.com/documents/10192/1743816/The+Shadow+Economy+in+Europe+2013.pdf/42062924-fac2-4c2c-ad8b-0c02e117e428>
- ec.europa.eu (2012) *Study to quantify and analyse the VAT Gap in the EU-27 Member States* [online] Available at: https://ec.europa.eu/taxation_customs/sites/taxation/files/docs/body/vat-gap.pdf
- ec.europa.eu (2020). *Study and Reports on the VAT Gap in the EU-28 Member States* [online] Available at:
- https://ec.europa.eu/taxation_customs/system/files/2020-09/vat-gap-full-report-2020_en.pdf
- transparency.org (N.Y.) *Transparency International Corruption Perceptions Index* [online] Available at: http://www.transparency.org/policy_research/surveys_indices/cpi

1.6.5. Risk determination

Overview of Legal Requirements

Value Added Tax legislation in place in Spain specifies rights, obligations and liability of tax authorities and taxable persons. All companies and individuals have a tax identification number or "NIF" for companies and individuals (VAT number) for tax purposes. Quarterly tax payments are made.

VAT rates are: 4% (super-reduced), 10% (reduced) or 21%, except from Canary Island with lower tax rates (IGIC). It is not difficult to verify payment as it is possible to obtain a Certificate of Payment for a company from the Treasury that shows if the company is up to date with their payments.

Law 7/2012, of 29 October, amending tax and budgetary regulations and adapting financial regulations to intensify action to prevent and combat fraud, establishes the limitation of cash payments for certain operations. In particular, it is established that transactions in which any of the intervening parties acts in an entrepreneurial or professional capacity with an amount equal to or greater than 2,500 euros or its equivalent in foreign currency may not be paid in cash.

In Spain, there is a special tax regime for the sale of timber that evades any type of tax fraud, as it would prevent VAT compensation for commercial transactions.

The special regime for agriculture, livestock and fishing, applicable to forest owners, referred to in art. 124 (VAT Law) et seq., shall be applicable to agricultural, forestry, livestock or fishery operations that directly obtain natural, plant or animal products from their crops, holdings or captures for transmission to third parties, as well as to services ancillary to such operations referred to in art. 127 (VAT Law).

The flat-rate compensation for forest owners shall be obtained by applying 12% to the selling price of the products or services, for deliveries of natural products obtained on agricultural or forestry holdings and for services ancillary to those holdings.

A register shall be kept in which all the operations included in the special regime for agriculture, livestock and fishing (income) must be recorded. No VAT returns will be submitted

for activities under the special regime for agriculture, livestock and fishing; Form 309, "nonrecurrent return" will be submitted in turn. Other links in the timber value chain apply 21% of VAT to purchases and sales.

Description of Risk

Regarding VAT, it is possible that timber could be sold without being invoiced. For other taxes, it would be unrealistic to say that there is no risk of fiscal fraud, but control exists which ensure that the risk is relatively low.

A 2019 report on the VAT Gap in Europe states that the VAT gap in Spain has fallen from an average of 6% of VTTL (VAT Total Tax Liability) in the 2014 – 2018 period to a 3% in 2019. Data show consistent improvement, with 18% in 2012. This was above the EU average of 16%. Scores for other countries were: Austria 7,5%, Sweden 0,7%, Germany 7,7%, France 3,9%, Italy 23,9%, Lithuania 21,6%, Romania 33,4%. The report doesn't analyse specifically the forest sector and provide a general overview/analysis for all economic sectors.

The 2013 VISA Europe report on the shadow economy in Europe estimated the shadow economy in Spain to be 19% of the total economy. The EU average was 18,5% and scores of other countries were: the Netherlands 9%, Sweden 14%, Germany 13%, France 10%, Italy 21%, Lithuania 28%, and Romania 28%. Manufacturing, construction, and wholesale and retail have the highest share in the shadow economy. New research on the matter (internet and stakeholder consultation) doesn't give us confident data to confirm the shadow economy is mostly related with forestry sector. It would be unrealistic to say that there are no cases of tax fraud, but there are adequate mechanisms of control and monitoring that are carried out by the Tax Agency. The level of enforcement of the Tax Agency is high.

Several new legal initiatives have been put in place by the Spanish Government during 2013/14 in order to prevent fiscal fraud in Spain (it is important to take into account the high level of social indignation linked to the emergence of multiple cases of corruption within governments and political parties all over Spain); among them, a new law to strengthen measures to prevent and combat tax fraud; a plan of extraordinary regularization of hidden income; and a tightening of the Penal Code for the most serious cases of tax fraud against Social Security (still under study).

Also, Spain has a high CPI (Corruption Perceptions Index) score of 61 (in 2021).

There is a control system in place by the public administration (Tax agency/Agencia tributaria, available at: <http://www.agenciatributaria.es/>): The number of controls performed by the Tax Agency increased by 16.7% in 2012 (470000 fiscal inspections done), with particular emphasis on the increased control of VAT and Corporate Tax statements, where performances were up 30% over 2011. In 2015, 107,680 inspections were conducted (8.03% increase), and 1,761,553 actions of Control (16.45% increase). This confirms the trend towards a notable increase in the tax collection effort through inspections and controls.

Recent improving controls, especially derived from fiscal and EUTR Control Checks, show that risk has been reduced to a low level. A steady increase in Chain of Custody certificates, demand for traceability and accountability for the timber sector also has played an important role in promoting formalization of markets and practices.

During interview with Forest Ministry (MITECO), it was described a new way to verify the compliance of forest companies to pay taxes related with sales.

Since 2015 (Royal Decree 1088/2015, of December 4, to ensure legal trade of timber and timber products), each operator (*Agente*) shall put in place a Due diligence system and evaluate any risk of illegal harvesting of the timber before placing it on the market. Every year is required to prepare a responsible declaration of the EUTR products that have been imported and traded. According to the 2017 data, agents 1 and 2 (forest owners) have a total of 567 aggregates who have submitted a responsible declaration. In addition to this, inspections done by competent authorities are carried out in which they review the documentation and sales invoices to ensure that the material comes from legal sources.

The regional EUTR authorities will be in charge of both receiving the responsible declaration and carrying out the aforementioned controls. These authorities will communicate the data to the competent national authority.

According to the information provided by those responsible for implementing the EUTR, no problems have been reported since this mechanism was put in place. In total, in 2019 a total of 585 controls were carried out by autonomous community, of which 36 were indicated as non-compliant (source: FLEGT legal timber and EUTR management)

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

N/A, specific to forests products or harvesting activities.

Legislation:

- General Tax Law (officially, Law 58/2003, of 17 December, General Tax)
- Law 12/2002 of 23 May, by which the Economic Agreement with the Basque Country was approved.
- Organic Law 13/82 of August 10, Reintegration and Improvement of the Regional Government of Navarra and Law 28/1990, of 26 December, approving the Economic Agreement between the State and the Autonomous Community of Navarra.

1.7.2. Legal authority

- Finance: Directorate General of Taxation of the Ministry of Finance and other Public

Administrations.

- Other Regional and Local Government administrations (Autonomous Communities Finance Agencies,...)

1.7.3. Legally required documents or records

- Financial Certificate verifying owner is current on payments (State, Autonomous Communities or Municipalities according to tax in question).

1.7.4. Sources of information

Government sources

- boe.es (2003). *Forest Act* [online]. (Consolidation Act). Available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2003-21339>
- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at: https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php
- agenciatributaria.es (N.Y.) *Agencia Tributaria* [online] (Tax Agency) IS. Available at: https://www.agenciatributaria.gob.es/AEAT.sede/Inicio/Procedimientos_y_Servicios/Impuestos_y_Tasas/Impuesto_sobre_Sociedades/Impuesto_sobre_Sociedades.shtml
- agenciatributaria.es (N.Y.) *Agencia Tributaria* [online] (Tax Agency) IRPF. Available at: http://www.agenciatributaria.es/AEAT.internet/Inicio/Ayuda/Manuales_Folletos_y_Videos/Manuales_practicos/IRPF/IRPF.shtml

Non-Government sources

- atkearney.com (2013) *The Shadow Economy in Europe 2013* [online]. Available at: <http://www.atkearney.com/documents/10192/1743816/The+Shadow+Economy+in+Europe+2013.pdf/42062924-fac2-4c2c-ad8b-0c02e117e428>

1.7.5. Risk determination

Overview of Legal Requirements

There are general tax requirements for all companies and individuals in Spain. Direct Taxes exist at three levels: State; Autonomous Community (Autonomous Basque Country and Navarra have their own tax system; Common Regime for the rest of the Autonomous Communities with the exception of the Canary Islands) and Municipalities. The regional and local levels have some ability to generate their own taxes. Companies must declare their turnover on an annual basis and pay applicable taxes (Corporate tax statement).

Description of Risk

2013 VISA Europe report on shadow economy in Europe states that the shadow economy in Spain is 19%, other studies establish a range between 20-25% (EU average is 18,5%; other countries Holland 9%, Sweden 14%, Germany 13%, France 10%, Italy 21%, Lithuania 28%, Romania 28%). The manufacturing, construction and wholesale & retail sectors have the highest share in shadow economy. The share of the forest sector would probably be included within "agriculture" which is estimated in 15% of the volume of agriculture income. It would be unrealistic to say that there is no instances of fiscal fraud, but there are adequate

mechanisms in place and control and oversight is carried out by the public administration controlling office (Agencia Tributaria). The level of enforcement of the Agencia Tributaria is high.

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

- Act 43/2003, of 21 November, on Forestry.
- Amended by Law 10/2006 of 28 April. This law was itself amended by Law 42/2007 Law on Forestry (Forest Law and Regulations) which sets out the division of powers/responsibilities for forestry as they are assigned to the Autonomous Communities.
- Chapter III Management of Forests in Article 33 establishes the need for both public and private forests to have: Forest Management Plan or other equivalent Management Instrument. These documents will be elaborated by the owner/title holder and must always be approved by the regional (Autonomous Community) forestry organisation. In case of an approved management plan, this sets out the specific regulations to take into account in the forest in question.
- Article 32 states that the regions have responsibility for the approval of management instructions and use of forests.
- The different Autonomous Communities have, or are developing, their own Forest laws to apply, in their territory. The State law will define the departments responsible for forest management and planning.
- Multiple laws in each Autonomous Community regulate forestry and harvesting and specific technical constraints (type of cut, maximum surface-area permitted to be cut, machinery to be used according to ground conditions, ...), diameters (minimum and/or maximum), species and other parameters.

1.8.2. Legal authority

- Each Autonomous Community defines the competent authority to regulate forestry and forest harvesting.
- For example, in Galicia: SECRETARIA XERAL DE MEDIO RURAL E MONTES de la CONSELLERÍA DO MEDIO RURAL E DO MAR.
- In areas in the public domain: Roads (County Councils for local administrations), Water (Water Boards, Aguas de Galicia ...), Maritime-Terrestrial Public Domain (Area of Activity relatín to Coasts and Marine Environment, MAGRAMA, ""Costas"").

1.8.3. Legally required documents or records

- Felling permit

1.8.4. Sources of Information

Government sources

- Diferent Autonomuos Community Government web sites
- Magrama.gob.es (N.Y.) *Ministerio de Medio Ambiente* [online] (Ministry of Environment, MAGRAMA). Available at: www.magrama.gob.es/
- magrama.gob.es (2012). *Control of timber harvesting and risk assessment in each region to meet DDS requirements* [online] Study published by MAGRAMA (Ministry of Environment) in collaboration with COSE (Spanish Confederation of Forester Organisations). Available at: http://www.magrama.gob.es/es/biodiversidad/publicaciones/control_cortas_de_madera_espanya_2012_tcm7-266223.pdf

1.8.5. Risk determination

Overview of Legal Requirements

Forest activities surveillance and control are under the responsibility of Autonomous Communities (AC). According to the legal mandate of Forest Act, each AC defines the control procedures to ensure compliance with the legal requirements for forest activities stated on column E under the following structure:

- Where a Management Plan exists the title holder must notify the competent body of the AC before harvesting (management plan needs to be approved by the AC).
- In other cases, (where there is no Management Plan or similar) administrative authorization prior to the harvesting is required.

Also in areas of forest within the public domain it is necessary to obtain permission from the specific competent authority for the Public Domain.

So the competent authority is involved in the approval of all timber harvesting regulations relating to forests (Management Plan or administrative authorization) and could define specific regulations and limits where necessary (it is usually done for protected ecosystems, species and natural forests).

Description of Risk

A study published by MAGRAMA, in collaboration with COSE, states that the degree of control by the forest authority is high or very high in all AC except Galicia, where the level of control medium and Cantabria, which is medium-high. The report states that there is no risk in any AC of undeclared timber harvesting of significant size. The study concludes that Spanish regulations and the surveillance procedures conducted by Autonomous Communities are consistent and guarantee legality of timber harvesting.

Based on this information, the risk for this category is assessed as 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.

1.8.6. Risk designation and specification

Low risk

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

- 139/2011 Royal Decree of 4 February, on the development of the List of Wildlife Species under Special Protection and the Spanish Catalogue of Endangered Species.
- Royal Decree 1997/1995 on measures to contribute towards maintaining biodiversity through the conservation of natural habitats and of wild fauna and flora.
- Amended by RD 1421/2006.
- Annexes repealed by Law 42/2007.
- Law 42/2007, of 13 December, on Natural Heritage and Biodiversity. Also incorporates into Spanish law Directives 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 79/409 / EEC on the conservation of wild birds (Birds Directive).
- Protected Natural Areas: in Spain the Central Government is responsible for basic legislation on protected natural areas. However, the declaration and management of them corresponds to the Autonomous Communities (Regions).
- National Parks are declared by Act of Parliament and subject to a common legal framework, the Law on National Parks Network (LAW 5/2007, of 3 April, on the Network of National Parks). There are currently 15 National Parks.
- The total of state and regional figures protects 6.1 million hectares of land. Each space should have regulations governing (great disparity in policy development by Autonomous Communities) management constraints necessary to maintain and enhance their values.

1.9.2. Legal authority

- Ministry of Agriculture, Food and Environment.

Each Autonomous Community defines the competent authority in the management of protected natural areas. Powers are effectively transferred from the national level to the AC mostly by the fact that the management of the protected area is performed by the Autonomous Community. For example:

- Galicia: Consellería de Medio Ambiente, Territorio e Medio Ambiente (Department of Environment, Land); Espazos Protexidos; <http://goo.gl/CUzq3b>; Lei do DOG # 171 do

04_09_2001 - da natureza conservation.

- Asturias: Consejería de Fomento, Ordenación del Territorio y Medio Ambiente (Department of Development, Planning and Environment), <http://goo.gl/FhMXKd>, Environmental Network Asturias, Natural Areas
- Cataluña: Departament d'Agricultura, Ramaderia, Pesca, Alimentació i Medi Natural, Espais naturals protegits (Department of Agriculture, Livestock, Fisheries, Food, Natural Environment, Natural Protected Spaces), <http://goo.gl/z02c8i>, <http://goo.gl/EmEIQs>
- Castilla y León: Consejería de Fomento y Medio Ambiente, Dirección General de Medio Natural (Department of Development and Environment, Directorate General for the Environment), <http://goo.gl/oJ8XJ4>
- Andalucía: Consejería de Medio Ambiente y Ordenación del Territorio (Ministry of Environment and Planning), <http://goo.gl/OtQu6m>. General Secretariat for Integral Management of Environment and Water, Department of Natural Spaces and Public participation.

1.9.3. Legally required documents or records

N/A

1.9.4. Sources of Information

Government sources

- Magrama.gob.es (N.Y.) *Ministerio de Medio Ambiente* [online] (Ministry of Environment, MAGRAMA). Available at: www.magrama.gob.es/

There are only a few protected areas managed by the State; the main conservation figures (National Parks, Biosphere Reserves, Natural Parks, Red Natura, etc...) are managed by Autonomous Communities. Each Autonomous Community has its own website, some examples:

- Galicia: Consellería de Medio Ambiente, Territorio e Medio Ambiente (Department of Environment, Land); Espazos Protexidos; Available at: <http://goo.gl/CUzq3b>; Lei do DOG # 171 do 04_09_2001 - da natureza conservation.
- Asturias: Consejería de Fomento, Ordenación del Territorio y Medio Ambiente (Department of Development, Planning and Environment), Available at: <http://goo.gl/FhMXKd>, Environmental Network Asturias, Natural Areas
- Catalonia: Departament d'Agricultura, Ramaderia, Pesca, Alimentació i Medi Natural, Espais naturals protegits (Department of Agriculture, Livestock, Fisheries, Food, Natural Environment, Natural Protected Spaces), Available at: <http://goo.gl/z02c8i>, <http://goo.gl/EmEIQs>
- Castilla y León: Consejería de Fomento y Medio Ambiente, Dirección General de Medio Natural (Department of Development and Environment, Directorate General for the Environment), Available at: <http://goo.gl/oJ8XJ4>
- Andalusia: Consejería de Medio Ambiente y Ordenación del Territorio (Ministry of Environment and Planning), Available at: <http://goo.gl/OtQu6m>. General Secretariat for Integral Management of Environment and Water, Department of Natural Spaces and Public

participation.

Non-Government sources

- redeuparc.org (2011) *National yearbook of the status of protected areas in Spain* [online]. Available at: <http://www.redeuparc.org/observatorio/anuario2011>

1.9.5. Risk determination

Overview of Legal Requirements

There is systematic planning of formal (legal) forest protection in Spain through the establishment of national parks, natural parks/reserves, Natura 2000-areas, biosphere reserves,... 27% of the Spanish territory is classed as legally protected areas, making Spain the EU country with the largest protected area within EU.

The Iberian Peninsula is a biodiversity hotspot with many rare or endangered species present.

Protected areas cover both public and private land. There is a good level of governance and a comprehensive legal framework developed for Spanish protected areas, and good level of control on the AC Competent Authorities (CA). Any harvesting activities which may affect rare or endangered species have limitations specified by the AC in the felling permit.

Description of Risk

Environmental NGOs have an active role in Spain (SEO/Birdlife <http://www.seo.org/>; WWF <http://www.wwf.es/>; Greenpeace <http://www.greenpeace.org/espana/es/>; Ecologistas en acción <http://www.ecologistasenaccion.es/>; Amigos de la Tierra <http://www.tierra.org/spip/spip.php>; Adegas <http://adega.gal/web/portada.php>;...). As a result of this, many local and specific complaints can be found about rare or endangered species. However, there are no reports of significant impacts of harvesting activities in protected area/species.

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

- Law 9/2006 on the evaluation of the effects of certain environmental plans and programs.
- Law 21/2013 of December 9 on environmental impacts, where it is mandatory develop an environmental assessment for any reforestation project greater than 50has or any harvesting activity with land change use purposes.
- Royal Decree 1/2008, of 11 January, by which the revised text of the Law on Environmental Impact Assessment of projects is approved.

Forest Fires

- Decree 3769/1972 of 23 December, approving the Regulations of Law 81/1968, of 5 December, regarding forest fires.
- Royal Decree Law 11/2005 laying down urgent measures in relation to forest fires.

Hunting and fishing

- 1095/1989 Royal Decree of 8 September, in which the species hunted and fished are declared and requirements established for their protection.
- 1118/1989 Royal Decree of 15 September, in which the species hunted and commercially fished are determined and requirements developed with regard to these.
- Law 1/1970 of 4 April, Hunting

Livestock

- Law 8/2003, of 24 April, on animal health.
- Royal Decree 479/2004 of 26 March, which establishes and regulates the general register of livestock farms.

Other

- Royal Decree 1098/2002 of 25 October, by which the feeding of carrion-eating birds of prey with certain dead animals and products is regulated.
- Royal Decree 342/2010 of 19 March, which modifies the Royal Decree 664/2007, of 25 May, by which the feeding of carrion-eating birds of prey with animal sub-products not intended for human consumption, is regulated.
- Royal Decree 1432/2008 of 29 August, establish measures which provide for the protection of birds against collision and electrocution by electrical power lines.
- Royal Decree 1628/2011 of 14 November, approving the listing and cataloguing of invasive alien species.
- Royal Decree 39/1998 of 16 January, which modifies the Royal Decree 401/1996, of March 1, laying down conditions for the introduction into the country of certain harmful plants, vegetable products and others, for testing purposes, scientific activity and variety selection.
- Act 43/2002, of 20 November, plant health.
- Royal Decree 1290/2012 of 7 September, modifying the Public Water Regulation, approved

by Royal Decree 849/1986, of 11 April, and Royal Decree 509/1996, of 15 March, developing Royal Decree-Law 11/1995 of 28 December, the rules applicable to the treatment of urban waste water

- Royal Decree 1220/2011 of 5 September, which modifies the Royal Decree 289/2003 of 7 March, on the marketing of forest reproductive material.
- Law 3/1995, of March 23, on driving roads.
- Law 8/2007 of 28 May on Soils

1.10.2. Legal authority

- Ministry of Agriculture, Food and Environment. Each Autonomous Community defines the competent authority with regards to environmental assessment. Powers are effectively transferred from the national level to the AC mostly by the fact that the management of the protected area is performed by the Autonomous Community.

For example:

- Galicia: Consellería de Medio Ambiente, Territorio e Medio Ambiente; Medio ambiente e Sostibilidade; Avaliación Ambiental; <http://goo.gl/gAk2lg>; LEI 9/2006 do 28 April, sobre avaliación dos efectos de determinados plans e programas no medio ambiente.
- Asturias: Consejería de Fomento, Ordenación del Territorio y Medio Ambiente, <http://goo.gl/FhMXKd>, Red ambiental de Asturias, Evaluación y control Ambiental
- Cataluña: Departament de Territori i Sostenibilitat, Medi Ambient i Sostenibilitat, <http://goo.gl/XEo1oy>

1.10.3. Legally required documents or records

- If required, the environmental study or Environmental Impact Assessment.
- Evaluation of non-binding Environmental Impact Assessment.

1.10.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- guardiacivil.es (N.Y.) *SEPRONA Servicio de Protección de la Naturaleza* [online] Available at: http://www.guardiacivil.es/es/institucional/Conocenos/especialidades/Medio_ambiente/
- Autonomous Communities Competent Authorities

Non-Government sources

- EIA (N.Y.) *Spanish Association for the Evaluation of Environmental Impacts* [online]. The list of applicable legislation. Available at: http://www.eia.es/nueva/legislacion_nacional.html

1.10.5. Risk determination

Overview of Legal Requirements

Forest activities with certain characteristics and of a certain size, as set out in the law, must have an environmental impact report prior to the request for license activity. Environmental impacts of harvesting activities, like soil or water course damage, are generally well regulated in Spanish legislation.

Description of Risk

Regarding the establishment of buffer zones, gaps of minor impact can be found in the more productive forests. This is also the case with buffer zones along water courses in Galicia, commonly not met on smallholders lands.

SEPRONA (Nature Protective Service) or Agentes Forestales/Medioambientales (Autonomous Communities controlling officers) are the bodies dealing with this control. Nature conservation societies also have an active role in Spain and there are no reports published about relevant environmental damages linked to harvesting activities.

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

- Royal Decree 1435/1992 implementing Directive 89/392/EEC on the aligning of the laws of Member States relating to machinery.
- Amended by RD 56/1995
- Royal Decree 1407/1992 Regulation of intra-Community trade conditions and free movement of personal protective equipment.
- Amended by RD 159/1995
- Law 31/1995 Prevention of occupational risks
- Royal Decree 39/1997 laying down the rules of prevention services.

- Act 1627/1997 Minimum requirements of Health and Safety at construction sites
- Royal Decree 1215/1997 Minimum Health and Safety requirements for the use by workers of work equipment
- Amended by RD 2177/04 on temporary work at height
- ILO Convention 119 on the Guarding of Machinery.
- Royal Decree 773/1997 Minimum safety concerning the use by workers of personal protective equipment.
- 486/1997 Royal Decree laying down minimum health and safety requirements set out in the workplace.
- Royal Decree 485/1997 minimum requirements regarding health and safety signing at work
- Royal Decree 614/2001, minimum standards for the protection of health and safety of workers against electrical hazards.
- Law 54/2003 of 12 November, reforming the regulatory framework on the prevention of occupational hazards.

1.11.2. Legal authority

- Ministry of Employment and Social Security, National Institute for Health and Safety at Work. Available at: <http://goo.gl/WuypXH>
- Ministry of Employment and Social Security Inspectorate of Labour and Social Security (ITSS) . Available at: <http://www.empleo.gob.es/itss/web/index.html>

Autonomous Communities designate competent regional bodies:

- Galicia: Galician Institute for Occupational Health and Safety at Work/Instituto Galego de Seguridade e Saúde Laboral (ISSGA) . Available at: <http://issga.xunta.es/portal/index.html?lang=es>
- Catalonia: Departament d'Empresa i Ocupació, labor Seguretat i salut. Available at: <http://goo.gl/2DQiZl>

1.11.3. Legally required documents or records

- Current Plan in force for the Prevention of Occupational Risks.
- Contract (signed and in force) with a company for the implementation of the necessary measures for Health and Safety at Work (includes the previous plan).

1.11.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- empleo.gob.es (N.Y.) *Work and Social Security Inspectorate (ITSS)* [online] Available at: <http://www.empleo.gob.es/itss/web/index.html>
- empleo.gob.es (2013) *Annual report on Work Inspectorate and Social Security 2013* [online] (Informe Anual de la Inspección de Trabajo y Seguridad Social 2013) Available at:

http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/doc/Memoria_2013/Memoria_2013.pdf

1.11.5. Risk determination

Overview of Legal Requirements

There is a comprehensive legal framework for Health and Safety (H&S), as well as designated competent authorities in all Autonomous Communities. All companies need to have H&S plans in place and implemented. Legislation includes control and monitoring by a dedicated administration, the Work Inspectorate and Social Security.

Description of Risk

Statistics show (see Annual report on Work Inspectorate and Social Security) data improvement in the last five years. In 2013 there were made 113520 inspections related to H&S with 78843 visits to work places, as a result of that there were detected 14103 infractions. Percentages on infringements have been reduced on 23% since 2009. In 2013 Agriculture sector (where Forestry is included) have a result of 4,5% infractions from the total of inspections made by State Inspectorate Agency.

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

- Royal Decree 1/1995, of March 24 by which the Consolidated Text of the Law of the Workers' Statute is approved.
- Royal Decree Law 2/1995, of April 7 by which the Consolidation of Labour Procedure Act is approved.
- Law 32/2006, of 18 October, regulating subcontracting in the construction industry.

- Royal Decree 1109/2007 of 24 August, by which the Law 32/2006, of 18 October, developing regulations relating to subcontracting in the construction industry.
- Organic Law 1/2002 of 22 March regulating the Right of Association.
- Law 56/2003 of 16 December on Employment.

1.12.2. Legal authority

- Ministry of Employment and Social Security

1.12.3. Legally required documents or records

- Certificate demonstrating that a company is up to date with their Social Security payments.
- Employment Contracts. Could be special contracts cover under legislation on agrarian regime.

1.12.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- empleo.gob.es (N.Y.) *Work and Social Security Inspectorate (ITSS)* [online] Available at: <http://www.empleo.gob.es/itss/web/index.html>
- empleo.gob.es (2013) *Annual report on Work Inspectorate and Social Security 2013* [online] (Informe Anual de la Inspección de Trabajo y Seguridad Social 2013) Available at: http://www.empleo.gob.es/itss/web/que_hacemos/Estadisticas/doc/Memoria_2013/Memoria_2013.pdf

1.12.5. Risk determination

Overview of Legal Requirements

Spanish legislation is comprehensive and includes control and monitoring by a dedicated administration, the Work Inspectorate and Social Security. The administration conducts inspections, monitoring, evaluation and implement specific action plans to control this fraud.

Description of Risk

Statistics show (see Annual report on Work Inspectorate and Social Security, ITSS) that the number of workers without being discharged from Social Security detected by ITSS grows almost every year of the past five years, reaching its highest level in 2013: from 100 inspections in 2013 were detected 13.67 employees on illegal employment situation, representing an increase of 53.94% compared to 2009 and 7.05% from 2012. By sectors almost 78% of undeclared work in 2013 found concentrated in four sectors or industries: hostelry (with 31.52%), services (22.62%), retail/commerce (13.13%) and construction (10.36%). Agriculture sector (where Forestry is included) concentrate 4.66% of illegalities.

Therefore, it is concluded that the overall risk is assessed as 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.

1.12.6. 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

- Civil Code: In MUP (Public Utility Forests) customary rights must appear in each forest record. For other cases (e.g. easements) could be regulated by the Civil Code, but both parties need to register these rights within the easement.
- Customary and traditional courts are recognized in the Spanish Constitution of 1978, Article 125. The implementation of these rights is regulated at the regional (Autonomous Community) level via regional legislation. E.g. Art 44 Law 4/2000, of 13 November, on the Modernization and Agricultural Development of Asturias by which - in the case of forest harvesting - where there is a common law or custom of the place involving some peculiarity or relevant expertise impacting the implementation of this policy, this should be brought to the attention of the Ministry.
- The Ombudsman and the High Commissioner of Parliament are in charge of defending the fundamental rights and civil liberties of citizens by monitoring the activity of government. Organic Law 3/1981 of 6 April Ombudsman. Law 36/1985 of 6 November, by which the relations between the institution of the Ombudsman and similar figures in the different regions are regulated (BOE No 271 of 12 November 1985).
- MVMC (Communally-owned community forests) which their specific law, have their own courts according to each province.

1.13.2. Legal authority

- Ombudsman
- Customary Law courts.
- Public Administrations

1.13.3. Legally required documents or records

None

1.13.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at: https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php
- congreso.es (1978). *Spanish Constitution* [online]. Artículo 54. Available at: http://www.congreso.es/porta/page/porta/Congreso/Congreso/Hist_Normas/Norm/const_esp_texto_ingles_0.pdf

Non-Government sources

- defensordelpueblo.es (N.Y.) *Defensor del pueblo (defender of the people)* [online] Annual reports from 2012 and 2013. Available at: <http://www.defensordelpueblo.es/>

1.13.5. Risk determination

Overview of Legal Requirements

There are many customary rights linked to forests across the Iberian Peninsula that come from antiquity. There is no information available on any relevant and sizeable conflicts linked to these rights. In many cases, these rights have been integrated into modern management of forests (droving roads, public roads, firewood production, etc...) and many others have fallen into disuse. There are no records of customary rights at risk on a significant scale.

Description of Risk

Conflicts related to customary rights can be addressed through the Ombudsman (Defensor del Pueblo). From the last 2013 report, of all conflicts recorded, there was no reference to customary rights linked to forests. The Ombudsman also reports about control of public administrations and in the last annual review report (2012-2013), not data was included relating to forest territories.

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

The concept of "free prior and informed consent" is not included in Spanish legislation.

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

Rights of indigenous/traditional peoples are not covered by Spanish legislation, as far as forest activities are concerned.

1.15.2. Legal authority

N/A

1.15.3. Legally required documents or records

N/A

1.15.4. Sources of information

N/A

1.15.5. Risk determination

N/A

1.15.6. Risk designation and specification

N/A

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

- There is no specific legislation covering how harvested material is classified in terms of species, volumes and qualities in connection with trade and transport.
- The volume, species and qualities of timber is information that appears on the selling trade contracts template distributed by the forest associations dealing with private forest owners.

1.16.2. Legal authority

N/A

1.16.3. Legally required documents or records

- Trade agreements

1.16.4. Sources of information

Government sources

- basoa.org (N.Y) *Forest Owners Associations*. [online]. Available at: <http://basoa.org/es/>

1.16.5. Risk determination

Overview of Legal Requirements

There is no benefit linked to incorrect classification of harvested material. Regarding quantities, enough control from Police exists (see 5.2.)

Description of Risk

The checks on the roads are conducted by Police and Customs (Civil Guard) and are frequent and effective. There are no records on violating the applicable legislation so far that would qualify for specified risk.

As there are no specific legal requirements for classification of species this category is 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.

1.16.6. 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.

1.17.1. Applicable laws and regulations

- Law 15/2009, of 11 November, on the contracting of surface-transport of goods.
- BOE no. 141 Tuesday June 14, 2011 Sec. I. p. 61018 Instrument of Accession of Spain to the
- Additional Protocol to the Convention on the Contract for International Carriage of Goods by Road (CMR) concerning the electronic consignment made in Geneva on February 20, 2008.
Head of Communication SEPRONA Registration No. 99341 to FSC Spain on statistical performances conducted by SEPRONA on Flora, forests and woodlands data for the period 2007 -2011
- Law 16/87 of 30 July, on Land Transport. (BOE 31).
- Organic Law 5/87 of 30 July, on the delegation of powers of the State in the Autonomous Communities in relation to road transport and by cable. (BOE 31).
- Royal Decree 1211/90 of 28 September, approving the Regulation of the Law on Land Transport (ROTT).

1.17.2. Legal authority

- Ministry of Public Works and Autonomous Communities

1.17.3. Legally required documents or records

- Maximum quantities for road transport and utilization requirements.
- CMR
- Delivery note

1.17.4. Sources of information

Government sources

- foment.gob.es (N.Y.) *Ministerio de Fomento*[online] (Ministry of Public Works) Available at: http://www.fomento.es/MFOM/LANG_CASTELLANO/DIRECCIONES_GENERALES/TRANSPORTE_TERRESTRE/IGT/PESO/pesos-sanciones.htm
- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at:

www.boe.es

- boe.es (N.Y.) *Boletines Oficiales Autonómicos* [online]. (Official Gazettes of the Autonomous Communities). Available at:
https://www.boe.es/legislacion/enlaces/boletines_autonomicos.php

1.17.5. Risk determination

Overview of Legal Requirements

The only risk associated with trade and transport would be a fraud as in Spanish law is mandatory for each track transported material to have the corresponding invoice, delivery note and CMR with information about quantities. The checks on the roads are conducted by Police and Customs (Civil Guard) and are frequent and effective.

Description of Risk

There are no records on violating the applicable legislation so far that would qualify for specified 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

- Royal Decree 1080/91 which lists a total of 48 offshore jurisdictions. RD 1080/91, article 2 states: ""Countries and territories [...] with Spain sign an agreement to exchange information on tax matters and an agreement to avoid double taxation treaty with an exchange of information shall cease to be consideration of tax havens in the time such agreements or arrangements are operational.""

Updated double taxation agreements exist to exchange tax information and exist on the

website of the Spanish Ministry of Economy:

- Double taxation agreements to exchange tax information.
- Information exchange agreements
- Articles 16 and 17 of Law 36/2006, modifying the CITL, in Royal Decree 1793/2008 of 3 November, amending the CITL Regulations and in Article 41 of Law 35/2006, Modifying the Personal Income Tax Law (PITL).
- Article 41 of the PITL establishes, as a general principle, that transactions between related persons or entities will be priced in accordance with the arms-length principle. The procedure for establishing the arms-length value and, where necessary, for substituting the value declared in a taxpayer's return is set out in Articles 16 and 17 of the CITL.

1.18.2. Legal authority

- Ministry of Public Works and Autonomous Communities.

1.18.3. Legally required documents or records

- Group-level and taxpayer-specific documentation for each tax year.
- Documents of purchases and sales (invoices).
- The Royal Decree 1080/91 draws on the principles contained in the EU Code of Conduct on transfer pricing documentation and requires the taxpayer to produce, at the request of the tax authorities, documentation which in turn is divided into two parts:
 - Documentation relating to the group to which the taxpayer belongs; and
 - Documentation on the taxpayer itself.
- With regard to the first year in which the documentation obligations must be applied, the documentation obligations must be deemed to apply to transactions performed on or after 19 February 2009.
- The royal decree also establishes the following instances in which there is no documentation requirement for related party transactions:
 - Transactions carried out within a consolidated Spanish fiscal group;
 - Transactions carried out by economic interest groups and temporary business associations; and
 - Transactions involving the purchase or sale of publicly traded shares.
- At the same time, the royal decree establishes reduced documentation obligations for (1) related party transactions involving small companies (net revenues for the consolidated group of less than EUR 8 million in the previous tax year) and (2) individual persons.
- Documentation is required for transactions with entities, related party or not, resident in tax havens.

1.18.4. Sources of information

Government sources

- boe.es (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es
- minhap.gob.es (N.Y.) [online] Available at: <http://www.minhap.gob.es/es-ES>
- oecd.org (N.Y.) *Spain - OECD Anti-Bribery Convention* [online] Available at: <http://www.oecd.org/daf/anti-bribery/spain-oecdanti-briberyconvention.htm>
- eoi-tax.org (N.Y.) *Exchange of Tax Information Portal* [online] Available at: <http://www.eoi-tax.org/jurisdictions/ES#agreements>
- oecd.org (N.Y.) *Statement of OECD Working Group on Bribery on Spain's efforts to amend its Penal Code and to enforce its foreign bribery offence*[online] Available at: <http://www.oecd.org/corruption/oecd-working-group-on-bribery-on-spain-efforts-to-amend-its-penal-code-and-to-enforce-its-foreign-bribery-offence.htm>

Non-Government sources

- paradisos-fiscales.info (N.Y.) *List with the Fiscal Paradises for Spain* [online] Available at: <http://www.paraisos-fiscales.info/lista-paraisos-fiscales-espanola.html>
- ibfd.org (N.Y.) *International Transfer Pricing Journal* [online] Available at: <http://www.ibfd.org/IBFD-Products/International-Transfer-Pricing-Journal-All-Articles> (find "Spain")
- pwc.com (N.Y.) *International transfer pricing 2012* [online] report by PriceWaterhouseCooper. Available at: http://download.pwc.com/ie/pubs/2012_international_transfer_pricing.pdf

1.18.5. Risk determination

Overview of Legal Requirements

The international tax standard, developed by OECD and supported by the UN and the G20, provides for full exchange of information on request in all tax matters without regard to a domestic tax interest requirement or bank secrecy for tax purposes. Currently all 30 OECD member countries, including Spain have endorsed and agreed to implement the international tax standard. Furthermore, all offshore financial centres accept the standard.

Spain has recently signed (at least) nine Tax Information Exchange Agreements (TIEAs) with jurisdictions of offshore financial centres and are signatories to 1 multilateral mechanism: the Convention on Mutual Administrative Assistance in Tax Matters.

The Spanish tax authority has been increasing, and continues to increase, its awareness of and attention to transfer pricing. Under the former legislation (1978 CITL), the Central Treasury and Tax Court (Tribunal Económico Administrativo Central (TEAC), an administrative body included within the Tax Administration but acting independently of the tax audit authorities), had created a solid administrative doctrine that was consistently applied. It also established some important principles for dealing with transfer pricing issues (PWC 2012).

Regarding the current legislation, the Spanish tax authorities and the jurisprudence issued by the tribunals have widely used the OECD Guidelines to apply or interpret the Spanish transfer pricing rules and regulations. In particular, the TEAC is making an extensive and intensive use of the OECD Guidelines. (PWC 2012). Some interesting TEAC's resolutions are mentioned

below:

- RTEAC 7 June 1994; RTEAC 22 October 1997; RTEAC 29 January 1999;
- RTEAC 9 March 2000; RTEAC 1 December 2000; RTEAC 26 March 2004; and
- RTEAC 8 October 2009; RTEAC 22 October 2009.

Until recently, the Spanish High Court of Justice (STS) ruled on just a few cases regarding transfer pricing issues. In line with the heightened interest given to transfer pricing in 2007, these rulings went against the taxpayer. The rulings dealt with various related party transactions, including management fees, customs regulations and purchase of active ingredients. (PWC 2012).

- STS 11 February 2000; STS 15 July 2002; and
- STS 4 December 2007; STS 22 January 2009; STS 30 November 2009.

A specialist unit dealing with transfer pricing issues has been established. The regional and national tax offices, which are responsible for the larger companies or multinational companies, normally deal with transfer pricing issues during the course of a general tax audit (PWC 2012).

In addition, significant resources are being made available to improve inspectors' ability to successfully undertake audits, and active training is taking place. Tax inspectors currently act on their own, although this does not rule out the possibility that they could receive assistance from in-house experts. Additionally, tax inspectors are able to exchange information under the principles established in the OECD Model Tax Convention and in the European Directive 2004/56 on Mutual Assistance (PWC 2012).

So far, they have not concentrated on any particular industry, although emphasis has been placed on the automobile, computer/software and pharmaceutical industries. Special attention has been directed towards management fees, royalties and loans.

Description of Risk

The corruption level in Spain is considered medium-low, refer to the Transparency International corruption perception index (2016) of 58 (higher than the threshold of 50).

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

- Royal Decree 511/1977 of 18 February, by which the revised text of the Integrated Customs Taxes is approved.
- Organic Law 12/1995 of 12 December on the suppression of smuggling. By which the penalties for importing or exporting materials without fulfilling legal importation procedures, is established.
- Spain is within the Customs Union of Europe in relation to goods import rules. In general, foreign trade in the EU is governed by the principle of commercial freedom and only for some goods, mainly from agriculture, statistical surveillance is applied. The Community Customs Code establishes, at the Community level, issues relating to trade in goods between the EU and third countries, including measures of agricultural policy, trade policy, and statistical measures.

1.19.2. Legal authority

- Ministry of Finance and Public Administrations
- Tax Agency
- Customs authority

1.19.3. Legally required documents or records

- Rates, relevant records and statements
- Single Administrative Document (SAD).

1.19.4. Sources of information

Government sources

- [mineco.gob.es](http://www.mineco.gob.es) (N.Y.) *Ministerio de Hacienda y Administraciones Públicas* [online] (Ministry of Finance and Public Administration) Available at: www.mineco.gob.es
- [agenciatributaria.es](http://www.agenciatributaria.es/) (N.Y.) *Agencia Tributaria* [online] (Tax Agency) Available at: <http://www.agenciatributaria.es/>
- [boe.es](http://www.boe.es) (N.Y.) *Boletín Oficial del Estado* [online] (Official Gazette, BOE). Available at: www.boe.es

1.19.5. Risk determination

Overview of Legal Requirements

Royal Decree 511/1977 and other organic laws puts in place comprehensive requirements covering customs matters.

The Ministry of Finance and Public Administrations; Tax Agency and Customs authority are, combined, responsible for the implementation of all legislation relating to customs control and surveillance.

Description of Risk

There are no records available about violations of the applicable legislation, so far, that would

qualify for specified 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.

1.19.6. 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

- The accession of Spain to the CITES Convention was made by the Instrument of Accession of Spain, May 16, 1986 .
- At present, the application of the CITES Convention within the EU - and therefore in Spain - is enacted via Regulation (EC) 338/97 of the Council of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade, and by a more detailed implementing Regulation: the Regulation (EC) 865/2006 of the Commission on 4 May 2006 laying down provisions for implementing Regulation (EC) 338/97.
- Instrument of Accession of Spain (May 16, 1986) on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). (Published in the Official Gazette No. 181 of 30/07/1986).
- Royal Decree 1739/97 of 20 November 1997 on measures to implement the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) made at Washington on March 3, 1973, and Regulation (EC) 338/97 of the Council of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (published in the Official Gazette No. 285 . of 28/11/1997) NOTE: designated scientific authority, the main administrative authority and the additional administrative authority and controls to be performed by each.
- Resolution of May 5, 1998 , the Directorate General of Foreign Trade, the Centers and Units Technical Assistance and Inspection of Foreign Trade (designated SOIVRE) are authorized to issue permits and certificates referred to in Regulation (EC) 338/97 of the Council of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade, and model ""document inspection of protected species"" is set (published in BOE No. 125 of 26/05/1998).
- 1456/2005 Royal Decree of 2 December, the Territorial and Provincial Departments of Commerce (published in the Official Gazette No. 299 of 15/12/2005) are regulated.

- 1333/2006 Royal Decree of 21 November, by which the fate of confiscated specimens of endangered species of fauna and protected wild flora by regulating trade therein (published in the Official Gazette No. 286 of 30/11 / regulated 2006).
- Additional Provision Two of Law 32/2007 , of 7 November, for the care of the animals on his farm, transport, slaughter and experimentation (published in the Official Gazette 08/11/2007). NOTE : set the rates for the management and processing of CITES permits and certificates .
- 630/2013 Royal Decree of 2 August, by the Spanish Catalogue of Invasive Alien Species (published in the Official Gazette No. 185 of 03/08/2013) is regulated.

1.20.2. Legal authority

- The Ministry of Commerce has been assigned as the Management Authority in accordance with the provisions of Article IX of the Convention CITES . The Management Authority processes and authorizes, where appropriate, applications for import, export or re-export to SOIVRE (Official Service of Surveillance, Certification and Technical Assistance of Foreign Trade, a body of the Ministry of Industry, Tourism and Commerce) and also the development of control actions and corresponding inspections.
- Border Inspection Points (PIFs) - govern import transactions and (re)export for CITES material at the points of entry into the country.

1.20.3. Legally required documents or records

- Original foreign-issued CITES document (export permit or re-export certificate from the country of origin) to Customs at the first point of entry into the EU will be presented.

1.20.4. Sources of information

Government sources

- [cites.es](http://www.cites.es/) (N.Y.) *Portal de la autoridad administrativa CITES en Espana*[online] Available at:<http://www.cites.es/>
- CITES checklist (N.Y) Checklist of CITES species. [Online]. Available at: <http://checklist.cites.org/#/en>

1.20.5. Risk determination

Overview of Legal Requirements

Spain has implemented CITES requirements within its territory and the current system is robust. Information regarding authorities, procedures, certificates, permits, electronic applications and all necessary administrative processes are clearly available in www.cites.es.

Description of Risk

Different territorial authorities (Servicios de Inspección SOIVRE) and Puntos de Inspección Fronteriza (PIFs) work daily with suppliers and customers. There is no evidence known of CITES violations in Spain.

There are currently no CITES species grown in Spain, therefor the risk can be considered 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.

1.20.6. 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.
- Commission delegated Regulation of 23.2.2012 on the procedural rules for the recognition and withdrawal of recognition of monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market
- Commission implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market.
- Royal Decree 1088/2015, to ensure the legality of the commercialization of wood and wood products
- Regulation EC No 2173/2005 on FLEGT licenses
- Act 43/2003, of Forests

1.21.2. Legal authority

- Dirección General de Desarrollo Rural y Política Forestal (MAGRAMA)
- Regional governments.

1.21.3. Legally required documents or records

- Due Diligence System, valid registry with the mandatory information, FLEGT certificate, CITES licence, legality certificate

1.21.4. Sources of information

Government sources

- MITECO EUTR implementation. Available at: <https://www.miteco.gob.es/es/biodiversidad/temas/internacional-especies-madera/madera-legal/EUTR/>
- LIGNUM (Information System created by MITECO). Available at: <https://www.miteco.gob.es/es/biodiversidad/temas/internacional-especies-madera/madera-legal/sistema/>
- ec.europa.eu (N.Y.) *Illegal logging/FLEGT Action Plan*[online] European Commission. Available at: http://ec.europa.eu/environment/forests/illegal_logging.htm
- euflegt.efi.int (N.Y.) *Financial mechanism EU-EFI-FLEGT*[online] Available at: <http://www.euflegt.efi.int/portal/>
- fao.org (N.Y.) *Program FAO-FLEGT* [online] Available at: <http://www.fao.org/forestry/acp-flegt/en/>

Non-Government sources

- illegal-logging.info (N.Y.) *Illegal logging* [online]. (Chatham House. UK) Available at: <http://www.illegal-logging.info/>
- diligenciadebida.es (N.Y.) *CONFEMADERA* [online] Available at: <http://www.diligenciadebida.es/>
- wwf.org.uk (N.Y.) *WWF Barometer 2012: EU countries still failing the forests*[online] Available at: http://wwf.panda.org/wwf_news/?203548/EU-barometer-2012
- maderalegal.info (N.Y.) *Legal wood*[online] Available at: <http://www.maderalegal.info>
- greenpeace.org (2014) *Greenpeace denuncia que España no ha implantado la legislación para evitar la entrada de madera ilegal* [online] Available at: <http://www.greenpeace.org/espana/es/news/2014/Marzo/Greenpeace-denuncia-que-Espana-no-ha-implantado-la-legislacion-para-evitar-la-entrada-de-madera-ilegal/>

1.21.5. Risk determination

Overview of Legal Requirements

On 11 December 2015, a [Royal Decree \(1088/2015\)](#) was published that establishes the necessary provisions for the application of the EUTR in Spain. This decree describes the obligations of the "Operators" and "Traders" (as defined by EUTR) for compliance with the EUTR. Among the obligations it is included the obligation for operators to implement a Due Diligence System to ensure the legal origin of their product. It also establishes the minimum information of the responsible statement (*declaración responsable*) that must be completed and communicated annually by all Operators (*agentes*) who place first time timber or its derivative products on the European market; as well as the obligation to present it before March 31 of each year. This decree designs the General Directorate of Biodiversity, Forests and Desertification as EUTR Competent Authority for the coordination, the relationship with the European Union and the management of the State System of timber trade ([LIGNUM](#)); and to the [Competent Authorities designated by the Autonomous Communities](#), as authorities in

charge of carrying out controls on economic Operators who trade timber and wood products into the European Market.

Currently, Act 43/2003, of November 21, on Forestry (modified by Act 21/2015, of July 20th), establishes that in public contracting procedures, the Public Administrations will adopt the appropriate measures to avoid the acquisition of wood and products derived from illegal logging in third countries and promote the acquisition of those from certified forests.

In this sense, within the scope of the General State Administration, the Ecological Public Procurement Plan (2018-2025) determines, among other things, that the purchase of wood used in furniture must have a legal origin and come from managed forestry operations in a sustainable way.

Likewise, Act 43/2003, of November 21, on Forestry (modified by Act 21/2015, of July 20), has incorporated the sanctioning regime in relation to the legality of the commercialization of wood and its derivatives as well as the new infractions for violation of the precepts derived from the application of Regulation 995/2010 of the European Parliament and of the Council, of October 20.

The level of compliance at the national and regional level is reported in the biennial monitoring reports of the national control plan elaborated by the Ministry of Agriculture, Fisheries, Food and Environment.

Description of Risk

The application of the EUTR in Spain began later than expected, in 2015 with the implementation of Royal Decree No. 1088. Since this date, the Spanish National Plan for the Control of the Legality of Commercialized Timber (February 2015) start to be implemented by the Ministry of Agriculture, Fisheries and Food.

On October 8, 2018, the [National Plan for Control of the Legality of Commercialized Wood](#) was approved at the Sectoral Conference on Agriculture and Rural Development, through which compliance with regulatory obligations by EUTR operators is coordinated throughout Spain. It is also the basis for enforcement within Autonomous Communities. The National Plan uses different economic criteria to inform enforcement efforts, analysing aspects such as: the number of imports, the value of imports, number of importing companies, or associates, number and relevance of ports of entry, etc. Regional actions and regional plans analyse risk per enterprise using risk criteria, such as exporting countries, level of company certification, marketed volumes, species, etc. The National Plan of Controls started in Spain in the first week of April 2016. The enforcement activities are based on the 2016 National Plan of Controls, with a homogeneous distribution of controls throughout the national territory, both in number and type of agents controlled.

A review of the national control plan for the following years is being prepared with the new information collected.

The level of compliance at national and regional level is detailed in the biennial monitoring reports of the national control plan drawn up by the Ministry of Agriculture, Fisheries, Food and Environment. Based on the number of controls and level of implementation, legislation relating to EUTR compliance and due diligence systems is currently being implemented and enforced.

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 SPAIN** 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:

- 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.
- 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.
- 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.
- 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.
- 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.
- 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 SPAIN						
Forest type	Region/Area	Legal Land Classification	Ownership	Management regime	License / Permit Type	Description of source type
Forest without management plan approved			Private		Harvesting permit with all forest details, volume, species, harvesting activity, machinery, etc.	There is an important variability between AC
Forest with management plan approved			Private		Harvesting notification with all forest activity details.	Harvest Notification only in activities covered by Management Plan, any other forest activity will need Harvesting permit. There is an important variability between Autonomous Communities
Public forest managed by administration			Public		Internal Forest Service approval	There is an important variability between AC

About

LIFE Legal Wood



LIFE - Support EUTR II - LIFE18 GIE/DK/000763

[LIFE Legal Wood](#) is an initiative that aims at 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 initiative is funded by the LIFE Programme of the European Union.



Preferred by Nature (formerly known as NEPCon) is an international non-profit organisation working to support better land management and business practices that benefit people, nature and the climate. We do this through a unique combination of sustainability certification services, projects supporting awareness raising, and capacity building.

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