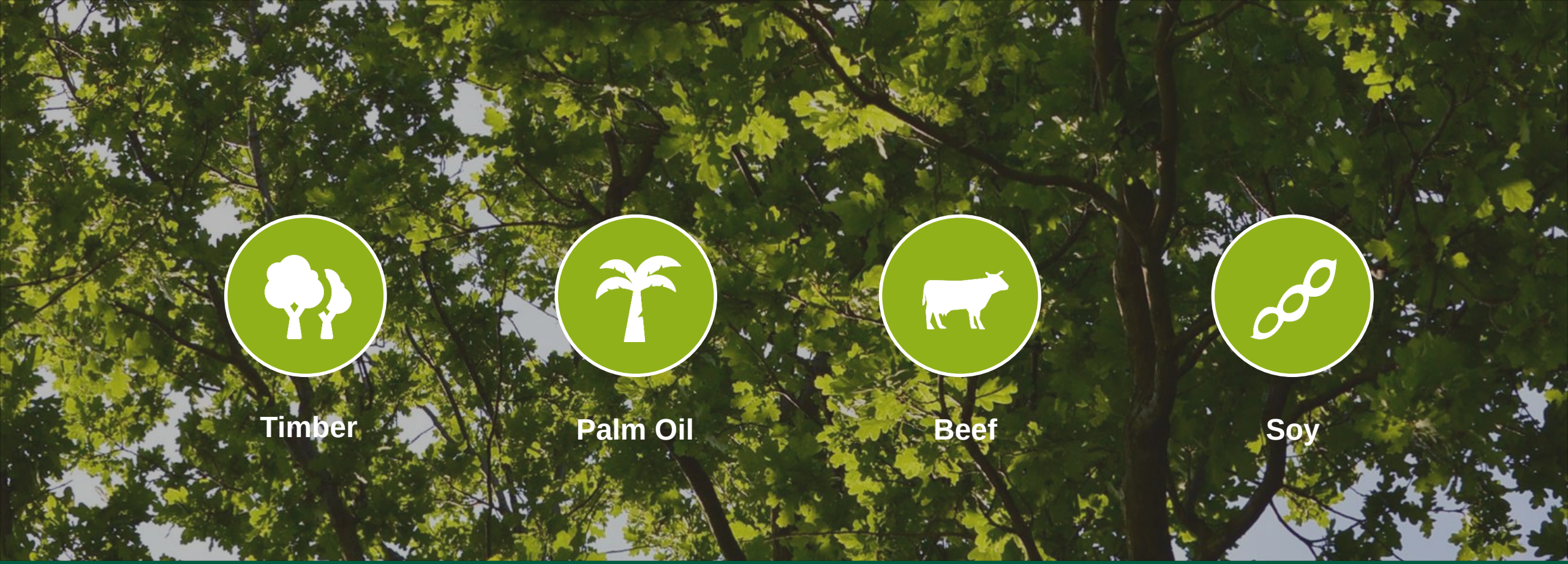


The NEPCon Sourcing Hub: tools to help you conduct due diligence

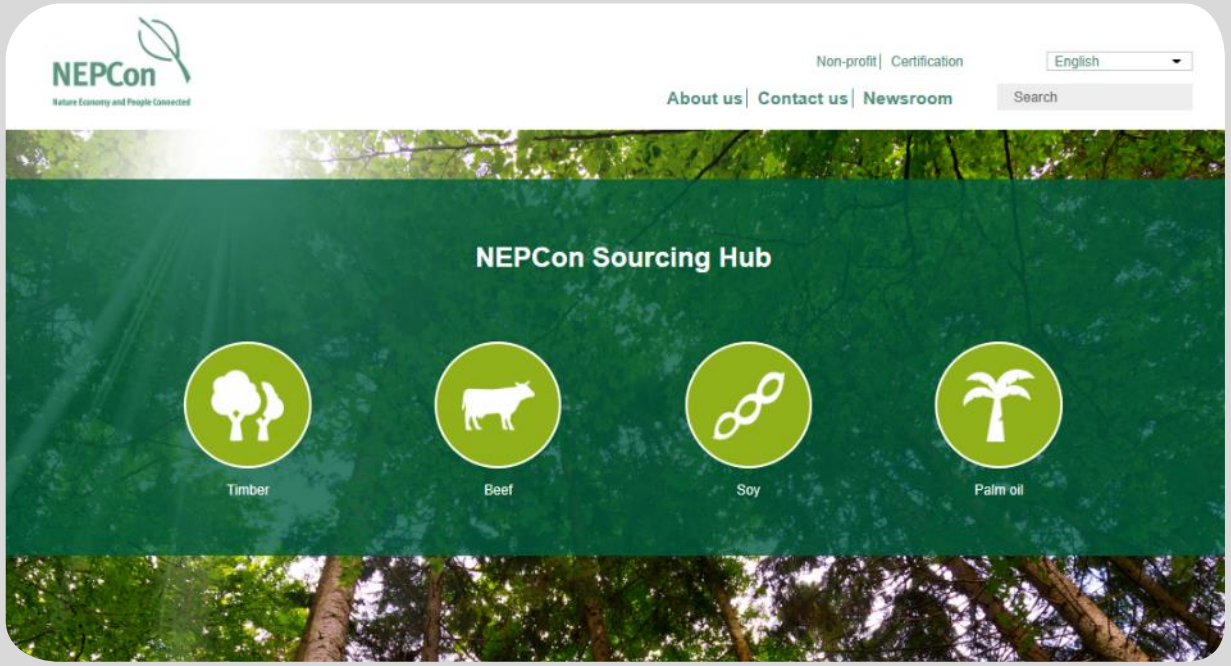
October 2017

NEPCon
Preferred by Nature™

Contents

- Risk Assessments
- Tools for establishing a due diligence system
- Country specific tools
- Other guides

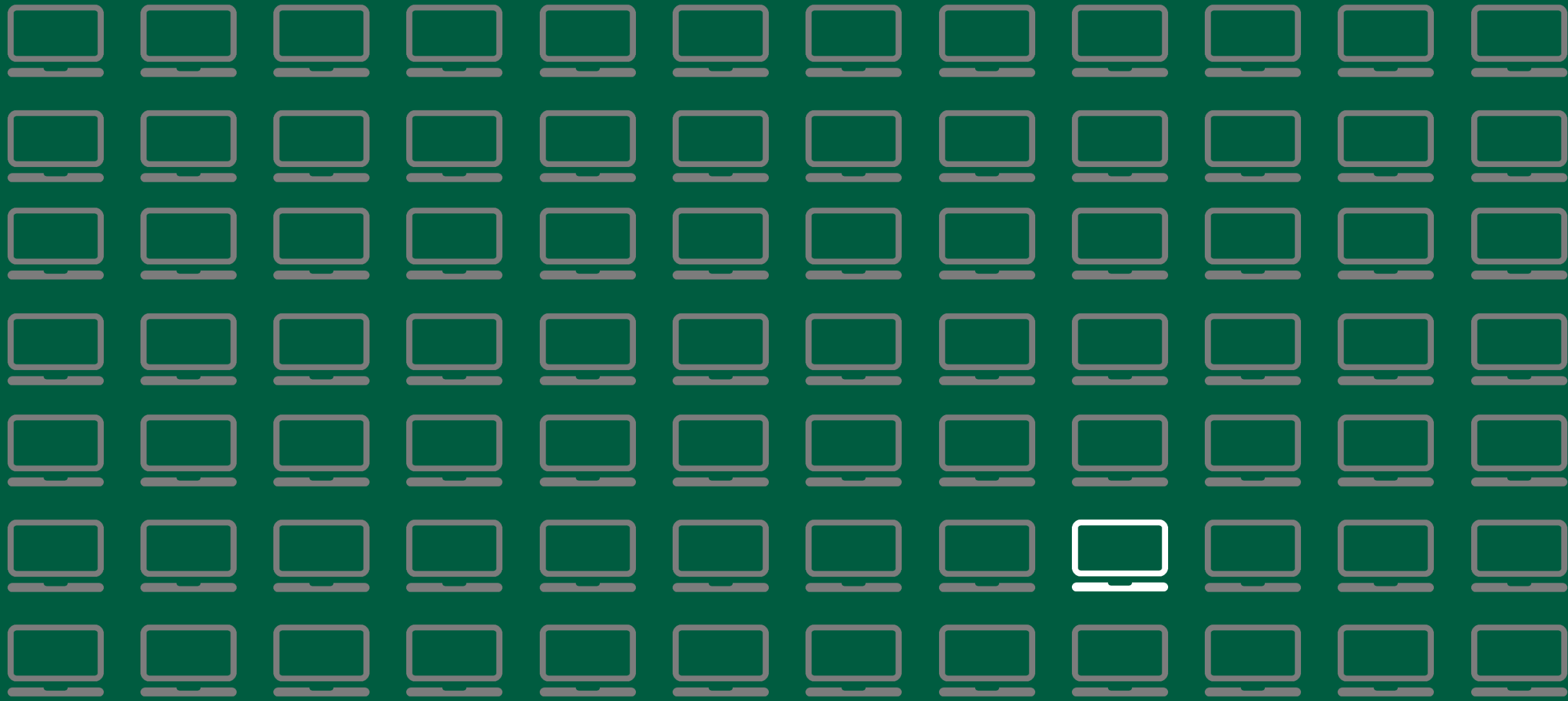
Launched August 2017… v1.0



www.nepcon.org/sourcinghub

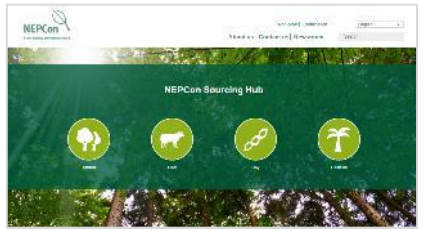
Oh no – do we really need another

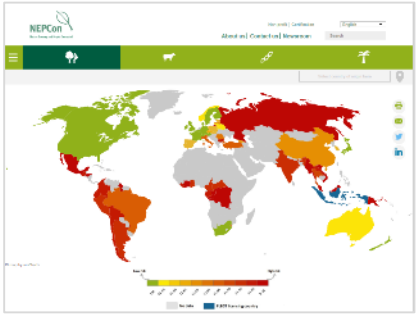
a Data Platform...

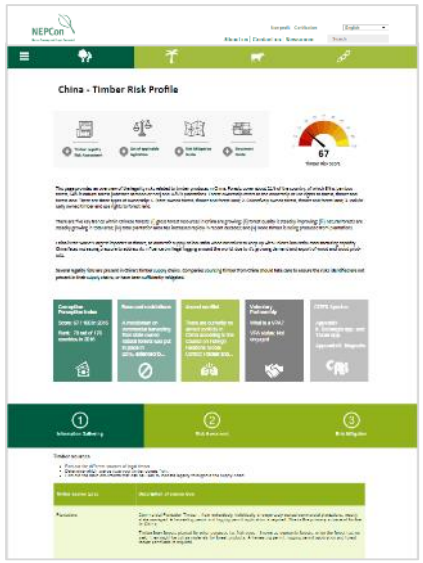


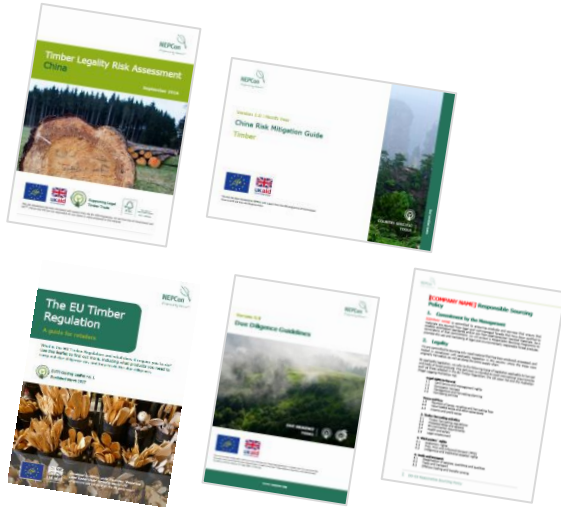
This one is **different**...

Everything you need for due diligence in one place









1

SELECT
commodity

2

ACCESS
an overview map of sourcing risks
+
SELECT
country for details

3

VIEW
country detailed risk data
(e.g. risks related to each type of forest production…)

4

EXPLORE
a suite of country guidance and due diligence tools to mitigate the risks

100+ free timber legality tools

Country specific guidance

Full **Timber Legality Risk Assessment** for all 62 countries

An overview of the relevant laws in a country from the **List Applicable Legislation**

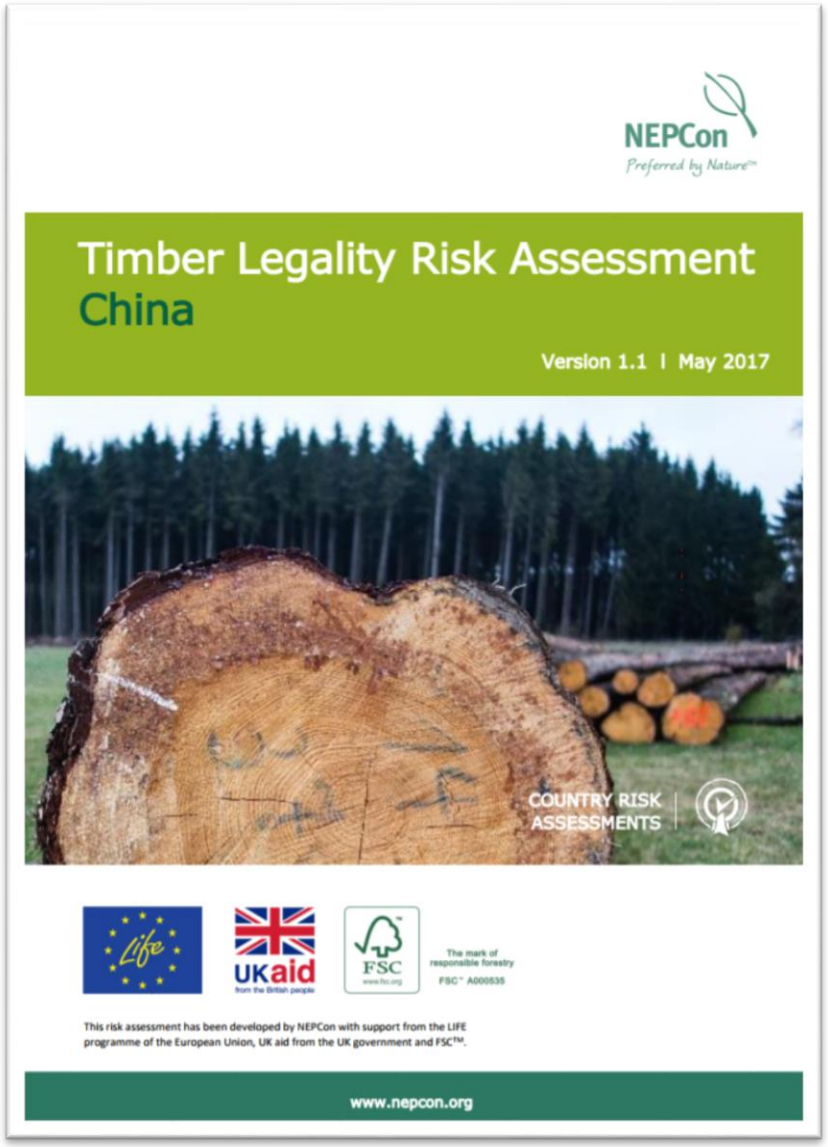
Risk Mitigation guide to help identify the risks in the supply chain and what to do about them for a supply country

Document Guide to help determine exactly what type of documents to request from the suppliers, what they should look like and how to verify their authenticity

Due Diligence tools

- Supplier Letters
- Due Diligence Guidelines
- Supplier Managing Form
- Risk Checklists
- Policy template
- Supplier Information Form
- etc.

Risk assessments...



The heart of the Hub

Country profile page

Sector overview

Information gathering

Country source types to help identify the legal sources of timber for a country

Overview of **risky species** to help reduce risks in the supply chain

Key documents that can indicate legality of timber sourced from a country

Risk assessment

Summary of the key legality risks relevant to timber supply chains from a country

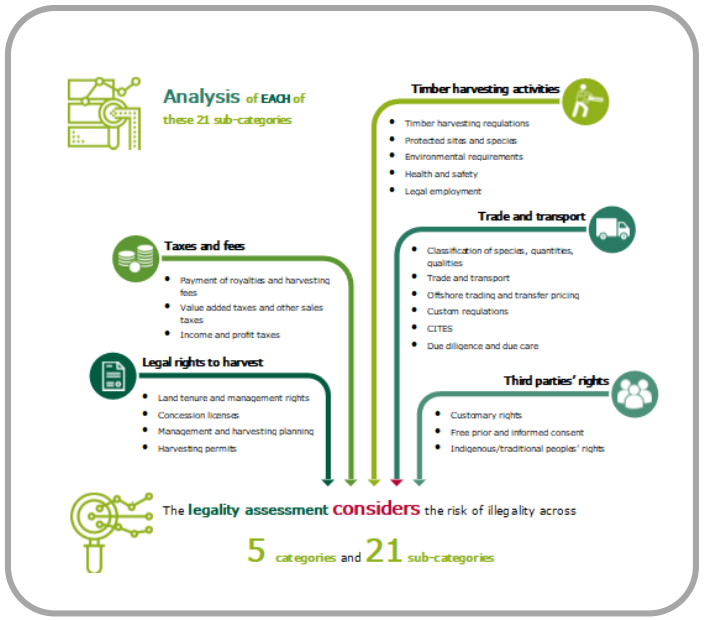
- Legal Rights to Harvest
- Taxes and Fees
- Timber Harvesting Activities
- Third Parties' Rights
- Trade and Transport
- Traceability

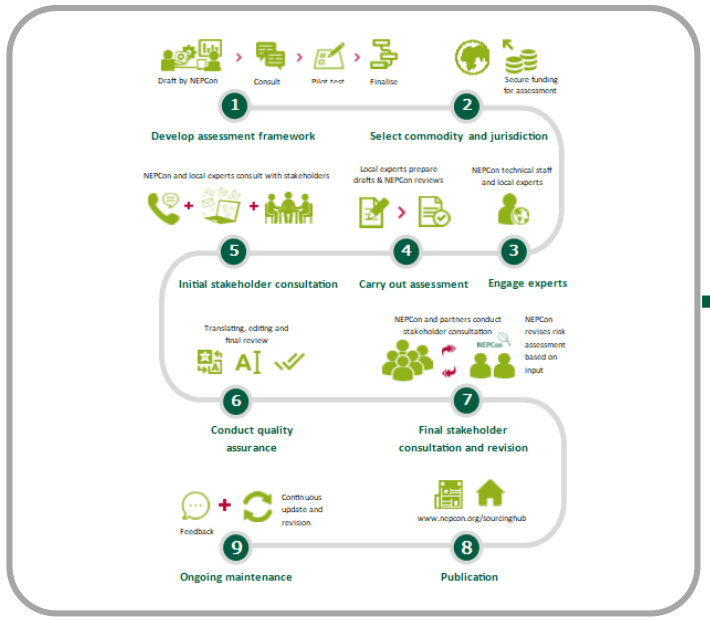
Risk mitigation

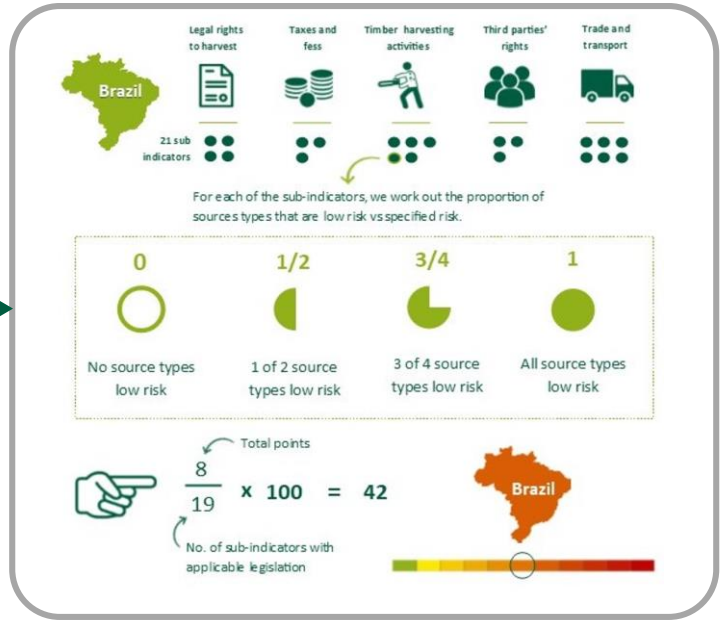
Clear instructions on how to mitigate risks identified for a specific country

Comprehensive **Risk Mitigation Guide** and **Document Guide**

Risk assessments – development process







DEVELOP
the risk assessment framework for the commodity, e.g. defining (sub)catergories

CONDUCT
risk assessments
+
CONCLUDE
the risk for each of the sub-categories

CALCULATE
the score for each country
+
COLOUR CODE
in the map

Comprehensive...

Data sources for risk assessments

Field experience and reports
ours and others

Public summaries of certification audits

Transparency International's Corruption Perception Index

Chatham House – Illegal Logging

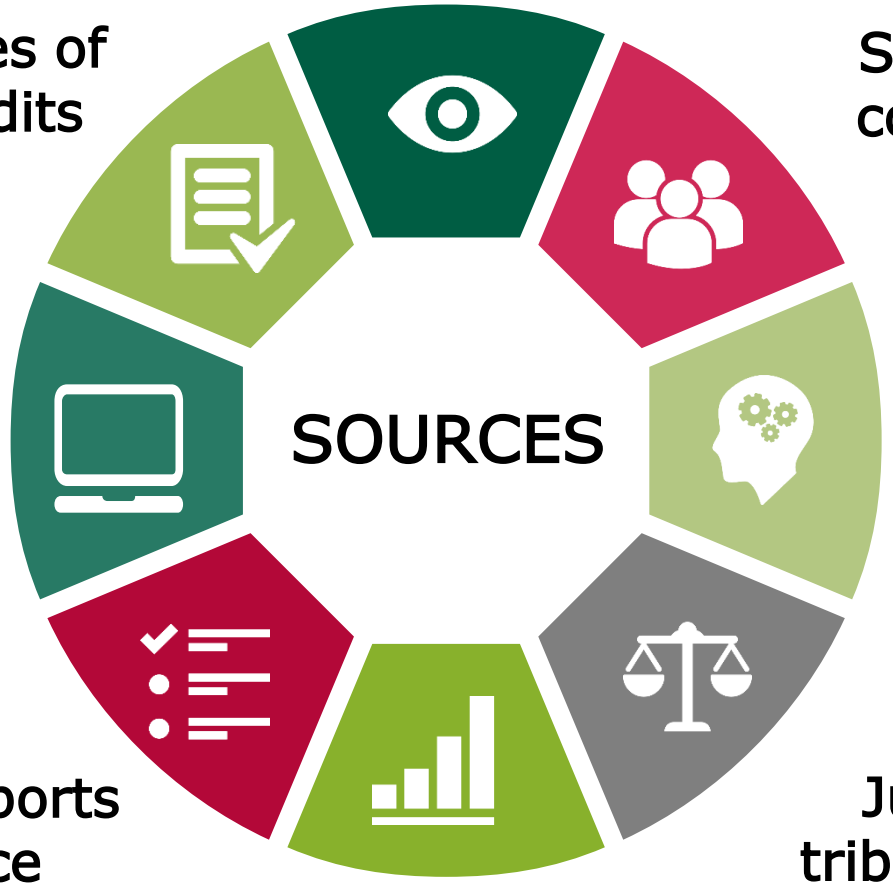
INTERPOL

World Bank WGI

EU FLEGT Process

Forest Legality Alliance

ELDIS regional country profiles



Stakeholder consultation

Expert input

Justice and tribunal records

National statistical reports

Government reports on compliance

Multiple sources

How do we determine low or specified risk?

Considered low risk

Problems that are:

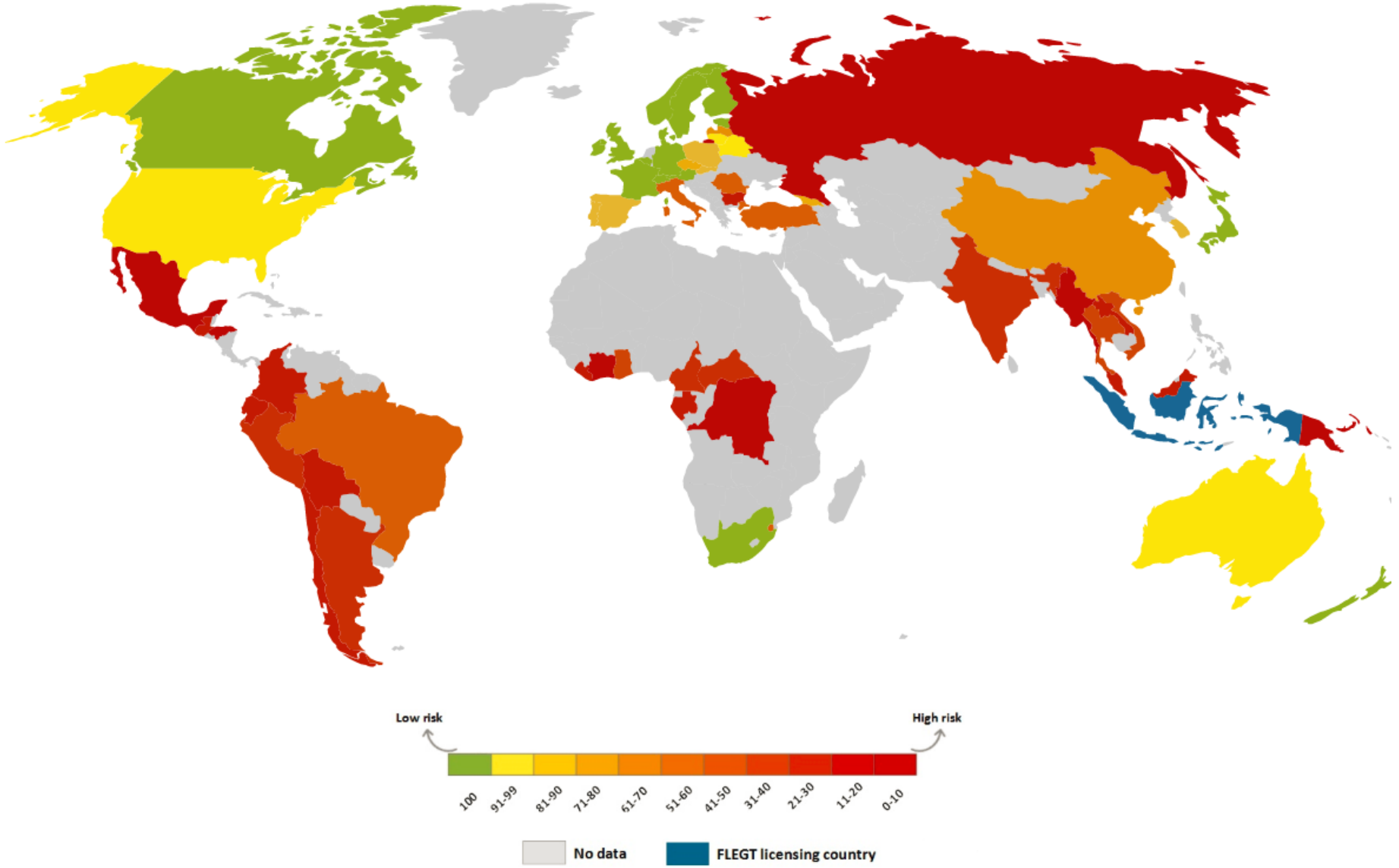
- Temporary
- Unusual or non-systematic
- Limited in their impact
- Effectively controlled by monitoring and enforcement by efficient and effective government agencies

Considered specified risk

Problems that:

- Affects a wide area and/or causes significant damage and/or continues over a long period of time.
- Indicates the absence or break down of enforcement of the legal system.
- Is not corrected or adequately responded to when identified.
- Has a significant negative impact on society, the production of forest products and other services, the forest ecosystem and the people directly and indirectly affected by forest operations.

Risk assessments - timber



A Due Diligence System

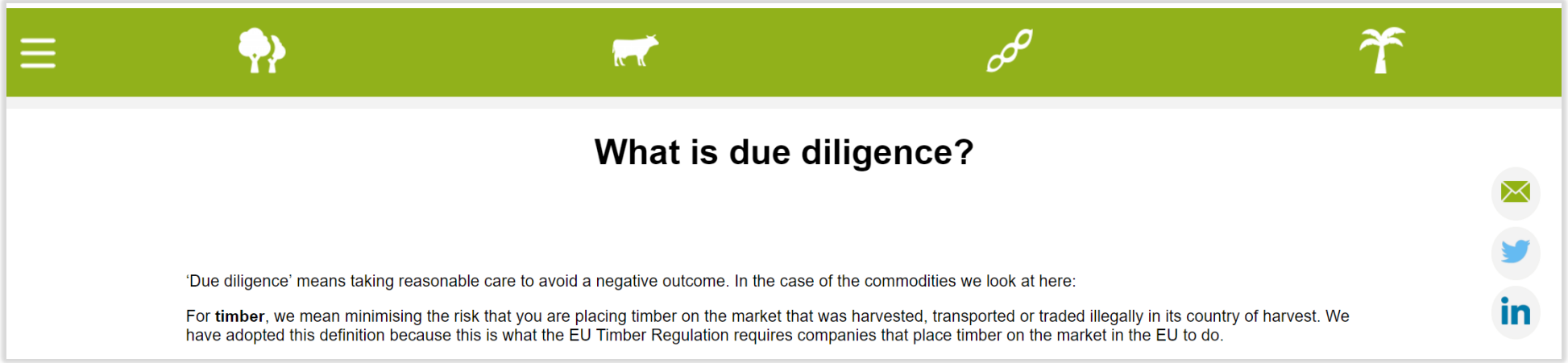
1. Quality management

1. Quality management

The Sourcing Hub contains extensive information about how to set up your due diligence system (DDS).

The NEPCon DDS includes several **templates** that may be used to ensure that systems and procedures are developed and implemented effectively.

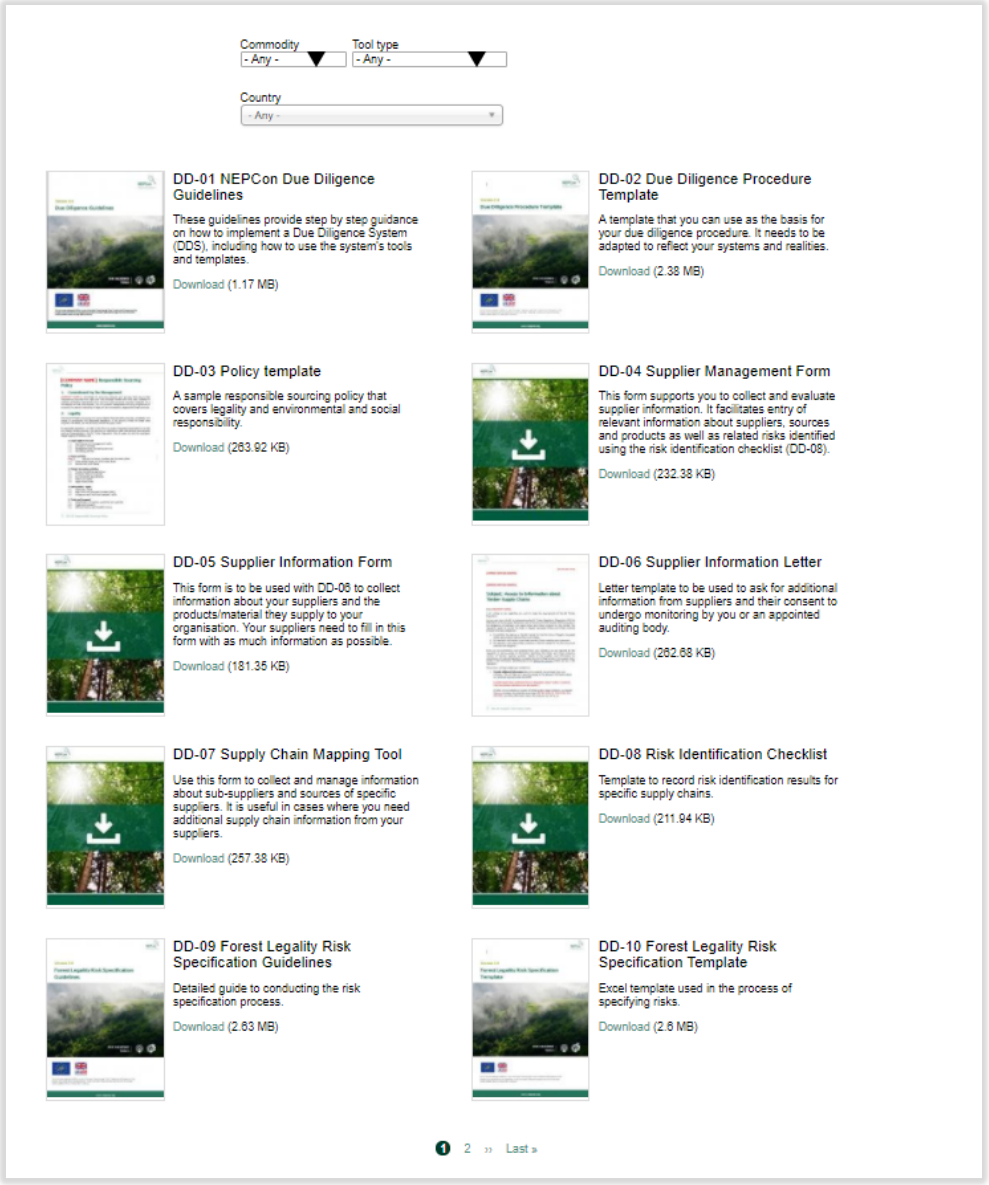
You can download all the **tools** and **templates** you need to set up a due diligence system in your business on the Sourcing Hub.



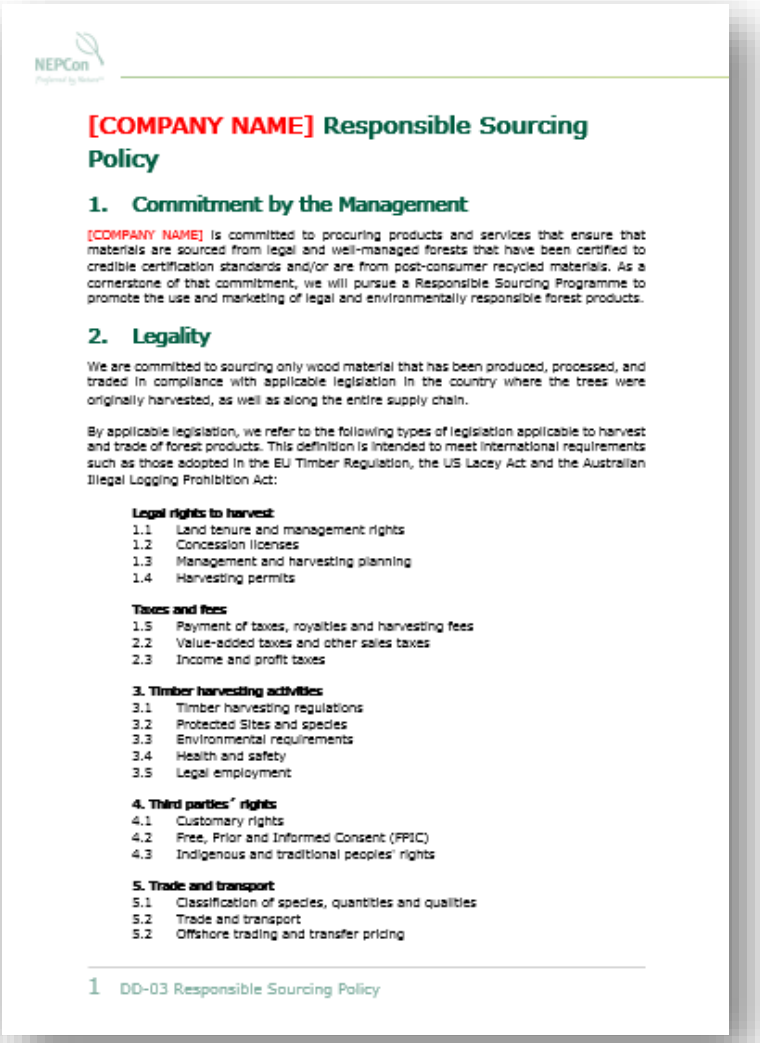
1. Quality management

- Download the full NEPCon Due Diligence system on the Sourcing Hub

- http://beta.nepcon.org/sourcinghub/info/what-due-diligence



1. Quality management



NEPCon

[COMPANY NAME] Responsible Sourcing Policy

1. Commitment by the Management

[COMPANY NAME] is committed to procuring products and services that ensure that materials are sourced from legal and well-managed forests that have been certified to credible certification standards and/or are from post-consumer recycled materials. As a cornerstone of that commitment, we will pursue a Responsible Sourcing Programme to promote the use and marketing of legal and environmentally responsible forest products.

2. Legality

We are committed to sourcing only wood material that has been produced, processed, and traded in compliance with applicable legislation in the country where the trees were originally harvested, as well as along the entire supply chain.

By applicable legislation, we refer to the following types of legislation applicable to harvest and trade of forest products. This definition is intended to meet international requirements such as those adopted in the EU Timber Regulation, the US Lacey Act and the Australian Illegal Logging Prohibition Act:

Legal rights to harvest
1.1 Land tenure and management rights
1.2 Concession licenses
1.3 Management and harvesting planning
1.4 Harvesting permits

Taxes and fees
1.5 Payment of taxes, royalties and harvesting fees
2.2 Value-added taxes and other sales taxes
2.3 Income and profit taxes

3. Timber harvesting activities
3.1 Timber harvesting regulations
3.2 Protected Sites and species
3.3 Environmental requirements
3.4 Health and safety
3.5 Legal employment

4. Third parties' rights
4.1 Customary rights
4.2 Free, Prior and Informed Consent (FPIC)
4.3 Indigenous and traditional peoples' rights

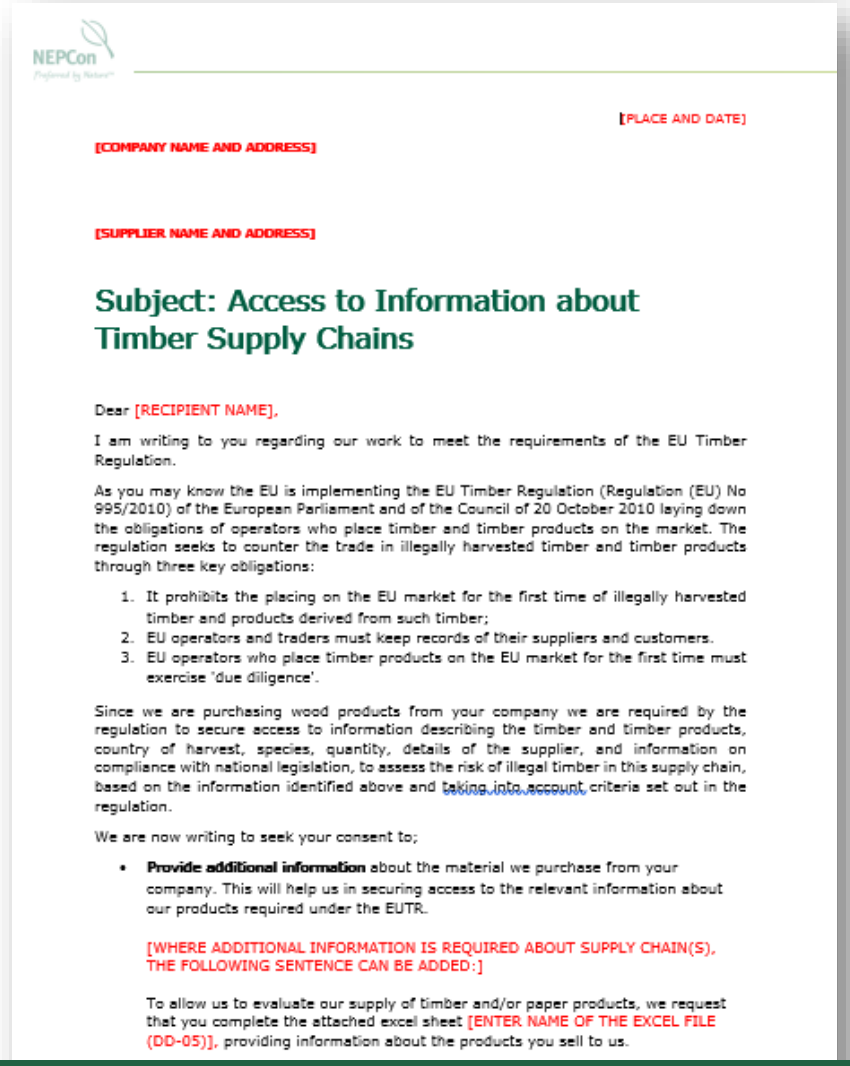
5. Trade and transport
5.1 Classification of species, quantities and qualities
5.2 Trade and transport
5.2 Offshore trading and transfer pricing

2. Information gathering

2. Information gathering

2. Information gathering

- For informing suppliers of information needs
- For requesting information about supply chains
- Consent form to secure access to evidence, audits & testing materials



[PLACE AND DATE]

[COMPANY NAME AND ADDRESS]

[SUPPLIER NAME AND ADDRESS]

Subject: Access to Information about Timber Supply Chains

Dear [RECIPIENT NAME],

I am writing to you regarding our work to meet the requirements of the EU Timber Regulation.

As you may know the EU is implementing the EU Timber Regulation (Regulation (EU) No 995/2010) of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market. The regulation seeks to counter the trade in illegally harvested timber and timber products through three key obligations:

1. It prohibits the placing on the EU market for the first time of illegally harvested timber and products derived from such timber;
2. EU operators and traders must keep records of their suppliers and customers.
3. EU operators who place timber products on the EU market for the first time must exercise 'due diligence'.

Since we are purchasing wood products from your company we are required by the regulation to secure access to information describing the timber and timber products, country of harvest, species, quantity, details of the supplier, and information on compliance with national legislation, to assess the risk of illegal timber in this supply chain, based on the information identified above and taking into account criteria set out in the regulation.

We are now writing to seek your consent to;

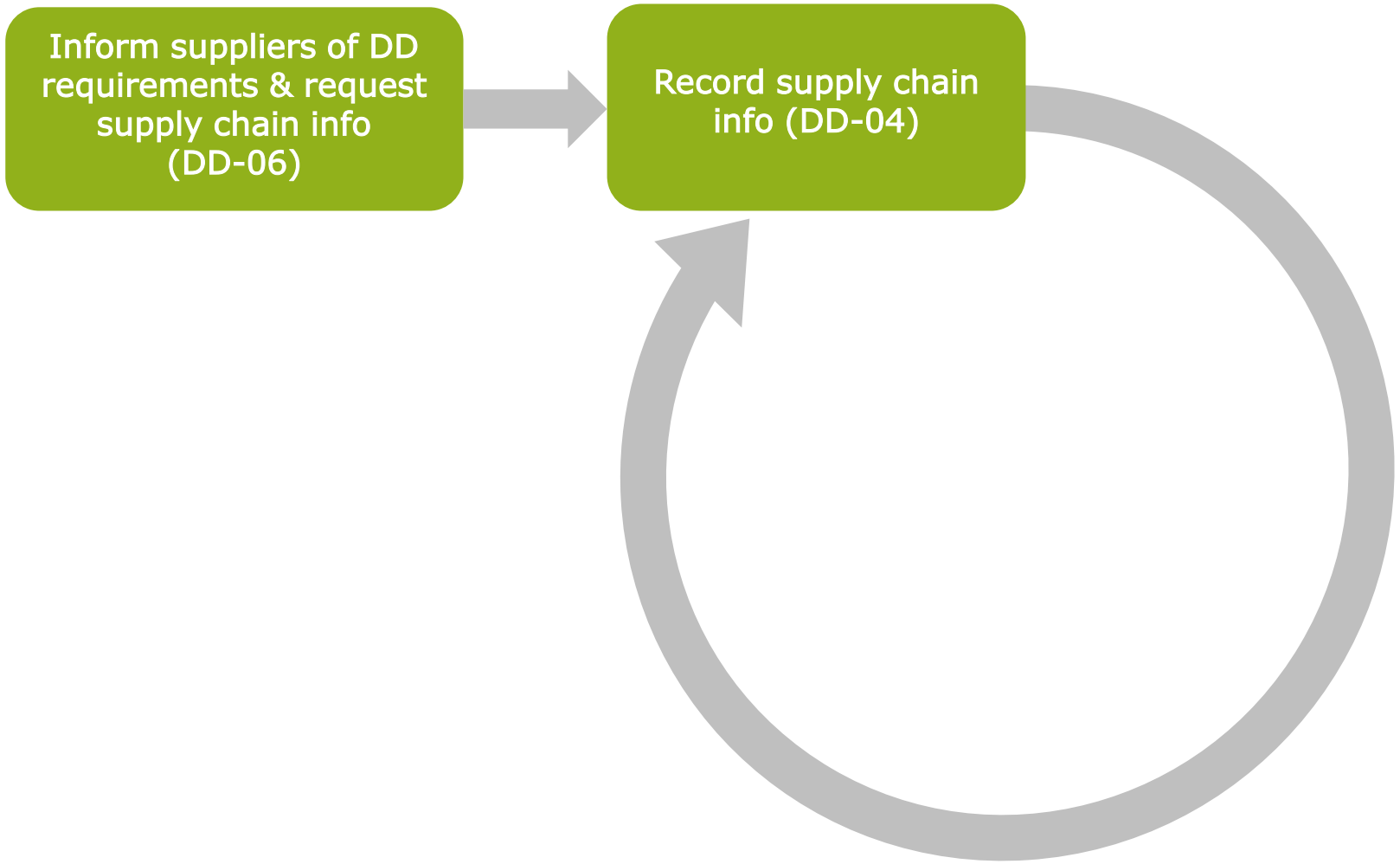
- **Provide additional information** about the material we purchase from your company. This will help us in securing access to the relevant information about our products required under the EUTR.

  [WHERE ADDITIONAL INFORMATION IS REQUIRED ABOUT SUPPLY CHAIN(S), THE FOLLOWING SENTENCE CAN BE ADDED:]

  To allow us to evaluate our supply of timber and/or paper products, we request that you complete the attached excel sheet [ENTER NAME OF THE EXCEL FILE (DD-05)], providing information about the products you sell to us.

Supplier Information Letter (DD-06)

2. Information gathering



2. Information gathering

- Excel master document
- For systematic recording of all suppliers & supply chain information
- Helps identify gaps in information
- Document risk conclusions

[ORGANISATION NAME] Supply Chain Overview

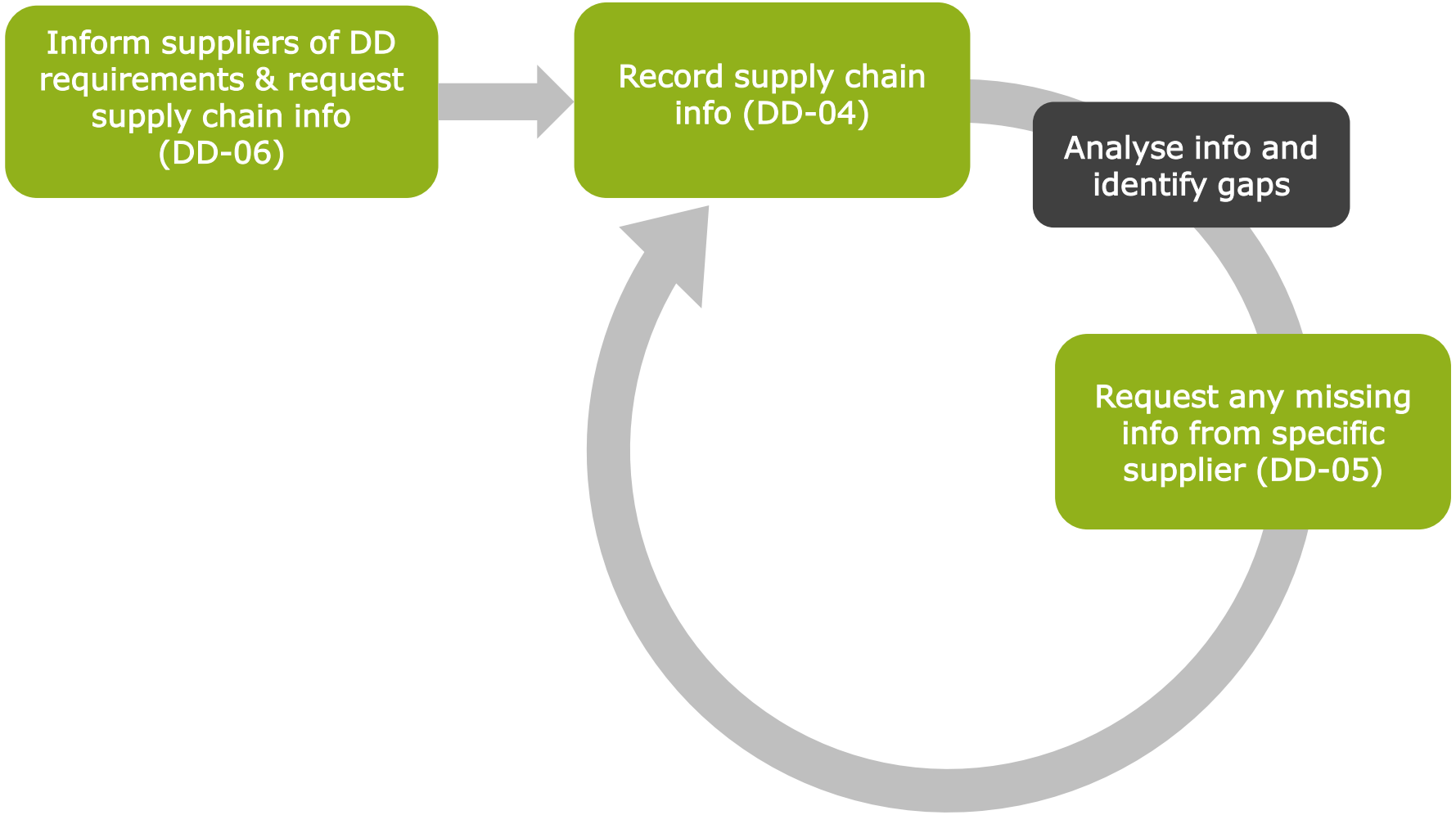
This document is the principal record for cataloguing supply chain information from all suppliers and recording risk assessment and mitigation actions as part of the [ORGANISATION NAME] due diligence system.

1. Supplier information					2. Product information									3. Material Origi			
Supplier ID	Supplier name	Supplier country	SUPPLIER verification/ certification	Certification code	Product ID	Product description	EU Product Group	PRODUCT verification / certificati	Component or single material	Component description	Species (scientific name)	Species (trade name)	Volume	Country of harvest	Sub-national region of harvest (if known)	Harvest concession (if known)	S info
Enter the name or ID of the first tier supplier.	Enter the name of supplier	Enter the country in which the supplier is based	Select the type of certification/verification applicable to the SUPPLIER.	Enter the certification code of the supplier	Enter the product ID	Enter the description of the product or component. This should contain information that can identify the product.	Select the relevant EU customs product code, if applicable.	Select the type of certification/ verification applicable to the PRODUCT, if applicable.	If more then one component is used per product, please indicate this by selecting "component" and go to the "COMPONENT PRODUCTS" tab.	If a component product, note the type of component in each line.	Enter the scientific name of the species.	Enter the trade name of the species.	Enter the volume purchased during the last 12 months	Enter the country of HARVEST of the material.	Enter imformation about the region of harvest, if known.	Enter location of harvest, if known.	Do yo acce inform abou chain produ

Page 1

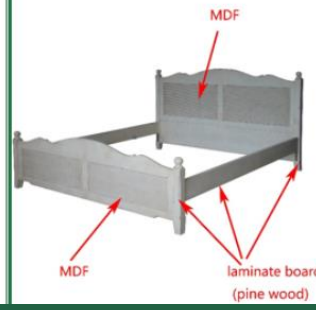
Supplier Management form (DD-04)

2. Information gathering

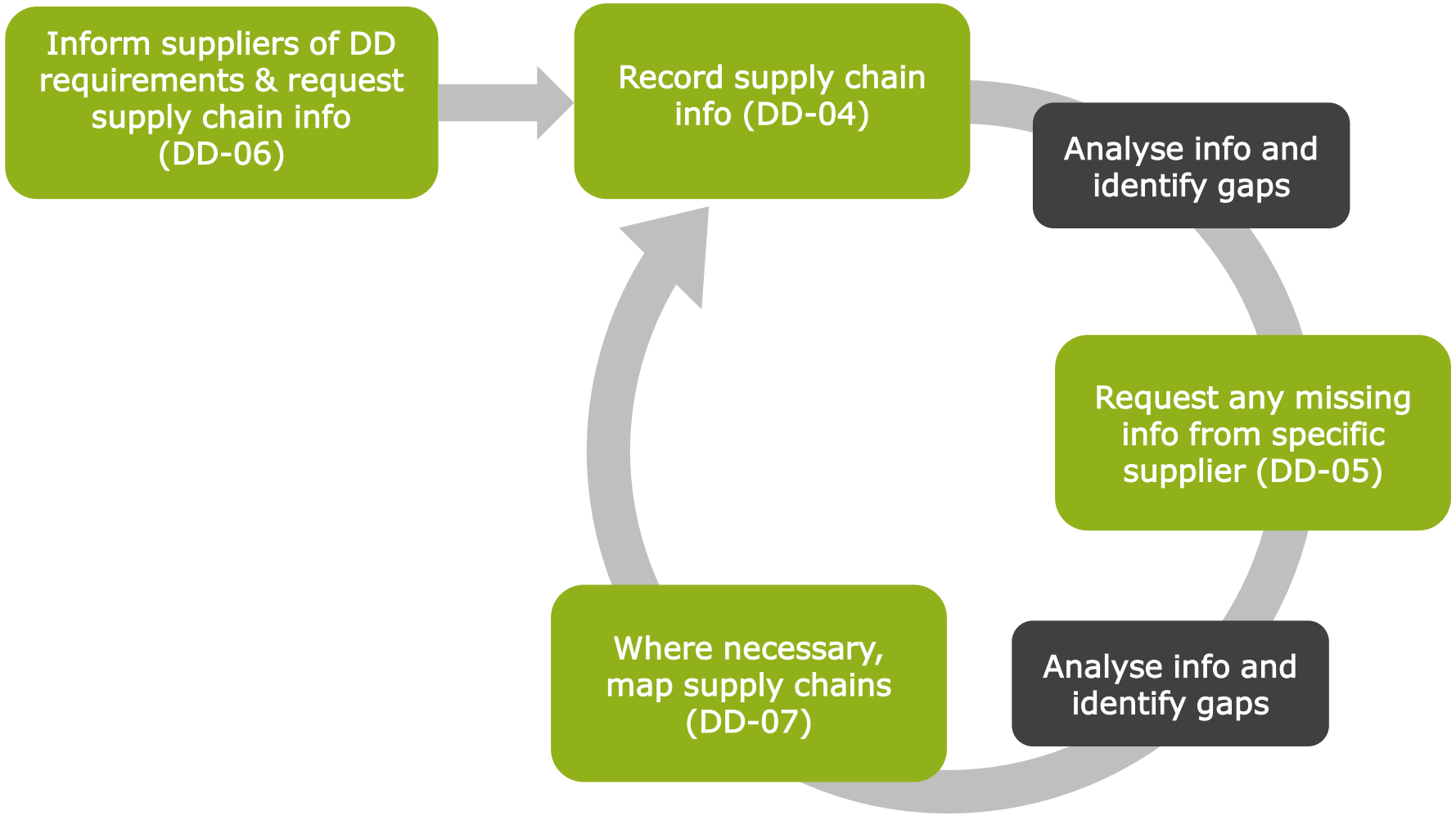


2. Information gathering

- Collect missing information from specific supplier
- Provides supplier an overview of current information in order to make clear where gaps exist
- Supplier completes sheet and returns missing information & supporting evidence

1. Product Information						2. Information about origin			4. Agreement on materials included?	
Product type/description	EU Product Group	PRODUCT verification / certification	Component or single material	Species (scientific name)	Species (trade name)	Country of harvest (if known)	Sub-national region of harvest (if known)	Harvest concession (if known)	Image	NEPCon Comments
10194021	9403 30, 940...		Component	1. Cunninghamia lanceolata, 2. MDF(Eucalyptus,pinus,and other mixed woods), 3. Plywood(Populus spp,plywood with Pinus spp veneer)	1. China Fir 2. Eucalyptus species, Pine species, other unknown species 3. Pine specie(s) + Poplar specie(s)	China	1. FIR:FROM GUIZHOU PROVENCE 2. MDF:FROM FUJIAN PROVENCE 3. LAMINATE BOARD/PLYWOOD:FROM GUANGXI PROVENCE			1. No Cunninghamia lanceolata in the image.

2. Information gathering



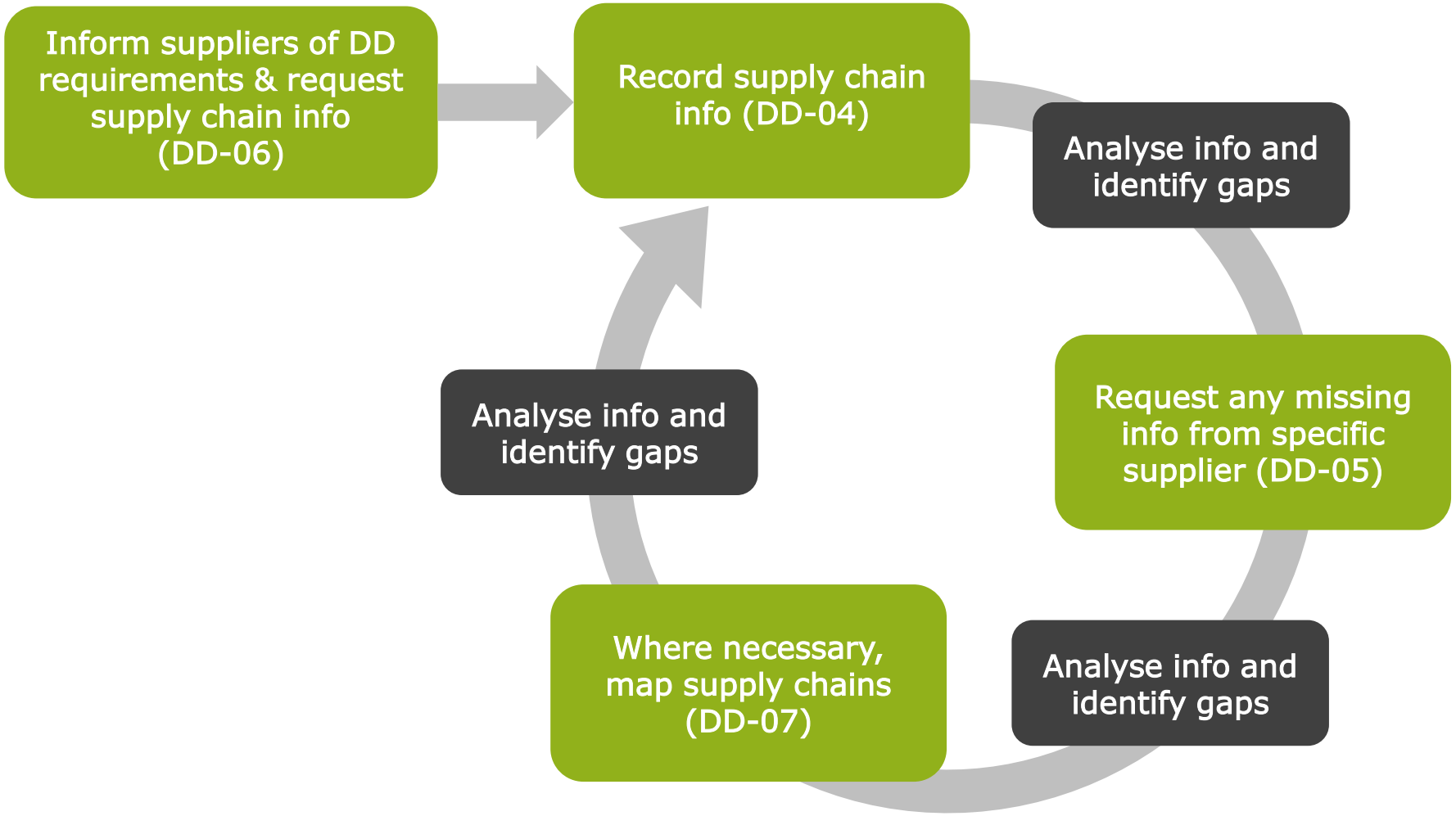
2. Information gathering

- Where necessary, map the supply chain back to source
- Information on each upstream supplier can be entered
- Including name, address, type of company, certification

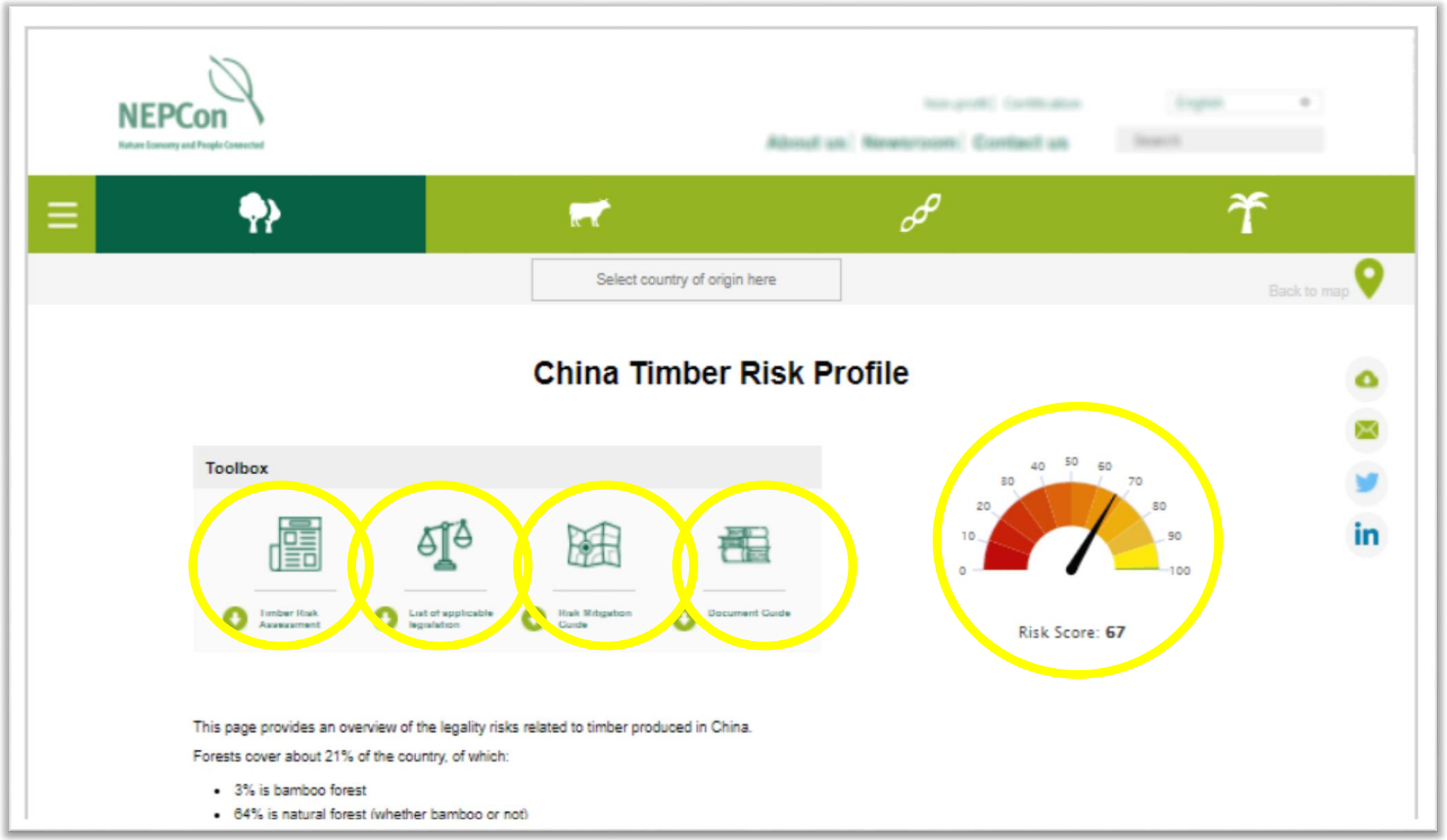
Material/Product:									
ID:									
Supply Chain Detail									
Tier	**Supplier Name**	**Type of entity**	**Material Type**	**Species (scientific name)**	**Material certificatio n (if**	**Certification code of supplier (if applicable)**	**Location**	**Contact information**	**Supporting Documentation**
See GUIDE tab	Enter the name of the supplier.	Enter the type of entity for supplier. (primary manufacturer, secondary manufacturer, forest manager, trader, etc.)	Enter the material type. (logs, sawn timber, planed timber, veneer, plywood, MDF, chips, etc.)	Enter the names of the species in each product	Enter the type of certification/ver ification, if applicable.	Enter the certification code for the applicable certification.	Enter the location (country, region, address) of the supplier.	Enter relevant contact details for the supplier. (contact person, email, telephone)	List documentation (or other information) to support the information i
Supply Chain Example									
1	Components Ltd	Secondary Manufacturing	Furniture parts	Quercus mongolica	No	N/A	Vietnam		#1 Supply contract with components factory (price information covere #2 Invoices and delivery notes for supply of sawn timber
2	Sawmils Ltd	Sawmill	Sawn Timber	Quercus mongolica	No	N/A	China, Jilin		#1 Business registration of sawn mill #2 Supply contract with forest #3 Invoices and delivery notes for supply of sawn timber #4 Transport licences
	Forestry Inc	Forest Enterprise	Logs	Quercus mongolica	No	N/A	Russia		#1 Invoices (price information covered) to Sawmill #2 Transport licences #3 Harvest licences #4 Approved Management Plan
Suppl									

Supply Chain Mapping Tool (DD-07)

2. Information gathering



2. Information gathering



2. Information gathering

Corruption Perception Index

Score: 40 / 100 in 2016

Rank: 79 out of 176 countries in 2016

Bans and restrictions

A moratorium on commercial harvesting from state owned natural forests was put in place in 2016 and extended to all natural forests from the beginning of 2017. By the end of 2017, no logging in natural forests will be allowed. Forest maintenance is allowed and timber from this can be sold legally.

Armed conflict

There is an unchanging conflict status in China because of territorial disputes in the sea and secretarian conflict, according to the Council on Foreign Relations' Global Conflict Tracker.

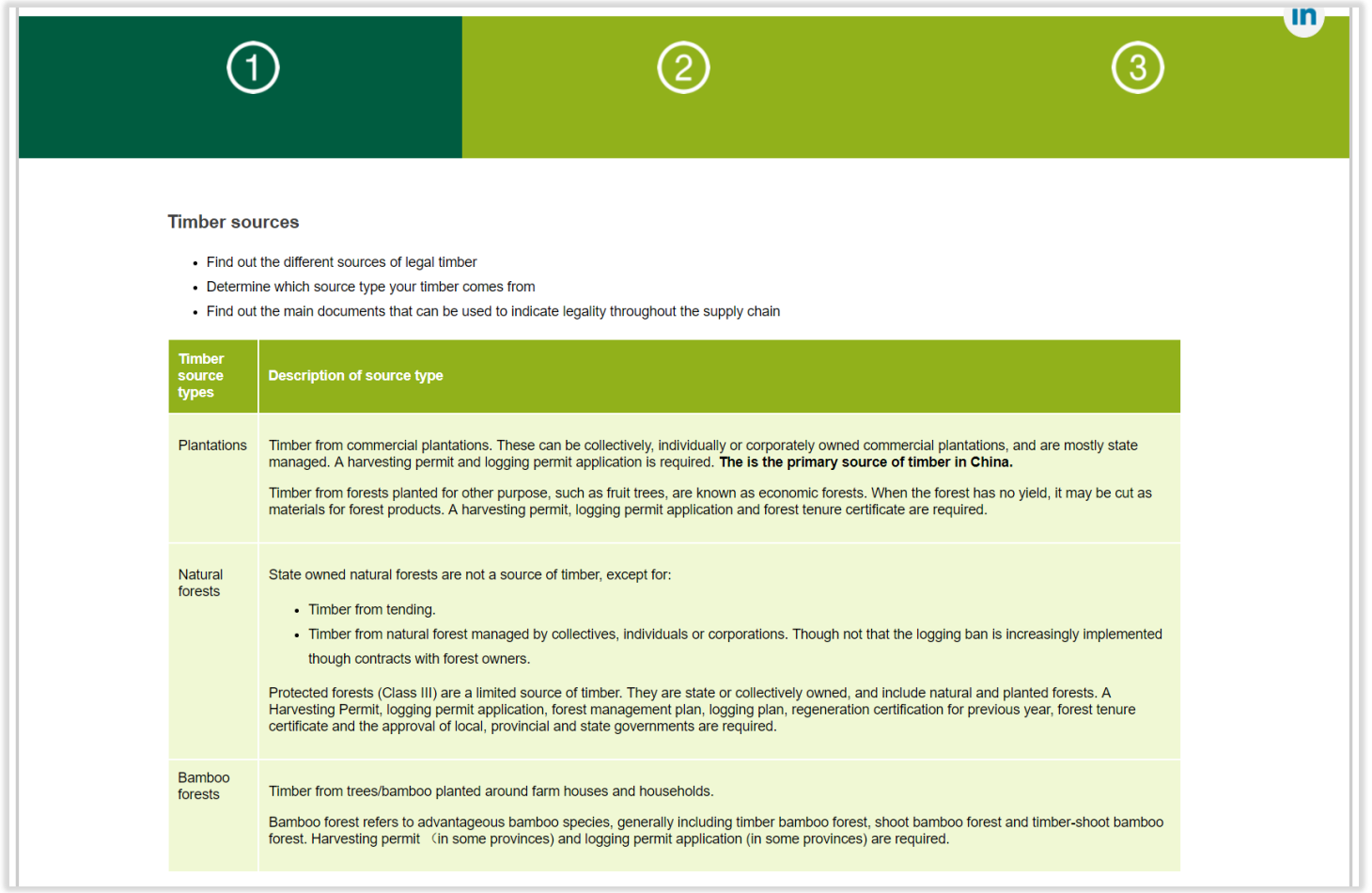
According to the Uppsala Conflict Data Program there were 5 deaths from 2010-2016.

CITES species

CITES appendix II: *Dalbergia* spp. and *Taxus* spp.

2. Information gathering

In the *Information Gathering* tab (1), there is a clear description of the source types in a country:



① ② ③

Timber sources

- Find out the different sources of legal timber
- Determine which source type your timber comes from
- Find out the main documents that can be used to indicate legality throughout the supply chain

Timber source types	Description of source type
Plantations	Timber from commercial plantations. These can be collectively, individually or corporately owned commercial plantations, and are mostly state managed. A harvesting permit and logging permit application is required. **The is the primary source of timber in China.** Timber from forests planted for other purpose, such as fruit trees, are known as economic forests. When the forest has no yield, it may be cut as materials for forest products. A harvesting permit, logging permit application and forest tenure certificate are required.
Natural forests	State owned natural forests are not a source of timber, except for: • Timber from tending. • Timber from natural forest managed by collectives, individuals or corporations. Though not that the logging ban is increasingly implemented though contracts with forest owners. Protected forests (Class III) are a limited source of timber. They are state or collectively owned, and include natural and planted forests. A Harvesting Permit, logging permit application, forest management plan, logging plan, regeneration certification for previous year, forest tenure certificate and the approval of local, provincial and state governments are required.
Bamboo forests	Timber from trees/bamboo planted around farm houses and households. Bamboo forest refers to advantageous bamboo species, generally including timber bamboo forest, shoot bamboo forest and timber-shoot bamboo forest. Harvesting permit （in some provinces) and logging permit application (in some provinces) are required.

2. Information gathering

What do we mean by ‘source type’?

- Forests in a country may face different levels and types of risks of illegality.

- Where the risks differ between different types we identify them.

- The different features of forests that we consider:
  - ✓Forest type
  - ✓Location
  - ✓Legal status
  - ✓Ownership
  - ✓Management

2. Information gathering

…an overview of the key documents for that country:

Key Documents

These are the main documents used to indicate legality.

Our Document Guide gives examples of what these documents look like and what sections you need to check.

Forest level

- Business registration certificate
- Forest tenure certificate
- Harvesting permit
- Forest management plan
- Training Records for safe operation
- Records of social Insurance
- Work permit for special occupations
- Accident records and related administrative procedures and measures
- Employment contract

Trade and transport

- Delivery note
- Transportation permit
- VAT invoice
- Supply contract (applicable only to state owned)
- Sales receipts (applicable only to forest farm)
- Processing permit
- Business registration certificate
- Tax registration certificate

Export and custom

Import to China

- Commercial Invoice
- Packing list
- Bill of lading
- Certificate of origin (if applicable)
- Phytosanitary certificate

Export from China

- Customs declaration registration approval certificate for customs declaration company
- Customs declaration registration approval certificate for consigner and consignee of import/ export goods
- Phytosanitary certificate

…and you can download the **Document Guide** to find out more:

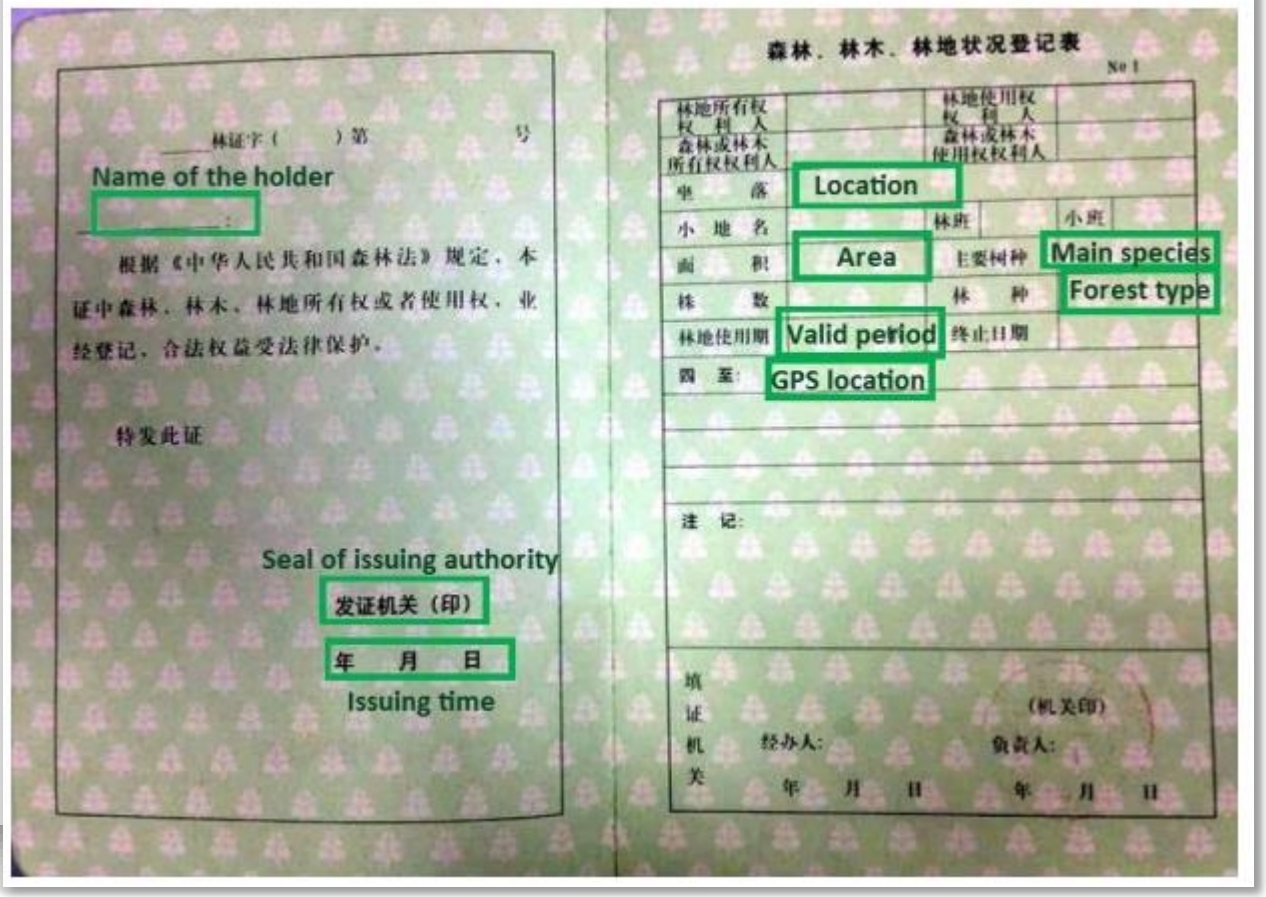
NEPCon
Preferred by Nature™

Version 1.0 | April 2017

China Document Guide

This publication has been developed with support from the LIFE programme of the European Union and UK aid from the UK government.

Example of forest tenure certificate



3. Risk assessment

2. Risk assessment

- In the previous step, you secured access to information on your supply chains.

- Now, you can assess the risk associated with those products.

2. Risk assessment

In the *Risk Assessment* tab (2), there is a summary of the risks identified at a country level. They are divided into the five areas of law relevant to the EUTR:

Risk assessment summary

Legal rights to harvest

- Risk of lack of registration and tenure certificates (applicable only to collective forest plantation only)
- Risk of conflicts in relation to land rent (applicable only to collective forest plantation only)
- Risk of lack of management plans and failure to meet the requirements for drafting management plans (applicable on to state-owned forest management enterprises)
- Risk of harvesting without permit and unlawful issuing of harvesting permit

Taxes and fees

- Risk that value-added taxes (VAT) are not paid appropriately

Timber harvesting activities

- Risk of lack of use of safety equipment
- Risk of lack of employment contracts
- Risk of lack of social security payments

Trade and transport

- Mis-/under reporting on customs declarations

Tracability

- Risk of false declaration of origin
- Risk of timber mixing in production and trade

B. Overview

Timber Risk S

This report conta
sub-categories o

- **Specified**
- **Low risk**
- **No legal**

The Timber Risk
concern legal rig
transport.

For **Legal Rights**

- A lack of
plantatio
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Legal Category	
Legal rights to harvest	1.1 1.2 1.3 pla 1.4
Taxes and fees	1.5 fee 1.6 tax 1.7
Timber harvesting activities	1.8 1.9 1.1 1.1 1.1
Third parties' rights	1.1 1.1 1.1 righ
Trade and transport	1.1 qua 1.1 1.1 pric 1.1 1.2
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http://wenku.baidu
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11) Taxation Registrati
& 2. Available at: h

12) Regulations Govern
Forest Land dated
http://www.gov.cn

13) Land management
August 2004. Avail

All the provinces shall ap
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1.1.2. Legal authority

- State Forestry Admin
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- State Administration
Administration and M
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1.1.3. Legally required d

Numbers below refers to

8) Administration Measu
December 2000 –

- Forest Tree and F

10) Company Law of the
2006 – Article 6-9:

- For companies lea
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- Business Registra

11) Taxation Registratior
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- Tax Registration C

1.1.4. Sources of inform

1) Chatham House. A

2) ELDIS regional and

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Index 2014 for China. [
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10) The World Bank. (2014)
Report for China, 1996-
http://info.worldbank.o

1.1.5. Risk determination

Overview of legal requiren

The Constitution, General Pri
that forest resources are own
according to laws. There are

(i) State-owned fo

(ii) Collectively ow

included in forestry land subject to planning. This could be considered a potential risk. However, these non-forestry lands are included within land use rights certificates, which can serve as evidence that the certificate holder owns the use right of land and the right to use the resources on the land. At any rate, to safeguard the interests of farmers, China now allows the issuing of forest tenure certificates for forest on non-forestry land, and some cities or provinces have been implementing the policy.

Risk Conclusion

Based on the available information, the risk in this category has been generally assessed as Low at the country level. However, also based on the available information, risks in some southern provinces in China persist and can be assessed as Specified, including: Hainan, Yunnan and Guangdong. The risks are reflected in two aspects: 1) some collective forests are not registered or issued with forest tenure certificates; and 2) harvesting on non-forestry land.

1.1.6. Risk designation and specification

Low risk:

China

Specified risk:

Commercial Plantations in some areas in Hainan, Yunnan, Guangdong and possibly other provinces within the Southern Collective Forest Region (Hunan, Jiangxi, Fujian, Zhejiang, Hubei).

1.1.7. Control measures and verifiers

- Harvesting permit may be used to confirm the ownership or tenure.
- In areas with land tenure conflicts: Consultation with neighbors, local communities and other stakeholders shall confirm that land tenure rights are clear and – where applicable - lease of the land has been agreed by all the land owners.
- Contractors shall have a valid forest land contract signed by all land tenure owners involved in the area.
- Contractors leasing forest land shall hold the forest tenure certificate (or similar document) to show the tenure transfer registration.
- Stakeholder consultation shall confirm that the legal status of the operation or rights for conducting the established activities are not subject to court orders or other legally established decisions to cease operations.
- Valid business registration documents (Business Registration Certificate and Tax Registration Certificate) shall exist for companies.

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

2. Risk assessment

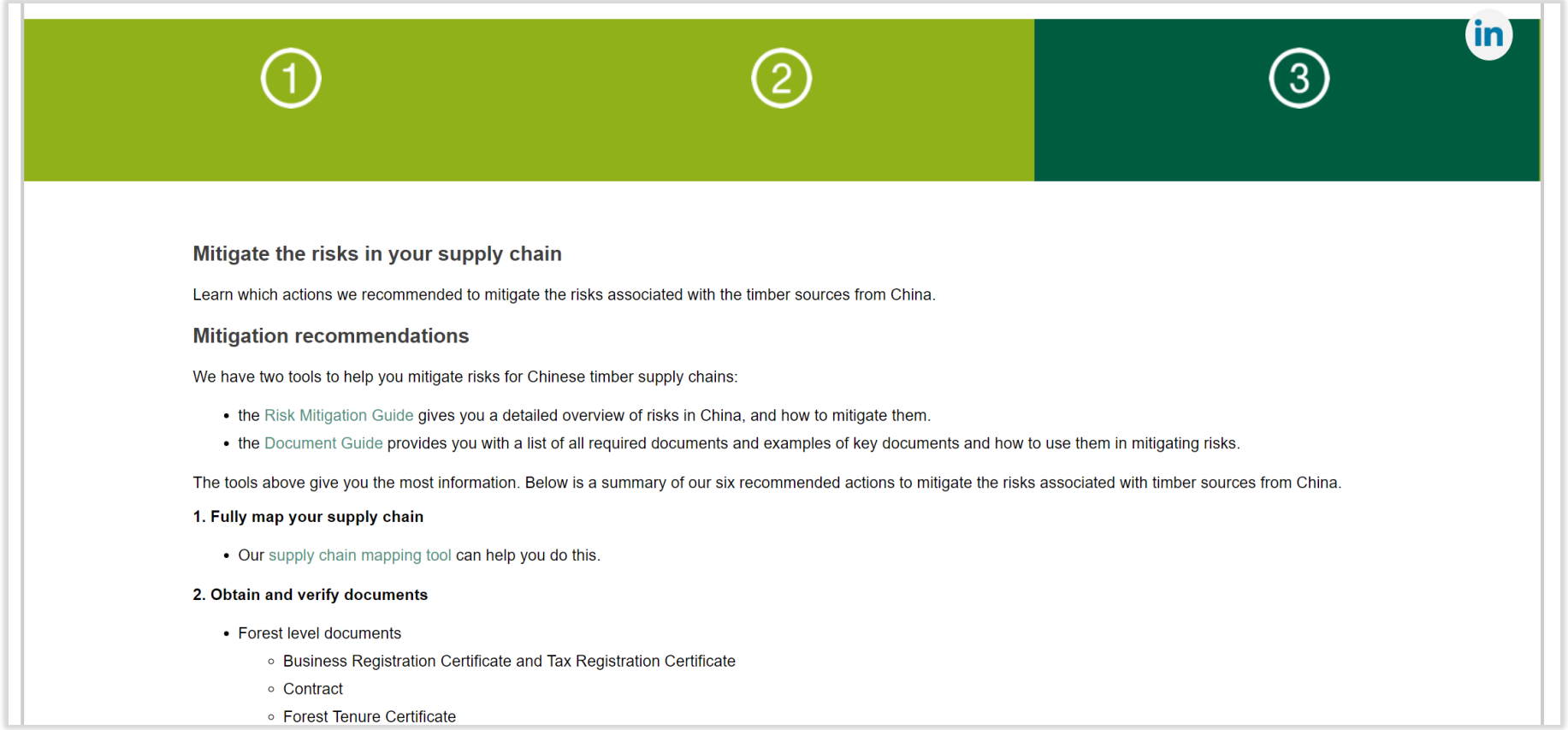
Additional tools to assist with the risk assessment process:

- Annex 2 of DD-01 **The Due Diligence Guidelines** introduces the risk identification process.
- DD-08 **Risk Identification Checklist Template** provides a template to conduct risk identification on specific supply chains.
- Record the risk conclusion in the **Supplier Management Form** DD-04 to provide an overview of risk across all supply chains.
- **The Supply Chain Mapping Tool** DD-07 can be used to record supply chain information at a detailed level.
- Annex 3 of DD-01 **The Due Diligence Guidelines** provides guidance on how to specify risks
- The **Certification System Evaluation Checklist** DD-13 can be used to record the certification scheme assessment.

4. Risk mitigation

4. Risk mitigation

The *Risk Mitigation tab* (3) includes the downloads for the supply chain mapping tool and a complete Risk Mitigation Guide, specific to the country



1 2 3

Mitigate the risks in your supply chain

Learn which actions we recommended to mitigate the risks associated with the timber sources from China.

Mitigation recommendations

We have two tools to help you mitigate risks for Chinese timber supply chains:

- the Risk Mitigation Guide gives you a detailed overview of risks in China, and how to mitigate them.
- the Document Guide provides you with a list of all required documents and examples of key documents and how to use them in mitigating risks.

The tools above give you the most information. Below is a summary of our six recommended actions to mitigate the risks associated with timber sources from China.

1. Fully map your supply chain

- Our supply chain mapping tool can help you do this.

2. Obtain and verify documents

- Forest level documents
  - Business Registration Certificate and Tax Registration Certificate
  - Contract
  - Forest Tenure Certificate

4. Risk mitigation

NEPCon

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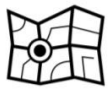
Version 1.0 | May 2017

China Risk Mitigation Guide

Timber



This tool has been developed by NEPCon with support from the LIFE programme of the European Union and UK aid from the UK government.

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Customs Regulations

Risk	Applicable to	Indicator of legal compliance	Potential mitigation actions	How to verify legal compliance (verifier) Find relevant key document examples in the China Document Guide
Mis-/ under reporting on customs declarations	All timber sources	Products shall be correctly classified (type, HS customs code, species, quantities, qualities, etc.).	**Review and verify documents** Check information on all import/ export documentation (including Customs Declaration Registration Approval Certificate and phytosanitary certificate (where applicable)) and verify that information corresponds to material received.	• Customs Declaration Registration Approval Certificate • Phytosanitary certificate (where applicable)

4. Risk mitigation

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China Document Guide

This publication has been developed with support from the LIFE programme of the European Union and UK aid from the UK government.

Example 14: Customs declaration registration approval certificate for custor declaration company

(Registration form of external trade proprietor)

Applicable to: Forest entities who export timber to other countries

Purpose and content of document: All entities that have import and export busines should register at Ministry of Commerce of China to obtain the right to import and export. The registration form shows that the holder has the right to legally import export. The contents of the registration certificate are: name of the entity (both En and Chinese names), address, organisation code, contact information, business registration code etc.

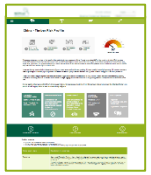
Holder of document: Forest entities exporting timber to other countries

Document issued by: Ministry of Commerce

Signature/Seal required by: Local branches of Ministry of Commerce

Key considerations when checking the document:
- ☐ Is the name the same as on the business registration certificate?
- ☐ Is the business registration code the same as that appearing on the business registration certificate?
- ☐ Is the information in the custom registration system:

Example of Customs declaration registration approval certificate for customs declaration company



	Country page	Risk Assessment	Risk Mitigation Guide	Document Checklist	List of applicable legislation
China, Honduras, Liberia	*Now available*	*Now available*	*Now available*	*Now available*	*Now available*
Ghana and DRC	*Now available*	*Now available*	*Now available*	*Now available*	
Other 57 countries	*Now available*	*Now available*	*Coming soon*	*Coming soon*	

Language versions

Code	Name	French	German	Spanish	Portuguese	Estonian	Latvian	Lithuanian	Romanian	Hungarian	Polish	Chinese	Russian	Vietnamese
DD-01	Due diligence guidelines	√	√	√	√	√	√	√	√	√	√			
DD-02	Due diligence manual template													
DD-03	Responsible sourcing policy template													
DD-04	Supplier management form													
DD-05	Supplier information form	√		√	√							√	√	√
DD-06	Supplier information letter	√		√	√							√	√	√
DD-07	Supply chain mapping tool													
DD-08	Risk identification checklist template													
DD-09	Risk specification guidelines													

Language versions

Code	Name	French	German	Spanish	Portuguese	Estonian	Latvian	Lithuanian	Romanian	Hungarian	Polish	Chinese	Russian	Vietnamese
DD-10	Risk specification template													
DD-11	Due diligence guidelines for FMEs	√		√		√		√	√	√	√			
DD-12	Due diligence procedure template for FMEs	√		√		√		√	√	√	√			
DD-13	Certification system evaluation template													
DD-14	Product statement													
N/A	Supplier relations leaflet													
N/A	Retailers leaflet													
N/A	Timber Testing article			√										
N/A	Fake documents article													

Other guides

Time for