Republic of Congo

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The Republic of Congo is located in Central Africa, in the Congo Basin. The country has a tropical climate and is a major producer of timber. The forest sector of the Republic of Congo was the main driver of the national economy until the discovery of oil. In recent years, the Republic of Congo alongside the surrounding countries in the Congo Basin, have experienced **deforestation** due to slash-and-burn agriculture, commercial farming and infrastructure development. To combat illegal logging, the government entered into a Voluntary Partnership Agreement (VPA) with the European Union in 2013 and, later, adopted a new Forest Code in July 2020. As of January 1st, 2023, the Government of the Republic of Congo intended to implement a decision to **ban the export of timber in the form of logs**, an action allowable under the 2020 Forest Code. In response, managers of forest companies have asked the Government to postpone the export ban for six months. **Despite the initial ban on log exports, quotas have been allocated due to the country's economic situation which allows old log stocks to be exported**. In 2024, the U.S. Forest Service alongside Republic of Congo civil society organizations **hosted workshops on independent forest monitoring (IFM)** to combat illegal logging and associated trade.

Forest Management

Forest Governance

Under the **2015 Constitution of the Republic of Congo (amended in 2022)**, natural resources, including forests, are the property of the State. However, the State grants logging rights to private entities.

To improve governance in the forest sector, the Republic of Congo's government initiated a process to reform its Forest Code in 2013. The new Forest Code came into effect in July 2020 and introduced important changes to how forests are managed. Some of these include:

- The creation of two new types of exploitation titles: the plantation timber valuation agreement (*Convention de valorisation des bois de plantation*) and the domestic logging permit. The agreement for industrial processing (*Convention de transformation industrielle*) that was available under the previous Forest Code is no longer granted.
- The introduction of the concept of Free, Prior and Informed Consent (FPIC) to ensure that local communities and indigenous populations are involved in the development, implementation and monitoring of actions and decisions that relate to the management of forest resources (Article 5).
- The control of forest legality is to be carried out by the forest administration. It further stipulates that legality checks can also be conducted by independent private auditors based on "private standards officially claimed by the forest administration." Lastly, the Code adds that the Government is responsible for establishing an independent structure responsible for the management of a national forest certification system (Articles 65-70).
- The requirement for most of the Congolese timber to be processed locally (Article 97).
- The introduction of a production sharing regime, under which harvested logs are distributed

between the forest operator and the State (Article 104).

The following agencies/ministries oversee regulation and management of forest lands and products in the Republic of Congo:

- **Ministry of Forest Economy (*Ministère de l'Economie Forestière* - MEF)**: Responsible for the implementation of forest policies and strategies as well as monitoring and enforcing the laws and regulations of the State. Monitors and evaluates the application of regulations on forests, hydrographic and wildlife resources.
- **Forest Products Export Control Service (SCPFE):** Under the supervision of the MEF, this institution's main role is to inspect timber for export and issue export verification certificates.
- **National Reforestation Service (SNR)**: Specialized unit from the MEF in charge of managing plantations on behalf of the State and assisting private entities with developing plantations or agroforestry systems.

Transparency

For information regarding transparency and risk scores in the Republic of Congo, head to these links:

- Transparency International's **Corruption Perception Index**
- The World Bank's **Worldwide Governance Indicators**

Laws and Regulations

Forest Laws

- **Forest Code (Law No. 33-2020) (2020):** Repeals all previous provisions of the 2000 Forest Code contrary to the new forest code. (*Only provisions of the **2000 Forest Code (Law No. 26-2000)** that are not in contradiction with the 2020 Forest Code are relevant (Article 259, Law No. 33-2020)*). The 2020 Forest Code establishes the principles of organization and management of the national forest estate and the procedures for harvesting and commercializing forest products. The Code distinguishes five types of logging titles that can be granted to private companies for timber operations in state-owned forests:
  - **Agreement for management and processing (*Convention d'aménagement et de transformation* - CAT)**: Guarantees, for forest operators who hold this title, the right to an annual harvest quota from a Forest Management Unit (FMU). The Forest Code specifies that these titles are granted to ensure the local processing of logs. Permit holders must also carry out silviculture operations intended as part of the FMU's management plan. The validity of this agreement may not exceed 30 years but can be renewed (Article 117). The exploitation of natural forests for industrial purposes under this agreement requires operators to first obtain a legality certificate and an annual cutting authorization (Article 130).
  - **Plantation timber valuation agreement (*Convention de valorisation des bois de plantation*):** This new agreement grants title holders the right to harvest a specific volume of wood on a plantation located in the state-owned forest estate. The validity of

the agreement depends on the type of species planted: for fast-growing species, it is limited to three cycles, and for slower-growing species, it is based on the harvesting cycle of the plantation area and the volume that is to be harvested. The agreement, however, cannot exceed twenty years. Permit holders are also subject to the obligation to regenerate the plantation (Article 118).

- **Domestic logging permit**: This new permit type grants an exclusive right to harvest timber outside forest management units, in zones identified by the forest administration. The Forest Code states that these permits are “exclusively intended for the regular and sustainable supply to the national market of quality wood products, semi-industrially processed and not authorized for export." The permit specifies the exact volume of wood that can be harvested annually and the authorized species. Domestic logging permits can only be granted to Congolese nationals and for a maximum period of three years (Articles 121 and 139).
- **Permits for plantation timber-cutting**: These permits are granted for the exploitation of a limited quantity of trees in forest plantations that are part of the State’s forest estate. The validity of the permit depends on the quantity of trees to be harvested but cannot exceed six months. A ministerial order determines in which areas these permits can be granted and the public tender procedure for awarding them (Articles 122-123).
- **Special permits**: These permits are only granted to Congolese individuals, NGOs, and associations incorporated under Congolese law. Permit holders may commercially exploit non-timber forest products in specific areas and in a limited quantity. In landlocked areas within the State’s forest estate, special permits may also be granted for the commercial harvest and artisanal processing of timber species in limited quantities (Articles 124 and 143).

Agreements for management and processing are granted following a call for tenders issued by an Order from the Ministry in charge of forests. The plantation timber valuation agreement is negotiated with the Ministry in charge of forests and approved by a decree. Companies are assessed based on the socio-economic impact of their projected activities, the financial risk, their equipment as well as their commitment to implementing a development plan.

Permits and agreements are granted only to companies that are incorporated under Congolese law. Foreign private companies who carry out logging activities in Congo-Brazzaville must therefore establish subsidiaries in accordance with the laws in place. All agreements and permits may not be transferred or sub-contracted, unless authorized by the forest administration. To undertake any site preparation and any infrastructure construction, forest operators must first obtain an environmental compliance certificate, issued by the Minister in charge of the environment. This certificate can only be granted once an environmental and social impact study report has been validated.

- **Law 003/91 on the protection of the environment (1991)**: Reinforces existing legislation geared towards protecting and conserving wild flora and fauna, and marine and fluvial resources. It also details planning and urban development policies. It focuses on management, maintenance and conservation of natural resources. This law also defines rules applicable to classified facilities, and the associated taxes and royalties. In addition, this law requires development projects to conduct an environmental impact assessment (EIA).

Processing/Manufacturing Laws

- **Forest Code (Law No. 33-2020) (2020):** Contains provisions regarding wood processing, such as:
  - The obligation to process products from natural or planted forests within the national territory (Article 97).
  - The requirement for new companies to establish their processing units within a maximum of three years after their creation (Article 98).
  - Wood processing plants must incorporate advanced wood processing units that must evolve towards modernized technologies over time (Article 99).
  - Primary wood processing plants must be located near the logging sites, ideally in the concession district or alternatively in the department (Article 100).

Transport Laws

- **Forest Code (Law No. 33-2020) (2020)**: States that logging agreements and permits may not be transferred or sub-contracted, especially regarding prospecting, felling and transport operations, unless authorized by the forest administration (Article 125).

Tax Laws

- **Forest Code (Law No. 33-2020) (2020)**: The logging, commercialization and harvesting of forest products are subject to eight types of taxes, the rate of which is defined by the Finance Law (Article 110):
  - Area tax
  - Felling tax
  - Tax on non-timber forest products
  - Occupancy tax
  - Deforestation tax
  - Residue tax
  - Import tax
  - Export tax

The tax on non-timber forest products, the occupancy tax and a portion of the area tax are levied to benefit local communities and indigenous populations (Article 112). The proportion of the area tax that is intended for the development of local communities and indigenous populations is determined by the finance law.

The Forest Code also defines three types of economic regimes for logging (articles 102-109):

- Under the **concession regime**, the beneficiary of an agreement (such as the *Convention d'aménagement et de transformation* or the *Convention de valorisation des bois de plantation*) pays the State annual dues, as set in the concession contract. The base, rate and methods of collection of these dues are determined by the Finance Law. The Code further specifies that the concession contract, which is issued when the agreement is officiated,

cannot exceed three years. After three years, the exploitation of the private forest estate can only be done through a production sharing contract.

- Under the **production sharing regime**, the total production of logs is distributed between the beneficiary of a permit or an agreement and the State, based on the harvested volume of each species in the annual cut. A company operating under a production sharing regime is exempt from paying logging-related taxes directly to the State. They are not, however, exempt from paying duties and taxes intended for local communities and indigenous populations.
- Under the **direct tax regime**, a domestic permit holder pays taxes and other dues related to the harvest and commercialization of forest products. For the special permit, the felling tax must be paid before the permit can be attributed (article 144).
- **Finance Law (Law No. 39-2023) relating to the 2024 year**: Provides tax rates for forestry activities.
- **General Tax Code (2021)**: Logging companies are required to pay taxes under the General Tax Code. Most companies are required to pay the corporate tax, which is 38% (Article 122).

Trade Laws

- **Forest Code (Law No. 33-2020) (2020):** Requires all timber and forest products intended for export and/or transport to comply with the forestry administration's Computerized Legality Verification System (SIVL), which includes proof of legal origin and obtaining an export authorization (Article 62). This code also mandates that forest products from natural forests and plantations must be processed domestically (Article 97). Only finished or semi-finished wood products and logs of high-density wood species that require specific technology to be processed can be exported (Article 97).
- **Law No. 6-2003 on the Investment Charter (2003)**: Created the Investment Charter which stipulates that any individual or legal entity, regardless of nationality, is free to carry out any forest, industrial, farming and commercial activity in the Congo, in accordance with the legislation in force.

Criminal Laws

- **Forest Code (Law No. 33-2020) (2020)**: Title XII: *Offenses and Penalties* establishes offenses in the forestry sector, such as illegal harvesting of timber and other forest products, that are subject to various penalties. The penalties can include fines, seizure of assets or permits, termination of forestry agreements, imprisonment, and/or receiving a ban from carrying out forestry activities.

Non-regulatory policy instruments

- **Forest Policy of the Republic of Congo (2014-2025)**: Aims to develop a long-term forest policy approach that centers on forest management and strategies for natural resources management throughout the country. This policy aligns with the Commission of the Forests of Central Africa (COMIFAC) **Convergence Plan (2015-2025)**, which is the **reference framework and coordination of all interventions in the conservation and sustainable management of Central Africa's forest ecosystems**.

Bilateral Agreements

- **Republic of Congo-EU Voluntary Partnership Agreement (VPA)**: Aims to ensure timber exported to the European Union has been produced according to the Republic of Congo's laws and regulations. The VPA was signed in May 2010 and came into force on March 1st, 2013. Through this agreement and to meet the requirements of the Timber Legality Assurance System, the Ministry of the Forest Economy has developed a software called **Computerized Legality Verification System (SIVL),** which is set to be rolled out across the country. For more information, see the **VPA Africa – Latin America Facility: Republic of Congo webpage**.

CITES

The **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)** is an international agreement among governments whose purpose is to ensure that the international trade of wild animals and plant species does not threaten the survival of these species. It is up to each country to draft their own domestic legislation to comply with its CITES obligations. The Republic of Congo signed onto the Convention in 1983.

Species under the protection of CITES are listed under three Appendices based on how threatened they are by international trade. The species listed in Appendix I are the most endangered and international trade of these species is prohibited unless the purpose of import is noncommercial. The species listed in Appendix II are tightly controlled in international trade and may be authorized with an export permit or re-export certificate. Appendix III lists species at the request of a Party that needs other countries' cooperation to regulate the trade in the species. International trade in Appendix III is allowed with appropriate permits or certificates.

If you don't know if the species you are interested in sourcing from this country is CITES listed, please check this **link**. If the species is listed, please use this **database** to identify the National CITES Authority. In the Republic of Congo, the CITES managing authority is the **Ministry of Forest Economy (MEF)**.

Forest Resources

Resources Overview

In 2010, Republic of Congo had **26.6 Mha of tree cover**, extending over 78% of its land area.

According to the 2020 Forest Code, the Republic of Congo has the National Forest Estate which consists of natural forests, plantations and forestry land (Article 7). The National Forest Estate is further divided between the State-owned Forest Estate and the Private Forest Estate (Articles 8 and 31). Within the State-owned Forest Estate are the Permanent and Non-Permanent Forest Estates. See below for a breakdown of the Republic of Congo's forest resources:

- **National Forest Estate:** Consists of natural forests, plantations and forested land (Article 8).
    - **State-owned Forest Estate** (Article 9).
        - **Permanent Forest Estate:** Of national interest where the State ensures conservation and sustainable use of forests (Article 10).
            - **Forests in the private domain of the State:** Forests under private law

that belong to the State. The private domain of the State is divided into Forest Management Units which are the basic units (forest plots) designated to conduct planning, management, conservation, restoration and production activities (Article 52). Consists of protective forests, natural conservation forests, production forests, recreational forests and experimental forests (Article 23).

- **Forests of legal entities under public law:** Consists of plantations or land transferred from the State's domain that enter the private domain.
- **Community forests**: Consists of the natural forest located in the community that is developed under a forest concession, plantations located on community or Indigenous populations' land, forest whose sustainable management is the responsibility of the community and the natural forest on community or Indigenous populations' land that is classified for their benefit (Article 15).

- **Non-Permanent Forest Estate:** Consists of protected forests that have not yet been classified and are under the public domain of the State (public property) (Article 28).

- **Private Forest Estate:** Consists of private natural forests and private forest plantations (Article 31).

Contacts

Below are incomplete lists of government ministries, industry associations, civil society groups, and research institutes involved with forestry, trade, and efforts to combat illegal logging and associated trade.

Industry Associations

- **Chamber of Commerce, Industry, Agriculture and Trades (CCIAM)**
- **Employers' and Interprofessional Union of Congo (UNICONGO) Forestry Federation**
- Employers' Union of Private Companies in the Timber Sector (UNIBOIS)

Civil Society Organizations

- **Support Circle for Sustainable Forest Management (CAGDF)**
- **SILVA International Tropical Tree Network (RIAT)**
- **Congolese Human Rights Observatory (OCDH)**
- **Rainforest Foundation UK – Republic of Congo**
- **Central African Forest Initiative (CAFI)**
- **Central African Forest Commission (COMIFAC)**
- **Congo Basin Forest Partnership (CBFP)**
- **International Union for the Conservation of Nature (IUCN) – West and Central**

Africa

- **U.S. Forest Service International Programs: Republic of Congo**
- **World Wide Fund for Nature (WWF) Forests Forward Initiative**
- **Wildlife Conservation Society (WCS) – Republic of Congo**
- **International Tropical Timber Technical Association (ATIBT)**
- **DYNAFAC**

Government Ministries and Agencies

- **Ministry of Forest Economy (MEF)**
- **Forest Products Export Control Service (SCPFE)**
- **National Reforestation Service (SNR)**
- **General Inspectorate of Forestry Economy and Sustainable Development Services (IGSEFDD)**
- **Ministry of Economy & Finance**

Research Institutes

- **National Forest Research Institute (IRF)**
- Marien Ngouabi University

Tools and Resources

For more information regarding forest legality in the Republic of Congo, head to these links:

- **Chatham House Forest Governance and Legality (Republic of Congo)**
- **Preferred by Nature - Timber Sourcing Hub: Republic of Congo**
- **Timber Trade Portal: Republic of Congo**
- WRI **Forest Atlases**
- WRI **Open Timber Portal (OTP)**
- **Global Forest Watch (GFW) Country Profiles**
- **BVRio (2021) *Practical Guide to Conducting Due Diligence of Tropical Timber Products - Republic of Congo***
- **WWF Wood Risk Tool: Republic of Congo**
- **Forest Trends Illegal Deforestation and Associated Trade (IDAT) Risk: Republic of Congo**

References