中国企业境外森林可持续经营利用指南 A Guide on Sustainable Management and Utilization of Overseas Forest by Chinese Enterprises

内容概要 Contents

- 1. 目的Objectives
- 2. 基本原则和适用范围Fundamental Principles and Scope
- 3. 法律规范 Laws and Regulations
- 4.森林资源经营利用 Management and Utilization of forest resources
- 5.生态环境保护 Ecological and environmental Protection

1. 目的 Objectives

指导中国企业合理开展境外森林经营、利用和保护,为 全球森林资源可持续发展发挥积极作用。进一步规范中 国企业在境外从事森林资源经营和木材加工利用行为, 提高行业自律。促进全球森林资源的合法、可持续经营 利用及相关贸易活动。

The Guide applies to guiding the overseas activities of Chinese enterprises in forest management, utilization and protection, to contribute to sustainable development of global forest resources, to regulating the wood processing and utilization activities of Chinese enterprises in foreign countries and improving their self-regulation, to promoting legal and sustainable utilization of global forest resources and related trade activities.

2.基本原则和适用范围Fundamental Principles and Scope

2.1 基本原则Fundamental Principles
2.1.1 国家主权原则:中国企业在境外进行森林资源经营利用活动时,应充分尊重所在国森林资源拥有权,严格遵守所在国法律法规和政策。

The principle of national sovereignty: Chinese enterprises shall fully respect the ownership of the host country to forest resources and abide by its laws, regulations and policies while managing and utilizing the forest resources in the country. 2.1.2 互利合作原则:中国企业在境外进行森林资源经营利用活动时,应积极促进当地经济和社区发展,在互利互惠的基础上开展合作。

The principle of mutually beneficial cooperation: Chinese enterprises shall make great efforts to promote the local economic and community development, and conduct cooperation based on mutual benefit while managing and utilizing the forest resources in foreign countries. 2.1.3 生态、经济、社会效益统一原则:中国 企业在境外进行森林资源经营利用活动时,应 高度重视森林的生态效益,保证生态、经济、 社会三大效益的统一。

The principle of integrating ecological, economic and social benefits: Chinese enterprises shall highly value the ecological benefit of forests, and ensure the unification of ecological, economic and social benefits while managing and utilizing the forest resources in foreign countries.

2.1.4 政府指导与行业自律相结合原则:中国企业在境外进行森林资源经营利用活动时,应在政府引导和行业规范条件下进行。

The principle of combining government guidance with industry self-regulation: Chinese enterprises shall conduct activities according to the Chinese government's guidance and industry regulations while managing and utilizing the forest resources in foreign countries.

2.1.5 森林可持续经营利用原则:中国企业在境外 进行森林资源经营利用活动时,应有利于当地的 森林可持续发展,维护当地生态和环境安全。

The principle of sustainable management and utilization of forests: Chinese enterprises shall contribute to sustainable development of local forests, and safeguard local ecological and environmental security while managing and utilizing the forest resources in foreign countries.

2.1.6 节约资源的原则:中国企业在境 外进行森林资源经营利用活动时,应 尽量节约使用森林资源、土地资源和 能源。

The principle of resource saving: Chinese enterprises shall save the forest, land and energy resources to the greatest possible extent while managing and utilizing the forest resources in foreign countries.

3 法律规范 Laws and Regulations

3.1 遵守中国和森林资源所在国签署的相关协议 / 协定和相关国际公约 / 协定。

The relevant conventions/agreements signed by China and the host country and the relevant international conventions /agreements shall be observed.

3.2 遵守中国政府主管部门制定的关于中国企业对外投资和经济合作有关的法律、法规、部门规章和相关文件的规定。

The laws, statutes, departmental regulations and relevant documents, made or issued by competent authorities of the Chinese government on the enterprises involved in foreign investment and economic cooperation.

3.3 遵守森林资源所在国相关的法律、法规。

The laws and regulations on forest resources in the host country shall be abided by.

3.3.1 遵守所在国有关对外国企业投资、劳 务输入、承包工程等经营活动管理的法律、 法规和相关文件的规定。

The laws, regulations and related documents of the host country on the foreign investment, input of labour services and contracting projects, shall be observed.

3.3.2 全面了解和熟悉所在国现行与森林资源相关的法律、法规文本,开展森林经营活动行为应符合所在国有关的林业法律法规要求,并承担和履行相应的责任与义务。

The current laws and regulations on forest resources in the host country shall be fully understood and familiarized. All forest management activities shall be in compliance with the requirements of the forestry laws and regulations of the host country, and the corresponding responsibilities and obligations shall also be taken and fulfilled. 3.3.3 提高企业员工法律意识。避免和减少各种违法活动的出现,一旦发现违法行为,应及时采取措施依法纠正,并记录在案。

The legal awareness of the enterprise employees shall be enhanced. Various kinds of illegal activities shall be avoided and reduced, correcting measures shall be taken as soon as discovering an illegal act and it shall be recorded in time.

4.森林资源经营利用 Management and utilization of forest resources

本指南适用于在境外开展森林资源采伐、木材加工利用等有关活动的中国企业。

The Guide shall be applicable to the Chinese enterprises engaged in forest harvesting, wood processing and utilization, as well as other related activities in foreign countries.

4.1 基本要求Basic requirements

合法经营利用森林资源。参与境外投资 4.1.1 利用森林资源的中国企业,应依法国 向所 门提出申请, 取得有关部门批准的 ∇ 数量、 品种和 比准的经营地点 面积 「森林资源的经营利用和 营利用有关的承包工程 大材产品等都应符合双边有关法 囚給宣木材和フ 规的要求。

To legally manage and exploit forest resources: Chinese enterprises involved in the overseas investment on the management and utilization of forest resources shall submit a application to relevant departments of the host country and get the approval, then manage and utilize forest resources followed along with the requirements on business place, area, quantity, type, operational scope, etc. Any operations beyond the prescribed scope are forbidden. Any related activities on contracting project, labour service cooperation, purchasing and managing timber and wood products, etc. shall meet the requirements of the relevant laws and regulations issued by both sides.

4.1.2 合理经营利用森林资源。充分利用伐区木材, 合理造材, 提高木材综合利用率。

Forest resources shall be managed and utilized rationally. In logging area, the comprehensive utilization ratio shall be improved during timber harvesting and bucking. 4.1.3 注重生态环境保护。按所在国相关法律法规的 要求,对涉及影响生态环境的作业采取规避或减缓 措施,对高保护价值森林,注意采取相应的保护措施。

Ecological and environmental protection shall be paid more attention to. To take effective measures to avoid or lighten ecological and environmental impacts of forest management activities, and take special protective measures to HCVF (High Conservation Value Forest).

4.2 森林经营 Forest management

4.2.1 按规定程序取得所在国批准获得长期使用或租赁林地的中国企业,应按照所在国有关森林资源利用法律法规的要求制定森林经营利用计划,并按规定程序报请所在国国家主管机关或地方政府主管机关核准。

Chinese enterprises, which has been granted the long-term use right of forestland by the host country according to the prescriptive procedures, shall formulate the forest management and utilization plan in accordance with the requirements of the laws and regulations on forest resource utilization, and submit the plan to the competent national authorities or local authorities of the home country for approval. **4.2.2** 按照企业在所在国的经营活动范围,根据所 在国相关规定和要求,采伐后的森林恢复更新请参 考《中国企业境外可持续森林培育指南》。

According to the scale of activities of the enterprises as well as the relevant regulations and requirements in the host country, forest restoration and regeneration shall refer to the document "A Guide on Sustainable Overseas Silviculture by Chinese Enterprises."

4.2.3 具备应有的森林防火、有害生物防控设施及措施。

Appropriate equipments and measures shall be available on forest fire prevention and harmful living organisms prevention and control.

4.2.4 森林经营利用计划的实施应符合已批准的森林资源经营利用的有效合法文件的要求。

The implementation of the forest management and utilization plan shall meet the requirements of the approved related documents on forest resources management and utilization.

4.3 木材加工与运输 Wood processing and transportation

4.3.1 木材加工利用项目应符合中国与所在国产业政策、相关投资要求和许可规定,且有利于双边互利合作,鼓励企业进行木材的深加工综合利用。

The wood processing project shall comply with the industrial policies, relevant investment requirements and permission between china and the host country, and it shall be in favour of bilateral cooperation. Enterprises shall be encouraged to comprehensively utilize wood through deep processing. 4.3.2 项目应贯彻合理利用森林资源、节约能源、保护资源和环境、实现可持续发展的方针

- The project shall be implemented followed along with the guideline of reasonably utilizing the forest resources, saving energy, protecting resources and environment to achieve sustainable development.
- **4.3.3** 木材运输应符合所在国运输和检验、检疫标准及要求, 进行相关的文件备案。

The wood transportation shall meet the standards and requirements on wood transportation, inspection and quarantine of the host country, and the relevant documents shall be put on record.

4.4 人员培训与技术指导

Personnel training and technical guidance

- **4.4.1** 鼓励企业建立培训制度,对相关员工进行必要的培训和指导。
 - To encourage enterprises to establish the training system and conduct necessary training and guidance for employees concerned.
- **4.4.2** 确保相关员工掌握实施规划、采伐、造材、集运、更新、加工等相关作业技能。

To Ensure relevant employees can implement forest management plan and have operating skills on harvesting, Sawing, Yarding and transportation, regeneration and processing, etc.

4.4.3 由专业技术人员对野外作业相关人员 提供必要的技术指导。

The professional technicians shall provide necessary technical guidance for the field workers.

4.5 建立多利益方的公示和咨询制度

- To establish multi-stakeholders publicity and consultation system.
- 4.5.1 向当地社区或有关方面公告森林经营利用的 有效合法文件主要内容。

To proclaim the main contents of the effective and legal documents on forest management and utilization to the local communities and the stakeholders.

4.5.2 根据当地政府要求建立森林采伐利用伐前公示咨询制度,明确公示的形式、内容、期限等。大面积采伐应在当地进行公示;采伐森林单位(个人)还应在伐区及其附近的交通要道设立公示牌,公示有关部门批准的合法采伐文件的主要内容以及作业期等。

The pre-harvesting publicity and consultation system shall be formulated in accordance with the requirements of the local governments and define the form, content and time limit of the publicity and consultation. When clear felling in large area, it is necessary to make it known to local people and set up public signs in cutting areas and surrounding main roads which include main contents of legal logging document approved by the departments concerned, and task period, etc.

5.生态环境保护

Ecological and environmental protection 5.1 基本要求**Basic requirements**

5.1.1 因地制宜,采取科学合理的采伐方式和作业措施,尽量减少森林 采伐对生物多样性、野生动植物生境、生态脆弱区、自然景观、森林 流域水量与水质、林地土壤生态环境和更新幼苗幼树的影响,保证森 林生态系统功能得到快速恢复。

Measures shall be adjusted to local conditions and scientific and rational harvesting way and operation measures shall be taken to minimize the impacts of forest harvesting on biological diversity, habitats of wild fauna and flora, ecologically fragile areas, natural landscape, water quantity and quality in watershed, forestland soil and the regeneration of seedling and sapling, so as to ensure rapid restore of the forest ecosystem functions. 5.1.2 对森林特别是高保护价值森林应采取 相应的保护措施。

Take the corresponding measures to protect the forest, especially the high conservation values forest (HCVF).

5.2 环境保护 Environmental Protection

5.2.1 伐区设计应充分考虑森林采伐作业对地表降水和地下 水资源的不良影响,减缓土壤侵蚀,控制水土流失,避免 因采伐对森林集水区造成重大破坏。

The negative impacts of forest harvesting operation on surface rainfall and underground water resources shall be taken full account of while designing the felling areas, so as to slow down soil erosion, control soil and water losses and avoid serious destruction to forest catchment area due to harvesting. 5.2.2 在采伐、集材、更新和道路建设等作业过程 中,采取合理、有效的措施最大限度地减缓人为 活动对林地的破坏,防止地表破坏和土壤侵蚀, 维护森林土壤的自然特性及其长期生产能力。 During harvesting, skidding, regeneration and road construction etc., rational and effective measures shall be taken to minimize the negative impact of human activities on forestland, avoid surface damage and soil corrosion, and maintain the natural properties of soil and its longterm productivity.

5.2.3 采取必要措施减缓采伐作业过程中机械噪声和机械尾气排放引起的空气污染等,及时、妥善处理生产建设废弃物和生活垃圾。

Necessary measures shall be taken to alleviate the air pollution caused by mechanical noise and exhaust emissions during harvesting operation, waste produced during production and construction and household garbage shall be treated immediately and appropriately. 5.2.4 木材加工厂房和场地建设地点和用地应符合 所在国有关规定的要求。木材加工项目所产生的 固体、液体、气体废弃物和噪声等应达到当地环 境保护部门所提出的排放标准和要求。

The site and land for wood processing plants shall comply with the related provisions of the host country. The solid, liquid, gas wastes and noise pollution etc. generated during wood processing shall meet the emission standards and requirements made by local environment protection departments. 5.2.5 建立完善的森林防火、有害生物防治制度,制订和实施相关措施。按照所在国有关森林法规对森林防火安全和 有害生物防治的要求,建设相应的防火和生物防治设施, 并配备相应设备。

To establish perfect system on forest fire prevention, harmful living organisms control and formulate and implement the related measures. To build corresponding facilities for fire control and biological control, provide appropriate equipments according to the security requirements in forest laws of the host country on forest fire control and harmful living organisms control.

5.3 生物多样性保护 Protection of Biodiversity

5.3.1 保护国际公约和所在国家法律法规明令保护的物种及其栖息环境。

To protect the species as well as their habitats officially provided in international conventions and laws and statutes of the host country.

5.3.2 根据所在国相关法律法规要求,确定森林经营利用区域及其周边需要保护的珍稀、受威胁和濒危动植物物种及其栖息地,并在相关图件上明确标注。

According to the requirements of related laws and statutes of the host country, the precious, rare, threatened and endangered fauna and flora species as well as their habitats that need protection shall be ascertained and be lined out on the map. 5.3.3 制订被保护区域内珍稀、受威胁和濒危动植物物种及其栖息地的 相应保护措施,并对职工进行相关培训和教育。

Certain measures shall be formulated accordingly to protect the precious, rare, threatened and endangered fauna and flora species within the conservation area, and employees shall be trained and educated with the relevant knowledge as well.

5.3.4 采集野生动植物标本的活动应符合境外有关野生动植物保护方面的法规,并应采用可持续利用资源的采集方法,最大限度地减少对当地资源的破坏。

The collection activities of wildlife specimens shall comply with wildlife protection statutes of the host country, and adopt the methods of sustainable utilization of resources, minimizing the damage of the local resources.

5.3.5 根据所在国相关法律法规要求,调查确定森林采伐区域及其周边需要保护的典型森林生态系统类型,制订保护典型生态系统的措施,维持其自然状态。

According to the requirements of relevant laws and statutes of the host country, the typical forest ecosystem shall be ascertained within the logging area or in surrounding area through investigation, measures of protecting typical forest ecosystem shall be formulated to maintain its natural status.

6.社区发展 Community Development

6.1 尊重当地居民的合法权利 Respect the legal rights of local residents

6.1.1 森林资源经营利用从长远上要有利于所在地森林的可 持续经营,有利于当地经济的健康发展,实现经营企业与 当地居民互利共赢。

The management and utilization of forest resources shall be favorable for the sustainable forest management and the sound development of economy on local level in long term, and aims to achieve the mutual benefits and win-win between enterprises and local residents. 6.1.2 进行森林经营利用相关活动时,充分考虑当地居民的利益,采取适当措施,避免森林经营利用活动直接或间接地侵犯、威胁和削弱当地居民的法定资源所有权或使用权。

The interests of local residents shall be given full consideration to during conducting forest management activities. the enterprises shall take appropriate measures to prevent the activities from directly or indirectly infringing, threatening or impairing the ownership or use right of local residents to legal resources.

6.2 促进社区发展

Promote community development

6.2.1 积极参与当地公益事业活动,尽可能为林区及周边地区的居民提供就业、培训与其他社会服务的机会。

To take active part in local public welfare activities, and make great efforts to provide employment, training and other social service opportunities for residents in the forest areas and neighboring communities. 6.2.2 鼓励、支持社区居民参与森林开发的重大决策。在森林经营的过程中,根据需要向当地居民公布经营利用内容、进展和经营活动情况,宣传企业,树立良好形象,提高信誉。

To encourage and support community residents participating in major decision-makings of forest development, and make the related information on forest management contents, progress and situation known to local residents during forest management, so as to promote the enterprise, build up good images and enhance credibility. **6.2.3** 尊重当地群众的风俗习惯,建立与当地社区的协商机制,与当地居民友好相处。

To respect the customs of local residents, establish the consultation mechanism and maintain friendly relationship with them.

6.2.4 积极与当地居民协商,划定和保护对当地居民具有特定文化、生态、经济或宗教意义的林地。
To line out and protect the forestland which is characterized by specific cultural, ecological, economical and religious significances to local settlers through actively consultation with them.

Thanks!