

**Public
Procurement
and Forest
Certification :
Assessing the
Implications for
Policy, Law and
International
Trade**

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French Policy on Public Procurement of Timber and Wood Products



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I. CONTEXT

II. PROCESS

III. REGULATION : THE ADVICE NOTE

IV. DISCUSSION POINTS

- ◆ Increasing social demand (NGO) for regulation of public procurement of tropical timber
- ◆ Public procurement \approx 1/4 French consumption of tropical timber
- ◆ France is amongst the top countries in the E.U for importing tropical timber (mainly from Africa)

2002	Importation of tropical timber	Tropical / Total consumption
Timber	599 000 m ³	3 %
Sawing products	289 000 m ³	4 %
Plywood	137 000 m ³	45 %
Veneering products	54 000 m ³	12 %

- ◆ France possesses 8 Mha of tropical forests (French Guyana, etc.)
- ◆ French enterprises have leading positions in the tropical timber business. France has developed forestry cooperation with many countries (especially in the Congo Basin)
- ◆ French temperate forest is one of the biggest in the E.U (15 Mha)

- ◆ **April 7th 2004 : Governmental Action Plan in favour of tropical forests :**
 - ⇒ **better conservation of French tropical forests and development of sustainable forestry management**
 - ⇒ **strengthening forestry cooperation and aid especially with African countries**
 - ⇒ **promoting legal forestry management and governance (FLEGT)**
 - ⇒ **White Book on French policy prepared by the National Working Group for Tropical Rain Forests (governmental departments, forestry and trade professionals, NGO, independent experts)**
 - ⇒ **Project of a PM's advice note (« circulaire ») to public buyers. Objectives : 50 % in 2007 and 100 % in 2010 of timber and wood products bought by public buyers should come from legal & sustainable managed forests**

- ◆ **May 2004 : the advice note is prepared by 3 departments : Finances, Agriculture (in charge of forestry policy), Ecology and Sustainable Development**
- ◆ **October & December 2004 : consultation with the National Working Group for Tropical Rain Forests and the professional forestry & timber sector (producers, traders, industry)**
- ◆ **January 24-28th 2005 : International Conference on Biodiversity, Science and Governance (UNESCO) : « From this year on, the State, in France, will use only ecocertified timber for big building works. In 2010, the totality of public purchases will have to conform to this commitment » President J. Chirac**
- ◆ **April 5th 2005 : the advice note is approved by the PM (published April 8th 2005 in the Official Journal)**

◆ Structure :

- ⇒ a letter signed by the Prime Minister (policy)
- ⇒ a technical annex (public procurement specifications)

◆ Legal scope :

- ⇒ mandatory for State buyers : they have to take account of legality of the forestry activities and/or sustainable forestry management criteria when it is motivated by the object of the purchase & when there is a sufficient potential supply
- ⇒ recommended to local authorities
- ⇒ no distinctions are made (in the technical annex) between tropical and non tropical products

◆ Step by step approach :

⇒ starting point = 0 (no previous regulation)

⇒ public buyers are urged to refer to existing tools : sustainable forestry management schemes & eco-labels on wood

products
forestry

integrating sustainable
management criteria

⇐ Remark : 6 such eco-labels are actually available in France (1 for furniture, 1 for wood section, 4 for paper products)



◆ 2 categories of products :

- I. timber, sawing & veneering products, plywood
- II. all products of second transformation (particle boards, windows, furniture, paper products, etc.)

◆ 2 types of purchasing :

1° Public works

- ⇒ public buyers are asked to contract with wood specialists when defining public works programmes (= *before* defining public works procurement)
- ⇒ works needing wood products : the specifications for products purchasing have to be applied

2° Products purchasing :

III. Advice note

S T R U C T U R E O F S P E C I F I C A T I O N S

	Defining the requirements	Selecting tenderers	Awarding the contract
Common specifications	Do refer to technical performances rather than to timber species	<ul style="list-style-type: none"> • Professional certification for example : certificate proving subscription to a professional charter • Quality certification for example : certificate proving the compliance of COC • samples, descriptions, pictures, ... 	<ul style="list-style-type: none"> • compliance to CITES : Council Regulation (EC) n° 338/117, December 9th 1996 • Tenderers are engaged by the contract to prove that their products comply with the sustainable forestry management specifications : <ul style="list-style-type: none"> ⇒ during the period of the execution of the contract & during the warranty period ⇒ when formally asked by the public authority
Purchasing category I products	Do refer to specifications included in sustainable forestry management schemes		<ul style="list-style-type: none"> • <u>5 certificates are proposed to public buyers</u> • Mandatory information : <ul style="list-style-type: none"> ⇒ origin (logging country) ⇒ name of species ⇒ name & trade name & address of the suppliers of timber
Purchasing category II products	Do refer to specifications included in sustainable forestry management schemes or in eco-labels		<ul style="list-style-type: none"> • Certificate delivered by the body : <ul style="list-style-type: none"> ⇒ certifying the eco-label ⇒ certifying the sustainable forestry management • Certificate delivered by an independent body (for self-declarations)

◆ **5 certificates are proposed to public buyers**
remember : for category I products only

- 1° certificate delivered by the producer and verified by an independent body proving that timber has been legally logged or, eventually, licence of legality delivered by the logging country (this delivery must be verified in compliance with international agreements)
- 2° sustainable forestry management certification verified by an independent body (existing sustainable forestry management certification schemes are said to give good guarantee *when* verified by an independent body)
- 3° document attesting a forestry management plan approved by local authority and which implementation is regularly verified by an independent body having forestry experience

- 4° document attesting that the forestry manager or owner subscribes to a code of good conduct which includes legal & sustainable forestry management commitments and which is regularly verified by an independent body
- 5° document attesting that the supplier subscribes to a code of good conduct which includes commitments of buying timber coming from legal & sustainable managed forests and which is regularly verified by an independent body
- ◆ **Tenderers must provide at least one of the 5 certificates (or any equivalent)**

Any bid that

fails to do so

must be

rejected

- ◆ **Assessment of enforcement : beginning 2006**

- ◆ **On-line document giving complementary information on :**
 - ⇒ **forestry certification schemes : basic components, main national and international schemes, evolution of the international schemes, examples of labels**

 - ⇒ **eco-labels : definition, legal & sustainable forestry management criteria listed in the 6 eco-labels actually available in France**

 - ⇒ **CITES's measures on the protection of endangered species of wood & species listed in the 3 annexes of Council Regulation (EC) n° 338/97 of 9 December 1996**

 - ⇒ **scientific name and pilot name (ATIBT's) for the top 80 timber species imported into France**

- ◆ **Which support for public buyers ?**
- ◆ **How to assess the impacts of regulation on :**
 - ⇒ suppliers ?
 - ⇒ public procurement ?
 - ⇒ sustainable forestry management ?
- ◆ **Which public policy for private initiatives :**
 - ⇒ how to consider sustainable forestry management initiatives which are out of certification schemes ?
 - ⇒ which agreement/approval/acknowledgement for private initiatives ?
 - ⇒ which incitation for certification schemes to evolve toward :
 - * mutual acknowledgment ?
 - * international standards (ISO) ?
 - ⇒ how to adapt the regulation to the evolution of private initiatives & market ?