

FEDERAL PUBLIC SERVICE OF P&O

Circular letter P&O/DO/2

Public procurement policy aimed at promoting the use of timber and wood from sustainably managed forests

To: the contracting authorities of the federal and planning public services and of the public interest bodies that are under the authority, the control or the supervision of the State

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***Prime Minister,
Ministers,
Secretaries of State***

At its meeting of 18 November 2005, the Council of Ministers decided to use only timber and wood from sustainable forest management to cover its needs for wood.

All the contracting authorities of the federal and planning public services and of the public interest bodies that are under the authority, the control or the supervision of the federal Government have to satisfy the requirements of this circular letter when purchasing, hiring or leasing products that contain wood.

The tender document must specify that the wood has to meet the specifications of the circular letter.

The following must be included in the tender documents:

“Wood from sustainably managed forests” may be defined as:

“Wood from sustainable forest management as certified by an independent body based on internationally recognised criteria.”

The basic criteria any forest certification scheme must meet to be recognised by the federal government as offering sufficient guarantees that the wood derives from sustainable forest management are:

- *The forest certification scheme must guarantee that forest management is based on internationally accepted standards and criteria (including the Helsinki criteria) that are institutionally and politically adapted to the local situation;*
- *The forest certification scheme must take account of each region's diversity and specificity and must not discriminate against certain forest types, groups of forest owners, countries or regions;*
- *The forest certification scheme must guarantee that forest management obeys both national rules and regulations and international treaties;*
- *The forest certification scheme must guarantee that the forest management is targeted, effective and economically viable;*
- *Certification should lead to an off-product or on-product label so as to reliably distinguish between products derived from sustainable forest management and other products;*

- *The forest certification scheme must guarantee the traceability of certified products through a Chain of Custody (CoC);*
- *The forest certification scheme must guarantee that the forest management is based on a highly developed social dialogue and with due respect for indigenous peoples. Certification must ensure adequate protection of the environment and of social aspects;*
- *The forest certification scheme is participatory in nature and should be acceptable to a large number of stakeholders, including local communities and environmental NGOs;*
- *The forest certification scheme must be completely transparent for both stakeholders and the public;*
- *The forest certification scheme must secure the active participation of forest managers/owners;*
- *The certification must be granted by an accredited independent body.*

The following forest certification schemes are deemed to meet the above criteria:

- *the **FSC** certification;*
- *the **PEFC Belgium** certification;*
- *the **PEFC** certification from **other countries** provided the wood derives from a country that meets the criterion of highly developed social dialogue and where the rights of indigenous peoples are respected. This assessment will be performed by an expert committee, which will make a positive list of eligible national PEFC certifications available on:
www.gidsvoorduurzameaankopen.be*
- *an **equivalent certification** carried out by an independent body and based on the international criteria mentioned above guaranteeing that the timber derives from sustainable forest management. A positive list of equivalent certifications approved by the competent expert committee will be available on www.gidsvoorduurzameaankopen.be.*

The expert committee referred to above shall be composed of:

- a representative of the Federal Public Service (FPS) of Health, Food Chain Safety and Environment;
- a representative of the FPS of Foreign Affairs, Foreign Trade and Development Cooperation;
- a representative of the Belgian Wood Producing Federation;
- a representative of the Belgian Wood Importing Federation;
- a representative of trade union associations;
- a representative of the environmental NGOs.

Within three months following its inception and on an annual basis thereafter, this expert committee shall make an evaluation of the above-mentioned “PEFC certifications from other countries” and “equivalent certifications” that may be taken into account. The expert committee decides by consensus about the list.

In addition, a methodological guide informing public services about the various forest certification schemes will be made available on the above website.

It is advisable either to join the circular letter to the offer or to refer in the offer to the website where the circular letter and the explanatory notes may be consulted (<http://www.gidsvoorduurzameaankopen.be>).

With regard to the quality of the wood incorporated into the tendered products, tenderers must refer in their offer to a certification mentioned in this circular letter or to any other certification. In the latter

case, they shall join the relevant documents proving that this certification meets the criteria of this circular letter.

The certification must relate to the country where the wood was produced.

Failing a certification, tenderers must prove by any other appropriate means that the wood satisfies the conditions laid down in the tender documents.

Moreover, tenderers who have made false declarations may be excluded from participating in some or all public procurements from the federal government. This suspension, its scope and its duration are pronounced by the Minister or public service in charge of the tender. This must be a reasoned decision following the hearing of the person involved.

Under Article 6 of the Act of 24 December 1993, individual public services are not allowed to take general measures that are binding on the whole of the federal Government.

Any basic obstacles to the implementation of the provisions of this circular letter relating to sustainable timber or any serious restriction of competition as a result of the implementation of the provisions of this circular should be notified forthwith to the Planning Public Service (PPS) of Sustainable Development at the following e-mail address: duurzameaankopen@poddo.be.

Any queries relating to the methodological guide may be addressed to the FPS of Environment either by e-mail at environment@health.fgov.be or by dialling no. 02/524 96 24.

It is self-evident that the regulations governing public procurement remain in all cases fully applicable. In order to optimise the procurement policy with respect to sustainable timber, the Federal Sustainable Development Council will have to be consulted every two years about the following aspects:

- further concretise the criteria and the control scheme;
- gather information about the purchasing policy relating to wood;
- periodic assessment of the circular letter and of the certification scheme starting from an expert report commissioned by the authorities;
- put forward proposals about the flow of information within the sector and for the public at large.

In preparation for this request for advice, the FPS of Health, Food Chain Safety and Environment will commission an independent expert report on these aspects.

The various Sustainable Development Units are expected to table improvement proposals that may act as a source of inspiration for constantly updating the methodological guides and ecological and ethical prescriptions available on the above website of the PPS of Sustainable Development. In the context of environmental management, these Units are also in charge of the statistical follow-up of the implementation record within their FPS/PPS/body responsible for this circular letter and as such they will be notified of the purchases made by their FPS/PPS/Body.

The implementation of this circular letter must not have any additional budgetary implications.

This circular letter will enter into force 4 months following its approval by the Council of Ministers.

Freya Van den Bossche
Minister for the Budget and for Consumer Affairs

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