



EU Framework on Timber and Timber Procurement

European Commission
Environment Directorate-General
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Presentation Overview

- **EUTR Review and FLEGT Action Plan Evaluation**
- **Public Procurement Framework**
- **EU GPP approach**



EU Timber Regulation (Regulation (EU) 995/2010)

- Part of the Forest Law Enforcement Governance and Trade (FLEGT) Action Plan
- **Establishes 3 key obligations:**
 1. Prohibition of placing on the market of illegally harvested timber or timber products derived from such timber
 2. Operators shall exercise "Due Diligence"
 3. Traders shall keep records of their suppliers and customers.



- EUTR addresses legality of timber harvesting and associated trade, in accordance with the applicable legislation in the country of harvest
- Legality is not a synonym for sustainability. What is legal may not be sustainable
- Sustainable Forest Management (SFM) is often required by law, but problems with law enforcement
- No internationally agreed definition of SFM, whereby an approach based on "legality" which respects national sovereignty has been a basis to build effective international process partnerships (e.g. Regional FLEG processes, FLEGT Voluntary Partnership Agreements)



- Risk assessment (Art. 6 (b)):

" [...] Risk assessment procedures shall take into account [...] relevant risk assessment criteria including: Assurance of compliance with applicable legislation, which may include certification or third-party-verified schemes which cover compliance with applicable

- **Risk mitigation (Art. 6(c))**

"[...] risk mitigation procedures [...] may include requiring additional information or documents and/or third party verification".

*SFM Certification Schemes have modified their systems in order to comply with the requirements of the EUTR: addressing sustainability + legality, **but:***

not 100% proof of legality, MS may require additional elements



EUTR Review: Main elements

- The Regulation:

- has the potential to achieve its objectives to combat illegal logging and associated trade.

- adds significant value to the international efforts to halt deforestation and forest degradation, conserve biodiversity and address climate change.



EUTR Review: Main elements

- The communication campaigns carried out by the Commission and the Member States have raised awareness of the problem of illegal logging amongst EU consumers.
- EU operators are gradually taking steps to ensure the legality of their suppliers.
- Additional efforts should be made by the Competent Authorities to inform operators, especially SMEs, about the EUTR requirements.



EUTR Report: Main elements

- EUTR encouraged other consumer countries to expand their national legislation with similar legislative acts (Australia, Switzerland) or to start considering measures with similar objectives (China, Japan, Korea).
- Incentive for producer countries to develop systems to verify and demonstrate compliance with the legality requirements, including by concluding VPAs with the EU.

Next steps

- The results of this evaluation will be used to further improve the implementation of the EUTR.
- The evaluation did not identify a clear need for changes in the core elements of the legislation.
- The Commission may consider expanding its product scope, subject to an impact assessment of options.

FLEGT AP Evaluation: Main Elements

Independent consultants report published on 4 May, EC SWD being finalized

Overall, conclusions is that the FLEGT AP:

- responded in an ambitious and innovative manner to the complexities of illegal logging and associated trade
- it remains highly relevant
- Public Procurement one of the main action areas

FLEGT AP Evaluation: Main Elements

- Timber Procurement Policies – together with other FLEGT measures – have contributed to a reduction of consumption of illegal timber in the EU
- 22 MS have some form of a PPP on timber/wood, but based on different scope & criteria; (e.g. some accepting also FLEGT licenced timber, others accepting timber from certified sustainable sources).
- Some third countries (China, Japan, Norway, Switzerland etc) have developed PPP, others have started work (Indonesia, Ghana, Colombia).

FLEGT AP Evaluation: Main recommendations on PPP from the independent consultants report

- Promote an expert discussion on the issue of accepting FLEGT-licensed products in TPPPs as equivalent to their certified counterparts, and seek to harmonise agreement on this issue across MS.
- Promote and support the development of TPPPs (or where relevant PP laws) in producer countries, using access to the public market as an incentive to stimulate SMEs active on the domestic market to comply with legality and/or SFM requirements.



FLEGT AP Evaluation: Main recommendations on PPP from the independent consultants report

- The European Commission should continue to promote Timber Public Procurement Policies.
- Member States should, if reasonable, broaden the product scope of their TPPPs, and extend their TPPPs to cover more parts of the public sector.
- MS should also strengthen the adoption, effective implementation (including correct publication of tender requirements and transparency on procedures and outcomes) and monitoring of the implementation of MS TPPPs, and promote harmonisation - or at least improved coordination - between MS in order to avoid confusion of suppliers and to increase cost-effectiveness of TPPP implementation.

Next steps

- Council Conclusions on Forest Law, Enforcement, Governance and Trade
- SWD on the Evaluation of FLEGT Action Plan
- The Commission will consider follow up to the FLEGT AP Evaluation



Public Procurement Reform and GPP

- Adopted April 2014
- Transposition deadline: April 2016
- New rules on production processes and LCC
- GPP remains a voluntary policy at EU level
- "enabling framework"
- *"(95) It is of utmost importance to fully exploit the potential of public procurement to achieve the objectives of the Europe 2020 strategy for smart, sustainable and inclusive growth."*

Public Procurement Reform and GPP

- Only one smaller reference to timber (97) in the section on issues that can be taken into account in addition to price "...or environmental or social aspects (e.g. whether books were stamped on recycled paper or *paper from sustainable timber*)..."
- Means providing evidence of the economic operators' technical abilities, as referred to in Article 58:"(d) an indication of the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract"

Public Procurement Reform and GPP

- Ecolabels (Art 43): can be required as a means of proof of specific environmental, social or other characteristics under certain conditions, among others
 - all label requirements must be linked to the subject-matter of the contract
 - requirements are objectively verifiable and non-discriminatory
 - labels are established in an open and transparent procedure
 - requirements set by a third party over which the economic operator applying for the label cannot exercise a decisive influence
- Acceptance of equivalent labels and other means of proof (under specific circumstances)



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EU Green Public Procurement Policy

Communication (2008)

Public Procurement for a Better Environment

- Political **target**: **50%** of tendering procedures to be green (by 2010)
- Common **EU GPP criteria** for priority products and services
- Legal/operational **Guidance**
- GPP National Action Plans





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EU Green Public Procurement Policy

GPP support tools

GPP website of the European Commission:

- *Full sets of EU GPP criteria and background reports in 20+ languages*
- *Buying Green Handbook **NEW!***
- *More than 100 GPP Examples*
- *News and upcoming events*

HELP DESK:

In EN, FR, DE gpp-helpdesk@iclei.org

Newsletter (please sign up!)





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EU Green Public Procurement Policy

20+ EU GPP Criteria



Copying and graphic paper



Cleaning products and services



Office IT equipment



Office Buildings NEW



Transport



Furniture



Electricity



Food & Catering services (2008)



Textiles



Gardening products and services



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20+ EU GPP Criteria



Wall panels



Water based heaters



Waste water infrastructures



Flushing Toilets &
Urinals



Imaging Equipment



Roads **NEW**



Combined Heat &
Power



Street lighting and traffic signals



Indoor lighting



Sanitary tapware



Health care sector



Approach in current EU GPP criteria

- Requiring legality of timber in order to ensure compliance with EUTR
- No requirements set for sustainable timber
 - Discussions on-going
 - Different definition of sustainable timber
 - Not one universally agreed one
 - Differences in Member State approaches
 - FSC and PEFC usually accepted
 - Difficulty of verification for public authorities when timber not certified
- Input welcome!



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GPP webpage: <http://ec.europa.eu/environment/gpp>