

Dutch Timber Procurement Policy

Framework for Evaluating Evidence of
Compliance with Timber
Procurement Requirements

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1. Introduction

1.2 Timber Procurement Assessment System (TPAS)

The Dutch government has set up a *Timber Procurement Assessment System*. The primary objective of TPAS is to provide assurance to governmental parties, both national and local, that procured timber comes from sustainable sources or, in case evidence can be provided that sustainable timber is not available, at least from legal sources. In addition, TPAS may also provide this assurance to other timber buying parties like companies and consumers.

To meet the objective, TPAS comprises two main items:

- 1) a set of clear and transparent *Timber Procurement Criteria* for the Chain of Custody (CoC) and for Sustainable Forest Management (SFM), which include legality requirements;
- 2) a framework of further requirements and decision rules to verify whether the timber comes from sustainably managed sources or, in case the specified timber is not available from sustainably managed sources, at least legal sources.

The Minister has installed the *Timber Procurement Assessment Committee (TPAC)* to assist the Government Procurement Officer in assessing compliance with the Dutch timber procurement requirements. To that end TPAC has two tasks:

- to assess whether certification systems for timber meet the Dutch Procurement Criteria, and further requirements regarding the reliability of these certification systems (see below under Category A evidence);

to assist, on request, the Government Procurement Officer in assessing Category B evidence for sustainably produced timber and for legal timber. However, the user manual for the assessment of Category B is not part of the Timber Procurement Assessment Procedure. The Government Procurement Officer is responsible for the assessment of Category B.

2. Types of Evidence

Both for Category A evidence based on certificates and for Category B evidence not based on certificates, TPAS further distinguishes two types of evidence, that is a distinction between:

- 3) sustainably produced timber, which by definition includes legality requirements; and
- 4) legally produced timber which does not meet all the other sustainability requirements.

The different types of evidence will be described below.

2.1 Category A evidence (Annex I)

Category A evidence consist of a certificate of the timber and wood products issued by any of the certification schemes that meet the Dutch timber procurement requirements for Category A.

Sustainably produced timber

The criterion for a certificate to qualify as Category A evidence for sustainably produced timber is a positive assessment of the relevant CoC and SFM certification schemes by TPAC. It should be noted that it remains the competence of the Minister to decide otherwise on the acceptance of certificates of a specific certification system. Category A requirements and assessment procedures are described in the TPAC User Manual as established by the *Stichting Milieukeur* (SMK) (see Annex I: Category A evidence) (www.tpac.smk.nl). A list of Category A certification systems is being established and maintained by TPAC on the basis of its assessment and acceptance of certification systems.

Legal timber

The Dutch Government has decided to follow the UK Government in accepting certificates as Category A evidence for legal timber.

The criterion for qualifying as category A evidence for legal timber is:

- 1) a certificate issued by an SFM or Legality certification scheme which has been positively assessed by the *Central Point of Expertise on Timber Procurement* (CPET) (www.proforest.net/cpet).
- 2) FLEGT-licensed timber and wood products. FLEGT (Forest Law Enforcement Governance and Trade) is an EU initiative to support countries to address illegal logging. An essential component of FLEGT is a licensing scheme, which guarantees that the timber comes from a legal source.

At the time of publication of this document there is no FLEGT- licensed timber available. At the EU level a Directive is in preparation which obliges timber buyers to have a due diligence system in place to assure that the timber they import or directly buy from local forests comes from legally managed sources. Availability of sufficient Category A evidence timber, including the above information on legality, will help to enlighten their due diligence task.

2.2 Category B evidence (Annex II)

Category B evidence is any credible documentary evidence, other than a Category A certificate, that provides assurance that the timber and wood based products meet the Dutch procurement criteria for sustainably produced or merely legally produced timber and wood based products. Requirements for Category B evidence are equivalent to the requirements for Category A evidence.

Category B evidence can vary greatly and needs to be judged on a case by case basis. To assist suppliers and the Government Procurement Officer, a User Manual for providing and evaluating Category B evidence has been developed (see Annex II: Category B evidence).

3. Roles and Responsibilities

3.1 Government Procurement Officer and TPAC

Dutch Government Procurement Officer will make the final decision when it comes to deciding whether the evidence submitted is adequate. He/she should verify that the timber and wood products have been delivered with a Category A certificate or that they are complemented with Category B evidence.

The types of Category A certificates for sustainably produced timber, respectively for legal timber, are shown on the TPAC website, respectively on the CPET website.

In case of Category B evidence, the procurement officer has to assure himself that the evidence submitted by the contractor is adequate to comply with the Dutch procurement requirements. This may be a challenging task requiring experience in evaluating the information provided. Specifically in case of a more complicated chain of custody or a timber source without a certificate for sustainable forest management or legality it is strongly recommended to seek advice from the *TPAC secretariat*. This will also contribute to the necessary consistency in what is accepted as Category B evidence. As with Category A evidence, specific decision rules will be followed on how to deal with the scores on the criteria for acceptance of Category B evidence. Also the same decision rules will be used, where appropriate, as for Category A evidence (see Annex 1). Starting point for the decision making will be that only written evidence will be used, without stakeholder participation. While TPAC may well provide advice, the procurement officer will remain responsible for the acceptance of the Category B timber.

Following a request for advice by the procurement officer the TPAC secretariat will study the evidence and decide whether it will directly provide advice or will ask the Committee to assess the information and to advise the procurement officer.

In order to assist the procurement officer general criteria are provided in a table in Annex II for assessing the completeness and quality of the information which is submitted as Category B evidence. The same table will be used by TPAC in case the procurement officer seeks assistance from TPAC.

Third party verification

A specific point concerns the possibility of third party verification. Where the procurement officer is not satisfied with the evidence presented, he can request third party verification. In this case, it must be undertaken by a body whose organisation, systems and procedures conform to ISO Guide 65 or equivalent, and which is accredited to audit against timber production standards by a national or international body whose organisation, systems and procedures conform to ISO 17011 or equivalent.

3.2 Timber producers, suppliers and buyers

Forest managers and owners must be aware of the existence of a Category A certificate, including a sound chain of custody, which forms a guarantee for acceptance by the Dutch Government. A certified forest eliminates the burden of

providing evidence of compliance with the forest management procurement criteria for each separate timber sale. Without certification, evidence about forest management must be provided which substitutes certification (that is, Category B evidence). If the buyers wish to deliver timber to the government, the manager of an uncertified forest must know what type of information he then must prepare and how it will be assessed.

A supplier further away from the forest source will have to decide whether the evidence he has about the management of the forest source is adequate under the Dutch Government's requirements.

Forest managers, suppliers and buyers in the chain of custody are supported by checklists in order to provide the required information. For this aim there are three checklists, pertaining to: information for the chain of custody, information for the legality of the forest management and information for the sustainability of the forest management. These three check lists are provided as appendices to Annex II.

4. Specific items

4.1 Making claims

Category B evidence can particularly be useful in case of a broken chain of custody. This means that the original supplier (i.e., the forest manager) is certified, but that there is a break in the certification of the chain of custody. In such a case credible category B evidence can be used to bridge this break. It should be noted however, that such evidence can be used only to make the link between the last certificate holder in the chain and the final purchasing party; claims that certified products have been purchased can still not be made. Any such claim would be a **trademark infringement** because as soon as ownership of products is taken by a non-CoC-certificate holder, the products cease to be 'certified'. However, if the provided evidence is credible, a claim of sustainably or legally sourced products can be made.

4.2 Objection and appeal procedures

Objection and appeal procedures are in place for Category A evidence (see Annex I Category A evidence). For Category B evidence, complaints can be addressed to the procurement officer.

The Annexes I and II are provided as separate documents.