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**Central Point of Expertise on Timber**

# **UK Government Timber Procurement Policy**

## **Definition of Legal and Sustainable for Timber Procurement**

**Fifth Edition**

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## 1. Purpose

The UK government Timber Procurement Policy (TPP) requires that only timber and wood-derived products originating from an independently verifiable Legal and Sustainable source (which can include from a licensed Forest Law Enforcement, Governance and Trade (FLEGT) partner) will be demanded for use on the government estate – appropriate documentation will be required to prove it.

This document sets out the definition of ‘legal’ and ‘sustainable’ under the UK government Timber Procurement Policy. For practical advice on how to implement the TPP during the procurement process, including types of evidence that Contracting Authorities can request of suppliers to demonstrate compliance with the criteria set out below, please refer to the UK government’s Timber Procurement Advice Note (TPAN). The TPAN is a guidance document for Contracting Authorities and suppliers to the government.

## 2. Changes to the definitions - 5<sup>th</sup> edition

Section 3 and 4 provide an updated definition of ‘legal’ sources and ‘sustainable’ sources, respectively. No changes have been made to the social criteria (which are for inclusion in contract conditions only).

A history of previous changes to this document can be found in Section 6. The latest changes have been necessary to ensure that the UK TPP is in line with the EU Timber Regulation<sup>1</sup> (EUTR) which came into force on 3<sup>rd</sup> March 2013. The definition of ‘legal’ within the UK government’s TPP has been amended in this 5<sup>th</sup> edition to reflect the exact definition of ‘legally harvested’ set out in the EUTR. Further information can be found under [EUTR<sup>2</sup>](#) on the CPET website.

## 3. Definition of legal within the UK government’s TPP

Within the UK government’s TPP, ‘legal’ sources are defined to mean: “Harvested in accordance with the applicable legislation in the country of harvest”. This definition is the same as in Article 2 of the EUTR.

“Applicable legislation” is defined in the EUTR (and applies in the context of the TPP) to mean “the legislation in force in the country of harvest covering the following matters:

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<sup>1</sup> [Regulation \(EU\) No. 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market.](#)

<sup>2</sup> [www.cpet.org.uk/eutr](http://www.cpet.org.uk/eutr)

- L1. rights to harvest timber within legally gazetted boundaries;
- L2. payments for harvest rights and timber including duties related to timber harvesting;
- L3. timber harvesting, including environmental and forest legislation including forest management and biodiversity conservation, where directly related to timber harvesting;
- L4. third parties' legal rights concerning use and tenure that are affected by timber harvesting; and
- L5. trade and customs, in so far as the forest sector is concerned.”

In some countries, laws may be unclear or conflicting making it difficult to clearly define “harvested in accordance with the applicable legislation in the country of harvest”. The European Commission’s FLEGT Action Plan<sup>3</sup> has proposed that in such countries it will be necessary to have or develop a practical working definition of ‘legal’ or a set of core laws which must be met which has support from major stakeholder groups. This can be done through a national standard-setting process or other appropriate means.

## **4. Definition of sustainable within the UK government’s TPP**

To meet the UK TPP definition of ‘sustainable’ sources, timber and wood products must:

- (1) meet the legality requirements listed above, and
  - (2) come from a forest which is managed in accordance with a definition of sustainable that meets the requirements set out below:
- S1. The definition must be consistent with a widely accepted set of international principles and criteria defining sustainable or responsible forest management at the forest management unit level.
  - S2. The definition must be performance-based, meaning that measurable outputs must be included and cover all the issues set out in S5 to S9.
  - S3. The process of defining sustainable must seek to ensure balanced representation and input from the economic, environmental and social interest categories.
  - S4. The process of defining sustainable must seek to ensure:

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<sup>3</sup> The Forest Law Enforcement, Governance and Trade Action Plan is the European Union’s response to the problem of illegal logging and trade in associated timber products. A key part of the FLEGT Action Plan is the negotiation of bilateral Voluntary Partnership Agreements (VPAs) between the European Union and timber-producing countries. Under the terms of a VPA a country agrees with the EU to implement a timber licensing system. From that country, the EU will only accept licensed products, and unlicensed products will be refused customs clearance with the aim of preventing illegal products from entering the EU market.

- a. no single interest can dominate the process; and
  - b. no decision can be made in the absence of agreement from the majority of an interest category.
- S5. Management of the forest must ensure that harm to ecosystems is minimised. In order to do this the definition of sustainable must include requirements for:
- a. appropriate assessment of impacts and planning to minimise impacts;
  - b. protection of soil, water and biodiversity;
  - c. controlled and appropriate use of chemicals and use of Integrated Pest Management wherever possible; and
  - d. proper disposal of wastes to minimise any negative impacts.
- S6. Management of the forest must ensure that productivity of the forest is maintained. In order to achieve this, the definition of sustainable must include requirements for:
- a. management planning and implementation of management activities to avoid significant negative impacts on forest productivity;
  - b. monitoring which is adequate to check compliance with all requirements, together with review and feedback into planning;
  - c. operations and operational procedures which minimise impacts on the range of forest resources and services; and
  - d. adequate training of all personnel, both employees and contractors; and
  - e. harvest levels that do not exceed the long-term production capacity of the forest, based on adequate inventory and growth and yield data.
- S7. Management of the forest must ensure that forest ecosystem health and vitality is maintained. In order to achieve this, the definition of sustainable must include requirements for:
- a. management planning which aims to maintain or increase the health and vitality of forest ecosystems
  - b. management of natural processes, fires, pests and diseases; and
  - c. adequate protection of the forest from unauthorised activities such as illegal logging, mining and encroachment.
- S8. Management of the forest must ensure that biodiversity is maintained. In order to achieve this, the definition of sustainable must include requirements for:
- a. implementation of safeguards to protect rare, threatened and endangered species;
  - b. the conservation/set-aside of key ecosystems or habitats in their natural state; and
  - c. the protection of features and species of outstanding or exceptional value.

- S9. The forest management organisation and any contractors must comply with local and national legal requirements relevant to:
- a. labour and welfare; and
  - b. health and safety.

## 5. Social criteria

Application of the TPP includes certain social criteria within the contract conditions. The social criteria must not be included in technical specifications for procurement of timber and wood-derived products, but only in recommended contract conditions. The social criteria that are included in model contract conditions are noted below for information purposes, as contractors may be required by contract conditions to provide evidence of compliance, for example through certification schemes.

### ***Social criteria***

Management of the forest must have full regard for:

- SC1. identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;
- SC2. mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions; and
- SC3. safeguarding the basic labour rights and health and safety of forest workers.

## 6. History of amendments

Since the development of this definition, the following key changes have been made to the TPP and this definition document:

- April 2009: change to definition of UK TPP to include FLEGT-licensed or equivalent sources in addition to ‘legal and sustainable’;
- April 2010: introduction of social criteria as contract performance conditions.
- June 2013: change to definition of “legal” to reflect the definition of legally harvested timber and timber products within the EU Timber Regulation and movement of one criterion from legal criteria, to sustainable criteria (see S9).