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Central Point of Expertise on Timber

UK Government Timber Procurement Policy

**Definition of
'legal' and 'sustainable'
for timber procurement
Second Edition**

November 2006

Background

The UK Government's procurement policy on timber and timber products was announced in July 2000¹. This policy requires all Government departments and their agencies to actively seek to buy timber products from legal and sustainable sources. In 2003 central Government departments began using: (a) a model contract condition that required any timber supplied or used in performing the contract to come from legal sources and (b) a model variant specification for timber from sustainable sources that tenderers could choose to offer to supply.

A key requirement of the contract and variant specification is that suppliers must be able to provide evidence to the Government that the wood or wood products they supply are from legal and, if promised by the supplier, sustainable sources. The provision of evidence is based on meeting the Government's definitions for 'legal' and 'sustainable', which are contained in this document.

Contractors can choose to use forest certification schemes (Category A evidence) or some other form of assurance (Category B evidence) but both forms must be sufficiently robust to provide assurance of legal and (where promised) sustainable sources. If requested by the Government Authority, independent verification that the contract requirements are met must be provided.

1. Definition of legal

For UK Government procurement, legal timber and wood derived products are those which originate from a forest where the following requirements are met:

Content of the definition

1.1 The forest owner/manager holds legal use rights to the forest.

1.2 There is compliance by both the forest management organisation and any contractors with local and national legal requirements including those relevant to:

- Forest management;
- Environment;
- Labour and welfare;
- Health & safety.
- Other parties' tenure and use rights

1.3 All relevant royalties and taxes are paid.

1.4 There is compliance with the requirements of CITES.

Process for developing the definition

In most countries it will not be necessary to have any process to define legality as set out above. However, it is now recognised in some countries laws may be unclear or

¹ http://www.press.dtlr.gov.uk/pns/DisplayPN.cgi?pn_id=2000_0516

conflicting making clear definition of legality difficult to achieve. The FLEGT² process 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.

2. Definition of sustainable

For the purpose of the UK Government timber procurement policy, sustainable timber and wood products must come from a forest which is managed in accordance with a definition of sustainable³ that meets the requirements set out below:

Content of the definition

2.1 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.

2.2 The definition must be performance-based, meaning that measurable outputs must be included.

2.3 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:

- Appropriate assessment of impacts and planning to minimise impacts;
- Protection of soil, water and biodiversity;
- Controlled and appropriate use of chemicals and use of Integrated Pest Management wherever possible.
- Proper disposal of wastes to minimise any negative impacts.

2.4 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:

- Management planning and implementation of management activities to avoid significant negative impacts on forest productivity.
- Monitoring which is adequate to check compliance with all requirements, together with review and feedback into planning.
- Operations and operational procedures which minimise impacts on the range of forest resources and services.
- Adequate training of all personnel, both employees and contractors.
- Harvest levels that do not exceed the long-term production capacity of the forest, based on adequate inventory and growth and yield data.

² Forest Law Enforcement, Governance and Trade is the European Union's response to the problem of illegal logging and trade in associated timber products. The process of developing a working definition of 'legal' has been initiated for Indonesia.

³ It should be noted that this definition has been developed to meet procurement requirements and therefore differs from the full definition of sustainable recognised by the UK government.

2.5 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:

- Management planning which aims to maintain or increase the health and vitality of forest ecosystems
- Management of natural processes, fires, pests and diseases.
- Adequate protection of the forest from unauthorised activities such as illegal logging, mining and encroachment.

2.6 Management of the forest must ensure that biodiversity is maintained. In order to achieve this, the definition of sustainable must include requirements for:

- Implementation of safeguards to protect rare, threatened and endangered species.
- The conservation/set-aside of key ecosystems or habitats in their natural state.
- The protection of features and species of outstanding or exceptional value.
- Process for developing the definition

2.7 The process of defining 'sustainable' must seek to ensure balanced representation and input from the economic, environmental and social interest categories.

2.8 The process of defining 'sustainable' must seek to ensure:

- No single interest can dominate the process;
- No decision can be made in the absence of agreement from the majority of an interest category.