



Stakeholder Forum Report

PEFC Belgium

Dutch Timber Procurement Assessment Committee
(TPAC)

November 3, 2009

Introduction

The underlying document presents the contributions that have been posted on the *TPAC stakeholder forum* on PEFC Belgium. The forum is an essential element of the assessment procedure of the Dutch *Timber Procurement Assessment Committee* (TPAC), which assesses timber certification systems on behalf of the Dutch Procurement Policy.

The forum discussion is structured along the lines of the seventeen principles of the Dutch Procurement Criteria for timber (see Box 1). The forum was open for discussion from the 2nd of March until the 7th of April 2009. TPAC received fifteen comments from four sources.

Readers guide

The document is structured as follows. Per criterion the stakeholder contribution or contributions are given, followed by a short summary. Thereafter, the related 'TPAC criterion' is listed and when provided the reaction of the system manager is given as well. Thereafter, TPAC indicates how the post relates to the final judgement of TPAC. For the complete final judgement of PEFC Belgium, please see TPAC's public assessment report on PEFC Belgium, which is available on the TPAC website (www.tpac.smk.nl).

Box 1 – The 17 Principles of the Dutch Procurement Criteria for Timber*)

Sustainable Forest Management (SFM)

1. Legislation and regulation
2. Interests of stakeholders
3. Health and labour conditions
4. Biodiversity
5. Regulation functions
6. Production function
7. Contribution to local economy
8. Management system
9. Management group or regional association

Chain of Custody and Logo Use (CoC)

1. Chain of Custody system
2. Chain of Custody group certification
3. Logos and Labels

Development, Application and Management of Certification Systems (DAM)

1. Standard development
2. System manager
3. Decision making bodies and appeal procedures
4. Certification bodies and procedures
5. Accreditation

*) The complete Procurement Criteria can be found at <http://www.tpac.smk.nl/nl/s517/TPAC-home/c413-Documents-TPAC>

Remarks made on SFM P 1. Legislation and regulation

P 1. Legislation and regulation

Author: Not disclosed

Posted: 19.3.2009 11:22

Circulaire biodiversité

The PEFC charter does not incorporate the "Circulaire Biodiversité" of the Walloon government for public forests.

> Reaction on: Circulaire biodiversité

P 1. Legislation and regulation

Author: Not disclosed

Posted: 19.3.2009 20:09

Belgian PEFC

Exactly. Moreover, most of the principles of Circular biodiversity was incorporated in 2008 in the new Forest Code (Walloon legislation on forests). There are 280,000 ha of forests PEFC, including 240,000 of public forests. The participation rate in private forest is then very low. For environmental associations Belgian PEFC provides no real added value compared to the current legislation.

> Reaction on: Circulaire biodiversité

P 1. Legislation and regulation

Author: Bernd Slesazek, **Moderator**

Posted: 20.3.2009 14:32

Reaction forum moderator on post "Circulaire biodiversité"

Thank you for your reaction. Could you indicate what the precise status of this "Circulaire Biodiversité" document is? Do you mean to imply that the PEFC standard for Wallonia is less strict than Walloon forest legislation? TPAC would very much appreciate it if you could send us the "Circulaire Biodiversité" document.

>> Reaction on: reaction forum moderator on post "Circulaire biodiversité"

P 1. Legislation and regulation

Author: Not disclosed

Posted: 26.3.2009 15:28

Circulaire biodiversité

The circulaire biodiversité does only imply the state forests, not the other public forests nor the private forests. Some elements of the "circulaire" have been taken into account in the new forest regulation of the Walloon government of 2008, but only for public forests > 20ha. It is logical to expect that ALL PEFC certified forests (and not only the state owned forests) are managed according to the standards of Walloon government regarding biodiversity (circulaire biodiversité).

Response PEFC Belgium

Circulaire biodiversité

The circulaire biodiversité is available at:

<http://environnement.wallonie.be/publi/dnf/normes.pdf>

This circulaire only applies to domanial forests and is not part of the legislation of other forests.

Actions that have been taken to increase biodiversity in the Wallon Region via PEFC. In the Progress Plan 2007-2011 of the Walloon Region, Aim 8 there are 3 actions planned.

1. Drawing up a guide to “biodiversity and Forest Management” for private forests.

Already done. See : www.foretprivee.be > [Accueil](#) > Vos outils de gestion > Guides de gestion forestière > Biodiversité et gestion forestière : un nouveau guide pour la forêt privée. This guide advises the private forest owner how to increase the biodiversity in his forest.

2. Increasing awareness amongst forest owners and managers of the implementation of the Biodiversity Circular (public forest) and the Biodiversity Guide (private forest).

In progress. Lots of actions done of planned to promote these 2 guides.

3. Examining the socio-economic and environmental feasibility of applying the biodiversity circular in communal forest.

In progress. Currently the Forum is defining the priorities for the implementation of measurements of the biodiversity circular that are not included in the forest code.

The second comment said the most of the principles have been taken in the Forest Code of the Walloons Region in public forests (in application since 12th September 2008 that is to say 11 months after the adoption of the Forest management standard by the Forum of the Walloon Region).

Moreover, the Charter adds important added -value in comparison with the code. For example there are no mentions about dead wood, old forests, GMOs, mixture of species, balance between forest and big game (in private forests) in the code. Moreover, a working group made up of members of the Walloon region’s Forum together with representatives of hunters, prepare an action plan and presented it to the Walloon government to fight more effectively against the subpopulation of big game because nothing was take into account in the new Forest Code. Whit regards to the low participation rate of private forest owners, today 11% of the private forest surface in the Walloon Region is certified. There is a huge number of small private forest owners for the Walloon region (we talk about 120 000 forest owners (70 000 of them owned a forest less than 1 ha)) but some experts are talking about much more. This is mainly due to the difficulties we have to join them. We have no access to the cadastre.

11% of the private surface of the Walloon region is certified. Since 5 years, it increase at an average of 2,5% per year so we expected to reach 15% in 2010.

TPAC Criterion: C 1.3 “Legal and regulatory obligations that apply to the forest management unit, including international agreements, are fulfilled.”

Summary critique: The requirements of the Circulaire Biodiversité, a policy document of the Walloon government, were not included in the PEFC Charter.

Response TPAC: Principle 1 of the Dutch Procurement Criteria requires that relevant legislation and regulations are respected. The fact that the requirements of the Circulaire Biodiversité are not explicitly incorporated in the PEFC Charter is not at odds with this principle.

Final score: C 1.3 scores “fully covered”

Remarks made on Principle 2. Interests of stakeholders

P 2. Interests of stakeholders

Author: Not disclosed

Posted: 26.3.2009 15:37

Consultation and participation of stakeholders

There is no mention of stakeholder participation or consultation regarding the certification process in the PEFC charter. For public forests > 20 ha, the new forest regulation of the Walloon government states that there has to be a public survey regarding the draft forest management plan. So for public forests, stakeholder consultation regarding the management plan is taken care of in the law, but this is not the case for private forests.

TPAC Criterion: C 2.2 "Effective communication with, and consultation and participation of stakeholders take place regarding the management of the forests."

C 2.3 "The local population and indigenous peoples have a say on forest management on the basis of free and informed consent, and hold the right to grant or withhold permission and, if relevant, receive compensation, where their property/use rights are at stake."

Summary critique: PEFC Belgium does not require stakeholder participation and consultation in forest management.

Response TPAC: TPAC agrees that the PEFC Belgium standard does not specifically require stakeholder participation, communication and consultation. The Walloon Forest Act of July 15 2008, however does require consultation of stakeholders. Yet continuous communication with stakeholders regarding forest management is not taken care of. Also it should be noted that the Forest Act does not pertain to private forests, which account for approximately 10% of the PEFC certified forest in Belgium.

All in all TPAC concludes that C2.2 on communication and consultation is "partially addressed" within the Belgian context. Concerning C2.3 on free and informed consent, TPAC takes into account that Belgium does not have indigenous peoples and concludes that the criterion is "covered otherwise" by the Belgian legislation.

Final score: C 2.2 scores "partially addressed"
C 2.3 scores "covered otherwise"

Remarks made on Principle 4. Biodiversity

P 4. Biodiversity

Author: Not disclosed

Posted: 19.3.2009 11:57

Requirements for maintenance and protection of biodiversity not sufficient

The PEFC-Belgium charter does not set out sufficient quantitative* nor qualitative requirements for the protection and maintenance of biodiversity and ecosystem values (no prior identification of HCVF needed for private forests, conversion of HCVF still possible).

*For instance: no target % dead wood, no target % set aside, no buffer zone for exploitation near water bodies, etc.

Response PEFC Belgium:

Requirements for maintenance and protection of biodiversity not sufficient

The philosophy is to draw the existing situations upwards to improve the biodiversity. This is why the minimum requirement is setting up a management plan. Moreover, the owner undertakes to take actions to manage his forest sustainably. He may have received a forest in heritage or buy a very bad managed forest but he will undertake to change the old situation and to take into account the 3 functions of the forest in the future. Independent internal and external audits verify if the owner complies with the charter and his management plan.

Forest certification is not only taking the best of the class, it also help to put in the right direction, others students maybe less advanced at this time but motivated to growth up. Asking an owner to have at the beginning a forest in totally suitability with the charter is not possible instead the high level of division of the forest in the Walloon region. It's the force of PEFC to work for improvement, to increase the number of sustainable managed forest.

TPAC Principles: P 4. "Biodiversity shall be maintained and where possible enhanced."

P 5. "The regulation function and quality, health, and vitality of the forest shall be maintained and where possible enhanced."

Summary remark: There is a lack of quantitative and qualitative requirements to protect biodiversity and ecosystem values.

Response TPAC: TPAC partially agrees that the PEFC Belgium standard requires more rigorous quantitative and qualitative requirements, especially on biodiversity. However, relevant Belgian legislation such as the Nature Conservation Act and the Forest Act partially make up for this shortcoming. For this reason the Committee concludes that PEFC Belgium, in combination with the legislative framework, provides sufficient guarantees for sustainable forest management as laid down in the Dutch Procurement Criteria.

Final score: P4 scores a 2.
P5 scores a 2.

> Reaction on: Requirements for maintenance and protection of biodiversity not sufficient

P 4. Biodiversity

Author: Not disclosed

Posted: 19.3.2009 20:44

Requirements for maintenance and protection of biodiversity not sufficient

PEFC is based on changes in forest practices toward sustainable management, not on current practices. For example, it is quite possible to sell timber after peat land drainage with PEFC certificate. This approach allows to initiate the certification to a greater number of owners who have no minimum requirements to fulfil. All properties can be certified if the owner is committed to improving its management. There is therefore no guarantee for the consumer that the wood they buy was produced in a sustainable manner.

TPAC Criterion: C 4.1 "Objects of high ecological value and representative areas of forest types that occur within the forest management unit are identified, inventoried and protected."
(this post is also a general remark)

Summary critique: Certification under PEFC Belgium only ensures the owners commitment to improve forest management in the future, not a current sustainable practice.

Response TPAC: In its assessment, TPAC only takes into account those elements of the Belgian standard that describe the current situation. Most of the "actions" as described in the Belgian standard are therefore not considered. However, TPAC shares the concern of the forum participant that PEFC Belgium certification sometimes is not a confirmation of sustainable practices today, but a confirmation of a movement towards those practices. However, as many of the sustainable forest management issues are also laid down in legislation (i.e. the Walloon Forest Act) in practice, sustainable forest management is assured.

Final score: C 4.1 scores "fully addressed".

Remarks made on CoC Principle 1. Chain of custody system

Redirected from general remarks

P 1. Chain of custody system

Author: Not disclosed

Posted: 19.3.2009 12:15

Controlled wood

The PEFC certification scheme does not provide sufficient guaranties to exclude timber coming from controversial sources in mixed products.

TPAC Criterion: COC C 1.4 "If the system allows for mixing of SFM-certified and non-SFM-certified material, the non-SFM certified material is covered by a verifiable system to ensure that it is from non-disputed, at least legal sources. This applies to new-, including pre-consumer recycled material, and post-consumer recycled material."

Summary critique: No guarantee that certified timber is not mixed with timber from controversial sources.

Response TPAC: PEFC requires that: "The organisation shall evaluate the potential risk of procuring raw material from controversial sources and establish a sampling based programme of second or third party verification of the suppliers' self-declarations if a high risk exists that raw material originates from controversial sources." TPAC considers this practice of risk-evaluation combined with verification of the self-declarations to be a sufficient guarantee that certified timber is not mixed with timber from illegal sources. It should be noted that the practice of a risk assessment is also used by other certification systems.

Final score: COC C 1.4 scores "fully addressed".

> Reaction on: controlled wood

Redirected from general remarks

General remarks

Author: ALAIN GROSFILS, ctib-tchn

Posted: 26.3.2009 16:53

Controlled wood

If you compare with the specification of FSC for controlled wood (as the title of the first comment suggests!), you see that all requirements of FSC are fulfilled for Belgium. The only point of questioning could be the legality of harvested wood. The way of doing of PEFC (not only Belgium, but for the all world) is (1) to "evaluate the potential risks" and if positive, (2) to require "at least a signed self-declaration of the supplier". Seen the legislative and economical high development of Belgium, this seems to us sufficient to avoid controversial wood in the system. As certification body, we check this requirement of PEFC each time.

Summary remark: PEFC practice is sufficient guarantee that certified timber is not mixed with timber from controversial sources.

Response TPAC: See previous post on COC C1.4.

Remarks made on DAM Principle 1. Standard Development

Redirected from SFM Principle 2 Interests of stakeholders

P 1. Standard development

Author: Not disclosed

Posted: 19.3.2009 11:387

Balanced stakeholder representation?

The standards setting forum of PEFC-Belgium with 5 chambers does not enable balanced stakeholder representation and participation.

Response PEFC Belgium

Balanced stakeholder representation

On the contrary, the choice of 5 chambers was made to authorize more representation of each group. This representation was unanimously approved by all members of the Forum. If you compare it with the CFDD-FRDO (Belgian Federal Council for Sustainable Development) whom is an advisory body that advises the Belgian federal authorities about the federal policy on sustainable development, we find almost the same chambers.

Belgian Federal Council for Sustainable Development	PEFC Forum
Environmental NGOs	Environmental NGOs
Consumers	Users (as for example hunters) / Consumers / trade Union
Trade Unions	
Employers	Industry
Energy producers	Producers (forests owners/managers + experts)
Scientists	Scientists

TPAC Criterion: C 1.2 "The standard development body comprises the relevant interested groups that serve the economic, social and environmental interests without undue dominance of one interest."

Summary critique: Stakeholder representation is not balanced.

Response: TPAC does not require specifically that a standard forum should be organised along the lines of the three P's of sustainability: people, planet and profit. The PEFC Belgium forum designated to develop the standard has five chambers:

1. Forest owners and managers;
2. Scientists;
3. Forest workers and primary wood-working businesses;
4. Environmentalists;
5. Forest users.

TPAC considers this five chamber system to be sufficient guarantee that in theory none of the chambers or interests will dominate the standard setting process.

Final score: DAM C 1.2 scores "fully addressed".

Remarks made on DAM Principle 4. Certification bodies and procedures

Redirected from SFM Principle 3. Decision-making bodies and objection and appeal procedures

P 4. Certification bodies and procedures

Author: Not disclosed

Posted: 19.3.2009 12:18

Lack of public summaries of forest certifications

Summaries of certification reports are not publically available for interested stakeholders. This means that objections or appeals of stakeholders are difficult as they have no access to information.

Reaction PEFC Belgium

Lack of public summaries of Forest Certification

The summaries of the certification reports are always been available on our website www.pefc.be > Documents Utiles > Rapport d'audit externe Ecopass –audit terrain et audit système.

TPAC Criterion: C 4.4 "The certification agency makes the following items public in addition to the requirements in ISO 17021 and ISO Guide 65:
a. summaries of assessment reports,
b. list of the granted certificates."

Summary critique: Summaries of certification reports are not publically available.

Response TPAC: TPAC notes that the summaries of audit reports are available on the PEFC website.

Final score: DAM C 4.4 scores "fully addressed".

General remarks

General remarks

Author: Not disclosed

Posted: 19.3.2009 12:12

Remark regarding international flow of PEFC products and CoC

After endorsement of a national PEFC scheme by TPAC, there are still unresolved issues for the buyers of the government that have to implement the Dutch timber procurement policy. When buying a PEFC certified product from a Belgian company for instance, this product is not always made of wood coming from a Belgian forest.

Summary remark: Timber coming from PEFC certified Belgian forests is not sold as such in the market place.

Response TPAC: See the text of the moderator in the post below.

> Reaction on: Remark regarding international flow of PEFC products and CoC

General remarks

Author: Bernd Slesazeck, **Moderator**

Posted: 20.3.2009 14:39

Implementation of the Dutch procurement policy

The post above is correct in its analysis that PEFC Belgium can not be bought as such, neither can other national PEFC systems; all national PEFC systems use the same logo. In order to enable the implementation of the results of the assessment by TPAC, the Dutch minister of Environment accepts national systems approved by TPAC within the Public Procurement Policy for timber under the following condition:

- The chance of TPAC-approved PEFC-timber that mixes with non-approved PEFC-timber needs to be less than 5%. After investigation, the Probos foundation has concluded that PEFC Germany and PEFC Finland both comply with this condition.
- Importers exercise due caution to verify that TPAC approved PEFC-timber is mixed with maximally 5% non-approved PEFC-timber.
- Timber traders in the Netherlands have a system in place to trace, within the Netherlands, certified timber from specified exporting countries.

>> Reaction on: Implementation of the Dutch procurement policy

General remarks

Author: ALAIN GROSFILS, ctib-tchn

Posted: 26.3.2009 17:01

Confidentiality about the source

This argument in its negative meaning seems a bit childish. In fact, this is valid for any of the certification schemes, also for FSC or others. If you buy a product from a certified company, you may not ask the name of the supplier of your supplier. This is just the reason that there are 3de party certification bodies, that some confidentiality should be guaranteed in the commercial relations. If one buyer should not accept this principle, there is no need that he try to ask for any traceability scheme.

>>> Reaction on: confidentiality about the source

General remarks

Author: Bernd Slesazeck, **Moderator**

Posted: 2.4.2009 11:51

TPAC would like to point out that timber traders will need to provide information on the country of origin, not the name of the supplier, as suggested in the post above.