



How FSC certification can prove compliance with public procurement requirements

In the European Union, new [public procurement directives](#) apply from 18 April 2016. These allow for the inclusion of environmental – and to some extent social – requirements in public procurement. The directives, about which FSC has produced an [introduction and clarification](#), also allow for the use of specific labels as evidence of compliance with sustainable procurement policies.

Further to this, the World Trade Organization's revised [Agreement on Government Procurement \(AGP\)](#) covers government purchase of goods, services, and construction work.

Article X – *Technical Specifications and Tender Documentation*, which came into force in April 2014, introduces the explicit right of procurers to apply “technical specifications to promote the conservation of national resources or protect the environment”. Obviously this does not include explicit approval for including social elements of sustainable production, but according to a legal review of this new GPA, “*there seems to be no fundamental reason why social criteria should be treated differently*”.¹

A number of countries have therefore included the requirement of certified wood-based products in their procurement guidelines. Some have set up a system to assess the performance of forest certification schemes. The Netherlands and United Kingdom stand out with their detailed verification methods (including stakeholder consultations) implemented by independent assessment bodies (NL- TPAC and UK- CPET) every five years.

In other countries, government bodies assess compliance with legal and sustainability criteria (e.g. in Germany, Denmark, Belgium, Luxembourg, Australia, Austria, Finland, Italy, Spain, Sweden and Switzerland).

In the countries mentioned above, FSC certification is specifically mentioned as acceptable proof for compliance with their public procurement requirements; many other countries are less specific or lack requirements.

¹ Lucia Tosoni, in EPPPL - European Procurement & Public Private Partnership Law Review, nr. 1, 2013, page 47