

Federal Ministry of Economics  
and Technology

Berlin/Bonn, 17.01.2007

Federal Ministry of Food,  
Agriculture and Consumer Protection

Federal Ministry for the Environment, Nature Conservation  
and Nuclear Safety

Federal Ministry of Transport, Building  
and Urban Affairs

### **Joint instruction on the procurement of wood products**

in accordance with the German Contract Procedures for Building Works, Part A (Vergabe- und Vertragsordnung für Bauleistungen (VOB/A)) and the German Code for Awarding Public Services Contracts, Part A (Verdingungsordnung für Leistungen, (VOL/A)), as respectively amended.

The Federal Government supports the certification of sustainably managed forests and will continue to use only wood from certified stands in its procurement measures.

In addition to the above-mentioned contracting terms, the following must be complied with when procuring wood products:

**Wood products procured by the federal administration must demonstrably come from legal and sustainable forest management. The bidder must furnish proof of this by presenting a certificate of FSC or PEFC, a comparable certificate or by producing individual specifications. Comparable certificates or individual specifications are accepted if the bidder can prove that the criteria of FSC or PEFC that apply to the respective country of origin have been met.**

The attached “Explanatory notes regarding the procurement of wood products” of 13 October 2006 are part of this instruction.

This instruction is valid for 4 years from the date of its promulgation in the Joint Ministerial Gazette (Gemeinsames Ministerialblatt).

This instruction abrogates the previous government instruction on the procurement of tropical timber, which was agreed upon by all the concerned federal ministries on 19 December 1997 and was promulgated by the Federal Ministry of Economics and Technology’s instruction IV B 7 – 50 76 12/6 of 19 January 1998.

For the Federal Minister of Economics and Technology  
signed:

For the Federal Minister of Food,  
Agriculture and Consumer Protection  
signed:

For the Federal Minister for the Environment, Nature Conservation  
and Nuclear Safety  
signed:

For the Federal Minister of Transport, Building  
and Urban Affairs  
signed:

13 October

2006

**Explanatory Notes**  
regarding the procurement of wood products

**1. Preliminary remark:**

Forests are of crucial importance for the protection of our natural resources and the preservation and sustainable use of biodiversity. Sustainable forest management and legal logging are the indispensable prerequisites for combating the continuing destruction and degradation of forests worldwide. Due to Germany's close involvement in global markets, the Federal Republic bears a special responsibility in this regard.

To underline the important role of a forest management which is, in the sense of the sustainability principle, environmentally sound, socially acceptable and economically viable, the Federal Government declared in its coalition agreement of 11.11.2005 that it supports the certification of sustainably managed forests and will continue to use only wood from certified stands in its procurement measures.

**2. Explanations on the procurement regime**

To implement this political aim, the Federal Government adopted a procurement regime for wood products. The bureaucratic burden should be kept as low as possible, while at the same time respecting public procurement and competition law. According to this procurement regime, wood products procured by the federal administration must demonstrably come from legal and sustainable forest management. § 37 of the Closed Substance Cycle and Waste Management Act (Kreislaufwirtschafts-Abfallgesetz (KrW-/AbfG)) has to be complied with, which stipulates that preference must be given to recycled wood products in a specific case. The applicable health protection requirements must also be complied with. The Federal Government's procurement regime only applies to wood products with a certain percentage of recently felled timber.

Paper and paper products do not fall under the procurement regime.

Wood products include wood in the rough as well as semi-finished and finished forest products of the manufacturing industry (handling and processing) in which wood is used either exclusively or as the most significant component of a group of materials (e.g. wood combined with plastic). The official register of products (amtliches Warenverzeichnis) published by the Federal Statistical Office (Statistisches Bundesamt) is decisive, here, except for paper and paper products. The proof may be provided by presenting a credible certificate of sustainable forest management or an individual specification. First of all, the certificates of FSC and PEFC, which are common in Germany, will be accepted. Wood products with a different certificate or without a certificate may be accepted if the bidder is able to satisfactorily prove in their bid that these were produced in compliance with the FSC or PEFC standards applicable for the respective country of origin. The inspections required for this will be carried out by the Federal Research Centre for Forestry and Forest Products (BFH) in Hamburg and the Federal Agency for Nature Conservation (BfN) in Bonn at the expense of the bidder. Other certificates that will be accepted following this inspection, will be treated in the same way as FSC and PEFC certificates.

### **3. Review/period of validity**

Requirements and contents of certification systems are usually subject to dynamic developments, leading, in the course of time, to changes in the standards applied. This procurement regime will, therefore, only be valid for a period of 4 years. Before the end of this period it is reviewed whether the existing regime has proven successful or whether changes need to be made.

This review will be based on reports by the BFH and BfN about the current state and development of FSC and PEFC requirements and on the reports by the federal procurement agencies about their experiences with this procurement regime, including the consequences for the percentage of procured wood products. Other serviceable information available at that time will also be considered during the review. On the basis of the review outcome, the Federal Government will decide whether FSC, PEFC and possible other then recognised certification systems will continue to be accepted.

If serious deficiencies regarding the FSC or PEFC systems - including national systems approved by them – or other certification systems accepted by the federal administration become known prior to the end of the validity period and if these are verified in an inspection

by the BfN and BFH, a period of up to 12 months may, subject to certain conditions, be granted for subsequent improvement. If the deficiencies are not corrected by the end of the granted period, the respective certification system will be excluded from the Federal Government's procurement regime.

A serious deficiency is, for example, if certified wood products or parts thereof come from illegal logging. Other deficiencies include infringements of basic requirements of the certification systems and deficits having recently emerged or become known regarding the requirements of the certification systems themselves or of the national certification systems approved by them. This is especially the case if sustainable forest management or complete traceability throughout the production chain cannot be guaranteed. If serious deficiencies exist in the approved national systems, an acceptable evidence of subsequent improvement would be the revocation of approval of the affected national system or a proof that wood products from these systems will no longer enter the production chain.

#### **4. Further development**

The review of the existing procurement regime will also form the basis for its further development as regards content. This is to provide an additional incentive for certification systems to improve their requirements where necessary. Attention should especially be paid to the following aspects:

- Improvement of control mechanisms and transparency,
- Inclusion of high ecological standards for forest plantations,
- Responsible use of primary forests and other ecologically valuable forests.