

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1. Member to Agreement notifying: <u>THE NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2. Agency responsible: Ministry of Housing, Spatial Planning and the Environment (on request of the Lower Chamber of Parliament) Name and address (including telephone and fax numbers, e-mail and web-site addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point – EC WTO TBT Enquiry Point
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Wood products
5. Title, number of pages and language(s) of the notified document: Bill presented by M. Vos MP amending for the second time the Bill presented by M. Vos MP amending the Environmental Management Act (sustainably produced wood), as amended by a memorandum of amendment (Parliamentary documents II, parliamentary term 2002-2003, 28 631, no 8).
6. Description of content: The Minister for Housing, Spatial Planning and the Environment is drawing up a model for a certificate for sustainably managed forests, for a certificate for tracing systems for sustainably produced wood and for a mark indicating that the wood to which it has been applied has been produced by sustainable methods. Permission to use the certificates is granted on application to a body accredited, by the Council for Accreditation or by an organisation with which the Council for Accreditation has an international mutual recognition agreement, for assessing sustainable forest management and for assessing a tracing system for sustainably produced wood. The body's assessment guideline must be approved by the Minister for Housing, Planning and the Environment. Article 9.4 contains an equivalence clause for that body and that assessment guideline. The holder of a certificate for sustainably managed forests is entitled to apply the above-mentioned mark to wood originating from the area to which the certificate applies. The holder of a certificate for tracing systems for sustainably produced wood may apply the mark to wood originating from an area to which a certificate for sustainably managed forests applies. Amendments have been made to the previously notified bill that considerably reduce the impact that the measure could have on the internal market:

- in its previously notified form, the bill contained a combination of positive and negative incentives: consumers would always notice on wood products or on the packaging thereof a mark with information about their origin. The negative incentive, i.e. the requirement to apply a mark to wood products for which it cannot be demonstrated that they originate from an area in which wood is produced using sustainable methods, has now been omitted from the regulation. The positive incentive remains: the ability to lay down clear and unambiguous requirements pertaining to forest management, a system of checking whether these requirements are being satisfied, and the guarantee that the information that consumers are given when they buy wood products is reliable.

Producers and traders of wood can decide themselves whether they want to apply for certificates that give them the right to apply the positive mark.

- In addition, the bill is simplified with regard to assessment of the management plan: a separate approval for the management plan is no longer required, but rather assessment of the management plan is part of the assessment plan from the outset. This leads to a reduced administrative burden.

- An improvement is introduced with regard to the certificates, which brings the bill into line with practices in the trade chain for sustainably produced wood and reduces the administrative burden. Whereas the previously notified bill referred to one certificate, indicating the name and address of the parties who put the wood products onto the Dutch market, the bill now refers to two certificates, a certificate for sustainably managed forests and a certificate for tracing systems for sustainably produced wood. The first certificate is intended for the forest manager and the second for the traders in the chain. The second type of certificate guarantees, amongst other things, that sustainably produced wood remains well distinguished from wood that is not, or cannot be demonstrated to be, sustainably produced. A wood trader who trades in wood originating from a forest for which a certificate for sustainably managed forests has been issued, but which has not yet had the mark applied to it, may apply this mark if he possesses a certificate for tracing systems.

7. Objective and rationale, including the nature of urgent problems where applicable:

The bill aims to protect the environment and, in particular, forests. Deforestation affects not only the environment in the country in which the forests are situated but also the global environment. The bill fits in well with the agreements made in an international context in this field, including the International Tropical Timber Agreement (ITTA) (1994), which had the objective of achieving international trade in sustainably produced wood in 2000.

8. Relevant documents:

- Parliamentary documents II, parliamentary term 2002-2003, 28 631 nrs. 4, 5 and 7
- Parliamentary documents I, parliamentary term 2000-2001, 23 982/26 998, 173a (memorandum of reply).
- Proceedings of the Upper House of the Dutch Parliament, parliamentary year 2001/2002, 23 982/26 998, pp. 1322-1363, pp. 1739-1757: discussion on the bill presented by M. Vos MP amending the bill presented by M. Vos MP amending the Environmental Management Act (sustainably produced wood)

9. Proposed date of adoption: in the early part of 2005

Proposed date of entry into force: ultimately 2 years after that date

10. Final date for comments: July 2004

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers, e-mail and web-site addresses, if available of the other body: