

# Results of the Public Affairs Project

Oxfam-Wereldwinkels, September 2010

Lynn Geerinck  
Fair Trade – Policy and Advocacy Department

# General overview

- **Legal framework on FT:**
  - Participation to ad hoc working groups on Flemish, national and European level (supporting FTTP)
  - FTTP Possibilities
    - Collaboration with Lawyer Martens
    - Collaboration with ASF
    - Dissemination of manual
    - Informing interested parties through workshops
    - ...
- **Public authorities:**
  - Study about the FTTP behavior of the “centre cities” in Flanders
  - The status of the FT in Flanders

## Slide 2

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# Legal framework

- Partnership Avocats Sans Frontières - FTT - Public Affairs → award: '*Justice and Sustainability*'
  - Main Goal: Supporting local and regional authorities in Belgium to tender for Fair Trade!
  - Specific Goal: to provide training and professional support to local authorities through the formation of a Fair Trade Legal Team

# Legal framework

- Creation of a Manual FFTP for local administrations, in collaboration with lawyer Martens

## Which conditions govern the choice for Fair Trade?

**1. The value of the procurement contract is lower than or equal to 5,500 euros (excluding VAT).**

In this case a negotiation procedure will take place without publication via accepted invoice. If possible, several suppliers will be consulted. Fair Trade and its criteria (cf. annex) can be included in the explanation to the supplier. There are no specific rules as to the way in which Fair Trade is included.

**2. The value of the procurement contract is lower than or equal to 67,000 euros (excluding VAT).**

In this case a negotiation procedure will take place without publication via accepted invoice. At least three suppliers will be consulted for comparison of offers. Fair Trade and its criteria (cf. annex) can be included in the explanation to the suppliers. There are no specific rules as to the way in which Fair Trade is included.

Please do pay attention to successive delivery contracts when determining the value of the procurement contract. If contracts show a certain regularity or if they are meant to be renewed in the course of a certain period, the value is based on the amount that was granted during the previous twelve months or on an estimate for the next twelve months or the full term of the procurement contract.<sup>1</sup>

**3. The value of the procurement contract exceeds 67,000 euros (excluding VAT).**

In this case the contracting authority must grant the procurement contract upon tender or tender request in accordance with the applicable legislation.

Based on European regulations and existing case law, it seems appropriate that Fair Trade should play a role **mainly in the subject (object) and performance clause.**

# Public Authorities

## **Study about FPHP**

- = A research on the purchasing policy of the 13 Flemish “centre cities” (June 2009)
- All cities in the research acquired the title ‘FairTradeTown’

### Main Findings:

- There is a need for more information about Fair Trade
- Main obstacles to buy Fair Trade: the lack of information and the price

# Public Authorities

- Fair Trade criteria were mostly integrated in the technical specifications and/or in the awarding criteria
- ¼ cities does not write tenders for their Fair Trade products. Choosing Fair Trade happens through procedures that do not require formal tendering process
- Half of the studied cities do not know the amount they spend on Fair Trade products. Those who could assess the amount, gave an amount **under 133.000 €**/year
- The most purchased products are **coffee, tea** and **juices**. Also, half of the questioned buyers bought wine

# Public Authorities

+ 200 registrations and 90 Flemish FTT

- Week of the Fair Trade: Fair Trade bus!
- Title 100?



# Other plans/ challenges

- Cooperation with FT Legal Team (ASF)
- Cooperation with VVSG (Association for Flemish Municipalities) for creating a guide and helpdesk 'green and fair procurement'
- Broader study into all Flemish cities and towns. -  
→ Basis for a code for integrating Fair Trade criteria in the purchasing policy of the various governments and possibly for a helpdesk for fair purchasing.
- Close follow-up of evolutions in sustainable labeling initiatives, especially in relation with public procurement

Thank you for your  
attention!