



Plenary sitting

A9-0219/2022

25.7.2022

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Christophe Hansen
Rapporteurs for the opinion (*):
Karlsbro Karin, Committee on International Trade
Cavazzini Anna, Committee on Internal Market and Consumer Protection

(*)Associated committees – Rule 57 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0706),
 - having regard to Article 294(2) and Article 192 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0430/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 23 February 2022¹,
 - having regard to the opinion of the Committee of the Regions of...²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on International Trade, the Committee on Internal Market and Consumer Protection, the Committee on Development and the Committee on Agriculture and Rural Development
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0219/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² OJ C ... / Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention. In addition, forests provide subsistence and income to about one third of the world's population and their destruction has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on forest ecosystems.¹⁸ Furthermore, deforestation *and* forest degradation reduce essential carbon sinks *and* increase the likelihood of new diseases spreading *from animals to humans*.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

Amendment

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention *and recharge, while more than a quarter of modern medicines are derived from tropical forest plants. Large forest areas act as a moisture source and help prevent desertification of continental regions*. In addition, forests provide subsistence and income to about one third of the world's population and their destruction has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on forest ecosystems.¹⁸ Furthermore, deforestation, forest degradation *and forest conversion* reduce essential carbon sinks. *Deforestation, forest degradation and forest conversion also increase contacts between wild animals, farmed animals and humans, thereby increasing the likelihood of new diseases spreading and the risks of new epidemics and pandemics*.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Deforestation **and** forest degradation are taking place at an alarming rate. The Food and Agriculture Organization of the United Nations estimates that 420 million hectares of forest – about 10% of the world’s remaining forests and an area larger than the European Union – have been lost worldwide between 1990 and 2020¹⁹. Deforestation **and** forest degradation are, in turn, important drivers of global warming and biodiversity loss — the two most important environmental challenges of our time. Yet every year the world continues to lose 10 million hectares of forest.

¹⁹ FAO, Global Forest Resource Assessment 2020, p. XII, <https://www.fao.org/documents/card/en/c/a9825en>.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) Deforestation **and** forest degradation contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change

Amendment

(2) Deforestation, forest degradation **and forest conversion** are taking place at an alarming rate. The Food and Agriculture Organization of the United Nations estimates that 420 million hectares of forest – about 10% of the world’s remaining forests and an area larger than the European Union – have been lost worldwide between 1990 and 2020¹⁹. Deforestation, forest degradation **and forest conversion** are, in turn, important drivers of global warming and biodiversity loss — the two most important environmental challenges of our time. Yet every year the world continues to lose 10 million hectares of forest. ***Forests are also heavily impacted by climate change, and many challenges will need to be addressed to ensure the adaptability and resilience of forests in the coming decades.***

¹⁹ FAO, Global Forest Resource Assessment 2020, p. XII, <https://www.fao.org/documents/card/en/c/a9825en>.

resilience of the affected area and substantially reducing its biodiversity. Deforestation alone accounts for 11 % of greenhouse gas emissions²⁰.

²⁰ IPCC, Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, <https://www.ipcc.ch/srccl/>.

decreasing climate change resilience of the affected area and substantially reducing its biodiversity **and resilience to diseases and pests**. Deforestation alone accounts for 11 % of greenhouse gas emissions²⁰.

²⁰ IPCC, Climate Change and Land: an IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems, <https://www.ipcc.ch/srccl/>.

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity **helps mitigate** climate **change**. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation **and** forest degradation and systemically restoring forests and other ecosystems **is** the single largest nature-based opportunity for climate mitigation.

Amendment

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity **and ecosystems are fundamental to** climate **resilient development**^{1a}. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation, forest degradation **and forest conversion** and systemically restoring forests and other ecosystems the single largest nature-based opportunity for climate mitigation.

^{1a} **IPCC Report-Summary for policy makers, February 2022**
https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Biodiversity is essential for the resilience of ecosystems and their services both on local and global level. Over half of the global gross domestic product depends on nature and the services it provides. Three major economic sectors – construction, agriculture, food and drink – all highly depend on nature. Biodiversity loss threatens sustainable water cycles and our food systems, putting our food security and nutrition at risk. More than 75% of global food crop types rely on animal pollination. Further, several industrial sectors rely on genetic diversity and ecosystem services as critical inputs for production, notably for medicines.

Amendment

(5) Biodiversity is essential for the resilience of ecosystems and their services both on local and global level. Over half of the global gross domestic product depends on nature and the services it provides. Three major economic sectors – construction, agriculture, food and drink – all highly depend on nature. Biodiversity loss threatens sustainable water cycles and our food systems, putting our food security and nutrition at risk. More than 75% of global food crop types rely on animal pollination. Further, several industrial sectors rely on genetic diversity, and ecosystem services ***present in complex, naturally regenerating forests with sustained complex symbiotic relationships***, as critical inputs for production, notably for medicines, ***including antimicrobials. Furthermore, transpiration, the process by which trees take water from the ground and release it into the atmosphere from their leaves, is a major source of water to the atmosphere, and is estimated to be responsible for around half of all precipitation. Deforestation therefore heavily influences the rainfall regime and the natural regulation of water flows, both within forests but also in surrounding areas. The impact of deforestation on the Earth's water recycling system risks to be as devastating as its impact for climate change.***

Amendment 6

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of intergenerational equity.

Amendment

(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of ***gender equality and of*** intergenerational equity.

Amendment 7

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Of the 227 lethal attacks against environmental and land defenders recorded in 2020, 70 % of those murdered were working to defend the world's forests from deforestation and industrial development. Those attacks disproportionately target indigenous peoples, who were the target of one third of the murders recorded in 2020.

Amendment 8

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory

(7) Union consumption is a considerable driver of deforestation, ***natural ecosystem conversion and natural ecosystem*** and forest degradation ***and forest conversion*** on a global scale. The

intervention EU consumption and production of **the** six commodities **included in the scope** (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of **only** six commodities (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) As regards the situation of forests within the EU, the State of Europe's Forests 2020 report²¹ states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%. **However**, less than 5% of European forest areas are considered undisturbed, or natural, **according to the European Environment Agency's State of the Environment 2020 report**²².

²¹ Forest Europe - Ministerial Conference on the Protection of Forests in Europe, State of Europe's Forests 2020, <https://foresteurope.org/state-europes->

Amendment

(8) As regards the situation of forests within the EU the State of Europe's Forests 2020 report²¹ states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%. **Nevertheless natural and old-growth forests are also subject to management intensification and their unique biodiversity and structural features are in danger. Furthermore**, less than 5% of European forest areas are **now** considered undisturbed, or natural, **and climate change leads to threats ranging from extreme weather patterns to bug diseases. Forest ecosystems have to cope with multiple pressures generated from human-related activities. Those include activities that directly affect ecosystems and habitats such as certain forest management practices. In particular, intensively managed even-aged forests may have a severe impact on whole habitats through clear-cutting and deadwood removal**^{22a}.

²¹ Forest Europe - Ministerial Conference on the Protection of Forests in Europe, State of Europe's Forests 2020, <https://foresteurope.org/state-europes->

forests-2020/.

²² European Environment Agency, State of the Environment 2020, <https://www.eea.europa.eu/soer/publications/soer-2020>.

forests-2020/.

²² European Environment Agency, State of the Environment 2020, <https://www.eea.europa.eu/soer/publications/soer-2020>.

^{22a} *European Environment Agency, State of the Environment 2020, <https://www.eea.europa.eu/soer/publications/soer-2020>.*

Amendment 10

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others, fresh air, clean water, healthy soil and biodiversity.

Amendment

(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy ***built on sustainable and rule-based free trade***, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others,

To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

²⁴ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM(2019) 640 final.

²⁵ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

²⁷ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A new

fresh air, clean water, healthy soil and biodiversity. To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

²⁴ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM(2019) 640 final.

²⁵ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

²⁷ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A new

EU Forest Strategy: for forests and the forest-based sector, COM(2013) 659 final.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’, COM/2021/400 final.

²⁹ e.g. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040, COM (2021) 345 final.

³⁰ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A sustainable bioeconomy for Europe, Strengthening the connection between economy, society and the environment: updated bioeconomy strategy, Updated Bioeconomy Strategy, COM(2018) 273 final.

EU Forest Strategy: for forests and the forest-based sector, COM(2013) 659 final.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: ‘Towards Zero Pollution for Air, Water and Soil’, COM/2021/400 final.

²⁹ e.g. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040, COM (2021) 345 final.

³⁰ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A sustainable bioeconomy for Europe, Strengthening the connection between economy, society and the environment: updated bioeconomy strategy, Updated Bioeconomy Strategy, COM(2018) 273 final.

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation **and** forest degradation, enhanced Union action is needed in order to contribute more effectively to the achievement of the

Amendment

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation, forest degradation, **forest conversion and biodiversity loss**, enhanced Union action is needed in order to contribute more

Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

effectively to the achievement of the Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. ***The Commission and Member States have also committed to the UN Decade of Action for the SDGs, the UN Decade on Ecosystem Restoration and the UN Decade of Family Farming.*** The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

³¹ Council conclusions on the Communication on Stepping Up EU Action to Protect and Restore the World’s Forests (16 December 2019) 15151/19. Available at <https://www.consilium.europa.eu/media/41860/st15151-en19.pdf>.

³¹ Council conclusions on the Communication on Stepping Up EU Action to Protect and Restore the World’s Forests (16 December 2019) 15151/19. Available at <https://www.consilium.europa.eu/media/41860/st15151-en19.pdf>.

Amendment 12

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) The European Parliament highlighted that ongoing destruction of the world’s forests ***is*** linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution³² in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal

Amendment

(11) The European Parliament highlighted that ongoing destruction ***and degradation and conversion*** of the world’s forests ***and natural ecosystems, as well as human rights violations, are*** linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution³² in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the

framework to halt and reverse EU-driven global deforestation”.

³² European Parliament resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation (2020/2006(INL) Available at https://www.europarl.europa.eu/doceo/document/TA-9-2020-0285_EN.html.

Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation” ***based on mandatory due diligence***.

³² European Parliament resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation (2020/2006(INL) Available at https://www.europarl.europa.eu/doceo/document/TA-9-2020-0285_EN.html.

Amendment 13

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Combatting deforestation and forest degradation constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and to comply with the Union's commitment under the European Green Deal as well as with the 2015 Paris Agreement on Climate Change³³, and with the legally binding commitment under the EU Climate Law to reach climate neutrality by 2050 and reduce greenhouse gas emissions by at least 55 % below 1990 levels by 2030.

³³ Ratified by the EU on 5 October 2016, and entered into force on 4 November 2016.

Amendment

(12) Combatting deforestation, ***natural ecosystem conversion, natural ecosystem*** and forest degradation ***and forest conversion*** constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and to comply with the Union's commitment under the European Green Deal as well as with the 2015 Paris Agreement on Climate Change³³, and ***the Eighth Environment Action Programme adopted by Decision (EU) 2022/591 of the European Parliament and of the Council^{33a}***, and with the legally binding commitment under the EU Climate Law to reach climate neutrality by 2050 ***at the latest*** and reduce greenhouse gas emissions by at least 55 % below 1990 levels by 2030.

³³ Ratified by the EU on 5 October 2016, and entered into force on 4 November 2016.

^{33a} ***Decision (EU) 2022/591 of the***

*European Parliament and of the Council
of 6 April 2022 on a General Union
Environment Action Programme to 2030
(OJ L 114, 12.4.2022, p. 22).*

Amendment 14

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Combating deforestation, forest degradation and forest conversion constitutes also an important part of the package of measures needed to combat biodiversity loss and to comply with the Union's commitments under the UN's Convention on Biological Diversity, the European Green Deal, the EU Biodiversity Strategy for 2030 and the EU nature restoration targets.

Amendment 15

Proposal for a regulation Recital 12ba (new)

Text proposed by the Commission

Amendment

(12b) Primary forests are unique and irreplaceable. Plantation forests and planted forests are less biodiverse and protect the environment less well than primary and natural forests. It is therefore appropriate to distinguish clearly between different types of forests in connection with the implementation of this Regulation.

Amendment 16

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Combating deforestation, forest degradation, forest conversion and the conversion and degradation of other ecosystems also requires consumer awareness of healthier consumption patterns having a smaller environmental footprint.

Amendment 17

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Plant proteins for feeding livestock contribute greatly to deforestation, forest degradation and forest conversion and the conversion of other ecosystems worldwide. Deforestation and the conversion of other ecosystems can be countered in particular by reducing the Union's dependence on imported plant proteins and promoting locally and sustainably sourced plant proteins. The achievement of the objectives of this Regulation need to be accompanied by an increase in protein autonomy and the implementation of a Union strategy on plant proteins.

Amendment 18

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services.

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services.

Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation *and* forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. Partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect.

Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation, forest degradation *and forest conversion* driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. Partnerships and efficient international cooperation, *including free trade agreements (FTAs)*, with producer and consumer countries are fundamental in that respect.

Amendment 19

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Halting deforestation *and* forest degradation is an essential part of the SDGs. This Regulation should contribute in particular to meeting the goals regarding life on land (SDG 15), climate action (SDG 13), responsible consumption and production (SDG 12), zero hunger (SDG 2) and good health and well-being (SDG 3). The relevant target 15.2 to halt deforestation by 2020 has not been met, underlining the urgency of ambitious and effective action.

Amendment

(15) Halting deforestation, forest degradation, *forest conversion and the conversion and degradation of other ecosystems* is an essential part of the SDGs. This Regulation should contribute in particular to meeting the goals regarding life on land (SDG 15), climate action (SDG 13), responsible consumption and production (SDG 12), zero hunger (SDG 2) and good health and well-being (SDG 3). The relevant target 15.2 to halt deforestation by 2020 has not been met, underlining the urgency of ambitious and effective action.

Amendment 20

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use³⁷ that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories *also* stressed *in that Declaration* that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit, *and that do not drive deforestation and land degradation*.

³⁷ <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>.

Amendment 21

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. The scope of this Regulation will therefore include both

Amendment

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use³⁷ that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories *committed to halt and reverse forest loss and land degradation by 2030 and* stressed that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit.

³⁷ <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>.

Amendment

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. *Any measures introduced by the Union that affect trade*

commodities and products produced within the Union and commodities and products imported to the Union.

are required to be WTO compliant. Furthermore, all measures introduced by the Union that affect trade are required to take into account the possible response of the Union's trade partners and ensure that the enforcement of the measure is not unduly restrictive or disruptive to trade, while taking into account that the conservation of exhaustible natural resources is of overriding interest. The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union *as well as focus on commodities and products most at risk of leading to deforestation, forest degradation and forest conversion.*

Amendment 22

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The challenges the world is facing in climate change and biodiversity loss can only be dealt with by global action. The Union should be a strong global actor, both leading by example and taking the lead in international cooperation to create an open and fair multilateral system where sustainable trade acts as a key enabler of the green transition to both fight climate change and reverse biodiversity loss.

Amendment 23

Proposal for a regulation Recital 19

Text proposed by the Commission

Amendment

(19) This Regulation also follows the

(19) This Regulation also follows the

Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade *policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world.*

Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy – one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade *and international cooperation can be important tools for consolidating higher standards of sustainability, especially with regard to sectors that are linked to forests and their derived value chains. However, the evaluation of existing free trade agreements has shown that in some cases there are weaknesses in the implementation and enforcement of existing trade agreements and that Union trade and investment policies need to be streamlined in order to address the global deforestation challenge in a more effective manner.*

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

Amendment 24

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) In order to revitalise the Union’s work on free trade agreements, ensure a level-playing field for Union businesses and to fulfil the Union’s commitments

under the Paris Agreement and the Convention on Biological Diversity, which call for the protection of forests, the Union's trade policy should focus on implementing and enforcing current trade agreements as well as conducting negotiations and concluding new trade agreements which include strong, binding and enforceable provisions on sustainable development.

Amendment 25

Proposal for a regulation Recital 19 b (new)

Text proposed by the Commission

Amendment

(19b) Robust clauses on deforestation, forest degradation, forest conversion and the conversion and degradation of other ecosystems should be included in the negotiating mandates, and sustainable benchmarks for relevant raw materials should be included for the granting of new trade preferences.

Amendment 26

Proposal for a regulation Recital 19 c (new)

Text proposed by the Commission

Amendment

(19c) Any partnership or cooperation with a trade partner should always allow for the full participation of all stakeholders, including civil society, indigenous peoples, local communities, local authorities and the private sector, including SMEs and smallholders, taking into account the autonomy of social partners.

Amendment 27

Proposal for a regulation
Recital 19 d (new)

Text proposed by the Commission

Amendment

(19d) Public procurement provisions in free trade agreements should take into account social, environmental and responsible business conduct.

Amendment 28

Proposal for a regulation
Recital 19 e (new)

Text proposed by the Commission

Amendment

(19e) This Regulation should be accompanied by strong partnership agreements based on trade and cooperation with major producer countries of the relevant commodities and products, taking into account the special interests of smallholders and local communities.

Amendment 29

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) This Regulation should be complementary to other measures proposed in the Commission Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’³⁹, in particular: 1) working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and 2) strengthen international cooperation, with major consumer countries, **to promote** the

(20) This Regulation should be complementary to other measures proposed in the Commission Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’³⁹, in particular: 1) working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and 2) strengthen international cooperation, with major consumer countries **by, amongst**

adoption of similar measures to avoid products coming from supply chains associated with deforestation **and** forest degradation being placed on their markets.

³⁹ COM(2019) 352 final.

other actions, promoting trade agreements that include forest conservation provisions and encourage trade in deforestation-free agricultural and forest-based products, and the adoption of similar measures to avoid products coming from supply chains associated with deforestation, forest degradation ***and forest conversion*** being placed on their markets.

³⁹ COM(2019) 352 final.

Amendment 30

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) This Regulation should comply with the principle of policy coherence for development and therefore serve to promote and facilitate cooperation with developing countries, particularly with the least developed countries (LDCs), through provision of technical and financial assistance, as well as the exchange of information and good practices as regards the preservation, conservation, and sustainable use of forests, giving special recognition to sustainability initiatives carried out by the private sector.

Amendment 31

Proposal for a regulation Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) Depending on the developing country concerned and its general environmental, social and economic situation, an integral approach to sustainability should be considered, taking into account the environmental

dimension, as well as the social and economic dimensions, in particular when referring to LDCs. Union measures should not lead to income depletion for vulnerable populations, loss of jobs or a regression in the achievements of developing countries and should avoid incentivising illegal activities, many of which are linked to transnational organised crime, and the effects of which are even more disastrous for the environment and society. The negative impact of the COVID-19 pandemic on the progress made towards achieving the SDGs, particularly the pandemic's disproportionate impact on the poor and vulnerable, and on employment and inequality, should also be adequately taken into account.

Amendment 32

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous **people**, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, **sustainable intensification and** diversification, agro-ecology and agroforestry. In doing so it should **acknowledge** the role of indigenous **people** in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer

Amendment

(21) **In coordination with Member States**, the Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies **as well as relevant stakeholders active on the ground**, and should be reinforcing its support and incentives with regard to protecting **and restoring** forests and transition to deforestation-free production, acknowledging **and strengthening** the role **and rights** of indigenous **peoples and local communities**, improving governance and land tenure, **the right to free, prior and informed consent**, increasing law enforcement and promoting **close to nature** sustainable forest management **based on indicators and thresholds**, ecotourism, climate-resilient agriculture, diversification, agro-ecology and

countries, upon their request, ***to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management,*** and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders in line with the Communication to Stepping up Action to Protect and Restore the World's Forests. The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation ***and*** forest degradation.

agroforestry. In doing so it should ***fully recognise*** the role ***and rights*** of indigenous ***peoples and local communities*** in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders in line with the Communication to Stepping up Action to Protect and Restore the World's Forests. ***Any rules and requirements should try to minimise the burden on smallholders in third countries and try to prevent barriers to their access to the Union market and to international trade.*** The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation, forest degradation ***and forest conversion as well as supporting forest restoration, including through the use of digital technologies and geospatial information.***

Amendment 33

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) This Regulation recognises the economic importance of commodity exports for third countries as well as the specific challenges that smallholders, especially women, may face. Given that the share of smallholders in the production of the commodities concerned can be very high, special attention needs to be paid to the challenges that smallholders will face with the implementation of this Regulation. It is crucial that the operators buying from

smallholders provide timely financial and technical support to help smallholders meet the new Union market access requirements. To support sustainable practices, such as agro-ecology and community forest management, the Union should tackle direct and indirect drivers of deforestation, including poverty, by promoting a living income for smallholders producing goods exported to the Union and securing sufficient resources to specifically support smallholders in third countries to comply with the requirements of this Regulation and facilitate their access to the Union market. At the same time, the setting up of a credible traceability system can empower smallholder farmers as it can avoid the non-payment of promised sustainability premiums, allow for electronic payments to producers by using the national traceability system, thus combating fraud and enabling local authorities to collect knowledge on the number of producer plots and control the number of farmers.

Amendment 34

Proposal for a regulation Recital 22

Text proposed by the Commission

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing

Amendment

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products **and other publicly or privately available sources**, the EU Observatory will facilitate access to information on supply chains for public

easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. The EU Observatory will cooperate closely with relevant international organisations, research institutes, and third countries.

entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. The EU Observatory ***should have stable and sufficient resources and should participate in the establishment of a rapid alert system for operators, traders, civil society and competent authorities where the forest cover analysis reveals deforestation or forest degradation activity. In order to facilitate the implementation of this Regulation, the Commission should also examine how the EU Observatory can contribute to the analysis of relevant legislation in producer countries, including tenure rights and the procedural right to give free, prior and informed consent. The EU Observatory will cooperate closely with relevant international organisations, research institutes, non-governmental organisations, operators and third countries. It will also cooperate with the competent authorities of the Member States with a view to centralising the data and the results of the controls which they carry out on the spot.***

Amendment 35

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The existing EU ***legislative*** framework focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council,

Amendment

(23) The existing EU ***forest*** framework ***is the EU Action Plan for Forest Law Enforcement, Governance and Trade that*** focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of

laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹. ***Both Regulations were evaluated in a Fitness Check which determined that, while the legislation has had a positive impact on forest governance, the objectives of the two Regulations – namely to curb illegal logging and related trade, and to reduce the consumption of illegally harvested timber in the EU – have not been met⁴² and it was concluded that focusing solely on legality of timber was not sufficient to meet the set objectives.***

Regulation (EU) No 995/2010 of the European Parliament and of the Council, laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹ which ***operationalises the Voluntary Partnership Agreements (VPAs). The performance and implementation of the two Regulations underwent a fitness check which found that, while both achieved some success, a number of implementation challenges have held back progress towards achieving fully their objectives. The application and functioning of the due diligence scheme under Regulation (EU) No 995/210 on the one hand, and the limited number of countries involved in the VPA process, with only one having thus far an operating licensing system in place (Indonesia), on the other, curtailed effectiveness in meeting the objective of consumption of illegally harvested timber in the EU.***

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴¹ OJ L 347, 30.12.2005, p. 1.

⁴² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11630-Illegal-logging-evaluation-of-EU-rules-fitness-check_en

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴¹ OJ L 347, 30.12.2005, p. 1.

Amendment 36

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country

Amendment

(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country

of production. A recent report⁴³ estimates that between 2013 and 2019, around 30% of deforestation destined to commercial agriculture in tropical countries was legal. Available data tend to focus on countries with weak governance — the global share of deforestation that is illegal might be lower, but already provide clear data signalling that leaving out deforestation that is legal in the country of production undermines the effectiveness of *policy* measures.

⁴³ https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf.

Amendment 37

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) The impact assessment of possible policy measures to address Union-driven deforestation and forest degradation, Council conclusions and the 2020 resolution of the European Parliament clearly identify the need to establish deforestation and forest degradation as the guiding criteria for future Union measures. Therefore, the new Union legal framework should address both legality *and* whether the production of relevant commodities and products is deforestation-free.

of production. A recent report⁴³ estimates that between 2013 and 2019, around 30% of deforestation destined to commercial agriculture in tropical countries was legal. Available data tend to focus on countries with weak governance — the global share of deforestation that is illegal might be lower, but already provide clear data signalling that leaving out deforestation that is legal in the country of production undermines the effectiveness of measures *in this area*.

⁴³ https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf.

Amendment

(25) The impact assessment of possible policy measures to address Union-driven deforestation and forest degradation, Council conclusions and the 2020 resolution of the European Parliament clearly identify the need to establish deforestation and forest degradation as the guiding criteria for future Union measures. ***Focusing only on legality could potentially encourage a race to the bottom in countries that are highly dependent on agricultural exports. Those countries could be tempted to lower their environmental protection with a view to facilitating access of their products to the Union market.*** Therefore, the new Union legal framework should address both legality, whether the production of relevant commodities and products is deforestation-free *and whether the protection of tenure rights of indigenous and local populations has been maintained*.

Amendment 38

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The definition of “deforestation-free” should be sufficiently broad to cover **both** deforestation **and** forest degradation, it should provide legal clarity, and it should be measurable based on quantitative, objective and internationally recognised data.

Amendment

(26) The definition of “deforestation-free” should be sufficiently broad to cover deforestation, forest degradation **and forest conversion** it should provide legal clarity, and it should be measurable based on quantitative, objective and internationally recognised data.

Amendment 39

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global deforestation **and** forest degradation and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of **eight** commodities. Wood was directly included in the scope as it was already covered by the EUTR. ***The list of the commodities was then further reduced via an efficiency analysis in the Impact Assessment. This efficiency analysis compared the hectares of deforestation linked to EU consumption, as estimated in a recent research paper⁴⁴, for each of***

Amendment

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global deforestation, forest degradation **and forest conversion** and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that **environmental** footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of commodities. Wood was directly included in the scope as it was already covered by the EUTR. ***According to*** a recent research⁴⁴ paper used for the efficiency analysis, six commodities represent the largest share of EU-driven deforestation among the total of commodities analysed in that research paper: palm oil (33,95%),

*those commodities with their average value of EU imports. According to the research paper used for the efficiency analysis, six commodities represent the largest share of EU-driven deforestation among the total of **eight** commodities analysed in that research paper: palm oil (33,95%), soy (32,83%), wood (8,62%), cocoa (7,54%), coffee (7,01%) and beef (5,01%).*

soy (32,83%), wood (8,62%), cocoa (7,54%), coffee (7,01%) and beef (5,01%). ***Meat imported into the Union should be subject to the same rules as meat produced within the Union. Therefore, meat from swine, poultry, and sheep and goats should be covered by this Regulation to ensure that animals raised outside the Union and then imported have been fed with deforestation-free commodities or products. Rubber and maize should also be covered by this Regulation due to their impact on global deforestation. The Commission should be entitled to adopt delegated acts to extend the scope of Annex I.***

⁴⁴ Pendrill F., Persson U. M., Kastner, T. 2020.

⁴⁴ Pendrill F., Persson U. M., Kastner, T. 2020.

Amendment 40

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Financial institutions should be covered by this Regulation as their services could lead to support activities linked directly or indirectly to deforestation, forest degradation and forest conversion. All banking, investment and insurance activities of financial institutions should therefore be included in the scope of this Regulation in order to prevent them supporting projects directly or indirectly linked to deforestation, forest degradation or forest conversion.

Amendment 41

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to effectively combat deforestation, forest degradation, and to promote deforestation-free supply chains.

Amendment

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to effectively combat deforestation, forest degradation ***and forest conversion***, and to promote deforestation-free supply chains, ***as well as to promote the protection of human rights, and the rights of indigenous peoples and local communities, both in the Union and in third countries.***

Amendment 42

**Proposal for a regulation
Recital 29 a (new)**

Text proposed by the Commission

Amendment

(29a) When assessing the risk of non-compliance of relevant commodities and products intended to be placed on or exported from the Union market with the requirements of this Regulation, violations of human rights that are associated to deforestation, forest degradation and forest conversion, including rights of indigenous peoples, local communities and customary tenure rights holders, should be taken into account.

Amendment 43

**Proposal for a regulation
Recital 30**

Text proposed by the Commission

Amendment

(30) Many international organisations and bodies (e.g. Food and Agriculture Organization of the United Nations, the Intergovernmental Panel on Climate

(30) Many international organisations and bodies (e.g. Food and Agriculture Organization of the United Nations, the Intergovernmental Panel on Climate

Change, United Nations Environment Programme, the Paris Agreement, International Union for the Conservation of Nature, Convention on Biological Diversity) have developed work in the field of deforestation and forest degradation and the definitions in this Regulation build on this work.

Change, United Nations Environment Programme, the Paris Agreement, International Union for the Conservation of Nature, Convention on Biological Diversity) have developed work in the field of deforestation and forest degradation *as well as the conversion and degradation of other ecosystems* and the definitions in this Regulation build on this work.

Amendment 44

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) A cut-off date should be set to provide a basis for the evaluation of whether concerned land has been subject to deforestation *or* forest degradation, meaning that no commodities and products in the scope of this Regulation would be allowed to enter the Union market or be exported if they were produced on land subject to deforestation or forest degradation after that date. It should allow for the appropriate verification and monitoring, *correspond to* existing international commitments, such as the SDGs and the New York Declaration on Forests, thus minimising sudden disruption to supply chains while removing any incentive to accelerate activities leading to deforestation *and* forest degradation in view of the entry into force of this Regulation.

Amendment

(31) A cut-off date should be set to provide a basis for the evaluation of whether concerned land has been subject to deforestation, forest degradation *or forest conversion*, meaning that no commodities and products in the scope of this Regulation would be allowed to enter the Union market or be exported if they were produced on land subject to deforestation or forest degradation *or forest conversion* after that date. It should allow for the appropriate verification and monitoring, *taking into account* existing international commitments, such as the SDGs and the New York Declaration on Forests, thus minimising sudden disruption to supply chains while removing any incentive to accelerate activities leading to deforestation, forest degradation *and forest conversion* in view of the entry into force of this Regulation.

Amendment 45

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) To strengthen the Union's contribution to halting deforestation **and** forest degradation, and to ensure that commodities and products from supply chains related to deforestation **and** forest degradation are not placed on the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant **legislation of the country of production**. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment

(32) To strengthen the Union's contribution to halting deforestation, forest degradation **and forest conversion**, and to ensure that commodities and products from supply chains related to deforestation, forest degradation **and forest conversion** are not placed on **or exported from** the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant **domestic and international law and standards**. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment 46

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include **three** elements: information requirements, risk assessment and risk mitigation measures. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union market, including information demonstrating that the absence of deforestation **and** forest degradation and

Amendment

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include **four** elements: information requirements, risk assessment and risk mitigation measures **and reporting obligations**. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union market, including information demonstrating that the absence of deforestation, forest degradation **and**

legality requirements are fulfilled, inter alia by identifying the country **and area** of production, including geo-location coordinates **of relevant plots of land**. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it.

forest conversion and legality requirements are fulfilled, **and that the country of production has complied with the legality requirement and with international human rights law, including the right to prior, free and informed consent** inter alia by identifying the country of production **or parts thereof**, including geo-location coordinates. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). **The application of the geolocation requirement in sectors where smallholders represent a significant share of producers could be particularly challenging, and guidance as well as technical and financial support should be provided where relevant**. On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it. **In order to foster transparency and facilitate enforcement, operators should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations**.

Amendment 47

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Operators should undertake reasonable efforts to ensure a fair price is

paid to the producers they source from, in particular smallholders, so as to enable a living income and effectively address poverty as a root cause of deforestation.

Amendment 48

Proposal for a regulation Recital 33 b (new)

Text proposed by the Commission

Amendment

(33b) Operators and traders and the competent authorities of Member States should be able to benefit from the tools made available by the Union when collecting and retranscribing the information required for the due diligence procedure. The agencies in charge of EGNOS/Galileo and Copernicus should strengthen their synergies in order to allow for a holistic approach. Operators and traders, in cooperation with the Commission, should support farmers, particularly smallholders, indigenous peoples and local communities, so that they can procure and make appropriate use of the necessary tools to collect information, including geo-location, and to take ownership of them in a sustainable manner.

Amendment 49

Proposal for a regulation Recital 34

Text proposed by the Commission

Amendment

(34) Operators should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation.

(34) Operators ***placing a commodity or product concerned on the Union market or exporting a product or a commodity to a third country*** should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to

This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.

export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.

Amendment 50

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) Traders should be responsible for collecting and keeping information ensuring the transparency of the supply chain of relevant commodities and products which they make available on the market. Large traders that are not small and medium-sized enterprises (SMEs) have a significant influence on supply chains and play an important role in ensuring that *they* are deforestation-free and should therefore have the same obligations as operators.

Amendment

(36) Traders should be responsible for collecting and keeping information ensuring the transparency of the supply chain of relevant commodities and products which they make available on the market. Large traders that are not small and medium-sized enterprises (SMEs) have a significant influence on supply chains and play an important role in ensuring that *supply chains* are deforestation-free and should therefore have the same obligations as operators.

Amendment 51

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) In order to foster transparency and facilitate enforcement, operators *which are not SMEs* should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations.

Amendment

(37) In order to foster transparency and facilitate enforcement, operators should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations.

Amendment 52

Proposal for a regulation
Recital 38

Text proposed by the Commission

(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. The existence of this Regulation should not exclude the application of other EU legislative instruments that lay down requirements regarding value chain due diligence. Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with those of this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other EU legislative instruments on due diligence or the achievement of their general aim.

Amendment

(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts, ***such as Regulation (EU) 2020/852 of the European Parliament and of the Council^{1a} and [the forthcoming Directive on Corporate Sustainability Due Diligence]^{1b}***, should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. ***This Regulation aims to ensure the conformity of commodities and products with sustainability and legality requirements. It applies ex-ante, before commodities or products are placed on or exported from the Union market.*** The existence of this ***commodity-specific*** Regulation should not exclude the application of other EU legislative instruments that lay down requirements regarding value chain due diligence. Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with those of this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other EU legislative instruments on due diligence or the achievement of their general aim. ***The Commission should issue clear and easy to understand guidelines to help operators and traders, in particular SMEs, to comply with the requirements of this Regulation with the aim to minimise the administrative and financial burden. The guidelines should also support operators to fulfil their due diligence requirements***

in an effective manner when they fall under the scope of other overlapping legislative instruments setting out other due diligence requirements.

^{1a} Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13).

^{1b} COM(2022)0071 final.

Amendment 53

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

(38a) There is a direct link between deforestation and the conversion of ecosystems and violations of human rights, in particular those of indigenous peoples and local communities. Special attention should be paid to their needs and their full inclusion in the implementation of this Regulation. Full respect for international texts and standards, including the United Nations Declaration on the Rights of Indigenous Peoples, customary tenure rights, the right to free, prior and informed consent (FPIC) should be ensured. Labour rights as enshrined in International Labour Organisation fundamental conventions, women`s rights, the rights to environmental protection and the right to defend human rights and the environment should also be promoted.

Amendment 54

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) Responsibility for enforcing this Regulation should lie with the Member States, and their competent authorities should be required to ensure that this Regulation is fully complied with. A uniform enforcement of this Regulation as regards relevant commodities and products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission.

Amendment

(40) Responsibility for enforcing this Regulation should lie with the Member States, and their competent authorities should be required to ensure that this Regulation is fully complied with. A uniform enforcement of this Regulation as regards relevant commodities and products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission. ***The Commission should, in particular, carry out an analysis of the penalties applied by Member States and conduct an exchange with them in order to promote harmonised implementation of this Regulation.***

Amendment 55

Proposal for a regulation
Recital 40 a (new)

Text proposed by the Commission

Amendment

(40a) For the purposes of effective enforcement of this Regulation and compliance with it by competent authorities, operators and traders, members of the public concerned should be able to take action to ensure compliance with environmental law and thus protect the environment.

Amendment 56

Proposal for a regulation
Recital 40 b (new)

(40b) The right to an effective remedy is an internationally recognised human right, enshrined in Article 8 of the Universal Declaration of Human Rights, Article 9(3) of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and Article 2(3) of the International Covenant on Civil and Political Rights, and is also a fundamental right of the Union within the meaning of Article 47 of the Charter of Fundamental Rights of the European Union and Member States should therefore ensure that members of the public concerned or affected by a violation of this Regulation have proper access to an effective remedy.

Amendment 57

Proposal for a regulation Recital 41

(41) The effective and efficient implementation and enforcement of this Regulation are essential to achieving its goals. To this end, the Commission should set up and manage an information system to support the operators and the competent authorities in presenting and accessing the necessary information on relevant commodities and products placed on the market. The operators should submit the due diligence statements to the information system. The information system should be accessible to competent authorities and customs authorities to facilitate fulfilling their obligations under this Regulation. **The information system** should also be accessible for a wider public, with the anonymised **data** provided in an open and

(41) The effective and efficient implementation and enforcement of this Regulation are essential to achieving its goals. To this end, the Commission should set up and manage an information system to support the operators and the competent authorities in presenting and accessing the necessary information on relevant commodities and products placed on the market. The operators should submit the due diligence statements to the information system. The information system should be accessible to competent authorities and customs authorities to facilitate fulfilling their obligations under this Regulation **and should facilitate transfers of information among Member States, competent authorities and customs authorities. The**

machine-readable format in line with the Union's Open Data Policy.

non-commercially sensitive data should also be accessible for a wider public, with the *data being* anonymised – *apart from information concerning the list of non-compliant operators and traders* – and provided in an open and machine-readable format in line with the Union's Open Data Policy.

Amendment 58

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) For the relevant commodities entering or leaving the Union market, competent authorities are tasked with the verification of the compliance of relevant commodities and products with the obligations under this Regulation, whereas the role of customs is to ensure that the reference of a due diligence statement is made available in the customs declaration where applicable and, in addition as from the moment the electronic interface will be in place to exchange information between customs authorities and competent authorities, to check the status of the due diligence statement after an initial risk analysis carried out by competent authorities in the Information System and act accordingly (i.e. suspend or refuse a commodity or product if requested to do so through the status in the Information System). This specific organisation of controls discards the application of Chapter VII of Regulation (EU) 2019/1020 in so far as the application and enforcement of this Regulation is concerned.

Amendment

(42) For the relevant commodities *and products* entering or leaving the Union market, competent authorities are tasked with the verification of the compliance of relevant commodities and products with the obligations under this Regulation *based on, inter alia, the due diligence statements submitted by the operators*, whereas the role of customs is to ensure that the reference of a due diligence statement is made available in the customs declaration where applicable and, in addition as from the moment the electronic interface will be in place to exchange information between customs authorities and competent authorities, to check the status of the due diligence statement after an initial risk analysis carried out by competent authorities in the Information System and act accordingly (i.e. suspend or refuse a commodity or product if requested to do so through the status in the Information System). This specific organisation of controls discards the application of Chapter VII of Regulation (EU) 2019/1020 in so far as the application and enforcement of this Regulation is concerned.

Amendment 59

Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) The checks carried out by the competent authorities should be carried out in a manner which is the least disruptive to trade and to the operations of operators and traders.

Amendment 60

Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) The Commission should ensure adequate and sufficient financial resources, including specifically for technical support, including through the Neighbourhood, Development and International Cooperation Instrument – Global Europe, to help partner countries with the compliance of the requirements established by this Regulation. Those resources should already be available ahead of this Regulation’s entry into force and full implementation to enhance the adaptation capacities of affected communities, with particular attention to smallholders.

Amendment 61

Proposal for a regulation
Recital 45

Text proposed by the Commission

Amendment

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up electronic interfaces that allow the automatic data transfer between customs

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up **interoperable** electronic interfaces that allow the automatic data transfer

systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and **additional burden** for customs authorities **should be limited**. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby **traders and** economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

between customs systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and **facilitate processes** for customs authorities **as well as limit costs and burden for operators**. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

Amendment 62

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) The risk of non-compliant commodities and products being placed on the Union market varies depending on the commodity and product as well as on its country of origin and production. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden. Commodities and products from high-risk countries or parts thereof should be subject to enhanced

Amendment

(46) The risk of non-compliant commodities and products being placed on the Union market varies depending on the commodity and product as well as on its country of origin and production **or parts thereof**. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden, **unless the operator knows or has reason to believe that there are risks of non-compliance with this**

scrutiny by the competent authorities.

Regulation. *Where a competent authority becomes aware of a risk that the requirements of this Regulation are being circumvented, for example where a relevant commodity or product produced in a high-risk country is subsequently processed in, or exported to, the Union from a low-risk country, and the customs declaration or due diligence statement indicate that the commodity or product was produced in a low-risk country, it should verify via further checks whether there is any non-compliance and, if necessary, take appropriate action, such as seizure and suspension of placing on the market of the relevant commodity or product, as well as carry out further checks.* Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Amendment 63

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) For this reason, the Commission should assess the deforestation and forest degradation risk at a level of a country or parts thereof based on a range of criteria that reflect both quantitative, objective and internationally recognised data, and indications that the countries are actively engaged in fighting deforestation **and** forest degradation. This benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and reduce their deforestation impact. This should help making supply chains more transparent and sustainable. This

Amendment

(47) For this reason, the Commission should assess the deforestation and forest degradation **or forest conversion** risk at a level of a country or parts thereof based on a range of criteria that reflect both quantitative, objective and internationally recognised data, and indications that the countries are actively engaged in fighting deforestation, forest degradation **and forest conversion, and for the promotion of rights of indigenous peoples and local communities.** This benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and

benchmarking system should be based on a three-tier classification of countries to be regarded as low, standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned. For relevant commodities and products from low risk countries or parts of countries identified as low-risk, operators should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.

reduce their deforestation impact. This should help making supply chains more transparent and sustainable. This benchmarking system should be based on a three-tier classification of countries to be regarded as low, standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned. For relevant commodities and products from low risk countries or parts of countries identified as low-risk, operators should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.

Amendment 64

Proposal for a regulation Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) To ensure that this Regulation does not create an unnecessary restriction to trade, the Commission should cooperate with countries which are identified to present a standard or high risk, and with relevant stakeholders in these countries, in order to work towards reducing the level of risk.

Amendment 65

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For a comprehensive coverage of the relevant commodities and products, the respective operators and traders and the volumes of their share of commodities and products, a twofold approach should apply. Competent authorities should thus be required to check on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant commodities and products. Such percentages should be higher for relevant commodities and products from high-risk countries or parts thereof.

Amendment 66

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) The checks of operators and traders by competent authorities should cover the due diligence systems and the compliance of the relevant commodities and products with the provisions of this Regulation. The checks should be based on a risk-based plan of checks. The plan should contain risk criteria that enable competent authorities to carry out a risk analysis of the due diligence statements submitted by operators and traders. The risk criteria should take into account the risk of

Amendment

(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For a comprehensive coverage of the relevant commodities and products, the respective operators and traders and the volumes of their share of commodities and products, a twofold approach should apply. Competent authorities should thus be required to check on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant commodities and products. Such percentages should be higher for relevant commodities and products from high-risk countries or parts thereof ***whereas they can be lower for low-risk countries or parts thereof.***

Amendment

(49) The checks of operators and traders by competent authorities should cover the due diligence systems and the compliance of the relevant commodities and products with the provisions of this Regulation. The checks should be based on a risk-based plan of checks. The plan should contain risk criteria that enable competent authorities to carry out a risk analysis of the due diligence statements submitted by operators and traders. The risk criteria should take into account the risk of

deforestation associated to relevant commodities and products in the country of production, the history of compliance of operators and traders with the obligations of this Regulation and any other relevant information available to competent authorities. The risk analysis of due diligence statements should allow competent authorities the identification of operators, traders and relevant commodities and products to be checked, and should be carried out using electronic data processing techniques in the information system which collects the due diligence statements.

deforestation associated to relevant commodities and products in the country of production, the history of compliance of operators and traders with the obligations of this Regulation and any other relevant information available to competent authorities. The risk analysis of due diligence statements should allow competent authorities the identification of operators, traders and relevant commodities and products to be checked, and should be carried out using electronic data processing techniques in the information system which collects the due diligence statements. ***Where necessary and technically possible, competent authorities, in close cooperation with authorities in third countries, should also conduct controls in situ.***

Amendment 67

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) In case the risk analysis of the due diligence statements reveals a high risk of non-compliance of specific relevant commodities and products, the competent authorities should be able to take immediate interim measures to prevent their placing or making available on the Union market. In case such relevant commodities and products were entering or leaving the Union market, the competent authorities should request from customs authorities the suspension of the release for free circulation or the export to enable competent authorities to carry out the necessary checks. Such request should be communicated by means of the interface system between customs and competent authorities. Suspension of the placing or making available on the Union market, of the release for free circulation or of export should be limited to ***three*** working days

Amendment

(50) In case the risk analysis of the due diligence statements reveals a high risk of non-compliance of specific relevant commodities and products, the competent authorities should be able to take immediate interim measures to prevent their placing or making available on the Union market ***or their export from the Union***. In case such relevant commodities and products were entering or leaving the Union market, the competent authorities should request from customs authorities the suspension of the release for free circulation or the export to enable competent authorities to carry out the necessary checks. Such request should be communicated by means of the interface system between customs and competent authorities. Suspension of the placing or making available on the Union market, of the release for free circulation or of export

except where the competent authorities require additional time to assess the compliance of the relevant commodities and products with this Regulation. In that case, the competent authorities should take additional interim measures to extend the suspension period or request such extension to customs authorities in case of relevant commodities and products entering or leaving the Union market.

should be limited to **five** working days, **or 72 hours for fresh commodities and products at risk of spoilage**, except where the competent authorities require additional time to assess the compliance of the relevant commodities and products with this Regulation. In that case, the competent authorities should take additional interim measures to extend the suspension period or request such extension to customs authorities in case of relevant commodities and products entering or leaving the Union market.

Amendment 68

Proposal for a regulation Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) Operators should support compliance by their suppliers that are smallholders with this Regulation, including through investments and capacity-building, as well as pricing mechanisms that enable a living income for the producers from which they source.

Amendment 69

Proposal for a regulation Recital 51

Text proposed by the Commission

Amendment

(51) The plan for checks should be regularly updated on the basis of the results of its implementation. Those operators showing a consistent track record of compliance **should** be subject to a reduced frequency of checks.

(51) The plan for checks should be regularly updated on the basis of the results of its implementation. Those operators showing a consistent track record of compliance **might** be subject to a reduced frequency of checks.

Amendment 70

Proposal for a regulation
Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) The Commission should be mandated, if it has reason to believe that a Member State does not conduct sufficient controls to ensure the enforcement of this Regulation, to introduce changes, in dialogue with that Member State, to the plan of checks in that Member State to rectify the situation.

Amendment 71

Proposal for a regulation
Recital 52

Text proposed by the Commission

Amendment

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties.

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties ***and that operators failing to comply with the obligations under this Regulation are liable and obliged to compensate for the harm that the exercise of due diligence would have avoided.***

Amendment 72

Proposal for a regulation
Recital 52 a (new)

Text proposed by the Commission

Amendment

(52a) The Commission should publish the names of operators and traders not in

compliance with this Regulation. This could help other operators and traders in their risk assessments and increase the pressure from consumers and civil society on non-compliant operators and traders to source from supply chains that are free from deforestation.

Amendment 73

Proposal for a regulation

Recital 53

Text proposed by the Commission

(53) Taking into account the international character of deforestation **and** forest degradation and related trade, competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.

Amendment

(53) Taking into account the international character of deforestation, forest degradation, **forest conversion** and related trade, competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.

Amendment 74

Proposal for a regulation

Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) In order to facilitate the access to factual, reliable and updated information on deforestation to operators, Member State authorities, and interested third country authorities, and to facilitate the compliance of economic operators with the requirements of this Regulation, the

Commission should establish a platform covering the forest areas worldwide, featuring a range of tools to enable all parties to quickly move towards No-Deforestation across supply chains. The platform should include thematic maps, a land cover map with time series following the cut-off date established by this Regulation, and a range of classes allowing to examine landscape composition. The platform should also provide an alert system, relying upon a monthly monitoring of forest cover change, and a range of analyses and user-friendly and secured outputs, depicting how supply chains are linked to deforestation. In order to foster the use of the most accurate and timely information, to develop risk assessment and risk analyses, to improve checks on declarations and countries benchmarking, whilst developing a cooperative approach, the platform should be made available to all operators, Member State authorities, and interested third country authorities. The platform should use satellite imagery, including Copernicus Sentinel, which have the capability to provide the factual, reliable and updated information required.

Amendment 75

Proposal for a regulation Recital 54

Text proposed by the Commission

(54) While this Regulation addresses deforestation and forest degradation, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat

Amendment

deleted

climate change, as well as other sustainable development goals and their conversion or degradation require particular urgent attention. To address this, the Commission should assess the need and feasibility of extending the scope to other ecosystems and to further commodities two years after the entry into force. At the same time, the Commission should also undertake a review of the relevant products as listed in Annex I of this Regulation by way of a delegated act.

Amendment 76

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this Regulation remain relevant and in line with scientific and technological developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing the information requirements necessary for the due diligence procedure, the information and criteria of risk assessment and risk mitigation with which operators have to comply which are set out in this Regulation and the list of goods set out in Annex I of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same

Amendment

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this Regulation remain relevant and in line with scientific and technological developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing the information requirements necessary for the due diligence procedure, the information and criteria of risk assessment and risk mitigation with which operators have to comply which are set out in this Regulation and the list of goods set out in Annex I of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and with stakeholders**, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive

time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 77

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation.

Amendment

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. ***VPAs are intended to foster systemic changes in the forestry sector aimed at sustainable management of forests, eradicating illegal logging and supporting worldwide efforts to stop deforestation. VPAs provide an important legal framework for both the Union and its partner countries, made possible with the good cooperation and engagement by the countries concerned. New VPAs with additional partners should be promoted. This Regulation should build upon the work done under Regulation (EC) No 2173/2005 that continues to serve as an important mechanism to protect the world's forests.*** To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage) ***and incentivise other partners to work towards reaching this stage***, this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation, ***thus ensuring that this part of the due diligence requirement will be easily verified. The VPA partnerships should be***

supported with adequate resources and specific administrative and capacity building support. Regulation (EC) No 2173/2005 will also remain an important system to provide frameworks for multi-stakeholder consultations.

Amendment 78

Proposal for a regulation Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) The Commission should assist LDCs and SMEs in their understanding and implementation of, and compliance with, the standards set out in this Regulation, keeping cooperation open towards capacity-building with national, regional and local governments, civil society organisations and producers, especially small producers.

Amendment 79

Proposal for a regulation Recital 58

Text proposed by the Commission

Amendment

(58) While this Regulation addresses deforestation *and* forest degradation, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change, as well as other sustainable development goals and their conversion or degradation require particular urgent *attention*. An evaluation of *the need and the feasibility of* extending the scope of this Regulation to other ecosystems than forests should

(58) While this Regulation addresses deforestation, forest degradation *and forest conversion*, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change *and the biodiversity crisis*, as well as other sustainable development goals and their conversion or degradation require particular urgent *action and need to be prevented. There is no doubt that Union consumption is a considerable*

therefore be undertaken *within 2 years* of the entry into force of this Regulation.

driver also of the conversion and degradation of biodiverse and carbon-rich non-forest ecosystems around the globe. In order to reduce the Union's footprint on all natural ecosystems, an evaluation of, and a legislative proposal to, extending the scope of this Regulation to other ecosystems than forests and other wooded land should be undertaken at the latest one year of the entry into force of this Regulation, for which the preparations should start at the latest at the day of entry into force of this Regulation. Further delaying to include other ecosystems in this Regulation risks shifting agricultural production from forests to non-forest ecosystems. The latter are also increasingly under pressure of conversion and degradation due to commodity production for the Union market. The Commission should also assess the need and feasibility of extending the scope to further commodities at the latest two years after the date of entry into force of this Regulation. At the same time, the Commission should also undertake a review of the relevant products listed in Annex I to this Regulation by way of delegated act.

Amendment 80

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) Taking into account the request made by the European Parliament in its resolution 'An EU legal framework to halt and reverse EU-driven global deforestation' of 22 October 2020 and of the vast majority of the almost 1,2 million participants to the Commission's public consultation on demand-driven deforestation and forest degradation and forest conversion to include non-forest

ecosystems in this Regulation, the Commission should base its evaluation and legislative proposal for an extension of the scope of this Regulation to other ecosystems on the basis of the definitions of ‘natural ecosystems’, ‘natural ecosystem conversion’ and ‘forest and natural ecosystem degradation’ and the cut-off date of 31 December 2019, as laid down in this Regulation.

Amendment 81

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) Since the objective of this Regulation, fighting against deforestation **and** forest degradation by reducing the contribution of consumption in the Union, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(60) Since the objective of this Regulation, fighting against deforestation, forest degradation **and forest conversion** by reducing the contribution of consumption in the Union **and by incentivising deforestation reduction in producer countries**, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 82

Proposal for a regulation Recital 61

Text proposed by the Commission

(61) Operators, traders and competent authorities should be given a reasonable

Amendment

(61) ***In order to avoid supply chain disruptions and reduce negative impacts***

period in order to prepare themselves to meet the requirements of this Regulation,

on third countries, trade partners, and in particular smallholders, operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation,

Amendment 83

Proposal for a regulation

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

This Regulation lays down rules regarding the placing and making available on the Union market, as well as the export from the Union market, of cattle, cocoa, coffee, oil palm, ***soya*** and wood (“relevant commodities”) ***and*** products, as listed in Annex I, that contain, have been fed with or have been made using relevant commodities (“relevant products”), with a view to

Amendment

This Regulation lays down rules regarding the placing and making available on the Union market, as well as the export from the Union market, of cattle, ***swine, sheep and goats, poultry***, cocoa, coffee, oil palm ***and palm-oil based derivatives, soya, maize, rubber***, and wood (“relevant commodities”), ***and products, including charcoal and printed paper*** products, as listed in Annex I, that contain, have been fed with or have been made using relevant commodities (“relevant products”), with a view to:

Amendment 84

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) minimising the Union’s contribution to deforestation ***and*** forest degradation worldwide

Amendment

(a) minimising the Union’s contribution to deforestation. forest degradation ***and forest conversion*** worldwide;

Amendment 85

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss.

Amendment

(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss;

Amendment 86

Proposal for a regulation

Article 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) contributing to a reduction in global deforestation;

Amendment 87

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation also lays down obligations for financial institutions headquartered or operating in the Union that provide financial services to natural or legal persons whose economic activities consist, or are linked to, the production, supply, placing on or export from the Union market of the relevant commodities and products within the meaning of this Article.

Amendment 88

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘deforestation’ means *the* conversion *of forest to agricultural use*, whether human-induced or not;

Amendment

(1) ‘deforestation’ means conversion, whether human-induced or not, *of forests or other wooded land to agricultural use or to plantation forest*;

Amendment 89

Proposal for a regulation

Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) ‘ecosystem conversion’ means the change of a natural ecosystem to another land use or change in a natural ecosystem’s species composition, structure or function; this includes severe degradation or the introduction of management practices that result in a substantial and sustained change in the ecosystem’s species composition, structure or function;

Amendment 90

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(2a) ‘agricultural use’ means the use of land for any or more of the following: cultivation of temporary or annual crops that have a growing cycle of one year or less; cultivation of permanent or perennial crops that have a growing cycle of more than one year, including tree crops; cultivation of permanent or temporary meadows or pastures as well as animal husbandry; and temporarily fallow land;

Amendment 91

Proposal for a regulation Article 2 – paragraph 1 – point 2 b (new)

Text proposed by the Commission

Amendment

(2b) 'other wooded land' means land not classified as forest, spanning more than 0,5 hectares, with trees higher than 5 metres and a canopy cover of 5 to 10 percent, or trees able to reach these thresholds in situ, or with a combined cover of shrubs, bushes and trees above 10 percent, excluding land that is predominantly under agricultural or urban use;

Amendment 92

Proposal for a regulation Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) 'natural ecosystem' means an ecosystem, including a human-managed ecosystem, that substantially resembles, in terms of species composition, structure, and ecological function, an ecosystem that is or would be found in a given area in the absence of major human impacts; this includes, in particular, land with high carbon stocks and land with a high biodiversity value;

Amendment 93

Proposal for a regulation Article 2 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

(6) 'forest degradation' means *harvesting operations that are not sustainable and cause a* reduction or loss

(6) 'forest *and other natural ecosystem* degradation' means *the* reduction or loss of *biological or* economic

of *the biological or* economic productivity and complexity of *forest* ecosystems, *resulting in the long-term reduction of the overall supply of benefits from forest, which* includes *wood*, biodiversity and *other products* or services;

productivity and complexity of *forests and other wooded land and other natural* ecosystems, *affecting their species composition, structure or function, whether or not directly caused by humans; this* includes *illegal exploitation of forests, other wooded land or other natural ecosystems as well as the use of management practices that result in a substantial or sustained impact on their capacity to support* biodiversity or *deliver ecosystem* services;

Amendment 94

Proposal for a regulation Article 2 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘*sustainable harvesting operations*’ means *harvesting that is carried out considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;*

deleted

Amendment 95

Proposal for a regulation Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) deforestation-free’ means

(8) ‘deforestation-free’ means that the relevant commodities and products, including those used for or contained in

relevant products, were produced on land that has not been subject to deforestation, **and have not induced or contributed to forest degradation or forest conversion after 31 December 2019;**

(a) that the relevant commodities and products, including those used for or contained in relevant products, were produced on land that has not been subject to deforestation **after December 31, 2020, and**

(b) **that the wood has been harvested from the forest without inducing forest degradation after December 31, 2020;**

Amendment 96

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) ‘negligible risk’ means a full assessment of both the product-specific and the general information on compliance with **Articles 3(a) and 3(b) by relevant commodities or products showing no cause for concern;**

Amendment

(16) ‘negligible risk’ means **the level of risk that applies to relevant commodities and products to be placed on, or exported from, the Union market where these commodities or products show no cause for concern on grounds of** a full assessment of both the product-specific and the general information on compliance with **Article 3 and the application of the appropriate mitigation measures;**

Amendment 97

Proposal for a regulation

Article 2 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘meaningful engagement with stakeholders’ means understanding the concerns and interests of relevant

stakeholders, in particular the most vulnerable groups such as smallholders and indigenous peoples, as well as local communities, including women, by consulting them directly in a manner that takes into account potential barriers to effective engagement;

Amendment 98

Proposal for a regulation

Article 2 – paragraph 1 – point 18

Text proposed by the Commission

(18) ‘non-compliant products’ means relevant commodities and products that were not produced in a ‘deforestation-free’ manner, or were not produced in accordance with the relevant *legislation of the country of production, or both*;

Amendment

(18) ‘non-compliant products’ means relevant commodities and products that were not produced in a ‘deforestation-free’ manner, or were not produced in accordance with the relevant *laws and standards, including those on the rights of indigenous peoples, tenure rights of local communities, and the right to free, prior and informed consent, and which were not covered by an accurate due diligence statement*;

Amendment 99

Proposal for a regulation

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘substantiated concern’ means *well-founded* claim based on objective and verifiable information regarding non-compliance with the present Regulation and which may require the intervention of competent authorities;

Amendment

(21) ‘substantiated concern’ means *a* claim based on objective and verifiable information regarding non-compliance with the present Regulation and which may require the intervention of competent authorities;

Amendment 100

Proposal for a regulation

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘relevant **legislation of the country of production**’ means the rules applicable in the country of production concerning the legal status of the area of production in terms of land use rights, environmental protection, third parties’ rights and relevant trade and customs regulations under legislation framework applicable in the country of production;

Amendment

(28) ‘relevant **laws and standards**’ means:

(a) the rules applicable in the country of production concerning the legal status of the area of production in terms of land use rights, environmental protection, third parties’ rights and relevant trade and customs regulations under legislation framework applicable in the country of production;

(b) **human rights protected under international law, in particular instruments protecting customary tenure rights and the right to free, prior and informed consent (FPIC), as set out in, inter alia, the UN Declaration on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues and existing binding international agreements, the Indigenous and Tribal Peoples Convention (No 169, 1989), which cover the right to environmental protection, the right to defend the environment, free from any form of persecution and harassment, and other internationally recognised human rights related to land use, access or ownership;**

Amendment 101

Proposal for a regulation

Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

(28a) ‘**free, prior and informed consent (FPIC)**’ means a collective human right

of indigenous peoples and local communities to give and withhold their consent prior to the commencement of any activity that may affect their rights, land, resources, territories, livelihoods, and food security; it is a right exercised through representatives of their own choosing and in a manner consistent with their own customs, values, and norms.

Amendment 102

Proposal for a regulation

Article 2 – paragraph 1 – point 28 b (new)

Text proposed by the Commission

Amendment

(28b) ‘human rights defenders’ means individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms; human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights; human rights defenders also promote and protect the rights of members of groups such as indigenous communities;

Amendment 103

Proposal for a regulation

Article 2 – paragraph 1 – point 28 c (new)

Text proposed by the Commission

Amendment

(28c) ‘environmental human rights defenders’ means individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna;

Justification

As they are key agents to achieve deforestation and conversion-free supply chains, they should receive protection in the context of the new regulation, as broadly requested in the resolution of 22 October 2020, on an EU legal Framework to halt and reverse EU-driven global deforestation. A definition is therefore required in line with the 2016 UN definition.

Amendment 104

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) they have been produced in accordance with the relevant ***legislation of the country of production***; and

Amendment

(b) they have been produced in accordance with the relevant ***laws and standards, as defined in Article 2, point (28)***; and

Amendment 105

Proposal for a regulation

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Financial institutions shall provide financial services to customers only when the financial institutions conclude that there is no more than a negligible risk that the services in question potentially provide support directly or indirectly to activities leading to deforestation, forest degradation or forest conversion.

Amendment 106

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Operators shall exercise due diligence prior to placing relevant

Amendment

1. Operators shall exercise due diligence prior to placing relevant

commodities and products on or prior to their export from the Union market in order to ensure their compliance with Article 3(a) and (b). To that end, they shall use a framework of procedures and measures, hereinafter referred to as a ‘due diligence’, as set out in Article 8.

commodities and products on or prior to their export from the Union market in order to ensure their compliance with Article 3. To that end, they shall use a framework of procedures and measures, hereinafter referred to as a ‘due diligence’, as set out in Article 8.

Amendment 107

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That statement shall confirm that due diligence was carried out **and** no or only negligible risk was found **and** shall contain the information set out in Annex II for the relevant commodities and products.

Amendment

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That ***electronically available, transmittable and certified*** statement shall confirm that due diligence was carried out, ***disclose the steps that were taken in this regard to verify the compliance of the relevant commodities and products with this Regulation, and explain the assessment as to why*** no or only negligible risk was found. ***It*** shall ***also*** contain the information set out in Annex II for the relevant commodities and products. ***Operators shall, without undue delay, publish and make available the statements and certification for administrative, civic and scientific scrutiny, taking into account data protection rules.,***

Amendment 108

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. ***By making available the due diligence statement***, the operator assumes responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation. Operators shall keep record of the due diligence statements for 5 years from the date of making available via the information system referred to in Article 31.

Amendment

3. The operator assumes responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation. Operators shall ***therefore undertake reasonable, documented efforts to support the compliance of smallholders with the provisions and requirements set out in this Regulation. They shall*** keep record of the due diligence statements for 5 years from the date of making available via the information system referred to in Article 31 ***and share the due diligence statements with subsequent operators and traders in the supply chain.***

Amendment 109

Proposal for a regulation Article 4 – paragraph 5 – point a

Text proposed by the Commission

(a) the relevant commodities and products are not compliant with ***Article 3(a) or (b)***;

Amendment

(a) the relevant commodities and products are not compliant with ***Article 3***;

Amendment 110

Proposal for a regulation Article 4 – paragraph 5 – point b

Text proposed by the Commission

(b) the exercise of due diligence has revealed a non-negligible risk that the relevant commodities and products are not compliant with ***Article 3(a) or (b)***;

Amendment

(b) the exercise of due diligence has revealed a non-negligible risk that the relevant commodities and products are not compliant with ***Article 3***;

Amendment 111

Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Operators shall have a system in place for receiving substantiated concerns from interested parties and shall thoroughly investigate all substantiated concerns introduced in accordance with that system.

Amendment 112

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Operators that have received new information, including substantiated concerns, that the relevant commodity or product that they have already placed on the market is **not** in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market. In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

6. Operators that have received **or detected relevant** new information, including substantiated concerns, **or information provided via the rapid alert mechanisms, that indicate a non-negligible risk** that the relevant commodity or product that they have already placed on the market is **at risk of not being** in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market, **as well as traders to whom they have supplied the relevant commodity or product with a view to preventing further circulation on, or export from, the Union market.** In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

Amendment 113

Proposal for a regulation
Article 4 – paragraph 7

Text proposed by the Commission

7. Operators shall offer all assistance necessary to competent authorities to facilitate the performance of the checks under Article 15, including as regards access to premises and the presentation of documentation or records.

Amendment

7. ***The competent authorities shall verify the due diligence system of operators on an annual basis.*** Operators shall ***also*** offer all assistance necessary to competent authorities to facilitate the performance of the checks under Article 15, including as regards access to premises and the presentation of documentation or records.

Amendment 114

Proposal for a regulation Article 4 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Operators shall take the necessary measures:

(a) to engage meaningfully with vulnerable stakeholders, such as smallholders, indigenous peoples and local communities, in their supply chain;

(b) to ensure that those vulnerable stakeholders receive adequate assistance and fair remuneration so that their commodities and products can comply with the rules, in particular with regard to the geolocation requirement, and to ensure that the costs resulting from the implementation of this Regulation are fairly shared among the different actors in the value chain; and

(c) to follow through on implementation of agreed commitments, ensuring that adverse impacts on identified vulnerable stakeholders are addressed.

Amendment 115

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

***Obligations of traders and exemptions for
SME traders***

- 1. Traders which are SMEs may only make available relevant commodities and products on the market if they are in possession of the information required under paragraph 3.***
- 2. Traders which are not SMEs shall be considered to be operators and shall be subject to the obligations and provisions set out in Articles 3, 4, 5, 8 to 12, Article 14(9), and Articles 15 and 20 of this Regulation with regard to the relevant commodities and products they make available in the Union market.***
- 3. Traders which are SMEs shall collect and keep the following information relating to the relevant commodities and products they intend to make available on the market:***
 - (a) the name, registered trade name or registered trade mark, postal address, email and, if available, a web address of the operators or the traders who have supplied the relevant commodities and products to them;***
 - (b) the name, registered trade name or registered trade mark, postal address, email and, if available, a web address of the traders to whom they have supplied the relevant commodities and products.***
- 4. Traders which are SMEs shall keep the information referred to in this Article for at least 5 years and shall provide that information to the competent authorities upon request.***
- 5. Traders which are SMEs that have received or detected relevant new information, including substantiated***

concerns, which indicates a non-negligible risk that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation, shall immediately inform the competent authorities of the Member States in which they made available on the market the relevant commodity or product.

6. Traders, whether or not they are SMEs, shall offer all assistance necessary to competent authorities to facilitate the performance of the checks under Article 16, including as regards access to premises and the presentation of documentation or records.

7. The Commission may provide SMEs which do not have the means to meet the requirements under this Article with technical assistance.

Amendment 116

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The authorised representative shall, upon request, provide a copy of the mandate in an official language of the European Union to the competent authorities.

Amendment

2. The authorised representative shall, upon request, provide a copy of the mandate in an official language of the European Union to the competent authorities ***and a copy in the language of the Member State in which the due diligence statement is handled or, failing that, in English.***

Amendment 117

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

Deleted

Obligations of traders

- 1. Traders which are SMEs may only make available on the market relevant commodities and products if they are in possession of the information required under paragraph 2.**
- 2. Traders which are SMEs shall collect and keep the following information relating to the relevant commodities and products they intend to make available on the market:**
 - (a) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the operators or the traders who have supplied the relevant commodities and products to them;**
 - (b) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the traders to whom they have supplied the relevant commodities and products.**
- 3. Traders which are SMEs shall keep the information referred to in this Article for at least 5 years and shall provide that information to the competent authorities upon request.**
- 4. Traders which are SMEs that have received new information, including substantiated concerns, that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant commodity or product on the market.**
- 5. Traders which are not SMEs shall**

be considered operators and be subject to obligations and provisions in Articles 3, 4, 5, 8 to 12, 14(9), 15 and 20 of this Regulation with regard to the relevant commodities and products that they make available in the Union market.

6. Traders shall offer all assistance necessary to competent authorities to facilitate the performance of the checks under Article 16, including as regards access to premises and the presentation of documentation or records.

Amendment 118

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

Article 7

Placing on the market by operators established in third countries

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

Amendment

Article 7

Placing on the market by operators established in third countries

In case a natural or legal person, ***regardless of size***, established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

If no manufacturer or importer is established in the Union, online marketplaces shall comply with the obligations set out in Articles 8 to 11 for products and commodities for which they facilitate the sale.

Amendment 119

Proposal for a regulation Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Product components that have already undergone due diligence compliance in accordance with Article 4(1) shall not require an additional due diligence procedure. For components that have not been covered by a due diligence procedure, the due diligence requirements shall still apply.*

Amendment 120

Proposal for a regulation Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years the following information relating to *the* relevant **commodities or products**, supported by evidence:

Amendment

Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years the following information relating to *each* relevant **commodity or product placed on the Union market or exported from the Union**, supported by evidence:

Amendment 121

Proposal for a regulation Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) description, including the trade name and type of relevant commodities and products as well as, where applicable, the common name of the species and its full scientific name;

Amendment

(a) description, including the trade name and type of relevant commodities and products as well as, where applicable, the common name of the species and its full scientific name; ***the product description shall include the list of commodities contained therein or used to make those products; for animal products the description shall include the list of***

commodities used to feed the animals;

Amendment 122

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) identification of the country of production;

Amendment

(c) identification of the country of production *or parts thereof*;

Amendment 123

Proposal for a regulation

Article 9 – paragraph 1 – point d

Text proposed by the Commission

(d) **geo-localisation** coordinates, latitude and longitude **of** all plots of land where the relevant commodities and products were produced, **as well as** date or time range of production;

Amendment

(d) **geolocation** coordinates, latitude and longitude **for** all plots of land where the relevant commodities and products were produced, **or the geolocation coordinates, latitude and longitude of all points of a polygon for the plots of land where the relevant commodities and products were produced; any deforestation or degradation in the given plots of land, either identified by a single point of latitude and longitude or by polygon, shall automatically disqualify all products and commodities from those plots of land from being placed and made available on the market or exported therefrom; operators shall provide the date or time range or harvesting season of production of the commodity or product; the Commission is empowered to adopt delegated acts in order to supplement this Regulation with regard to the size of the plots of land above which companies are required to provide polygons as the only means of geolocation for the relevant commodities and products;**

Amendment 124

Proposal for a regulation Article 9 – paragraph 1 – point h

Text proposed by the Commission

(h) adequate and verifiable information that the production has been conducted in accordance with relevant legislation of the country of production, ***including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity;***

Amendment

(h) adequate and verifiable information that the production has been conducted in accordance with relevant legislation of the country of production ***as well as the relevant laws and standards, as defined in Article 2, point (28);***

Amendment 125

Proposal for a regulation Article 9 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) adequate and verifiable information, obtained via independent audits and appropriate consultation processes, that the area used for the purpose of producing the relevant commodities and products is not subject to any claims on the basis of indigenous, customary or other legitimate tenure rights or subject to any dispute regarding their use, ownership or occupation;

Amendment 126

Proposal for a regulation Article 9 – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) adequate and verifiable information disclosing the views of any indigenous peoples, local communities and other groups that claim tenure rights in respect of the area used for the purpose of producing the relevant commodities

and products regarding the production of those relevant commodities and products;

Amendment 127

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Financial institutions shall collect the information, documents and data demonstrating that the provision of financial services to customers complies with Article 11a. The information, documents and data shall include, at least:

(a) a description of the customer’s economic activities, of the activities of entities controlled by the customer, of the economic activities of the customers’ suppliers;

(b) information on the relevant commodities and products placed on, made available on or exported from the Union market and on the related exercise of due diligence under this Regulation;

(c) use, for the activities under point (a) of relevant commodities and products, including information on the relevant commodities and products effectively used and on the related exercise of due diligence under this Regulation;

(d) policies adopted, and implemented by the customer and by the entities and suppliers referred to under point (a) with a view to ensuring that their activities do not cause deforestation, forest degradation or forest conversion;

(e) identification of the country of production and geo-localisation coordinates, latitude and longitude of all plots of land where the relevant commodities and products are to be produced;

Amendment 128

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraph 1 concerning further relevant information to be obtained that may be necessary to ensure the effectiveness of the due diligence system.*

deleted

Amendment 129

Proposal for a regulation Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraph 1 and paragraph 1a concerning further relevant information to be obtained that may be necessary to ensure the effectiveness of the due diligence system.

Amendment <NumAm>130<DocAmend>Proposal for a regulation</DocAmend> Article 10 – paragraph 1

Text proposed by the Commission

1. Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. If the operators cannot demonstrate that the risk of non-

Amendment

1. Operators *and financial institutions* shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. *Where an operator is not able*

compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.

to adequately collect the information required by this Regulation, it shall have the right to request clarification or assistance on implementation from the competent authority. If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it. ***If the financial institutions cannot conclude that the risk of non-compliance is negligible, they shall not provide financial services to the concerned customers.***

</Amend> Amendment 131

Proposal for a regulation
Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the presence of vulnerable peoples, indigenous peoples, local communities and other customary tenure rights holders in the country and part thereof of the relevant commodity or product;

Amendment 132

Proposal for a regulation
Article 10 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the existence of claims to or disputes regarding the use of, ownership of, or exercise of customary tenure rights on the area used for the purpose of producing the relevant commodity or product, whether formally registered or not;

Amendment 133

Proposal for a regulation
Article 10 – paragraph 2 – point c

Text proposed by the Commission

(c) prevalence of deforestation **or** forest degradation in the country, region and area of production of the relevant commodity or product;

Amendment

(c) prevalence of deforestation, forest degradation **or forest conversion** in the country, region and area of production of the relevant commodity or product;

Amendment 134

Proposal for a regulation

Article 10 – paragraph 2 – point e

Text proposed by the Commission

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment

(e) concerns in relation to the country of production **or parts thereof in accordance with Article 27**, and origin, such as level of corruption, prevalence of document and data falsification, **absence, violation or** lack of law enforcement **of tenure rights and rights of indigenous people and local communities**, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment 135

Proposal for a regulation

Article 10 – paragraph 2 – point f

Text proposed by the Commission

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land where they were produced;

Amendment

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land where they were produced **or national data protection rules which prohibit the transmission of such data**;

Amendment 136

Proposal for a regulation

Article 10 – paragraph 2 – point g

Text proposed by the Commission

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation **or** forest degradation has occurred or is occurring;

Amendment

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation, forest degradation **or forest conversion as well as violations of the relevant law** has occurred or is occurring;

Amendment 137

Proposal for a regulation

Article 10 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the outcome of multi-stakeholder dialogues where impacted parties, such as smallholders, SMEs, indigenous peoples and local communities, have been invited to actively participate;

Amendment 138

Proposal for a regulation

Article 10 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) information provided via the rapid alert mechanism;

Amendment 139

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

3. Wood products which are in scope of Council Regulation (EC) No 2173/2005 that are covered by a valid FLEGT license from an operational licensing scheme shall be deemed to be in compliance with Article **3(b)** of this Regulation.

3. Wood products which are in scope of Council Regulation (EC) No 2173/2005 that are covered by a valid FLEGT license from an operational licensing scheme shall be deemed to be in compliance with ***the rules applicable in the country of***

production, as laid down in Article 3 and as defined in Article 2 point (28) (a), of this Regulation.

Amendment 140

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits or other measures pertaining to information requirements set out in Article 9.

Amendment

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits, ***capacity-building and financial investments for smallholders*** or other measures pertaining to information requirements set out in Article 9.

Amendment 141

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where relevant, operators shall ensure that risk assessments and mitigation measures are adopted which provide for the participation and consultation of indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products.

Amendment 142

Proposal for a regulation

Article 10 – paragraph 6 – point a

Text proposed by the Commission

(a) model risk management practices, reporting, record-keeping, internal control and compliance management, including for operators that are not SMEs, the appointment of a compliance officer at management level;

Amendment

(a) model risk management practices, reporting, record-keeping, internal control and compliance management, including for operators that are not SMEs, the appointment of a compliance officer at management level, ***specifying the contact details or an up-to-date contact email address***;

Amendment 143

Proposal for a regulation

Article 10 – paragraph 7

Text proposed by the Commission

7. The risk assessments shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request.

Amendment

7. The risk assessments, ***as well as, where appropriate, the risk mitigation decisions taken*** shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request.

Amendment 144

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in ***Article 3(a) and (b)***. The due diligence system shall be reviewed at least once a year and ***if***

Amendment

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in ***Article 3***. The due diligence system shall be reviewed at least once a year and adapted to and accounting

necessary adapted to and accounting for new developments which may influence the exercise of due diligence. Operators shall keep record of updates in the due diligence system(s) for 5 years.

for new developments which may influence the exercise of due diligence ***when operators become aware of them***. Operators shall keep record of updates in the due diligence system(s) for 5 years.

Amendment 145

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. ***Unless otherwise provided by other EU legislative instruments that lay down requirements regarding sustainability value chain due diligence, operators which are not SMEs*** shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Article 8. Operators falling also within the scope of other ***EU*** legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other ***EU*** legislative instruments.

Amendment

2. Operators shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Articles 8, ***9 and 10, as well as the implementation and outcomes of their due diligence, and measures they have taken to support the compliance of smallholders, including through investments and capacity building***. Operators falling also within the scope of other ***Union*** legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other ***Union*** legislative instruments.

Amendment 146

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Reports shall, in respect of relevant commodities and products supplied by each supplier:

(a) provide the information set out in Article 9;

(b) describe the information and evidence obtained and used to assess the compliance by the relevant commodities and products with Article 3;

(c) state the conclusions of the risk assessment conducted under Article 10(1) and describe any risk mitigation procedures or measures undertaken pursuant to Article 10(4);

(d) specify the date and place where the relevant commodities and products were placed on, or exported from, the Union market; and

(e) provide evidence of consultation of indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products.

Amendment 147

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Operators shall keep for at least 5 years all documentation *related to due diligence*, such as all relevant records, measures and procedures *pursuant to* Article 8. They shall make *them* available to the competent authorities *upon* request.

Amendment

3. Operators shall keep for at least 5 years all *due diligence* documentation, such as all relevant records, measures and procedures *under* Article 8, *allowing each product or commodity placed on the market, the risk analysis carried out, and the result obtained, to be identified beyond doubt*. They shall make *that documentation* available to the competent authorities *on* request.

Amendment 148

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Obligations of financial institutions

1. *With a view to complying with Article 3, financial institutions shall exercise due diligence prior to providing financial services to customers whose economic activities consist, or are linked to, the trading or placing on the market of relevant commodities and products.*
2. *The due diligence shall include:*
 - (a) *the collection of information and documents, as referred to in Article 9(1a), needed to fulfil the requirement set out in paragraph 1 of this Article;*
 - (b) *risk assessment and mitigation measures as referred to in Article 10;*
3. *Financial institutions shall not provide financial services to customers without prior submission of a due diligence statement to the competent authorities.*
4. *Where financial institutions have established an ongoing business relationship with customers before ... [date of entry into force of this Regulation], the financial institutions shall complete the relevant due diligence by ... [OP: insert date one year after the date of entry into force of this Regulation].*

Amendment 149

**Proposal for a regulation
Article 11 b (new)**

Text proposed by the Commission

Amendment

Article 11b

1. *Financial institutions shall verify and analyse information collected in accordance with Article 9(1a) and any other relevant documentation, and on that basis shall carry out a risk assessment to establish if there is a risk that the provision of financial services to a*

customer does not comply with Article 12a(1). If the financial institution cannot demonstrate that the risk of non-compliance is negligible, it shall not provide financial services to the customer concerned.

Amendment 150

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. When placing relevant commodities or products on the Union market or exporting them from it, operators are not required to fulfil the obligations under *Article 10* where they can ascertain that all relevant commodities and products have been produced in countries or parts thereof that were identified as low risk in accordance with Article 27.

Amendment

1. When placing relevant commodities or products on the Union market or exporting them from it, operators are not required to fulfil the obligations under *Article 10(2), points (a), (b), (ba), (bb), (c), (d), (e), (h), (ha) or (j), or Article 10(6)*, where they can ascertain that all relevant commodities and products have been produced in countries or parts thereof that were identified as low risk in accordance with Article 27.

Amendment 151

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. However, if the operator obtains or is made aware of any information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 have to be fulfilled.

Amendment

2. However, if the operator obtains or is made aware of any *relevant* information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 have to be fulfilled. *The operator shall immediately communicate any relevant information to the competent authority.*

Amendment 152

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a competent authority is made aware of any information that would point to a risk of possible circumvention of the requirements of this Regulation, including cases in which relevant commodities or products are produced in a standard-risk or high-risk country and are subsequently processed in, or exported to, the Union from a low-risk country, the competent authority shall proceed to checks in accordance with Article 14(6) and, where necessary, adopt interim measures in accordance with Article 21. Where non-compliance with this Regulation is established, Member State authorities shall take further measures in accordance with Articles 22 and 23.

Amendment 153

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Guidelines

- 1. By ... [date 12 months after the entry into force of this Regulation], the Commission shall issue user-friendly commodity-specific guidelines to clarify due diligence responsibilities and traceability rules of operators that are tailored to fit their respective supply chains. The Commission shall take into account other due diligence requirements arising from Union law, in particular [the forthcoming Directive on Sustainable Corporate Governance Due Diligence].**
- 2. The guidelines shall particularly**

take into account SMEs' needs and shall inform them of the different means to access administrative and financial assistance and shall provide guidance on how the requirements from overlapping due diligence rules under different Union acts could be implemented most efficiently.

3. The guidelines shall be developed in consultation with relevant stakeholders, including from third countries and, where appropriate, taking into consideration best practices from international bodies having expertise in due diligence.

4. The Commission shall regularly review and update the guidelines, taking into account the latest developments in the sectors concerned.

Amendment 154

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission shall make the list of the competent authorities publicly available on its website. The Commission shall regularly update the list, based on relevant updates received from Member States.

Amendment

3. The Commission shall make the list of the competent authorities publicly available on its website ***without undue delay***. The Commission shall regularly update the list, based on relevant updates received from Member States.

Amendment 155

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the competent authorities have adequate powers and resources to perform the obligations set out in Chapter 3 of this Regulation.

Amendment

4. Member States shall ensure that the competent authorities have adequate powers, ***functional independence*** and resources to perform the obligations set out in Chapter 3 of this Regulation.

Amendment 156

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

6. Member States, **may** facilitate the exchange and dissemination of relevant information, in particular with a view to assisting operators in assessing risk as set out in Article 9, and on best practices regarding the implementation of this Regulation.

Amendment

6. Member States **shall** facilitate the exchange and dissemination of relevant information, in particular with a view to assisting operators in assessing risk as set out in Article 9, and on best practices regarding the implementation of this Regulation.

Amendment 157

Proposal for a regulation Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. In order to ensure the uniform application of the obligations listed in this Chapter, in particular the checks on operators and traders, the Commission shall issue guidance to all competent authorities no later than ... [OP: insert date six months after the entry into force of this Regulation].

Amendment 158

Proposal for a regulation Article 13 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Competent authorities shall monitor the compliance of financial institutions with the requirements of this Regulation.

Amendment 159

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall take into account ***in particular the assignment of risk to countries or parts thereof in accordance with Article 27, the history of compliance of an operator or trader with this Regulation*** and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness. When reviewing the plans, the competent authorities ***shall*** establish a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.

Amendment

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan, ***which shall be made public in accordance with Article 19***, shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall take into account ***previous infringements of this Regulation by an operator or trader, the quantity of relevant commodities and products being placed or made available on the market, or exported from the Union market, by the operator or trader, the time elapsed following the completion of the risk assessment for the relevant commodities or products, the proximity of the plots of land or polygons on which the relevant commodities and products were produced to forests***, and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness. When reviewing the plans, the competent authorities ***may*** establish a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.

Amendment 160

Proposal for a regulation Article 14 – paragraph 7

Text proposed by the Commission

7. The suspensions referred to in paragraph 6 shall end within **3** working days unless the competent authorities, based on the result of the checks conducted within that period, conclude that they require additional time to establish whether the relevant commodities and products comply with the requirements of this Regulation. In such case, the competent authorities shall extend the period of suspension by means of additional interim measures taken under Article 21 or, in the case of relevant commodities or products entering or leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6).

Amendment 161

Proposal for a regulation
Article 14 – paragraph 9

Text proposed by the Commission

9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover at least **5%** of the operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as **5%** of the quantity of each of the relevant commodities placed or made available on or exported from their market.

Amendment

7. The suspensions referred to in paragraph 6 shall end within **five** working days, **or 72 hours for fresh commodities and products which are at risk of spoilage**, unless the competent authorities, based on the result of the checks conducted within that period, conclude that they require additional time to establish whether the relevant commodities and products comply with the requirements of this Regulation. In such case, the competent authorities shall extend the period of suspension by means of additional interim measures taken under Article 21 or, in the case of relevant commodities or products entering or leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6).

Amendment

9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover at least **10 %** of the operators placing, making available on or exporting from the Union market each of the relevant commodities **and products** on their market as well as **10 %** of the quantity of each of the relevant commodities **and products** placed or made available on or exported from their market. **For commodities or products from countries or parts thereof categorised as low-risk as referred to Article 27, Member States may reduce the annual checks to 5 %.**

Amendment 162

Proposal for a regulation Article 14 – paragraph 11

Text proposed by the Commission

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall, ***without undue delay,*** conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based ***on the rapid alert mechanisms or on*** substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment 163

Proposal for a regulation Article 14 – paragraph 12

Text proposed by the Commission

12. Checks shall be carried out without prior warning of the operator or trader, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks.

Amendment

12. Checks shall be carried out without prior warning of the operator or trader, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks. ***Authorities shall justify such prior notifications in their control reports, including information on the number of prior warnings.***

Amendment 164

Proposal for a regulation Article 14 – paragraph 13

Text proposed by the Commission

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well

Amendment

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well

as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least 5 years.

as on the measures taken in case of non-compliance, ***including the penalties related to cases of non-compliance with this Regulation***. Records of all checks shall be kept for at least ***ten*** years.

Amendment 165

Proposal for a regulation Article 14 – paragraph 13 a (new)

Text proposed by the Commission

Amendment

13a. Without prejudice to the obligations on competent authorities, the Commission may, upon request, provide Member States with technical support to assist them in carrying out the requirements set out in this Regulation.

Amendment 166

Proposal for a regulation Article 14 – paragraph 13 b (new)

Text proposed by the Commission

Amendment

13b. Where the Commission receives information that a Member State does not carry out controls that are sufficient to ensure that relevant commodities and products made available on, or exported from, the Union market comply with the requirements set out in this Regulation, it shall, in dialogue with the Member State concerned, be mandated to introduce changes to the plan referred to in paragraph 3 established by that Member State to ensure that the situation is rectified.

Amendment 167

Proposal for a regulation Article 14 – paragraph 13 c (new)

Text proposed by the Commission

Amendment

13c. Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purposes of Directive 2003/4/EC^{1a} and shall be made available upon request.

^{1a} Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

Amendment 168

Proposal for a regulation Article 15 – title

Text proposed by the Commission

Amendment

Checks on operators

Checks on operators **and non-SME traders**

Amendment 169

Proposal for a regulation Article 15 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) examination of interim measures taken under Article 21 and corrective measures taken under Article 22;

Amendment 170

Proposal for a regulation Article 15 – paragraph 1 – point f

Text proposed by the Commission

(f) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including ***isotope testing***;

Amendment

(f) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including ***anatomical, chemical and DNA analysis***;

Amendment 171

Proposal for a regulation

Article 15 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) any technical and scientific means adequate to determine the biological species affected by this Regulation which is contained in the relevant commodity or product, including anatomical, chemical and DNA analysis;

Amendment 172

Proposal for a regulation

Article 15 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) any technical and scientific means adequate to determine whether the relevant commodity or product are deforestation-free, including Earth observation data such as from Copernicus programme and tools, and

(g) any technical and scientific means adequate to determine whether the relevant commodity or product are deforestation-free, including Earth observation data such as from Copernicus programme and tools ***or from other publicly or privately available sources***; and

Amendment 173

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Checks on traders

Checks on **SME** traders

Amendment 174

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. The costs referred to in paragraph 1 may include the costs of carrying out testing, the costs of storage and the costs of activities relating to products that are found to be non-compliant and are subject to corrective action ***prior to their release for free circulation, their placing on or exporting from the Union market.***

2. The costs referred to in paragraph 1 may include, ***inter alia***, the costs of carrying out testing, the costs of storage and the costs of activities relating to products that are found to be non-compliant and are subject to corrective action.

Amendment 175

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation, ***including as regards the implementation of field audits.***

Amendment 176

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. Competent authorities shall

3. Competent authorities shall

exchange information necessary for the enforcement of this Regulation. This shall include giving access to and exchange of data on operators and traders including due diligence statements with other Member States' competent authorities to facilitate the enforcement of this Regulation.

exchange information necessary for the enforcement of this Regulation. This shall include giving access to and exchange of data on operators and traders including due diligence statements, ***the nature and results of the controls carried out and any penalties imposed***, with other Member States' competent authorities to facilitate the enforcement of this Regulation. ***Competent authorities shall apply, when exchanging information, strict data protection rules in accordance with existing data protection law.***

Amendment 177

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect infringement of this Regulation and serious shortcomings that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant commodity or product on the market that is not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States.

Amendment

4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect ***an actual or potential*** infringement of this Regulation and serious shortcomings that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant commodity or product on the market that is, ***or may be***, not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States ***or to support enforcement action by those competent authorities.***

Amendment 178

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Satellite imagery and access to forest data

The Commission shall establish a platform using satellite imagery, including Copernicus Sentinel, covering the forest areas worldwide, and featuring tools to enable all parties to quickly move towards no-deforestation across supply chains. The platform shall provide:

(a) thematic maps, including a land cover map with time series since the cut-off date defined in Article 2, point (8), and a range of classes allowing to examine landscape composition;

(b) an alert system, relying upon a monthly monitoring of forest cover change;

(c) a range of analyses and user-friendly and secured outputs, depicting how supply chains are linked to deforestation.

The platform shall be made available to Member State authorities, interested third countries' authorities, operators and traders.

Amendment 179

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year. This information shall include their plans for checks, the number and *the* results of the *controls* carried out on operators and traders, *including the contents of these checks*, the volume of relevant commodities and products checked in relation to the total quantity of relevant commodities and products placed on the

Amendment

1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year. This information shall include their plans for checks *and the risk criteria on which they are based, including* the number and results of the *checks* carried out on operators and traders *and relevant commodities and products*, the volume of relevant commodities and products checked in relation to the total quantity of

market, the countries of origin and of production of relevant commodities and products as well as the measures taken in case of non-compliance *and the costs of controls recovered*.

relevant commodities and products placed on the market, the countries of origin and of production of relevant commodities and products as well as, *in the event of non-compliance*, the *market surveillance* measures taken *in accordance with Article 22 and penalties imposed in accordance with Article 23*.

Amendment 180

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

Where relevant commodities or products were produced in a country or part thereof listed as high risk in accordance with Article 27, or there is a risk of relevant commodities or products produced in such countries or parts thereof entering the relevant supply chain, each Member State shall ensure that the annual checks carried out by their competent authorities cover at least **15%** of the operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as **15%** of the quantity of each of the relevant commodities placed or made available on or exported from their market from high risk countries or parts thereof.

Amendment

Where relevant commodities or products were produced in a country or part thereof listed as high risk in accordance with Article 27, or there is a risk of relevant commodities or products produced in such countries or parts thereof entering the relevant supply chain, each Member State shall ensure that the annual checks carried out by their competent authorities cover at least **20 %** of the operators placing, making available on or exporting from the Union market each of the relevant commodities **and products** on their market as well as **20 %** of the quantity of each of the relevant commodities **and products** placed or made available on or exported from their market from high risk countries or parts thereof. ***Competent authorities shall ensure that the annual checks carried out on the basis of this Article include all of the elements set out in Article 15.***

Amendment 181

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

Where, following the checks referred to in

Amendment

Where, ***on the basis of the examination of***

Article 15 and 16, possible *serious shortcomings* have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities may take immediate interim measures, including seizure or suspension of the placing or making available on and exporting from the Union market of the relevant commodities and products.

evidence or other relevant information, including information exchanged under Article 18 and substantiated concerns provided by third parties under Article 29, or following the checks referred to in Article 15 and 16, possible infringements of this Regulation have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities may take immediate interim measures, including seizure or suspension of the placing or making available on and exporting from the Union market of the relevant commodities and products. ***Member States shall immediately inform the Commission and the competent authorities of other Member States about such measures.***

Amendment 182

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take ***appropriate and proportionate*** corrective action to bring the non-compliance to an end.

Amendment

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with ***the requirements set out in*** this Regulation, they shall without delay require the relevant operator or trader to take corrective action to bring the non-compliance to an end ***within a specified and reasonable period of time.***

Amendment 183

Proposal for a regulation Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) ***destroying*** the relevant commodity

Amendment

(d) ***donating, where possible,*** the

or product *or donating it* to charitable or public interest purposes.

relevant commodity or product to charitable or public interest purposes *or otherwise recycling or, as a last resort, destroying it.*

Amendment 184

Proposal for a regulation Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Irrespective of the corrective action taken under paragraph 2, and with a view to preventing the risk of further infringements, the operator or trader shall address any shortcomings in the due diligence system which may have led to its non-compliance with this Regulation.

Amendment 185

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. If the operator or trader fails to take corrective action referred to in paragraph 2 *or where the non-compliance referred to in paragraph 1 persists*, competent authorities shall ensure that the product is withdrawn or recalled, or that *its being* made available on or exported from the Union market *is prohibited or restricted*.

3. If the operator or trader fails to take corrective action referred to in paragraph 2 *within the period of time specified by the competent authority under paragraph 1*, competent authorities shall ensure that the *commodity or* product is withdrawn or recalled or that *it is not* made available on or exported from the Union market.

Amendment 186

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. *Member States* shall *lay down rules on* penalties applicable to

1. *Within six months of the entry into force of this Regulation, the Commission*

infringements of the provisions of this Regulation by operators and traders *and* shall take all measures necessary to ensure that they are implemented. **Member States shall notify the Commission of those provisions and without delay of any subsequent amendments affecting them.**

shall ***adopt delegated acts supplementing this Regulation concerning uniform*** penalties applicable to infringements of the provisions of this Regulation by operators and traders, ***in order to ensure harmonised standards are applied across the Union.*** **Member States** shall take all measures necessary to ensure that they are implemented.

Amendment 187

Proposal for a regulation

Article 23 – paragraph 2 – introductory part

Text proposed by the Commission

2. The penalties ***provided*** for shall be effective, proportionate ***and*** dissuasive. Penalties shall include as a minimum:

Amendment

2. The penalties for shall be effective, proportionate, dissuasive ***and uniform across Member States.*** Penalties shall include as a minimum:

Amendment 188

Proposal for a regulation

Article 23 – paragraph 2 – point a

Text proposed by the Commission

(a) fines proportionate to the environmental damage and the value of the relevant commodities or products concerned, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements; the maximum amount of such fines shall be at least **4 %** of the operators or trader's annual turnover in the ***Member State or Member States concerned;***

Amendment

(a) fines proportionate to the environmental damage, ***economic damage for local communities*** and the value of the relevant commodities or products concerned, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements; the maximum amount of such fines shall be at least **8%** of the operators or trader's annual turnover in the ***Union, calculated in accordance with Article 5(1) of Council Regulation (EC) 139/2004^{1a}; and shall be increased to ensure that the penalty exceeds the***

potential economic advantage gained and shall be deterrent;

^{1a} Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

Amendment 189

Proposal for a regulation

Article 23 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the obligation to restore the environment;

Amendment 190

Proposal for a regulation

Article 23 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the obligation to compensate for damage done to any natural or legal person that the exercise of due diligence would have avoided;

Amendment 191

Proposal for a regulation

Article 23 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) temporary exclusion from public procurement processes.

(d) temporary exclusion from public procurement processes *and from access to public funding, including tendering procedures, grants and concessions;*

Amendment 192

Proposal for a regulation Article 23 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) temporary or permanent prohibition from placing or making available relevant commodities and products on the Union market, or exporting them, in the event of a serious infringement or of repeated infringements;

Amendment 193

Proposal for a regulation Article 23 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) prohibition from the use of the simplified due diligence procedure set out in Article 12, in the event of a serious infringement or of repeated infringements;

Amendment 194

Proposal for a regulation Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall notify the Commission of operators and traders that have failed to fulfil their obligations under this Regulation and the penalties imposed on them by means of the information system referred to in Article 31 within 30 days of the relevant finding of non-compliance, taking due account the relevant data protection rules. The Commission shall publish a list of operators and traders concerned. They

shall be informed of their inclusion in the list.

The list of non-compliant operators and traders shall contain the following elements:

- (a) the name of the operator or trader;*
- (b) the date of the first inclusion on the list and the date from which sufficient remedial action was taken;*
- (c) a summary of the activities justifying the inclusion of the operator or trader on the list; and*
- (d) the nature and, where financial, the amount of the penalty imposed.*

The list shall be made publicly available on the website of the Commission and regularly updated.

The Commission shall publish the list in the Official Journal of the European Union and in the Register referred to in Article 31.

Amendment 195

Proposal for a regulation Article 23 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall notify the Commission when the non-compliant operator or trader referred to in paragraph 1 has taken sufficient remedial action, including have made full payment of penalties or carried out improvements to its due diligence system, and no other penalty or procedure concerning an alleged infringement has been reported.

The Commission shall remove the operator or trader concerned once remedial action has been taken. The Commission shall update the public list of operators and traders concerned every six months.

The Commission shall, without undue delay, notify the competent authorities of the removal of an operator or trader from the list and update the Register referred to in Article 31.

Amendment 196

Proposal for a regulation

Article 24 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the **3** working days indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

Amendment

(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the **five** working days, **or 72 hours for fresh commodities and products which are at risk of spoilage**, indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

Amendment 197

Proposal for a regulation

Article 24 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Upon notification of **that** status, customs authorities shall not allow the release for free circulation or export of that relevant commodity or product. They shall also include the following notice in the customs data-processing system and, where possible, on the commercial invoice accompanying the relevant commodity or product and on any other relevant accompanying document: ‘Non-compliant commodity or product — release for free circulation/export not authorised — Regulation (EU) 2021/XXXX.’ [OP to indicate reference of this Regulation]

Amendment

Upon notification of **the non-compliant** status, customs authorities shall not allow the release for free circulation or export of that relevant commodity or product. They shall also include the following notice in the customs data-processing system and, where possible, on the commercial invoice accompanying the relevant commodity or product and on any other relevant accompanying document: ‘Non-compliant commodity or product — release for free circulation/export not authorised — Regulation (EU) 2021/XXXX.’ [OP to indicate reference of this Regulation]

Amendment 198

Proposal for a regulation Article 24 – paragraph 10

Text proposed by the Commission

10. Customs authorities may destroy a non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. ***Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent authorities.***

Amendment

10. Customs authorities may ***donate the relevant commodity or product to charitable or public interest purposes or, and only if such donation is not possible, recycle or, as a last resort,*** destroy a non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product.

Amendment 199

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. Where, in relation to relevant commodities and products subject to this Regulation that are either in temporary storage or placed under a customs procedure other than ‘release for free circulation’, customs authorities at the first point of entry have reason to believe that those relevant commodities or products are not compliant with this Regulation, they shall transmit all relevant information to the competent customs office of destination.

Amendment

4. Where, in relation to relevant commodities and products subject to this Regulation that are either in temporary storage or placed under a customs procedure other than ‘release for free circulation’, customs authorities at the first point of entry have reason to believe that those relevant commodities or products are not compliant with this Regulation, they shall transmit all relevant information to the competent customs office of destination ***as well as to the competent authorities responsible for carrying out the obligations arising from this Regulation.***

Amendment 200

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31. This electronic interface shall be in place at the latest **four years** from the date of adoption of the relevant implementing act referred to in paragraph 3.

Amendment

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31. This electronic interface shall be in place at the latest **one year** from the date of adoption of the relevant implementing act referred to in paragraph 3.

Amendment 201

Proposal for a regulation
Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission **may** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

Amendment

2. The Commission **shall** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

Amendment 202

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a low or high risk, countries shall be considered as presenting a standard risk. The Commission **may** identify countries or parts thereof that present a low or high risk

Amendment

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a low or high risk, countries shall be considered as presenting a standard risk. The Commission **shall** identify countries or parts thereof that present a low or high risk

of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a low or high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2). That list shall be updated as necessary in light of new evidence.

of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a low or high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2) **by ... [OP: insert date months of the entry into force of this Regulation]**. That list shall be updated as necessary in light of new evidence.

Amendment 203

Proposal for a regulation

Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall take into account information provided by the country concerned and be based on the following assessment criteria:

Amendment

The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall **follow a transparent and objective assessment process which shall** take into account information provided by the country and **by the regional authorities concerned, operators as well as NGOs and third parties, including indigenous peoples, local communities and civil society organisations and** be based on the following assessment criteria:

Amendment 204

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) rate of deforestation **and** forest degradation,

Amendment

(a) rate of deforestation, forest degradation **and forest conversion**,

Amendment 205

Proposal for a regulation
Article 27 – paragraph 2 – point d

Text proposed by the Commission

(d) whether the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change covers emissions and removals from agriculture, forestry and land use which ensures that emissions from deforestation **and** forest degradation are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC;

Amendment

(d) whether the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change covers emissions and removals from agriculture, forestry and land use which ensures that emissions from deforestation, forest degradation **and forest conversion** are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC;

Amendment 206

Proposal for a regulation
Article 27 – paragraph 2 – point e

Text proposed by the Commission

(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation **or** forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation **and** their effective implementation;

Amendment

(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation, forest degradation **or forest conversion** and facilitates compliance of relevant commodities and products with the requirements of this Regulation, **provided that** their **timely and** effective implementation **has been ascertained on the basis of an objective and transparent assessment**;

Amendment 207

Proposal for a regulation
Article 27 – paragraph 2 – point f

Text proposed by the Commission

(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of

Amendment

(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of

the Paris Agreement, and takes effective enforcement measures to avoid and sanction activities leading to deforestation **and** forest degradation, and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation **or** forest degradation are applied.

the Paris Agreement **and relevant laws and standards as defined in Article 2, point (28), of this Regulation**, and takes effective enforcement measures **to ensure that those laws are implemented and** to avoid and sanction activities whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement, and takes effective enforcement measures to avoid and sanction activities leading to deforestation, forest degradation **and forest conversion**, and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation, forest degradation **or forest conversion or non-compliance with the relevant laws and standards as defined in Article 2, point (28)**, are applied.

Amendment 208

Proposal for a regulation Article 27 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) whether the national and sub-national jurisdiction has developed jurisdictional approaches with the meaningful engagement of all relevant stakeholders, including civil society, indigenous peoples and local communities, and the private sector, including micro-enterprises and other SMEs, and smallholders, to tackle deforestation, forest degradation, forest conversion, land rights violations and illegal production;

Amendment 209

Proposal for a regulation Article 27 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) whether the country concerned makes relevant data available transparently;

Amendment 210

Proposal for a regulation

Article 27 – paragraph 2 – point f c (new)

Text proposed by the Commission

Amendment

(fc) if applicable, the existence, compliance with, and effective enforcement of, laws protecting the rights of indigenous peoples, local communities and other customary tenure rights holders.

Amendment 211

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall notify the countries concerned of its intent to assign a change to the **existing** risk category and invite them to provide any information deemed useful in this regard. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

The Commission shall notify the countries, **regional authorities as well as the operators and traders** concerned of its intent to assign a change to the risk-category of **a country or part thereof** and invite them to provide any information deemed useful in this regard. The Commission shall **also carry out a public consultation to gather information and views from interested parties, including in particular indigenous peoples, local communities, smallholders and civil society organisations. The Commission shall** allow the countries **and regional authorities** adequate time to provide a response, which may include information on measures taken by the country **or regional authority** to remedy the situation

in case its status or the status of parts thereof might be changed to a higher risk category.

Amendment 212

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

It shall include in the notification the following information:

Amendment

It shall include in the notification **and in the consultation** the following information:

Amendment 213

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. The Commission shall engage with producer countries concerned by this Regulation **to develop** partnerships and **cooperation** to jointly address deforestation **and** forest degradation. Such partnerships and cooperation mechanisms **will** focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation and the transition to sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements **and provisions in existing agreements or agreements** that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. **Such agreements and their effective implementation will be taken into account as part of the benchmarking under** Article

Amendment

1. **In a coordinated approach** the Commission **and Member States**, shall engage with producer countries concerned by this Regulation, **local governments and interested parties, in particular those exporting significant volumes of commodities listed in Annex I, including via the use of existing and future** partnerships and **free trade agreements and the alignment of existing aid tools** to jointly address **the root causes of** deforestation, forest degradation **and forest conversion**. Such partnerships and cooperation mechanisms **shall be supported with adequate resources and shall** focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, **forest conversion** and the transition to sustainable commodity production, consumption processing and trade methods, **good governance, as well as protecting the rights and livelihoods and subsistence of forest-dependent communities, including**

27 of this Regulation.

indigenous peoples, local communities, other customary tenure rights holders and smallholders. Partnerships and cooperation mechanisms may include, ***but are not limited to,*** structured dialogues, ***financial and technical*** support programmes and actions, administrative arrangements that enable producer countries ***and parts thereof*** to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. ***The Commission shall ensure that indigenous peoples, local communities and civil society, are involved in the development of joint roadmaps. The joint roadmaps shall be based on milestones agreed with local stakeholders. The Commission shall particularly engage with producing countries to remove legal obstacles to their compliance, including national land tenure governance and data protection law. The aim of those partnerships shall be the development of joint roadmaps, including sustained dialogue and cooperation, in particular with countries and parts thereof identified as high-risk, to support their continuous improvement towards the standard risk category referred to in Article 27. Partnerships and cooperation mechanisms shall pay particular attention to smallholders in order to enable these smallholders to transition to sustainable farming and forestry practices and to comply with the requirements of this Regulation, including through enabling sufficient and user-friendly information. Adequate financial resources shall be available to meet the needs of smallholders.***

Amendment 214

**Proposal for a regulation
Article 28 – paragraph 2**

Text proposed by the Commission

2. Partnerships and cooperation **should** allow the full participation of all stakeholders, including civil society, indigenous **people**, local communities and the private sector including, SMEs and smallholders.

Amendment

2. Partnerships and cooperation **shall have adequate financial resources and shall take full account of the information and alerts provided by the EU Observatory. They shall** allow the full participation of all stakeholders, including civil society, indigenous **peoples**, local communities, and the private sector including **micro enterprises and other** SMEs, and smallholders. **Partnerships and cooperation shall also support or initiate inclusive and participatory dialogue towards national legal and governance reform processes to enhance forest governance and address domestic factors contributing to deforestation.**

Amendment 215

Proposal for a regulation Article 28 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. To ensure that the enforcement of this Regulation is not unduly restrictive or disruptive to trade, especially towards relevant LDCs, the Commission shall supply specific administrative and capacity-building support to governments, local governments, civil society organisations, including trade unions, and producers, particularly small producers, in third countries aimed to facilitate compliance by these actors with the administrative requirements of this Regulation.

Amendment 216

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, fiscal incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains, strengthen the rights of forest dependent communities including smallholders, indigenous peoples and local communities, and ensure public access to forest management documents and other relevant information.

Amendment

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, ***including multi-stakeholder processes to establish the scope of relevant legislation, fiscal or commercial*** incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains ***and traceability, protect the rights of ownership, tenure and access to land, including rights of tree tenure for local and indigenous communities, and the right to give or withhold free, prior and informed consent***, strengthen the rights of forest dependent communities ***that depend on the forest*** including smallholders, indigenous peoples and local communities ***strengthen national systems of governance and law enforcement***, and ensure public access to forest management documents and other relevant information. ***The Commission shall aim to integrate the monitoring of land and tenure rights under the EU Observatory.***

Amendment 217

**Proposal for a regulation
Article 28 – paragraph 4**

Text proposed by the Commission

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation ***and*** forest degradation, including in multilateral fora such as Convention on Biological Diversity, Food

Amendment

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation, forest degradation ***and forest conversion***, including in multilateral fora such as Convention on Biological

and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of *forest* ecosystems.

Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of *forests and other natural* ecosystems *and related human rights*.

Amendment 218

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall diligently and impartially assess the substantiated concerns and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the Union market of relevant commodities and products under investigation.

Amendment

2. Competent authorities shall, ***without undue delay***, diligently and impartially assess the substantiated concerns and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the Union market of relevant commodities and products under investigation ***and shall inform the Commission about the measures put in place***.

Amendment 219

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The competent authority shall, **as soon as possible** and in accordance with the relevant provisions of national law, inform the natural or legal persons referred to in paragraph 1, which submitted **observations** to the authority, of its decision to **accede to** or refuse the request for action and shall provide the reasons for it.

Amendment

3. The competent authority shall, **within 30 days of receiving a substantiated concern**, and in accordance with the relevant provisions of national law, inform the natural or legal persons referred to in paragraph 1, which submitted **substantiated concerns** to the authority, of its **assessment of their substantiated concern, pursuant to paragraph 2, and the** decision to **accept** or refuse the request for action and shall provide the reasons for it. **Where further action is taken pursuant to paragraph 2, the competent authority shall inform the natural or legal persons without undue delay of the nature and timeline of the measures to be taken.**

Amendment 220

Proposal for a regulation
Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to facilitate the transmission of substantiated concerns from natural or legal persons from producer countries, and especially from local communities, the Commission shall establish a centralised communication procedure to channel those concerns to the relevant Member States. That procedure shall be complementary to those established by competent authorities.

Amendment 221

Proposal for a regulation
Article 29 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. *Member States shall provide for measures to protect the identity of the natural or legal persons who submit substantiated concerns or who carry out investigations with the aim of verifying compliance by operators or traders with this Regulation.*

Amendment 222

Proposal for a regulation Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Access to a court or other independent and impartial public body pursuant to paragraph 1 shall be fair, equitable, timely and not prohibitively expensive and provide adequate and effective remedies, including injunctive relief where appropriate. Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.*

Amendment 223

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall establish and maintain, by the date established in Article 36(2), an information system (“Register”) which shall contain the due diligence statements made available pursuant to Article 4(2).

1. The Commission shall establish and maintain, by the date established in Article 36(2), an information system (“Register”) which shall contain the due diligence statements made available pursuant to Article 4(2) **and the list of non-compliant operators and traders referred to in Article 23.**

Amendment 224

Proposal for a regulation Article 31 – paragraph 2 – point c

Text proposed by the Commission

(c) registration of the outcome of controls on due diligence statements;

Amendment

(c) registration of the outcome of controls on due diligence statements **and the penalties imposed**;

Amendment 225

Proposal for a regulation Article 31 – paragraph 4

Text proposed by the Commission

4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators **and** traders in accordance with their respective obligations under this Regulation.

Amendment

4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators and traders, **or their legal representatives, or both, and suppliers concerned** in accordance with their respective obligations under this Regulation. **Suppliers concerned shall have the right to consult all information which pertains to them.**

Amendment 226

Proposal for a regulation Article 31 – paragraph 5

Text proposed by the Commission

5. In line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024⁵¹, the Commission shall provide access to the wider public to the complete anonymised datasets of the information system in an open format that can be machine-readable and that ensures interoperability, re-use and accessibility.

Amendment

5. **Without prejudice to Article 23 and** in line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024⁵¹, the Commission shall provide access to the wider public, **except for the information in paragraph 2, point (e), of this Article**, to the complete anonymised datasets of the information system in an open format that can be machine-readable and that ensures interoperability, re-use

and accessibility.

⁵¹ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56–83).

⁵¹ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

Amendment 227

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. No later than *two years* after the entry into force, *the Commission shall carry out a first review of this Regulation, and shall present a report to the European Parliament and the Council* accompanied, *if* appropriate, by a legislative proposal. *The report shall focus in particular on an evaluation of the need and the feasibility of extending* the scope of this Regulation to other ecosystems, including land with high carbon stocks and land with a high biodiversity value such as grasslands, peatlands and wetlands *and further* commodities.

Amendment

1. *Following the entry into force of this Regulation, the Commission shall continuously review its application. The Commission shall:*

- (a) *present, no later than ... [OP: insert date one year after the date of entry into force of this Regulation], an impact assessment* accompanied, *where* appropriate, by a legislative proposal, *to extend* the scope of this Regulation to other *natural* ecosystems, including land with high carbon stocks and land with a high biodiversity value such as grasslands, peatlands and wetlands, *in addition to forest and other wooded land in accordance with the cut-off date and definitions as referred to in Article 2,*
- (b) *evaluate, no later than ... [OP: insert date two years after the date of entry into force of this Regulation]:*

(i) the need and feasibility of *extending the scope of this Regulation to other commodities and products, in particular additional products derived from the commodities listed in Annex I as well as to additional commodities and products, specifically sugar cane, ethanol and mining products;*

(ii) the impact of this Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition towards sustainable supply chains *and for smallholders to comply with the requirements of this Regulation;*

(iii) *the need for and feasibility of additional trade facilitation tools, in particular for LDCs highly impacted by this Regulation and countries identified as standard or high risk, to support the achievement of the objectives of this Regulation;*

(c) *analyse, within one year of the adoption of [the forthcoming Directive on corporate sustainability due diligence], if any guidelines are needed to facilitate the implementation of this Regulation and ensure coherence between this Regulation and [the forthcoming Directive on corporate sustainability due diligence], and to avoid undue administrative burden.*

Amendment 228

Proposal for a regulation

Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

No later than five years after the entry into force and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European

Amendment

Without prejudice to the reviews scheduled in paragraph 1, the Commission shall conduct at regular intervals a review of Annex I in order to assess if it is appropriate to amend or

Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of:

extend the relevant products listed in Annex I in order to ensure that all products that contain, have been fed with, or made using, relevant commodities are included in that list, unless the demand for those products has a negligible effect on deforestation. The reviews shall be based on an assessment of the effect of the relevant commodities and products on deforestation, forest degradation and forest conversion, and shall take into account changes in consumption, including a detailed assessment of changes to the patterns of trade in the sectors covered by this Regulation, as indicated by scientific evidence.

Amendment 229

Proposal for a regulation

Article 32 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the need for and feasibility of additional trade facilitation tools to support the achievement of the objectives of the Regulation including through recognition of certification schemes;

deleted

Amendment 230

Proposal for a regulation

Article 32 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the impact of the Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition to sustainable supply chains.

deleted

Amendment 231

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

3. *Without prejudice to the general review under paragraph 1, a first review of Annex I shall be carried out by the Commission no later than two years after the entry into force of this Regulation, and thereafter at regular intervals in order to assess whether it is appropriate to amend or extend the relevant products listed in Annex I in order to ensure that all products that contain, have been fed with or have been made using relevant commodities are included in that list, unless the demand for those products has a negligible effect on deforestation. The reviews shall be based on an assessment of the effect of the relevant commodities and products on deforestation and forest degradation, and take into account changes in consumption, as indicated by scientific evidence.*

Amendment

3. *The Commission shall continuously monitor the impact of this Regulation on vulnerable stakeholders such as smallholders, indigenous peoples and local communities, especially in third countries, also paying particular regard to the situation of women. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by interested stakeholders.*

Amendment 232

Proposal for a regulation Article 32 – paragraph 3 a (new)

Text proposed by the Commission

3a *The Commission shall continuously monitor changes in the trade patterns of the products and commodities included in the scope of this Regulation. When changes in the pattern of trade are found to have insufficient due cause or economic justification other than to avoid obligations as laid down in this Regulation, including replacing those products and commodities with other*

Amendment

products and commodities which are not included in the list of products and commodities in Annex I but have similar characteristics, this shall be viewed as a practice of circumvention. Interested parties may inform the Commission of any perceived circumvention and the Commission shall investigate any substantiated claim introduced by an interested party.

Amendment 233

Proposal for a regulation Article 32 – paragraph 4

Text proposed by the Commission

4. Following *a review* as set out in *paragraph 3*, the Commission *may* adopt delegated acts in accordance *with Article 33* to *amend* Annex I *to include relevant products that contain or have been made using relevant commodities.*

Amendment

4. Following *any of the reviews* as set out in *paragraphs 1 to 4*, the Commission *is empowered to* adopt delegated acts in accordance *with Article 33* to *supplement the list in* Annex I, *or, if appropriate, present a legislative proposal to amend this Regulation.*

Amendment 234

Proposal for a regulation Article 33 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult *stakeholders and* experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment 235

Proposal for a regulation Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Amendment of Directive 2003/35/EC

Annex I of Directive 2003/35/EC^{1a} of the European Parliament and of the Council is amended by adding the following point:

(ga) Article 14(3) of [Regulation (EU) No XXXX/XX of the European Parliament and of the Council of ... on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010]*.

^{1a} Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.6.2003, p. 17).

*** OJ: Please add the number and date of this Regulation and a footnote containing its publication reference.**

Amendment 236

**Proposal for a regulation
Article 36 – paragraph 3**

Text proposed by the Commission

3. Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises⁵³ established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010.

Amendment

3. Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises **and small enterprises**⁵³ established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010.

⁵³ As defined in Article 3(1) of Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC.

⁵³ As defined in Article 3(1) **and (2)** of Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC.

Amendment 237

Proposal for a regulation Annex I

<i>Text proposed by the Commission</i>	
Cattle	ex 0102 Live cattle ex 0201 Meat of cattle, fresh or chilled ex 0202 Meat of cattle, frozen ex 0206 10 Edible offal of cattle, fresh or chilled ex 0206 22 Edible cattle livers, frozen ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split
Cocoa	1801 00 00 Cocoa beans, whole or broken, raw or roasted 1802 00 00 Cocoa shells, husks, skins and

	<p>other cocoa waste</p> <p>1803 Cocoa paste, whether or not defatted</p> <p>1804 00 00 Cocoa butter, fat and oil</p> <p>1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter</p> <p>1806 Chocolate and other food preparations containing cocoa</p>
Coffee	<p>0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion</p>
Oil palm	<p>1511 Palm oil and its fractions, whether or not refined, but not chemically modified</p> <p>1207 10 Palm nuts and kernels</p> <p>1513 21 Crude palm kernel and babassu oil and fractions thereof</p> <p>1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil)</p> <p>2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils</p>
Soya	<p>1201 Soya beans, whether or not broken</p> <p>1208 10 Soya bean flour and meal</p> <p>1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified</p> <p>2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil</p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms</p> <p>4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly</p>

	<p>squared</p> <p>4406 Railway or tramway sleepers (cross-ties) of wood</p> <p>4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm</p> <p>4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm</p> <p>4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed</p> <p>4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances</p> <p>4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances</p> <p>4412 Plywood, veneered panels and similar laminated wood</p> <p>4413 00 00 Densified wood, in blocks, plates, strips or profile shapes</p> <p>4414 00 Wooden frames for paintings, photographs, mirrors or similar objects</p> <p>4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood</p> <p>(Not including packing material used exclusively as packing material to support, protect or carry another product placed on</p>
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	<p>the market.)</p> <p>4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves</p> <p>4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes</p> <p>Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products</p> <p>9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture</p> <p>9406 10 00 Prefabricated buildings of wood</p>
<i>Amendment</i>	
Cattle	<p>ex 0102 Live cattle</p> <p>ex 0201 Meat of cattle, fresh or chilled</p> <p>ex 0202 Meat of cattle, frozen</p> <p>ex 0206 10 Edible offal of cattle, fresh or chilled</p> <p>ex 0206 22 Edible cattle livers, frozen</p> <p>ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen</p> <p><i>ex 0206 10 Edible offal of bovine animals, fresh or chilled</i></p> <p><i>ex 0206 21 Edible tongues of bovine animals, frozen</i></p> <p><i>ex 021020 Meat of cattle, salted, in brine, dried or smoked</i></p> <p><i>ex 1602 50 Meat or meat offal of cattle, prepared or preserved</i></p> <p>ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split</p> <p>ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split,</p>

	<p>but not further prepared</p> <p>ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split</p>
<i>Swine</i>	<p>0103 Live swine</p> <p>0203 Meat of swine, fresh, chilled or frozen</p> <p>0210 11 Hams, shoulders and cuts thereof, with bone in, of domestic swine</p> <p>0210 12 Bellies (streaky) and cuts thereof, of domestic swine</p> <p>0210 19 Other meat of domestic swine</p> <p>209 10 Pig fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</p>
<i>Sheep and Goats</i>	<p>0104 Live sheep and goats</p> <p>0204 Meat of sheep or goats, fresh, chilled or frozen</p>
<i>Poultry</i>	<p>0105 Live poultry, that is to say, fowls of the species Gallus domesticus, ducks, geese, turkeys and guinea fowls</p> <p>0207 Meat and edible offal, of the poultry heading 0105, fresh, chilled or frozen</p> <p>0209 90 Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</p>
Cocoa	<p>1801 00 00 Cocoa beans, whole or broken, raw or roasted</p> <p>1802 00 00 Cocoa shells, husks, skins and other cocoa waste</p> <p>1803 Cocoa paste, whether or not defatted,</p> <p>1804 00 00 Cocoa butter, fat and oil,</p> <p>1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter</p>

	1806 Chocolate and other food preparations containing cocoa
Coffee	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
Oil palm	<p>1511 Palm oil and its fractions, whether or not refined, but not chemically modified</p> <p>1207 10 Palm nuts and kernels</p> <p>1513 21 Crude palm kernel and babassu oil and fractions thereof</p> <p>1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil)</p> <p>2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils</p> <p><i>2905 17 Dodecan-1-ol (lauryl Alcohol), Hexadecan-1-ol (cetyl Alcohol), and Octadecan-1-ol (stearyl Alcohol)</i></p> <p><i>2905 45 Alcohols; polyhydric, glycerol</i></p> <p><i>2915 70 Palmitic acid, stearic acid, their salts and esters</i></p> <p><i>2915 90 Acids; saturated acyclic monocarboxylic acids; anhydrides, halides, peroxides, peroxyacids and halogenated, sulphonated, nitrated or nitrosated derivatives, n.e.c. in heading no. 2915</i></p> <p><i>HS code groups and subheadings 1517..., 3401..., 3823..., 3824..., 3826 Palm-oil and palm kernel oil-based derivates</i></p>
Soya	<p>1201 Soya beans, whether or not broken</p> <p>1208 10 Soya bean flour and meal</p> <p>1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified</p> <p>2304 Oilcake and other solid residues, whether or not ground or in the form of</p>

	pellets, resulting from the extraction of soya-bean oil
<i>Maize</i>	<p><i>1005 Maize (corn)</i></p> <p><i>1102 20 Maize (corn) flour</i></p> <p><i>1103 13 Cereal groats, meal and pellets of maize (corn)</i></p> <p><i>1103 29 40 Pellets of maize</i></p> <p><i>1104 19 50 Cereal grains otherwise worked of maize</i></p> <p><i>1104 23 Other worked grains of maize (corn)</i></p> <p><i>1108 12 00 Maize (corn) starch</i></p> <p><i>1515 21 Maize (corn) oil and its fractions: Crude oil</i></p> <p><i>1904 10 10 Prepared foods obtained by the swelling or roasting of cereals or cereal products obtained from maize</i></p> <p><i>2302 10 Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants of maize (corn)</i></p> <p><i>1515 29 Maize oil and fractions thereof, whether or not refined, but not chemically modified (excl. crude)</i></p> <p><i>2306 90 05 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of maize (corn) germ</i></p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms</p> <p><i>4402 Wood charcoal, incl. shell or nut charcoal, whether or not agglomerated (excl. wood charcoal used as a</i></p>

medicament, charcoal mixed with incense, activated charcoal and charcoal in the form of crayons)

4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared

4406 Railway or tramway sleepers (cross-ties) of wood

4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm

4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm

4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed

4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances

4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances

4412 Plywood, veneered panels and similar laminated wood

4413 00 00 Densified wood, in blocks, plates, strips or profile shapes

4414 00 Wooden frames for paintings, photographs, mirrors or similar objects

4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and

	<p>other load boards, of wood; pallet collars of wood</p> <p>(Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.)</p> <p>4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves</p> <p>4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes</p> <p>Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products</p> <p><i>4900 Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans</i></p> <p>9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture</p> <p>9406 10 00 Prefabricated buildings of wood</p>
<p><i>Rubber</i></p>	<p><i>4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar gums; in primary forms or in plates, sheets or strip</i></p> <p><i>4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip</i></p> <p><i>4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings)</i></p> <p><i>4007 Vulcanised rubber thread and cord</i></p> <p><i>4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber</i></p> <p><i>4010 Conveyer or transmission belts or belting, of vulcanised rubber</i></p> <p><i>4011 New pneumatic tyres, of rubber</i></p>

	<p><i>(other)</i></p> <p>4012 Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber</p> <p>4013 Inner tubes, of rubber</p> <p>4015 Articles of apparel and clothing accessories (including gloves), for all purposes of vulcanised rubber other than hard rubber</p> <p>4016 Articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40</p> <p>4017 Hard rubber (i.e. ebonite) in all forms including waste and scrap; articles of hard rubber</p>
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Amendment 238

Proposal for a regulation Annex II – paragraph 1 – point 2

Text proposed by the Commission

2. Harmonised System code, free-text description, and quantity⁷⁰ of the relevant commodity or product that is intended to be placed on the Union market by the operator;

⁷⁰ The quantity must be expressed in kilograms of net mass and, when applicable, also in the supplementary unit set out in Annex I to Council Regulation (EEC) No 2658/87 against the indicated Harmonised System code. A supplementary unit is applicable when it is defined consistently for all possible subheadings under the Harmonised System code mentioned in the due diligence statement.

Amendment

2. Harmonised System code, free-text description, ***including the trade name as well as, where applicable, the full scientific name***, and quantity⁷⁰ of the relevant commodity or product that is intended to be placed on ***or exported from*** the Union market by the operator.

⁷⁰ The quantity must be expressed in kilograms of net mass, ***specifying a percentage estimate or deviation***, and, when applicable, also in the supplementary unit set out in Annex I to Council Regulation (EEC) No 2658/87 against the indicated Harmonised System code. A supplementary unit is applicable when it is defined consistently for all possible subheadings under the Harmonised System code mentioned in the due diligence statement.

Amendment 239

Proposal for a regulation Annex II – paragraph 1 – point 3

Text proposed by the Commission

3. Country of production and all **plots of land of production, including** geo-localisation coordinates, latitude and longitude. Where a product or commodity contains materials, ingredients or components produced in different plots of **land**, the geo-location coordinates of all different plots of **land** shall be included;

Amendment

3. Country of production and **parts thereof and** all geo-localisation coordinates, latitude and longitude, **of all plots of lands as specified in Article 9 (1) point (d)**. Where a product or commodity contains materials, ingredients or components produced in different plots of **lands or polygons**, the geo-location coordinates of all different plots of **lands or polygons** shall be included;

EXPLANATORY STATEMENT

Introduction

Global forests are the lungs of our planet. They store CO₂ and thus protect us from global warming. Additionally they host 80% of the Earth's biodiversity and provide a source of livelihood and income for about 25% of the world's population. The increasing deforestation of global forests is therefore extremely worrying. The Food and Agriculture Organization of the United Nations (FAO) estimates that from 1990 to 2020 420 million hectares of forest were cut down. This is the equivalent to an area larger than the European Union. The rapporteur welcomes that the European Commission followed the demands from the European Parliament in its legislative own-initiative report from October 2020 to propose a legal framework to halt and reverse EU-driven global deforestation. He believes, however, that there is some room for improvements to the proposal as outlined in this report.

Scope

The major driver of deforestation is the expansion of agricultural land to produce commodities such as cattle, wood, palm oil, soy, cocoa, coffee and rubber. A growing world population and increasing demand for agricultural products are expected to further increase demand for agricultural land and put additional pressure on forests. Therefore it is pivotal that the regulation does not only cover wood products, but also those commodities that are being planted or produced on former forest areas, which have been converted to agricultural land. The Commission claims that it has evaluated the inclusion of the commodities and products that will be covered by this regulation based on a detailed cost-benefit analysis and has thus selected those commodities where an intervention could bring highest benefits per unit value of trade. Although maize and rubber were included in its impact assessment, the Commission has decided not to include them in the scope of its proposal as "it would require a very large effort and significant financial and administrative burden, with limited return in terms of curbing deforestation driven by EU consumption."

The rapporteur disagrees with this conclusion and proposes to include at least rubber in the scope of this regulation. Also he enlarges the scope to products derived from palm oil-based products such as cosmetics since these products account for a large share of imported palm oil. According to the team of scientists who produced the embodied deforestation data set for the Commission impact assessment, there is a fundamental inconsistency in the cost-benefit ratio, which leads to a mismatch when estimating embodied deforestation and the associated economic value. Eventually, the Commission has calculated the embodied deforestation on the basis of the import of natural rubber only and not the value of all processed rubber products.

The rapporteur believes that the list established in the impact assessment is a good starting point, but should be further reviewed in the future to add more ambition to the regulation. He therefore asks the Commission to review the regulation two years after its entry into force and conduct, in the meantime, detailed impact assessments regarding the eventual extension of the scope to other ecosystems and commodities such as other meat, processed beef, sugar cane and charcoal.

Role of rights of indigenous people

The Commission proposal sets out three clear conditions that have to be fulfilled in order to

place commodities and products on the EU market. Unfortunately, the Commission only names compliance with national laws as one of the three conditions. The rapporteur believes that this condition should also include the respect of international standards on customary tenure rights and indigenous people. They are the first to fall victim to deforestation, losing their homes and livelihood. At the same time studies show that deforestation rates in lands held by indigenous communities are significantly lower as they tend to actively and sustainably manage the forests they live from.

The rapporteur pays a special attention to the living conditions of the most vulnerable population groups that under no circumstance shall be altered by this regulation.

Smallholders

The share of smallholders in the commodities that will be covered by this regulation is very high, reaching up to 80% in the cocoa sector for example. It is therefore fundamental to design this regulation in a way that will not lead to the exclusion of these smallholders. The rapporteur therefore emphasises the need to provide financial and technical support to help smallholders meet the new requirements in particular with regard to the geolocalisation requirement. The rapporteur proposes to allow for some more flexibility providing the possibility for geolocalisation coordinates for a production area and not necessarily for every single plot of land in order to avoid exclusion of smallholders.

Traceability System

The idea of traceability up to each plot of land via geolocalisation is the most innovative element of the COM proposal. While this new idea makes the proposal tangible and comprehensive for every citizen, it poses the biggest challenges for the implementation on the ground.

Commodities with risk of deforestation or forest degradation are often sourced from global supply chains. Companies can have up to 10,000 assortment items and up to 190,000 suppliers in their systems and ingredients with risk relevance can come from an average of 15 countries of origin. The supply chains for these commodities can differ significantly from one commodity to another. Under the current rules, it would not be possible for each product to be traced back to an individual smallholder parcel. For many commodities, operators share supply chain infrastructures. That means that trucks pick up commodities from different regions (deforestation free and non-deforestation free), mix those commodities in storages or mills where they are then transported to ships in mixed tanks that can supply several continents. Making sure that a commodity is “deforestation-free” inevitably means that segregated supply chains will have to be set up. The examples of GMO-free products have shown that this is possible, but it is complicated, requires time and is costly. The rapporteur therefore believes that the Commission should analyse the different supply chains and establish rules on due diligence requirements, traceability tools and liability rules for the different supply chains that are covered by this regulation. These guidelines should also take into consideration the specific nature of commodities. Coffee plants, for example, have to be cut down every five years. Such procedures should not be interpreted as deforestation. For the sake of allowing a proper implementation of this regulation and adapting supply chains, the rapporteur has furthermore extended the dates of application as outlined in Article 36 respectively by one year.

Due Diligence System

According to the Commission's due diligence system, operators and non-SME traders should ensure that the risk of non-compliant commodities or products being placed on the market is negligible. They shall therefore apply the concept of due diligence including the gathering of relevant information (Article 9) as well as the conduct of risk assessment and risk mitigation measures (Article 10). While the rapporteur welcomes the due diligence approach, the responsibilities and liabilities of the different operators and traders in the supply chain are very vague in the current Commission proposal leaving room for legal uncertainty. The way the Commission proposal is drafted would mean that every single operator and every non-SME trader in the supply chain has to take all the steps of the due diligence procedure. That would result in a huge administrative burden, duplication of efforts and make operators at the end of the supply chain liable for questions that are out of their control. The rapporteur therefore clarifies that the first due diligence analysis should only be conducted by the operator or trader placing a product for the first time on the EU market. This due diligence information, which will be provided in a harmonised and digital manner via a due diligence statement, will then be passed on to the other operators and traders in the supply chain.

Country risk benchmarking

The Commission proposal intends to set up a three-tier benchmarking system assigning countries or parts thereof with low, standard or high-risk status. Thereby the Commission hopes to incentivise high-risk countries to ensure stronger efforts for forest protection and allow for a gradual reduction of due diligence and control requirements for operators and competent authorities. The rapporteur believes that the three-tier approach will create problems rather than help in the implementation of this regulation. Assigning countries a high-risk category might be challenged by the country concerned before the WTO. While a high-risk assessment does not automatically lead to a ban for commodities from these countries, the increased due diligence criteria might deter companies from maintaining supply chains from high-risk countries. Furthermore, it would punish producers in high-risk countries or regions that have already undertaken efforts and investments to ensure deforestation-free production. The rapporteur therefore proposes to restrain the risk-benchmarking to identify low-risk countries in order to allow producers to apply simplified due diligence for these countries and incentivise other countries to undertake efforts to move towards the low-risk status.

Destruction of incompliant products

The Commission proposal provides for the option that customs authorities may destroy non-compliant commodities or products upon the request of the competent authority. Given that non-compliant products do not pose a threat to the health of EU consumers and the EU has committed to a circular economy that avoids (food) waste to the best possible extent, the rapporteur believes that a destruction of non-compliant products cannot be justified.

Concluding remarks

EU consumption is responsible for only about 10% of global deforestation. The rapporteur is

nevertheless convinced that this proposal can make a big difference not only to the Union's contribution to deforestation, but also in the global fight against irreversible deforestation. The EU is known to lead by example. If our trade partners and third countries see that setting up deforestation-free supply chains works, they will make use of the tools that the EU will put in place and convince more and more farmers and forest owners to participate in more sustainable use of forests and agricultural land. In the end, this regulation is an inevitable step if we want to be successful in the fight against climate change. It must be clear to all of us that, without curbing global deforestation, all the efforts that we are taking on EU ground to curb climate change will be nothing but a drop in the ocean.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Fern - Making the EU work for People and Forests
Indigenous Peoples and local communities organisations (22 associations from 33 countries)
Mighty Earth
Global Witness
Greenpeace
Rainforest Alliance
Preferred by Nature
Wildlife Conservation Society
Brainforest - Gabon
Inclusive Development International
Youth for Promotion of Development - Cameroon
Synaparcam - Cameroon
Green Development Advocates - Ghana
Zoological Society of London
Resourcetrust Network - Ghana
National Action pour la Promotion et Protection des Peuples et Espèces Menacés DR Congo)
FarmForce
ClientEarth
Conservation International Europe
Environmental Investigation Agency
Forest People Programme
Accountability Framework Initiative (NGO)
ISEAL Alliance
Earthsight
Fairtrade Advocacy
Tropenbos
Solidaridad
IUCN - Netherlands
FTAO
Human Rights Watch
WWF European Policy Office
Earthworm
Round Table on Responsible Soy
Ivorian Multistakeholder organization (30 CSOs and 35 farmer`s organizations)
EDRA/GHIN - European Retail and Home Improvement Association
DIHK - Deutsche Handwerkskammer (German Chamber of Crafts)

FoodDrinkEurope - European Food and Drink Industry
BVLH - Deutscher Handelsverband Lebensmittel (German food retailer association)
PepsiCo
FEDIOL - EU vegetable oil and proteinmeal industry association
Coceral - European association of trade in cereals, oilseeds, rice, pulses, olive oil, oils and fats, animal feed and agrosupply
FEFAC - European Feed Manufacturer`s Association
AVEC - European Poultry Meat Sector
CIBE - International Confederation of European Beet Growers
WILMAR International Limited
USSEC - U.S. Soybean Export Council
CEFIC - European Chemicals Industry Council
APAG - European Oleochemicals & Allied Products Group
CESIO - European Committee of Organic Surfactants and their Intermediates
BASF
European Brands Association (AIM)
BDSI - Bund deutscher Süßwarenindustrie (German Sweets Association)
ECA - European Chocolate Association
DBV - Deutscher Bauernverband - (German Farmer`s Association)
CEPF - Confederation of European Forest Owners
CopaCocega - European Farmers and Agricooperatives
ELO - European Landowners Association
USSE - Union de Selvicultores del Sur de Europa
EUSTAFOR - Managing State Forests Responsibly
FECOF - Federation Europeen des Communes Forestieres
UEF - Union of European Foresters
Stora Enso
FFIF - Finnish Forest Industries
Swedish Forest Industries
EOS - European Organization of the Sawmill Industry
FAM
HDH - Hauptverband der deutschen Holzindustrie (Association of German Wood Industry)
French Conseil National du Cuir (French Leather Council)
Carbonex
CEPI - European Paper Industry
ECF - European Coffee Federation

17.5.2022

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
(COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

Rapporteur for opinion: Karin Karlsbro

(*) Associated committee – Rule 57 of the Rules of Procedure

AMENDMENTS

The Committee on International Trade calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient

Amendment

(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient

and competitive economy, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others, fresh air, clean water, healthy soil and biodiversity. To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

²⁴ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM(2019) 640 final.

²⁵ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

and competitive economy ***built on sustainable and rule-based free trade***, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others, fresh air, clean water, healthy soil and biodiversity. To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

²⁴ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, The European Green Deal, COM(2019) 640 final.

²⁵ Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 Bringing nature back into our lives, COM/2020/380 final.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

²⁷ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A new EU Forest Strategy: for forests and the forest-based sector, COM(2013) 659 final.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', COM/2021/400 final.

²⁹ e.g. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A long-term Vision for the EU's Rural Areas - Towards stronger, connected, resilient and prosperous rural areas by 2040, COM (2021) 345 final.

³⁰ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A sustainable bioeconomy for Europe, Strengthening the connection between economy, society and the environment: updated bioeconomy strategy, Updated Bioeconomy Strategy, COM(2018) 273 final.

²⁶ Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final.

²⁷ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A new EU Forest Strategy: for forests and the forest-based sector, COM(2013) 659 final.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil', COM/2021/400 final.

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³⁰ Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions, A sustainable bioeconomy for Europe, Strengthening the connection between economy, society and the environment: updated bioeconomy strategy, Updated Bioeconomy Strategy, COM(2018) 273 final.

Amendment 2

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services. Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at **influencing** the global market, not only supply chains to the Union. Partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect.

Amendment

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services. Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at **global net deforestation reduction by promoting sustainable production in high-risk areas and disincentivising new deforestation in all areas. Union Policy should also influence** the global market, not only supply chains to the Union. **A trade policy built on openness and sustainable rule-based free trade is an effective tool to affect global change, if properly aligned with the Green Deal objectives.** **Multilateral and bilateral** partnerships and efficient international cooperation, **including free trade agreements**, with producer and consumer countries, **taking into account the inputs from all relevant stakeholders** are fundamental in that respect.

Amendment 3

**Proposal for a regulation
Recital 14 a (new)**

Text proposed by the Commission

Amendment

(14 a) Any partnership or cooperation with a trade partner should always allow for the full participation of all stakeholders, including civil society, Indigenous people, local communities, local authorities and the private sector including SMEs and smallholders.

Amendment 4

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union.

Amendment

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. ***Any measures introduced by the Union that affects trade must be WTO compliant. Further, all measures introduced by the Union that affect trade must take into account the possible response of the Union's trade partners and ensure that the enforcement of the measure is not unduly restrictive nor disruptive to trade.*** The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union ***as well as focus on commodities and products most at risk of leading to deforestation and forest degradation.***

Amendment 5

Proposal for a regulation

Recital 18 a (new)

(18a) The challenges the world is facing in climate change and biodiversity loss can only be dealt with by global action. The Union should be a strong global actor both leading by example and taking the lead in international cooperation to create an open multilateral system where sustainable trade acts as a key enabler of the green transition to both fight climate change and stop biodiversity loss.

Amendment 6

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) This Regulation also follows the Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world.

Amendment

(19) This Regulation also follows the Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals, ***ensures a level playing field for EU businesses, and focus on implementing and enforcing trade agreements as well conducting new trade agreements which shall include strong enforceable provisions on sustainability, particularly for forests, and the obligation for effective enforcement of multilateral environmental agreements, such as the Paris Agreement and the Convention on Biological Diversity.*** Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and

digital transformations of the economy and towards building a more resilient Europe in the world.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

Amendment 7

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) This Regulation should be complementary to other measures proposed in the Commission Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’³⁹, in particular: 1) working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and 2) strengthen international cooperation, with major consumer countries, **to promote** the adoption of similar measures to avoid products coming from supply chains associated with deforestation and forest degradation being placed on their markets.

³⁹ COM(2019) 352 final.

Amendment 8

Amendment

(20) This Regulation should be complementary to other measures proposed in the Commission Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’³⁹, in particular: 1) working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and 2) strengthen international cooperation, with major consumer countries **by, amongst other actions, promoting trade agreements that include forest conservation provisions and encourage trade in agricultural and forest-based products that have not caused deforestation, and** the adoption of similar measures to avoid products coming from supply chains associated with deforestation and forest degradation being placed on their markets.

³⁹ COM(2019) 352 final.

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous **people**, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry. In doing so it should acknowledge the role of indigenous **people** in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders **in line** with the Communication to Stepping up Action to Protect and Restore the World's Forests. The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation.

Amendment

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies **as well as relevant stakeholders active on the ground**, and should be reinforcing its support and incentives with regard to protecting **and restoring** forests and transition to deforestation-free production, acknowledging the role of Indigenous **peoples and local communities**, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry **without neglecting the national frameworks on sustainable forest management**. In doing so it should acknowledge the role of Indigenous **peoples and local communities** in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders **in line** with the Communication to Stepping up Action to Protect and Restore the World's Forests. **Any rules and requirements must aim to minimise the burden on smallholders in third countries and prevent barriers to their access to the Union market and to international trade**. The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective

of this Regulation to reduce deforestation and forest degradation *as well as supporting forest restoration*.

Amendment 9

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. The EU Observatory will cooperate closely with relevant international organisations, research institutes, and third countries.

Amendment

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. The EU *should also examine how to integrate land rights monitoring into the EU Observatory. The EU* Observatory will cooperate closely with relevant international organisations, research institutes, *non-governmental organisations, businesses* and third countries.

Amendment 10

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) To ensure that the total level of regulatory burden is not unduly increased for operators and traders in the sectors covered by this Regulation the Commission should, no later than three years after the entry into force of this Regulation, evaluate the cost of additional administrative burdens imposed on operators and traders by this Regulation, and present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal to minimise burdens, especially for small and medium-sized enterprises. This evaluation should be conducted in close cooperation with affected stakeholders.

Amendment 11

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to effectively combat deforestation, forest degradation, and to promote deforestation-free supply chains.

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to effectively combat deforestation, forest degradation, and to promote deforestation-free supply chains ***as well as to promote the protection of human rights, and the rights of Indigenous peoples and local communities.***

Amendment 12

Proposal for a regulation

Recital 32

Text proposed by the Commission

Amendment

(32) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that

(32) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that

commodities and products from supply chains related to deforestation and forest degradation are not placed on the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production. To confirm that this is the case, **they** should always be accompanied by a due diligence statement.

commodities and products from supply chains related to deforestation and forest degradation are not placed on **nor exported from** the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production **and in compliance with international human rights, Indigenous peoples and local communities, adopted by the country of production**. To confirm that this is the case, **relevant commodities and products** should always be accompanied by a due diligence statement.

Amendment 13

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) In order to recognise good practice, certification or other third party verified schemes could be used in the risk assessment procedure, however, they should not substitute the operator's responsibility as regards due diligence.

Amendment

(35) In order to recognise good practice, certification or other third party verified schemes could be used in the risk assessment procedure **and in risk mitigation**, however, they should not substitute the operator's responsibility as regards due diligence.

Amendment 14

Proposal for a regulation Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The Commission should present detailed and user-friendly sector specific guidelines for how operators and traders can set up their due diligence systems to ensure that they can produce due diligence statements that live up to the requirements of this Regulation. These

guidelines should cover all three conditions for fulfilment as stated by this Regulation, namely that commodities and products should be deforestation free, be produced according to the relevant laws in the country of production and with the respect of international human rights and the rights of indigenous peoples and local communities and be accompanied by a due diligence statement. The guidelines should be developed in close cooperation with relevant stakeholders from both the Union and our trading partners and regularly reviewed.

Amendment 15

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) The effective and efficient implementation and enforcement of this Regulation are essential to achieving its goals. To this end, the Commission should set up and manage an information system to support the operators and the competent authorities in presenting and accessing the necessary information on relevant commodities and products placed on the market. The operators should submit the due diligence statements to the information system. The information system should be accessible to competent authorities and customs authorities to facilitate fulfilling their obligations under this Regulation. The information system should also be accessible for a wider public, with the anonymised data provided in an open and machine-readable format in line with the Union's Open Data Policy.

Amendment

(41) The effective and efficient implementation and enforcement of this Regulation are essential to achieving its goals. To this end, the Commission should set up and manage an information system to support the operators and the competent authorities in presenting and accessing the necessary information on relevant commodities and products placed on the market. The operators should submit the due diligence statements to the information system. The information system should be accessible to competent authorities and customs authorities to facilitate fulfilling their obligations under this Regulation ***and should facilitate transfers of information between and among Member States, competent authorities and customs authorities***. The information system should also be accessible for a wider public, with the anonymised data provided in an open and machine-readable format in line with the Union's Open Data Policy.

Amendment 16

Proposal for a regulation Recital 47 a (new)

Text proposed by the Commission

Amendment

(47a) To ensure that this Regulation does not create unnecessary restriction to trade the Commission should cooperate with countries which are identified to present standard or high risk, and relevant stakeholders in these countries, to work towards reducing the level of risk. This cooperation should also include assistance for ways to remediate the reasons for why the given country is not a low risk country.

Amendment 17

Proposal for a regulation Recital 48

Text proposed by the Commission

Amendment

(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For a comprehensive coverage of the relevant commodities and products, the respective operators and traders and the volumes of their share of commodities and products, a twofold approach should apply. Competent authorities should thus be required to check on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant commodities and products. Such percentages should be higher for relevant commodities and products from high-risk countries or parts thereof.

(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For a comprehensive coverage of the relevant commodities and products, the respective operators and traders and the volumes of their share of commodities and products, a twofold approach should apply. Competent authorities should thus be required to check on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant commodities and products ***and be conducted according to a plan setup by each Member State based on a risk-based approach.*** Such percentages should be higher for relevant

commodities and products from high-risk countries or parts thereof.

Amendment 18

Proposal for a regulation

Recital 50

Text proposed by the Commission

(50) In case the risk analysis of the due diligence statements reveals a high risk of non-compliance of specific relevant commodities and products, the competent authorities should be able to take immediate interim measures to prevent their placing or making available on the Union market. In case such relevant commodities and products were entering or leaving the Union market, the competent authorities should request from customs authorities the suspension of the release for free circulation or the export to enable competent authorities to carry out the necessary checks. Such request should be communicated by means of the interface system between customs and competent authorities. Suspension of the placing or making available on the Union market, of the release for free circulation or of export should be limited to three working days except where the competent authorities require additional time to assess the compliance of the relevant commodities and products with this Regulation. In that case, the competent authorities should take additional interim measures to extend the suspension period or request such extension to customs authorities in case of relevant commodities and products entering or leaving the Union market.

Amendment

(50) In case the risk analysis of the due diligence statements reveals a high risk of non-compliance of specific relevant commodities and products, the competent authorities should be able to take immediate interim measures to prevent their placing or making available on the Union market ***or their export from the Union***. In case such relevant commodities and products were entering or leaving the Union market, the competent authorities should request from customs authorities the suspension of the release for free circulation or the export to enable competent authorities to carry out the necessary checks. Such request should be communicated by means of the interface system between customs and competent authorities. Suspension of the placing or making available on the Union market, of the release for free circulation or of export should be limited to three working days, ***or three weekdays for fresh commodities and products at risk of spoilage***, except where the competent authorities require additional time to assess the compliance of the relevant commodities and products with this Regulation. In that case, the competent authorities should take additional interim measures to extend the suspension period or request such extension to customs authorities in case of relevant commodities and products entering or leaving the Union market.

Amendment 19

Proposal for a regulation Recital 51

Text proposed by the Commission

(51) The plan for checks should be regularly updated on the basis of the results of its implementation. Those operators showing a consistent track record of compliance should be subject to a reduced frequency of checks.

Amendment

(51) The plan for checks should be regularly updated on the basis of the results of its implementation. Those operators showing a consistent track record of compliance ***in all Member States where they have been active*** should be subject to a reduced frequency of checks ***and those operators not showing a consistent track record of compliance in all Member States where they have been active should be subjected to an increased frequency of checks.***

Amendment 20

Proposal for a regulation Recital 51 a (new)

Text proposed by the Commission

Amendment

(51a) The Commission should, if it has reason to believe that a Member State does not conduct sufficient controls to ensure the enforcement of this Regulation, in dialogue with this Member State be mandated to introduce changes to the plan of checks in that Member State to rectify the situation.

Amendment 21

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-

Amendment

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-

compliant relevant commodities and products and take appropriate corrective actions. **They** should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties.

compliant relevant commodities and products and take appropriate corrective actions. **Such actions should always be as economically and environmentally efficient as possible. The Member States** should also, **without prejudice to the actions taken to ensure effective enforcement of this Regulation**, ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties.

Amendment 22

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this Regulation remain relevant and in line with scientific and technological developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing the information requirements necessary for the due diligence procedure, the information and criteria of risk assessment and risk mitigation with which operators have to comply which are set out in this Regulation and the list of goods set out in Annex I of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same

Amendment

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this Regulation remain relevant and in line with scientific and technological developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing the information requirements necessary for the due diligence procedure, the information and criteria of risk assessment and risk mitigation with which operators have to comply which are set out in this Regulation and the list of goods set out in Annex I of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level **and with stakeholders**, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive

time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 23

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation.

Amendment

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. ***VPAs are intended to foster systemic changes in the forestry sector aimed at sustainable management of forests, eradicating illegal logging and supporting worldwide efforts to stop deforestation. VPAs provide an important legal framework for both the EU and its partner countries, made possible with the good cooperation and engagement by the countries concerned; new VPAs with additional partners should be promoted. This Regulation should build upon the work done under the FLEGT Regulation that continues to serve as an important mechanism to protect the world's forests.*** To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage) ***and incentivise other partners to work towards reaching this stage***, this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation, ***thus ensuring that this part of the due diligence requirement will be easily verified. The VPA partnerships should be supported with adequate***

resources and specific administrative and capacity building support. The FLEGT Regulation will also remain an important system to provide frameworks for multi-stakeholder consultations.

Amendment 24

Proposal for a regulation Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) To ensure that this Regulation is not unduly restrictive nor disruptive to trade, especially with LDC's and SMEs, the Commission should supply specific administrative and capacity building support to governments, local governments, civil society organisations and producers, particularly small producers, in third countries aimed at facilitating for these actors to live up to the administrative requirements of this Regulation .

Amendment 25

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) The Commission should continuously monitor any changes to the pattern of trade of the products and commodities included in the scope of this Regulation. Where those changes are found to have insufficient due cause or economic justification other than to avoid obligations laid down in this Regulation, including replacing those products and commodities with slightly modified products which are not included in the scope of this Regulation but are similar, such changes should be considered to be circumvention. Whenever circumvention

is detected, the Commission should adopt a delegated act, or, where appropriate, present a new legislative proposal, to amend this Regulation in order to prevent future circumvention.

Amendment 26

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) Since the objective of this Regulation, fighting against deforestation and forest degradation by reducing the contribution of consumption in the Union, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(60) Since the objective of this Regulation, fighting against deforestation and forest degradation by reducing the contribution of consumption in the Union, ***and by incentivising deforestation reduction in producing countries***, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 27

Proposal for a regulation Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) they have been produced in accordance with the relevant legislation of the country of production; and

Amendment

(b) they have been produced in accordance with the relevant legislation of the country of production ***and with the respect of international human rights and the rights of Indigenous peoples and local communities***; and

Amendment 28

Proposal for a regulation
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Operators shall have a system in place for receiving substantiated concerns from interested parties and shall thoroughly investigate all substantiated concerns introduced to this system.

Amendment 29

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Operators that have received new information, including substantiated concerns, that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market. In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

6. Operators that have received new information, including substantiated concerns **as referred to in paragraph 5a that indicates a non-negligible risk**, that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market **as well as traders to whom they have supplied the relevant commodity or product in view of preventing further circulation on, or export from, the internal market**. In the case of exports from the Union market, the operators shall inform the competent authority of **the** Member State which is the country of production

Amendment 30

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Traders which are SMEs that have

4. Traders which are SMEs that have

received new information, including substantiated concerns, that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant commodity or product on the market.

received new information, including substantiated concerns ***that indicates a non-negligible risk***, that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant commodity or product on the market.

Amendment 31

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

Amendment

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products ***intended for commercial use***, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

Amendment 32

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Online marketplaces shall comply with the obligations set out in Article 4 for goods and commodities they facilitate the sale of when there is no operator connected to the sale established in the EU.

Amendment 33

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.

Amendment

1. Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. ***The operator shall be able to request clarification or assistance in the implementation from the competent authority if it is not able to adequately collect the information required by this Regulation.*** If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.

Amendment 34

Proposal for a regulation

Article 10 – paragraph 2 – point e

Text proposed by the Commission

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment

(e) concerns in relation to the country of production, ***or parts thereof in accordance with Article 27,*** and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, ***violation of rights of or violence against Indigenous Peoples, local communities or other customary land tenure rights holders, as well as human rights defenders,*** armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment 35

Proposal for a regulation

Article 10 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the existence of claims to or disputes regarding the use of or ownership of tenure rights on the area used for the purpose of producing the relevant commodities and products;

Amendment 36

Proposal for a regulation

Article 10 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(eb) the presence of Indigenous peoples, local communities and other customary land tenure rights holders in the area of production of the relevant commodity or products;

Amendment 37

Proposal for a regulation

Article 10 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land where they were produced;

(f) the complexity of the relevant supply chain, in particular difficulties in connecting **the supply chain of** commodities and/or products to the plot of land where they were produced;

Amendment 38

Proposal for a regulation

Article 10 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation has

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation **as well**

occurred or is occurring;

as violations of the relevant law has occurred or is occurring;

Amendment 39

Proposal for a regulation

Article 10 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the outcome of multi-stakeholder dialogues where impacted parties, such as smallholders, Indigenous peoples and local communities, SMEs, has been invited to actively participate;

Amendment 40

Proposal for a regulation

Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Operators shall meaningfully engage with relevant stakeholder groups, including but not limited to Indigenous peoples, local communities, smallholders and other customary tenure rights holders, SMEs, throughout the risk assessment and risk mitigation process. They shall engage with these stakeholders prior of taking any decisions impacting them.

Amendment 41

Proposal for a regulation

Article 10 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) model risk management practices, reporting, record-keeping, internal control and compliance management, including for operators that are not SMEs, the appointment of a compliance officer at

(a) model risk management practices, ***including by those undertaken by certification or other third-party-verified schemes***, reporting, record-keeping, internal control and compliance

management level;

management, including for operators that are not SMEs, the appointment of a compliance officer at management level;

Amendment 42

Proposal for a regulation Article 10 – paragraph 8

Text proposed by the Commission

8. The Commission may ***adopt delegated acts in accordance with Article 33*** to supplement paragraphs 2, 4 and 6 as regards relevant information to be obtained, risk assessment criteria and risk mitigation measures that may be necessary to supplement those referred to in this Article to ensure the effectiveness of the due diligence system.

Amendment

8. The Commission may ***present legislative proposals*** to supplement paragraphs 2, 4 and 6 as regards relevant information to be obtained, risk assessment criteria and risk mitigation measures that may be necessary to supplement those referred to in this Article to ensure the effectiveness of the due diligence system.

Amendment 43

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Sector specific due diligence guidelines

In order to provide support to companies or to Member State authorities on how companies should fulfil their due diligence obligations the Commission shall no later than six months from the entry into force of this Regulation present sector specific guidelines on how due diligence systems as referred to in Article 11(1) can be set up and how to fill out their due diligence statements as referred to in Article 4(2). Specifically the Commission shall, for each sector covered by this Regulation, provide guidance on how operators and traders can fulfil all three conditions referred to in Article 3 of this Regulation. The guidelines shall be

developed in close cooperation with relevant stakeholders from the Union and trading partners and with international bodies with expertise on due diligence, such as the OECD, and shall be easily understandable and take due account of the UN Guiding Principles on Business and Human Rights. The Commission shall regularly, and at least every three years, review and if appropriate update those guidelines.

Amendment 44

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12 b

Harmonisation of Union due diligence legislation

- 1. The due diligence obligations laid down in this Regulation are complementary to any existing and future EU due diligence legislation.*
- 2. Within six months of the adoption of the Union due diligence legislation, the Commission shall conduct a comprehensive impact assessment to analyse whether any amendments to this Regulation are necessary to ensure alignment and coherence between this Regulation and any future EU due diligence legislation. If appropriate, the Commission shall come forward with a review of the Regulation to make necessary adaptations.*

Amendment 45

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall carry out checks to establish whether operators and traders comply with their obligations under this Regulation and whether the relevant commodities and products placed or made available on the Union market or exported from it are compliant with the requirements of this Regulation.

Amendment

1. The competent authorities shall carry out **sufficient** checks to establish whether operators and traders comply with their obligations under this Regulation and whether the relevant commodities and products placed or made available on the Union market or exported from it are compliant with the requirements of this Regulation.

Amendment 46

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall take into account in particular the assignment of risk to countries or parts thereof in accordance with Article 27, the history of compliance of an operator or trader with this Regulation and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness. When reviewing the plans, the competent authorities shall establish a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.

Amendment

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall take into account in particular the assignment of risk to countries or parts thereof in accordance with Article 27, **the quantity of relevant commodities and products being placed or made available on the market by the operator or trader, the period of time since the risk assessment for the relevant commodities or products was completed** and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness. When reviewing the plans, the competent authorities shall establish **an increased frequency of checks for those**

operators and traders who do not have a consistent record of full compliance with the requirements of this Regulation in all Member States where they have been active and a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.

Amendment 47

Proposal for a regulation Article 14 – paragraph 7

Text proposed by the Commission

7. The suspensions referred to in paragraph 6 shall end within 3 working days unless the competent authorities, based on the result of the checks conducted within that period, conclude that they require additional time to establish whether the relevant commodities and products comply with the requirements of this Regulation. In such case, the competent authorities shall extend the period of suspension by means of additional interim measures taken under Article 21 or, in the case of relevant commodities or products entering or leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6).

Amendment

7. The suspensions referred to in paragraph 6 shall end within 3 working days, ***three weekdays for fresh commodities and products which are at the risk of spoilage***, unless the competent authorities, based on the result of the checks conducted within that period, conclude that they require additional time to establish whether the relevant commodities and products comply with the requirements of this Regulation. In such case, the competent authorities shall extend the period of suspension by means of additional interim measures taken under Article 21 or, in the case of relevant commodities or products entering or leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6).

Amendment 48

Proposal for a regulation Article 14 – paragraph 9

Text proposed by the Commission

9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover at least 5% of

Amendment

9. Each Member State shall ensure that the annual checks carried out by their competent authorities ***are sufficient to***

the operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as 5% of the quantity of each of the relevant commodities placed or made available on or exported from their market.

statistically significantly ensure that relevant commodities and products made available on or exported from the Union market comply with the requirements of this Regulation. Such checks shall be based on the risk analysis under paragraph 4 and cover at least 5% of the operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as 5% of the quantity of each of the relevant commodities placed or made available on or exported from their market.

Amendment 49

Proposal for a regulation Article 14 – paragraph 11

Text proposed by the Commission

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall, ***without undue delay,*** conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment 50

Proposal for a regulation Article 14 – paragraph 12

Text proposed by the Commission

12. Checks shall be carried out without prior warning of the operator or trader, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks.

Amendment

12. Checks shall be carried out without prior warning of the operator or trader, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks, ***and be conducted in close cooperation with stakeholders.***

Amendment 51

Proposal for a regulation Article 14 – paragraph 13

Text proposed by the Commission

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least 5 years.

Amendment

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least 5 years. ***Records of checks carried out under this Regulation and reports of their results and outcomes shall constitute environmental information for the purpose of Directive 2003/4/EC, without prejudice to business confidentiality.***

Amendment 52

Proposal for a regulation Article 14 – paragraph 13 a (new)

Text proposed by the Commission

Amendment

13a. If the Commission has a reason to believe that a Member State does not conduct sufficient controls to statistically significantly ensure that relevant commodities and products made available on or exported from the Union market complies with the requirements of this Regulation it shall, in dialogue with the Member State concerned, be mandated to introduce changes to the plan referred to in paragraph 3 of that Member State to ensure that the situation is rectified.

Amendment 53

Proposal for a regulation Article 15 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) examination of documentation and records that demonstrate the compliance ***of a specific product or commodity that the operator has placed, intends to place on or export from the Union market*** with the requirements of this Regulation;

(c) examination of documentation and records that demonstrate the compliance with the requirements of this Regulation;

Amendment 54

Proposal for a regulation

Article 15 – paragraph 1 – point d – paragraph 1

Text proposed by the Commission

Amendment

and, where appropriate,

and, where appropriate ***to ensure the compliance with this Regulation,***

Amendment 55

Proposal for a regulation

Article 15 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) any technical and scientific means adequate to determine the ***exact*** place where the relevant commodity or product was produced, including isotope testing;

(f) any technical and scientific means adequate to determine the place where the relevant commodity or product was produced, including isotope testing;

Amendment 56

Proposal for a regulation

Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The checks shall be carried out in the manner which is the least disruptive to trade and to the operations of operators and traders, while still ensuring compliance with this Regulation.

Amendment 57

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.

Amendment

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with ***and efficient functioning of*** this Regulation.

Amendment 58

Proposal for a regulation
Article 18 – paragraph 4

Text proposed by the Commission

4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect infringement of this Regulation and serious shortcomings that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant commodity or product on the market that is not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States.

Amendment

4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect ***an actual or potential*** infringement of this Regulation and serious shortcomings that may affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant commodity or product on the market that is not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States ***or to support enforcement action by these competent authorities.***

Amendment 59

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with

Amendment

1. ***In addition to the imposition of penalties in line with*** Article 23, where competent authorities establish that an

its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end.

operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end ***within a specified and reasonable period of time.***

Amendment 60

Proposal for a regulation

Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall ***include at least one or more of*** the following:

Amendment

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall, ***as the first step, be to immediately seek to rectify any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation, and as the following steps where non-compliance has not been rectified, the corrective action shall be in the following order:***

Amendment 61

Proposal for a regulation

Article 22 – paragraph 2 – point a

Text proposed by the Commission

(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation;

Amendment

deleted

Amendment 62

Proposal for a regulation

Article 22 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) **destroying** the relevant commodity or product **or donating it** to charitable or public interest purposes.

(d) **donating** the relevant commodity or product to charitable or public interest purposes **or if not possible, recycling or destroying it.**

Amendment 63

Proposal for a regulation

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Irrespective of the corrective action taken in accordance with paragraph 2 the operator or trader shall seek to address any shortcomings in the due diligence system which may have led to the non compliance, in view of preventing the risk of further infringements.

Amendment 64

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. If the operator or trader fails to **take** corrective action referred to in paragraph 2 or where the non-compliance referred to in paragraph 1 persists, competent authorities shall ensure that the product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

3. If the operator or trader fails to **complete the** corrective action referred to in paragraph 2 **within the period of time specified by the competent authority under paragraph 1** or where the non-compliance referred to in paragraph 1 persists **after that period of time ends**, competent authorities shall ensure that the **relevant commodity or** product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

Amendment 65

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down rules on penalties applicable to infringements of the provisions of this Regulation by operators and traders and shall take all measures necessary to ensure that they are implemented. Member States shall notify the Commission of those provisions and without delay of any subsequent amendments affecting them.

Amendment

1. Member States shall lay down rules on penalties applicable to **all** infringements of the provisions of this Regulation by operators and traders and shall take all measures necessary to ensure that they are implemented. **Penalties shall be an addition to the market surveillance measures set out in Article 22.** Member States shall notify the Commission of those provisions and without delay of any subsequent amendments affecting them.

Amendment 66

Proposal for a regulation Article 23 – paragraph 2 – point d

Text proposed by the Commission

(d) **temporary** exclusion from public procurement processes.

Amendment

(d) exclusion from public procurement processes **for a given period of time from the sentence.**

Amendment 67

Proposal for a regulation Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In case of serious or repeated infringement, the right to submit a due diligence statement in view of placing relevant commodities and products on the Union market, or of exporting them, shall be suspended for a given period of time from the sentence.

Amendment 68

Proposal for a regulation Article 23 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The operator or trader will have the right to appeal any penalty according to rules and procedures of the Member State where they carry out their commercial activities.

Amendment 69

Proposal for a regulation Article 24 – paragraph 7 – point b

Text proposed by the Commission

Amendment

(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the 3 working days indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the 3 working days, **or three weekdays for fresh commodities and products at risk of spoilage**, indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

Amendment 70

Proposal for a regulation Article 24 – paragraph 10

Text proposed by the Commission

Amendment

10. Customs authorities may destroy a non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. Articles 197 and

10. Customs authorities may **donate the relevant commodity or product to charitable or public interest purposes and only if that is not possible recycle or** destroy a non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The

198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent authorities.

cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent authorities.

Amendment 71

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31. This electronic interface shall be in place at the latest **four** years from the date of adoption of the relevant implementing act referred to in paragraph 3.

Amendment

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31, **including automatic transmission of data when changes are made in either system**. This electronic interface shall be in place at the latest **two** years from the date of adoption of the relevant implementing act referred to in paragraph 3.

Amendment 72

Proposal for a regulation Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission **may** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

Amendment

2. The Commission **shall** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

Amendment 73

Proposal for a regulation

Article 26 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The transmission of information on any subsequent changes relating to operators, traders and their authorized representatives as well as to commodities or products originating from a specific geo-location to the information system referred to in Article 31 of this Regulation in order to ensure that all Member States have access to and get notifications about the latest updated information.

Amendment 74

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The Commission shall notify the ***countries*** concerned of its intent to assign a change to the existing risk category and invite them to provide any information deemed useful in this regard. The Commission shall allow the countries adequate time to provide a response, which ***may*** include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

3. ***The Commission shall have a continuous dialogue with countries identified to present standard or high risk, and relevant stakeholders, on how to improve their risk category. Before changing the risk category of a country or a part thereof the Commission shall notify the country concerned of its intent to assign a change to the existing risk category and invite them to provide any information deemed useful in this regard. The Commission shall also carry out a public consultation to gather information and views from interested parties, including in particular Indigenous Peoples, local communities, smallholders, women’s organisations and civil society organisations. The Commission shall allow the countries and other interested parties adequate time to provide a response, which shall include information on possible measures taken by the country to remedy the situation in case its status or***

the status of parts thereof might be changed to a higher risk category.

Amendment 75

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

It shall include in the notification the following information:

Amendment

It shall include in the notification, ***and in the consultation***, the following information:

Amendment 76

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1 – point c

Text proposed by the Commission

(c) the consequences of its identification as a high or low risk country.

Amendment

(c) the consequences of its identification as a high, ***standard*** or low risk country.

Amendment 77

Proposal for a regulation

Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. When the information provided by a country in response to the Commission's written intention to change that country or parts thereof to a higher risk category is deemed to be reliable and sufficient to remedy the cause behind the need for changed risk category, the Commission shall give that country sufficient time to enforce the response provided to the Commission.

Amendment 78

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

1. The Commission shall engage with producer countries concerned by this Regulation to develop partnerships and cooperation to jointly address deforestation and forest degradation. Such partnerships and cooperation mechanisms *will* focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation and the transition to sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.

Amendment

1. The Commission shall engage with producer countries, *local governments and interested parties* concerned by this Regulation, *in particular those exporting significant volumes of commodities listed in Annex I*, to develop partnerships and cooperation to jointly address *the root causes of* deforestation and forest degradation. Such partnerships and cooperation mechanisms *shall be supported by adequate resources and shall* focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, *human rights protection*, and the transition to sustainable commodity production, consumption processing and trade methods, *good governance as well as protecting the lives and livelihoods of forest dependent communities including indigenous peoples, local communities, other customary right holders and smallholders*. Partnerships and cooperation mechanisms may include, *but is not limited to*, structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.

Amendment 79

Proposal for a regulation
Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission and the Council shall engage further to implement and enforce trade agreements as well as concluding new free trade agreements that include strong provisions on sustainability, particularly for forests, and the obligation for effective enforcement of multilateral environmental agreements, such as the Paris Agreement and the Convention on Biological Diversity.

Amendment 80

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Partnerships and cooperation should allow the full participation of all stakeholders, including civil society, indigenous **people**, local communities and the private sector including, SMEs and smallholders.

2. Partnerships and cooperation should allow the full participation of all stakeholders, including civil society, **Indigenous peoples**, local communities, **women** and the private sector including, SMEs and smallholders.

Amendment 81

Proposal for a regulation Article 28 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. To ensure that the enforcement of this Regulation is not unduly restrictive nor disruptive to trade, especially with LDC's, the Commission shall supply specific administrative and capacity building support to governments, local governments, civil society organisations, including trade unions, and producers, particularly small producers, in third countries aimed at facilitating for these actors to live up to the administrative requirements of this Regulation. The Commission shall ensure that there are

sufficient resources to support smallholders in third countries to comply with the requirements of this Regulation and facilitate their access to the EU market.

Amendment 82

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, fiscal incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains, strengthen the rights of forest dependent communities including smallholders, indigenous peoples and local communities, and ensure public access to forest management documents and other relevant information.

Amendment

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, ***including multi stakeholder processes to define the scope of relevant legislation***, fiscal incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains, ***protect the rights of ownership, tenure and access to land, and the right to give or withhold free, prior and informed consent*** strengthen the rights of forest dependent communities including smallholders, indigenous peoples and local communities, ***strengthen national systems of governance and law enforcement***, and ensure public access to forest management documents and other relevant information.

Amendment 83

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

4. The Commission shall engage in international bilateral and multilateral

Amendment

4. The Commission shall engage in international bilateral and multilateral

discussion on policies and actions to halt deforestation and forest degradation, including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of forest ecosystems.

discussion on policies and actions to halt deforestation and forest degradation, including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of forest ecosystems **and related human rights**.

Amendment 84

Proposal for a regulation

Article 32 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall continuously monitor changes in the trade patterns of the products and commodities included in the scope of this Regulation. When changes in the pattern of trade are found to have insufficient due cause or economic justification other than avoiding obligations as laid down in this Regulation, including replacing those products and commodities with slightly modified products, which are not included in the list of products and commodities in Annex I but are similar this should be viewed as a practice of circumvention. Interested parties may inform the Commission of any perceived circumvention and the Commission shall investigate any substantiated claim

introduced by an interested party.

Whenever circumvention is detected the Commission is empowered to adopt delegated acts in accordance with Article 33, or if appropriate present a legislative proposal, to amend this Regulation in order to prevent future circumvention of this Regulation.

Amendment 85

Proposal for a regulation Article 32 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. *The Commission shall continuously monitor the impacts of this Regulation on vulnerable stakeholders such as smallholders, Indigenous peoples and local communities, especially in third countries, also paying particular regard to the situation of women. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by the interested stakeholders.*

Amendment 86

Proposal for a regulation Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. No later than **five** years after the entry into force and at least every **five** years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of:

2. No later than **three** years after the entry into force and at least every **three** years thereafter, the Commission shall carry out a general review of this Regulation, **including a detailed assessment of changes to the patterns of trade in the sectors covered by**, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in

particular, based on specific studies, an evaluation of:

Amendment 87

Proposal for a regulation

Article 32 – paragraph 2 – point a

Text proposed by the Commission

(a) the need for and feasibility of additional trade facilitation tools to support the achievement of the objectives of the Regulation including through recognition of certification schemes;

Amendment

(a) the need for and feasibility of additional trade facilitation tools, ***particularly for LDCs and countries identified as standard or high risk***, to support the achievement of the objectives of the Regulation including through recognition of certification schemes;

Amendment 88

Proposal for a regulation

Article 32 – paragraph 2 – point b

Text proposed by the Commission

(b) the impact of the Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition to sustainable supply chains.

Amendment

(b) the impact of the Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition to sustainable supply chains ***and for smallholders to comply with the requirements of this Regulation.***

Amendment 89

Proposal for a regulation

Article 32 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the impact on trade patterns, deforestation and the legal possibility in relation to international trade rules to exclude relevant goods and commodities produced in countries, or parts thereof,

which are considered not high risk from the obligation in Article 3(c) of presenting due diligence statements.

Amendment 90

Proposal for a regulation Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32a

Minimizing administrative burdens

No later than three years after the entry into force of this Regulation, the Commission shall evaluate the cost of additional administrative burdens imposed on operators and traders by this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal to minimise burdens for businesses by paying special attention to the implications and costs of applying this Regulation, especially for small and medium-sized enterprises. The evaluation shall be conducted in close cooperation with affected stakeholders.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
References	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)
Committee responsible Date announced in plenary	ENVI 17.1.2022
Opinion by Date announced in plenary	INTA 17.1.2022
Associated committees - date announced in plenary	7.4.2022
Rapporteur for the opinion Date appointed	Karin Karlsbro 9.12.2021
Discussed in committee	22.3.2022
Date adopted	16.5.2022
Result of final vote	+: 26 –: 6 0: 10
Members present for the final vote	Anna-Michelle Asimakopoulou, Tiziana Beghin, Geert Bourgeois, Markus Buchheit, Jordi Cañas, Daniel Caspary, Arnaud Danjean, Paolo De Castro, Emmanouil Fragkos, Raphaël Glucksmann, Roman Haider, Christophe Hansen, Heidi Hautala, Danuta Maria Hübner, Herve Juvin, Karin Karlsbro, Danilo Oscar Lancini, Bernd Lange, Margarida Marques, Gabriel Mato, Sara Matthieu, Emmanuel Maurel, Carles Puigdemont i Casamajó, Samira Rafaela, Catharina Rinzema, Inma Rodríguez-Piñero, Massimiliano Salini, Ernő Schaller-Baross, Helmut Scholz, Sven Simon, Dominik Tarczyński, Mihai Tudose, Kathleen Van Brempt, Marie-Pierre Vedrenne, Jörgen Warborn, Jan Zahradil, Juan Ignacio Zoido Álvarez
Substitutes present for the final vote	Anna Cavazzini, Svenja Hahn, Agnes Jongerius, Miapetra Kumpula-Natri, Angelika Winzig

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

26	+
NI	Carles Puigdemont i Casamajó
PPE	Anna-Michelle Asimakopoulou, Daniel Caspary, Arnaud Danjean, Christophe Hansen, Danuta Maria Hübner, Gabriel Mato, Massimiliano Salini, Sven Simon, Jörgen Warborn, Angelika Winzig, Juan Ignacio Zoido Álvarez
Renew	Jordi Cañas, Svenja Hahn, Karin Karlsbro, Samira Rafaela, Catharina Rinzema, Marie-Pierre Vedrenne
S&D	Paolo De Castro, Agnes Jongerius, Miapetra Kumpula-Natri, Bernd Lange, Margarida Marques, Inma Rodríguez-Piñero, Mihai Tudose, Kathleen Van Brempt

6	-
ID	Markus Buchheit
The Left	Emmanuel Maurel, Helmut Scholz
Verts/ALE	Anna Cavazzini, Heidi Hautala, Sara Matthieu

10	0
ECR	Geert Bourgeois, Emmanouil Fragkos, Dominik Tarczyński, Jan Zahradil
ID	Roman Haider, Herve Juvin, Danilo Oscar Lancini
NI	Tiziana Beghin, Ernő Schaller-Baross
S&D	Raphaël Glucksmann

Key to symbols:

+ : in favour

- : against

0 : abstention

6.7.2022

OPINION OF THE COMMITTEE ON THE INTERNAL MARKET AND CONSUMER PROTECTION

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010

(COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

Rapporteur for opinion: Anna Cavazzini

SHORT JUSTIFICATION

The Rapporteur greatly welcomes this draft Regulation from the Commission proposing new mandatory due diligence rules in order to halt and reverse EU-driven global deforestation. Nevertheless, she believes that the Commission's proposal should be improved on some aspects in order to guarantee maximal effectiveness and truly reassure consumers that the products they are buying have not contributed to the destruction of forests and ecosystems worldwide.

No products should be placed on the EU internal market if it cannot be guaranteed that they are free of deforestation, conversion of natural ecosystems and forest and ecosystems degradation. Market surveillance measures and customs controls should therefore be as effective as possible. The Rapporteur hence proposes amendments that strengthen the relevant provisions, in particular through a temporary suspension from placing on the market of all products and commodities that have their origin in specific high risk areas, while checks are conducted to verify whether they are compliant with the obligations of this Regulation. By focusing this suspension on specific high risk areas within a country - instead of the entire country in question -, it is ensured that relevant high risk products are all checked for compliance without overburdening customs and competent authorities.

Additionally, in order to provide consumers with better information that enables them to make informed purchase choices, the Rapporteur proposes the creation of a public list of operators and traders that have failed to comply with their obligations, as well as of the trading name of the relevant non-compliant products.

A further key aspect of effectiveness is the necessary closing of loopholes for products bought via online marketplaces by requesting them to take appropriate steps so as to allow for proper identification of the seller and ensure both the seller and the buyer are adequately informed of their obligations under this Regulation.

Regarding the substance of the due diligence obligations of operators, the Rapporteur considers it essential that they be strengthened. She proposes to do so in five main ways:

- Through the improvement of disclosure requirements regarding the steps taken in the

due diligence process;

- Through an expansion of the due diligence to consider also international human rights;
- Through the mandatory establishment of an accessible system where third parties can submit new information and substantiated concerns;
- Through an uniform system for due diligence obligations regardless of the level of risk of the country or parts thereof where the relevant commodity or product has been produced;
- Where relevant, through guaranteeing participation and consultation with indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products.

Finally, the Rapporteur believes it crucial that these obligations do not negatively affect smallholder suppliers - whether in the European Union or outside. She attempts to prevent any unintended effects on them by requiring operators to provide support to smallholders and by clarifying that disengagement should only be undertaken when operators can demonstrate that mitigation is not feasible, or as a last resort measure after failed attempts of mitigation.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) When assessing the risk of non-compliance of relevant commodities and products intended to be placed on or exported from the Union market with the requirements of this Regulation, violations of human rights that are associated to deforestation and forest degradation, including rights of indigenous peoples, local communities and customary tenure rights holders, should be taken into account.

Amendment 2

Proposal for a regulation Recital 29 b (new)

Text proposed by the Commission

Amendment

(29b) Given that the share of smallholders in the production of commodities concerned can be as high as 80%, special attention needs to be paid to challenges that smallholders will experience in the context of this Regulation, especially with a view to enable a living income to them. It is therefore crucial that the Commission provide timely financial and technical support to help smallholders meet the requirements to access the Union market.

Amendment 3

Proposal for a regulation

Recital 32

Text proposed by the Commission

(32) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that commodities and products from supply chains related to deforestation and forest degradation are not placed **on** the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free **and** have been produced in accordance with the relevant legislation of the country of production. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment

(32) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that commodities and products from supply chains related to deforestation and forest degradation are not placed **nor exported from** the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free, have been produced in accordance with the relevant legislation of the country of production. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment 4

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include three elements: information requirements, risk assessment and risk mitigation measures. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union

Amendment

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include three elements: information requirements, risk assessment and risk mitigation measures. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union

market, including information demonstrating that the absence of deforestation and forest degradation and legality requirements are fulfilled, inter alia by identifying the country and area of production, including geo-location coordinates of relevant plots of land. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it.

market, including information demonstrating that the absence of deforestation and forest degradation and legality requirements are fulfilled, inter alia by identifying the country and area of production, including geo-location coordinates of relevant plots of land, ***or geo-location perimeters of farms or plantations***. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. ***The risk assessment should take into account a certain number of criteria such as concerns in relation to the country of production, the complexity of the relevant supply chain, as well as other relevant elements such as the existence of claims to or disputes regarding customary tenure rights on the production area.*** Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it.

Amendment 5

Proposal for a regulation Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The Commission should present easy-to-understand guidelines in order to facilitate the compliance of operators and traders with the requirements of this Regulation. When developing such guidelines, the Commission should take

into consideration needs of SMEs so as to keep administrative and financial burdens to a minimum while facilitating their compliance with this Regulation. These guidelines should also provide information to operators on how to fulfil their due diligence obligations when falling under the scope of other EU legislative instruments setting out other due diligence requirements. The Commission should consult relevant stakeholders, including from third countries and international bodies, having an expertise in the field of due diligence.

Amendment 6

Proposal for a regulation Recital 44 a (new)

Text proposed by the Commission

Amendment

(44a) The customs union has been a cornerstone of the European Union, which is one of the largest trading blocks in the world. The customs union is fundamental for successful Union integration and for the proper functioning of the internal market, for the benefit of businesses and consumers. Thus, a fully coordinated and efficient clearance and process of relevant commodities and products requires a streamlined Union regulatory environment for international trade that delivers long-term benefits to the Union and its residents in all policy areas, supports the effectiveness and good functioning of the internal market and safeguards consumer protection. In this context, problems concerning interoperability of authorities responsible for Union non-customs and customs controls are major obstacles to progress on achieving integrated and coordinated customs and border management.

Amendment 7

Proposal for a regulation

Recital 45

Text proposed by the Commission

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up electronic interfaces that allow the automatic data transfer between customs systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and **additional burden** for customs authorities **should be limited**. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby **traders and** economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

Amendment

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up **interoperable** electronic interfaces that allow the automatic data transfer between customs systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and **facilitate processes** for customs authorities **as well as limit costs and burden for operators**. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

Amendment 8

Proposal for a regulation

Recital 46

Text proposed by the Commission

(46) The risk of non-compliant commodities and products being placed on

Amendment

(46) The risk of non-compliant commodities and products being placed on

the Union market varies depending on the commodity and product as well as on its country of origin and production. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden. Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

the Union market varies depending on the commodity and product as well as on its country of origin and production. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities **or products** in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden. ***Where a competent authority is informed about a risk that the requirements of this Regulation may be circumvented, for example where a relevant commodity or product produced in a high-risk country is subsequently processed in or exported to the EU from a low-risk country, while the customs declaration or due diligence statement indicate that the commodity or product was produced in a low-risk country, it should take appropriate action, such as seizure and suspension of placing on the market of the relevant commodity or product, as well as further checks.*** Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Amendment 9

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive

Amendment

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties, ***which may include temporary***

penalties.

suspension of the right to place relevant commodities and products on the Union market in case of severe repeated infringements.

Amendment 10

Proposal for a regulation

Article 2 – paragraph 1 – point 20 a (new)

Text proposed by the Commission

Amendment

(20a) “smallholders” are small-scale farmers, pastoralists, forest keepers, fishers who manage areas varying from less than one hectare to 10 hectares. Smallholders are characterised by family-focused motives such as favouring the stability of the farm household system, using mainly family labour for production and using part of the produce for family consumption.

Amendment 11

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That statement shall confirm that due diligence was carried out and no or only negligible risk was found and shall contain the information set out in Annex II for the relevant commodities and products.

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That statement shall ***be electronically available and transmittable, according to Article 31, paragraph 5.*** It shall confirm that due diligence was carried out and no or only negligible risk was found and shall contain the information set out in Annex II

for the relevant commodities and products.

Amendment 12

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Operators shall share the due diligence statement with relevant downstream actors in the supply chain recognised under this Regulation.

Amendment 13

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. In order to avoid duplications of due diligence procedures, the obligations set out in paragraph 1 to 5 of this Article shall not apply to the re-export of relevant commodities and products if their import was already subject to due diligence procedures.

Amendment 14

Proposal for a regulation

Article 4 – paragraph 6

Text proposed by the Commission

Amendment

6. Operators that have received new information, including substantiated concerns, that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or

6. Operators that have received new, ***relevant and accurate*** information, including substantiated concerns, ***that indicates a non-negligible risk*** that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States

product on the market. In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

in which they placed the relevant commodity or product on the market, ***as well as traders to whom they have supplied the relevant commodity or product in view of preventing further circulation on, or exports from, the internal market.*** In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

Operators may provide easy access to a communication channel allowing third parties to submit information in accordance with this paragraph.

Amendment 15

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

Amendment

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products ***in the course of a commercial activity*** shall be considered operator within the meaning of this Regulation ***and responsible to ensure that the relevant commodity or product is deforestation-free.***

Amendment 16

Proposal for a regulation Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) records of the activity referred to in Article 11.

Requirements to fulfil due diligence

obligations shall be proportionate and aim at keeping administrative requirements to a minimum.

Amendment 17

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.

Amendment

1. Operators ***that intend to place relevant commodities and products on the Union market or export them from the Union*** shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.

Amendment 18

Proposal for a regulation Article 10 – paragraph 2 – point e

Text proposed by the Commission

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment

(e) concerns in relation to the country of production ***or parts thereof*** and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, ***respect of human rights, including protection of rights of indigenous peoples***, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment 19

Proposal for a regulation Article 10 – paragraph 2 – point f

Text proposed by the Commission

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land where they were produced;

Amendment

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land ***or to a distinct production area*** where they were produced;

Amendment 20

Proposal for a regulation Article 10 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the prevalence of unfair trading practices, such as purchasing and pricing practices, that undermine the capacity of suppliers to produce relevant commodities and products in compliance with the requirements of this Regulation;

Amendment 21

Proposal for a regulation Article 10 – paragraph 2 – point g

Text proposed by the Commission

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation ***has*** occurred or ***is*** occurring;

Amendment

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation, ***as well as violations of the relevant legislation of the country of production have*** occurred or ***are*** occurring;

Amendment 22

Proposal for a regulation Article 10 – paragraph 2 – point j

Text proposed by the Commission

(j) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001⁴⁹, provided that **the information meets** the requirements set out in Article 9;

⁴⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328/82, 21.12.2018, p. 82).

Amendment

(j) complementary information on compliance with this Regulation, which may include information **available online, or information** supplied by **third parties as well as** certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001⁴⁹, provided that **such certification or other third-party-verified schemes meet** the requirements set out in Article 9;

⁴⁹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328/82, 21.12.2018, p. 82).

Amendment 23

Proposal for a regulation Article 10 – paragraph 4

Text proposed by the Commission

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits or other measures pertaining to information requirements set out in Article 9.

Amendment

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits, **capacity building for suppliers**, or other measures pertaining to information requirements set out in Article 9.

Amendment 24

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *For cases where a decision to be taken as part of risk mitigation may have an impact on some stakeholder groups, such as indigenous peoples, local communities and other customary tenure rights holders, as well as smallholders, operators shall take reasonable steps to consult those stakeholders, without incurring undue delay in taking this decision.*

Amendment 25

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Support for suppliers

1. *The Commission shall take appropriate measures to support compliance of suppliers with the requirements of this Regulation through targeted measures. Particular attention should be given to the needs of smallholders in the design of such measures.*

Targeted measures may include:

- (a) investments;*
- (b) capacity building programmes;*
- (c) pricing mechanisms.*

2. *The Commission shall engage with producing countries to remove legal and governance obstacles which impact their capacity to comply with this Regulation*

and propose specific guidelines in relation to suppliers, including on smallholders.

Amendment 26

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

2. However, if the operator obtains or is made aware of any information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 ***have to be fulfilled***.

Amendment

2. However, if the operator obtains or is made aware of any ***relevant and accurate*** information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 ***shall apply***.

Amendment 27

Proposal for a regulation Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If a competent authority obtains or is made aware of any relevant and accurate information indicating a risk of circumvention of the requirements of this Regulation in the context of a simplified due diligence procedure, it shall adopt all appropriate measures.

Amendment 28

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Guidelines

1. The Commission shall adopt clear and easy-to-understand guidelines to

facilitate compliance of operators and traders with the requirements of this Regulation. The guidelines shall particularly take into account SMEs' and microenterprises' needs and shall enable administrative and financial assistance.

2. The guidelines shall help operators, in particular SMEs and microenterprises, to fulfil their due diligence obligations in accordance with Article 11, paragraph 2, by providing guidance on how the requirements under different Union acts could be merged most efficiently.

3. The guidelines shall be developed in consultation with relevant stakeholders, including from third countries and, where appropriate, with international bodies having expertise in due diligence.

4. The Commission shall regularly review and update the guidelines taking into account the latest developments in the concerned sectors.

Amendment 29

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end.

Amendment

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end *within a specified and reasonable period of time.*

Amendment 30

Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that competent authorities have adequate powers, as well as financial and human resources, to effectively perform the activities set out in this Article.

Amendment 31

Proposal for a regulation
Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one **or more** of the following:

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall **be determined by the competent authority and** include at least one of the following:

Amendment 32

Proposal for a regulation
Article 22 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) **destroying** the relevant commodity or product **or donating it** to charitable or public interest purposes.

(d) **donating** the relevant commodity or product to charitable or public interest purposes;

Amendment 33

Proposal for a regulation
Article 22 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) destroying the relevant commodity or product in case donation is impossible or involves disproportionate costs;

Amendment 34

Proposal for a regulation Article 22 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) addressing any shortcoming in the due diligence system which may have led to the non compliance, in view of preventing the risk of further infringements.

Amendment 35

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. If the operator or trader fails to take corrective action referred to in paragraph 2 or where the non-compliance referred to in paragraph 1 persists, competent authorities shall ensure that the product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

3. If the operator or trader fails to take corrective action referred to in paragraph 2 ***within the period of time specified according to paragraph 1*** or where the non-compliance referred to in paragraph 1 persists ***after that period of time***, competent authorities shall ensure that the ***relevant commodity or*** product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

Amendment 36

Proposal for a regulation Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Competent authorities shall inform the Commission of the nature of the infringements of this Regulation which resulted in any penalties imposed on operators and traders. The Commission shall draft and publish every year a

summary report compiling aggregated data on the penalties imposed by Member States, based on the information received from competent authorities.

Amendment 37

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. Customs authorities shall control the correct declaration of relevant commodities and products entering or leaving the Union market. Such controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and shall be performed within a common risk management framework on the Union level.

Amendment

3. Customs authorities shall control the correct declaration of relevant commodities and products entering or leaving the Union market. Such controls shall be based primarily on risk analysis ***and benchmarking of countries and parts thereof pursuant to Article 27***, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and shall be performed within a common risk management framework on the Union level.

Amendment 38

Proposal for a regulation Article 24 – paragraph 10

Text proposed by the Commission

10. Customs authorities ***may destroy a*** non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent

Amendment

10. Customs authorities ***should donate the*** non-compliant relevant commodity or product ***to charitable or public interest purposes and may only destroy it as last-resort measure when donation is impossible or involves disproportionate costs***, upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of

authorities.

competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent authorities.

Amendment 39

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. Where, in relation to relevant commodities and products subject to this Regulation that are either in temporary storage or placed under a customs procedure other than ‘release for free circulation’, customs authorities at the first point of entry have reason to believe that those relevant commodities or products are not compliant with this Regulation, they shall transmit all relevant information to the competent customs office of destination.

Amendment

4. Where, in relation to relevant commodities and products subject to this Regulation that are either in temporary storage or placed under a customs procedure other than ‘release for free circulation’, customs authorities at the first point of entry have reason to believe that those relevant commodities or products are not compliant with this Regulation, they shall transmit all relevant information to the competent ***Union customs authorities, in particular the*** customs office of destination, ***as well as the competent authority of the country of destination.***

Amendment 40

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31. This electronic interface shall be in place ***at the latest four*** years from the date of adoption of the relevant implementing

Amendment

1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8, between national customs systems and the information system referred to in Article 31, ***including automatic transmission of data when changes are made in either system.*** This electronic interface shall be in

act referred to in paragraph 3.

place ***no later than two*** years from the date of adoption of the relevant implementing act referred to in paragraph 3.

Amendment 41

Proposal for a regulation

Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission ***may*** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

Amendment

2. The Commission ***shall*** develop an electronic interface based on the EU Single Window Environment for Customs to enable:

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
References	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)
Committee responsible Date announced in plenary	ENVI 17.1.2022
Opinion by Date announced in plenary	IMCO 7.4.2022
Associated committees - date announced in plenary	7.4.2022
Rapporteur for the opinion Date appointed	Anna Cavazzini 25.1.2022
Discussed in committee	20.4.2022 17.5.2022
Date adopted	16.6.2022
Result of final vote	+: 37 -: 0 0: 6
Members present for the final vote	Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Andrea Caroppo, Anna Cavazzini, Dita Charanzová, Deirdre Clune, Alexandra Geese, Sandro Gozi, Maria Grapini, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Beata Mazurek, Leszek Miller, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Kim Van Sparrentak, Marion Walsmann
Substitutes present for the final vote	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Malte Gallée, Karen Melchior, Tsvetelina Penkova, Antonio Maria Rinaldi, Marc Tarabella, Kosma Złotowski
Substitutes under Rule 209(7) present for the final vote	Nicola Beer, Rosanna Conte, Vlad Gheorghe, Ondřej Kovařík

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
ECR	Adam Bielan, Beata Mazurek, Kosma Złotowski
PPE	Pablo Arias Echeverría, Andrea Caroppo, Maria da Graça Carvalho, Deirdre Clune, Geoffroy Didier, Krzysztof Hetman, Arba Kokalari, Andrey Kovatchev, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Marion Walsmann
RENEW	Nicola Beer, Dita Charanzová, Vlad Gheorghe, Sandro Gozi, Ondřej Kovařík, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose, Marc Tarabella
THE LEFT	Kateřina Konečná
VERTS/ALE	Anna Cavazzini, Malte Gallée, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

0	-

6	0
ECR	Eugen Jurzyca
ID	Alessandra Basso, Marco Campomenosi, Rosanna Conte, Virginie Joron, Antonio Maria Rinaldi

Key to symbols:

+ : in favour

- : against

0 : abstention

28.6.2022

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
(COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

Rapporteur for opinion: Rosa Estaràs Ferragut

AMENDMENTS

The Committee on Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention. In addition, forests provide subsistence and income to about one third of the world's population and their destruction has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on

Amendment

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention. In addition, forests provide subsistence and income to about one third of the world's population and their destruction has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on

forest ecosystems.¹⁸ Furthermore, deforestation and forest degradation reduce essential carbon sinks and increase the likelihood of new diseases spreading from animals to humans.

forest ecosystems.¹⁸ ***Indigenous peoples inhabit and manage many forested territories globally, and 80% of the Earth's biodiversity is located on indigenous peoples' territories. Deforestation is significantly lower in territories where indigenous peoples are in control of their own lands, as compared to territories managed by governments or other entities. The recognition and respect of indigenous peoples' land rights should be the primary tool to prevent deforestation.*** Furthermore, deforestation and forest degradation reduce essential carbon sinks and increase the likelihood of new diseases spreading from animals to humans.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

Amendment 2

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) Deforestation and forest degradation contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change resilience of the affected area and substantially reducing its biodiversity. Deforestation alone accounts for 11 % of greenhouse gas emissions²⁰.

²⁰ IPCC, Climate Change and Land: an IPCC special report on climate change,

Amendment

(3) Deforestation, ***natural ecosystem conversion, ecosystem*** and forest degradation, ***such as overharvesting of timber***, contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change resilience of the affected area and substantially reducing its biodiversity. Deforestation alone accounts for 11 % of greenhouse gas emissions²⁰.

²⁰ IPCC, Climate Change and Land: an IPCC special report on climate change,

desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems,
<https://www.ipcc.ch/srccl/>.

desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems,
<https://www.ipcc.ch/srccl/>.

Amendment 3

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity helps mitigate climate change. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation and forest degradation and systemically restoring forests and other ecosystems is ***the single largest nature-based*** opportunity for climate mitigation.

Amendment

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity helps mitigate climate change. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation ***natural ecosystem conversion, ecosystem*** and forest degradation and systemically restoring forests and other ecosystems is ***an*** opportunity for climate mitigation.

Amendment 4

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Savannahs, wetlands and high biodiversity grasslands are also threatened by intensive harvesting, such as soy, and cattle production. In the case of palm oil, peatlands are in particular danger. Upon the entry into force of this Regulation, the Commission should assess whether there is a risk of increasing

destruction of those ecosystems.

Amendment 5

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Of the 227 lethal attacks against environmental and land defenders recorded in 2020, 70% of those murdered were working to defend the world's forests from deforestation and industrial development. Those attacks disproportionately target indigenous peoples, who were the target of one third of the murders recorded in 2020.

Amendment 6

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of ***the*** six commodities included in the scope (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

(7) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of six commodities included in the scope (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030. ***Other relevant commodities included in the scope are poultry and products derived from poultry, products derived from cattle including leather, swine, sheep and goats and products derived from swine, sheep and goats, rubber and maize. All those commodities, as well as all goods that contain, have been fed with or have been made using them, or products deriving from them, should be within the scope of***

this Regulation from the date of its entry into force. The Commission should be empowered to add additional commodities and products to Annex I by delegated acts.

Amendment 7

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation **and** forest degradation, enhanced Union action is needed in order to contribute more effectively to the achievement of the Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

³¹ Council conclusions on the Communication on Stepping Up EU Action to Protect and Restore the World’s Forests (16 December 2019) 15151/19. Available at <https://www.consilium.europa.eu/media/41>

Amendment

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation, forest degradation **and biodiversity loss**, enhanced Union action is needed in order to contribute more effectively to the achievement of the Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. ***The Commission and Member States have also committed to the UN Decade of Action for the SDGs, the UN Decade on Ecosystem Restoration and the UN Decade of Family Farming.*** The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

³¹ Council conclusions on the Communication on Stepping Up EU Action to Protect and Restore the World’s Forests (16 December 2019) 15151/19. Available at <https://www.consilium.europa.eu/media/41>

Amendment 8**Proposal for a regulation****Recital 11***Text proposed by the Commission*

(11) The European Parliament highlighted that ongoing destruction of the world's forests *is* linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution³² in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation”.

³² European Parliament resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation (2020/2006(INL)) Available at https://www.europarl.europa.eu/doceo/document/TA-9-2020-0285_EN.html.

Amendment 9**Proposal for a regulation****Recital 14***Text proposed by the Commission*

(14) The Union imported and consumed

Amendment

(11) The European Parliament highlighted that ongoing destruction *and degradation* of the world's forests *and natural ecosystems, as well as human rights violations, are* linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution³² in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation” *based on mandatory due diligence*.

³² European Parliament resolution of 22 October 2020 with recommendations to the Commission on an EU legal framework to halt and reverse EU-driven global deforestation (2020/2006(INL)) Available at https://www.europarl.europa.eu/doceo/document/TA-9-2020-0285_EN.html.

(14) The Union imported and consumed

one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services. Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. Partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect.

one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services. Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. ***Multilateral and bilateral*** partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect ***and should take into account the inputs from all stakeholders, including small holders, civil society, SMEs, women, indigenous peoples and local communities. To be effective, such partnerships should ensure trade incentives and support for local livelihoods, as well as roadmaps for reforms to be carried out in partner countries.***

Amendment 10

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) Halting deforestation and forest degradation is an essential part of the SDGs. This Regulation should contribute in particular to meeting the goals regarding life on land (SDG 15), climate action (SDG

Amendment

(15) Halting deforestation and forest degradation is an essential part of the SDGs ***and the fulfilment of the 2030 Agenda***. This Regulation should contribute in particular to meeting the goals regarding

13), responsible consumption and production (SDG 12), zero hunger (SDG 2) and good health and well-being (SDG 3). The relevant target 15.2 to halt deforestation by 2020 has not been met, underlining the urgency of ambitious and effective action.

life on land (SDG 15), climate action (SDG 13), responsible consumption and production (SDG 12), ***decent work and economic growth (SDG 8)***, zero hunger (SDG 2), ***no poverty (SDG 1)***, ***clean water (SDG 6)***, ***reduced inequality (SDG 10)*** and good health and well-being (SDG 3). The relevant target 15.2 to halt deforestation by 2020 has not been met, underlining the urgency of ambitious and effective action. ***This Regulation should consider and make a central component of its implementation all three dimensions of sustainability: environmental, social and economic. Leaving none behind should also be a guiding principle in the implementation of this Regulation.***

Amendment 11

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) This Regulation should also respond to the New York Declaration on Forests³⁵, a non-legally binding political declaration that endorses a global timeline to cut natural forest loss in half by 2020, and strive to end it by 2030. The Declaration was endorsed by dozens of governments, many of the world's biggest companies, and influential civil society and indigenous organisations. It also called on the private sector to meet the goal of eliminating deforestation from the production of agricultural commodities such as palm oil, soy, paper and beef products by no later than 2020, a goal that was not achieved. The Regulation should in addition contribute to the United Nations Strategic Plan for Forests, 2017-2030³⁶, whose Global Forest Goal 1 is to reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to

Amendment

(16) This Regulation should also respond to the New York Declaration on Forests³⁵, a non-legally binding political declaration that endorses a global timeline to cut natural forest loss in half by 2020, and strive to end it by 2030. The Declaration was endorsed by dozens of governments, many of the world's biggest companies, and influential civil society and indigenous organisations. It also called on the private sector to meet the goal of eliminating deforestation from the production of agricultural commodities such as palm oil, soy, paper and beef products by no later than 2020, a goal that was not achieved. The Regulation should in addition contribute to the United Nations Strategic Plan for Forests, 2017-2030³⁶, whose Global Forest Goal 1 is to reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to

prevent forest degradation and enhance the contribution of forests to climate change.

prevent forest degradation and enhance the contribution of forests to climate change.

In this regard, this Regulation should also consider the work of the Amsterdam Declarations Partnership, building on the New York Declaration on Forests, aim to eliminate deforestation in relation to agricultural commodities by 2025 while also preserving primary forests and high conservation value areas, amongst others through responsible supply chain management.

³⁵ <https://unfccc.int/news/new-york-declaration-on-forests>.

³⁵ <https://unfccc.int/news/new-york-declaration-on-forests>.

³⁶ https://www.un.org/esa/forests/wp-content/uploads/2016/12/UNSPF_AdvUnedited.pdf.

³⁶ https://www.un.org/esa/forests/wp-content/uploads/2016/12/UNSPF_AdvUnedited.pdf.

Amendment 12

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use³⁷ that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories also stressed in that Declaration that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries’

Amendment

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use³⁷ that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories ***committed to halt and reverse forest loss and land degradation by 2030 and*** also stressed that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity

mutual benefit, and that do not drive deforestation and land degradation.

³⁷ <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>.

Amendment 13

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) This Regulation also follows the Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world.

production and consumption, that work to countries’ mutual benefit, ***recognise the rights of indigenous peoples, as well as local communities, in accordance with the relevant national law and international instruments***, and that do not drive deforestation and land degradation.

³⁷ <https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>.

Amendment

(19) This Regulation also follows the Commission’s Communication on “An Open, Sustainable and Assertive Trade Policy”³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability ***and uphold human and social rights*** in line with its commitment of fully implementing the UN Sustainable Development Goals ***by including binding and enforceable Trade and Sustainable Development chapters***. Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world. ***The strategic importance of robust, coherent and enforceable sustainability chapters in trade agreements, along with an effective implementation of multilateral environmental and climate agreements need to be acknowledged. This is why the Commission should carefully assess the***

impacts of trade agreements on deforestation in the Sustainability Impact Assessments and other relevant assessments, based on solid data and evaluation methodologies.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

Amendment 14

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) This Regulation should comply with the principle of policy coherence for development and therefore serve to promote and facilitate cooperation with developing countries, particularly with the least developed countries (LDCs), through provision of technical and financial assistance, as well as the exchange of information and good practices as regards the preservation, conservation, and sustainable use of forests, giving special recognition to sustainability initiatives carried out by the private sector.

Amendment 15

Proposal for a regulation Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) Depending on the developing country concerned and its general environmental, social and economic situation, an integral approach to

sustainability should be considered, taking into account the environmental dimension, as well as the social and economic dimensions, in particular when referring to LDCs. Union measures should not lead to income depletion for vulnerable populations, loss of jobs or a regression in the achievements of developing countries and should avoid incentivising illegal activities, many of which are linked to transnational organised crime, the effects of which are even more disastrous for the environment and society. The negative impact of the COVID-19 pandemic on the progress made towards achieving the SDGs, particularly the pandemic's disproportionate impact on the poor and vulnerable, and on employment and inequality, should also be adequately taken into account.

Amendment 16

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous people, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agroecology and agroforestry. In doing so it should acknowledge the role of indigenous people in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives,

Amendment

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, ***stakeholders on the ground, local civil society and local communities***, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging ***and strengthening*** the role ***and rights*** of indigenous people ***and local communities i.e. through the recognition of their collective land ownership as enshrined in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples and their rights to free, prior and informed consent, as a means to avoid among other things land***

the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders in line with the Communication to Stepping up Action to Protect and Restore the World's Forests. The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation.

grabbing, as well as smallholders, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry that respect human rights, as well as ensuring a level playing field to avoid income loss in developing countries and unfair competition. In doing so it should acknowledge the role of indigenous people ***and local communities*** in protecting forests ***and natural ecosystems and maintaining socially and environmentally sustainable agricultural practices which do not make them exclusively dependent on commodity production for export but support a transition focused on agro-ecology. It should recognise the important role of smallholders in the production of the commodities considered in this Regulation and should also promote and facilitate scientific and academic cooperation, as well as research programs to promote knowledge and innovation regarding forests and preservation, including ancestral knowledge of local communities. Indigenous people, local communities, smallholder farmers and women possess and heavily rely on indispensable knowledge regarding forests. Preserving natural resources is not just a matter of protecting biodiversity, but also a question of social justice in the vision of an ecological restoration.***

Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders, ***especially women***, in line with the Communication to Stepping up Action to

Protect and Restore the World's Forests.
The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation ***and support forest regeneration, in line with the Communication on Stepping up Action to Protect and Restore the World's Forests.***

Amendment 17

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Given that the share of smallholders in the production of the commodities covered by this Regulation can be very high, special attention needs to be paid to the challenges that smallholders will face with the implementation of this Regulation. It is crucial that the operators buying from smallholders provide timely financial and technical support to help smallholders meet the new Union market access requirements. To support sustainable practices, such as agro-ecology and community forest management, the Union should tackle direct and indirect drivers of deforestation, including poverty, by promoting a living income for smallholders producing goods exported to the Union and securing sufficient resources to specifically support smallholders in third countries to comply with the requirements of this Regulation and facilitate their access to the Union market.

Amendment 18

Proposal for a regulation Recital 21 b (new)

(21b) This Regulation takes into account the UN Guiding Principles on Business and Human Rights, according to which all companies, regardless of their size, have a responsibility to respect human rights, while the policies and procedures for meeting those obligations must be commensurate with their size. In line with these and the OECD Guidelines for Multinational Enterprises, this Regulation should recognise that in carrying out their due diligence, companies must pay particular attention to the actual and potential negative impacts of their activities on marginalised or vulnerable groups. Businesses should also be obliged to take into account the different risks that women and men may face.

Amendment 19

Proposal for a regulation

Recital 22

Text proposed by the Commission

Amendment

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and

products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. The EU Observatory will cooperate closely with relevant international organisations, research institutes, and third countries.

products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. ***The Commission should also examine how land rights can be integrated into monitoring under the EU Observatory.*** The EU Observatory will cooperate closely with relevant international organisations, research institutes ***non-governmental organisations, operators, indigenous communities*** and third countries ***at national, regional and local levels.***

Amendment 20

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The existing EU ***legislative*** framework focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council, laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹. ***Both Regulations were evaluated in a Fitness Check which determined that, while the legislation has had a positive impact on forest governance, the objectives of the two Regulations – namely to curb illegal logging and related trade, and to reduce the consumption of illegally harvested timber in the EU – have not been met⁴² and it was concluded that focusing solely on legality of timber was not sufficient to meet the set objectives.***

Amendment

(23) The existing EU ***forest*** framework ***is the EU Action Plan for Forest Law Enforcement, Governance and Trade that*** focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council, laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹ which ***operationalises the Voluntary Partnership Agreements (VPAs). The performance and implementation of the two Regulations underwent a fitness check which found that, while both achieved some success, a number of implementation challenges have held back progress towards achieving fully their objectives. The application and functioning of the due diligence scheme under Regulation (EU) No 995/210 on the***

one hand, and the limited number of countries involved in the VPA process with only one having thus far an operating licensing system in place (Indonesia) on the other, curtailed effectiveness in meeting the objective of consumption of illegally harvested timber in the EU.

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴¹ OJ L 347, 30.12.2005, p. 1.

⁴¹ OJ L 347, 30.12.2005, p. 1.

⁴² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11630-Illegal-logging-evaluation-of-EU-rules-fitness-check_en

Amendment 21

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) To strengthen the Union's contribution to halting deforestation *and* forest degradation, and to ensure that commodities and products from supply chains related to deforestation *and* forest degradation are not placed on the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment

(32) To strengthen the Union's contribution to halting deforestation, forest degradation *and human rights abuses*, and to ensure that commodities and products from supply chains related to deforestation, forest degradation *and human and labour rights abuses* are not placed on the Union market, relevant commodities and products should not be placed or made available on the Union market, nor exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production, *international human rights laws and the principle of Free, Prior and Informed Consent of Indigenous Peoples*. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Amendment 22

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include **three** elements: information requirements, risk assessment **and** risk mitigation measures. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union market, including information demonstrating that the absence of deforestation and forest degradation and legality requirements are fulfilled, inter alia by identifying the country and area of production, including geo-location coordinates of relevant plots of land. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it.

Amendment

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include **four** elements: information requirements, risk assessment, risk mitigation measures **and reporting obligations**. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union market, including information demonstrating that the absence of deforestation and forest degradation and legality requirements are fulfilled, inter alia by identifying the country and area of production, including geo-location coordinates of relevant plots of land. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it. **Operators should have the responsibility to undertake reasonable efforts to ensure a fair price is paid to the**

producers they source from, in particular smallholders, so as to enable a living income and effectively address poverty as a root cause of deforestation.

Amendment 23

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) Operators should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.

Amendment

(34) Operators ***placing a commodity or product concerned for the first time on the Union market or exporting a product to a third country*** should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators. ***The template should be understandable, provided in all languages of the Member States and made available on the web portal managed by the Commission. The portal should be open to complaints and observations from all stakeholders.***

Amendment 24

Proposal for a regulation

Recital 37

Text proposed by the Commission

(37) In order to foster transparency and facilitate enforcement, operators which are not ***SMEs*** should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations.

Amendment

(37) In order to foster transparency and facilitate enforcement, operators which are not ***micro-enterprises*** should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations.

Amendment 25

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. The existence of this Regulation should not exclude the application of other EU legislative instruments that lay down requirements regarding value chain due diligence. Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with those of this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other EU legislative instruments on due diligence or the achievement of their general aim.

Amendment

(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts, ***such as Regulation (EU) 2020/852 of the European Parliament and of the Council^{1a} and the forthcoming Directive on Corporate Sustainability Due Diligence*** should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. The existence of this ***commodity-specific*** Regulation should not exclude the application of other EU legislative instruments that lay down requirements regarding value chain due diligence. Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with those of this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other EU legislative instruments on due diligence or the achievement of their general aim ***and the Commission should ensure that the Union's due diligence legal framework be harmonised and coherent.***

^{1a} ***Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation***

Amendment 26

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) For the relevant commodities entering or leaving the Union market, competent authorities are tasked with the verification of the compliance of relevant commodities and products with the obligations under this Regulation, whereas the role of customs is to ensure that the reference of a due diligence statement is made available in the customs declaration where applicable and, in addition as from the moment the electronic interface will be in place to exchange information between customs authorities and competent authorities, to check the status of the due diligence statement after an initial risk analysis carried out by competent authorities in the Information System and act accordingly (i.e. suspend or refuse a commodity or product if requested to do so through the status in the Information System). This specific organisation of controls discards the application of Chapter VII of Regulation (EU) 2019/1020 in so far as the application and enforcement of this Regulation is concerned.

Amendment

(42) For the relevant commodities ***or products*** entering or leaving the Union market, competent authorities are tasked with the verification of the compliance of relevant commodities and products with the obligations under this Regulation, whereas the role of customs is to ensure that the reference of a due diligence statement is made available in the customs declaration where applicable and, in addition as from the moment the electronic interface will be in place to exchange information between customs authorities and competent authorities, to check the status of the due diligence statement after an initial risk analysis carried out by competent authorities in the Information System and act accordingly (i.e. suspend or refuse a commodity or product if requested to do so through the status in the Information System). This specific organisation of controls discards the application of Chapter VII of Regulation (EU) 2019/1020 in so far as the application and enforcement of this Regulation is concerned.

Amendment 27

Proposal for a regulation Recital 43 a (new)

Text proposed by the Commission

Amendment

(43a) The Commission should ensure adequate and sufficient financial resources, including specifically for

technical support, including through the Neighbourhood, Development and International Cooperation Instrument – Global Europe, to help partner countries with the compliance of the requirements set up by this Regulation. Those measures should already be foreseen ahead of its entry into force and full implementation to enhance the adaptation capacities of affected communities, with particular attention to smallholders.

Amendment 28

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) The risk of non-compliant commodities and products being placed on the Union market varies depending on the commodity and product as well as on its country of origin and production.

Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden.

Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Amendment

(46) The risk of non-compliant commodities and products being placed on the Union market varies depending on the commodity and product as well as on its country of origin and production.

Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Amendment 29

Proposal for a regulation Recital 47

Text proposed by the Commission

(47) For this reason, the Commission should assess the deforestation and forest degradation risk at a level of a country or

Amendment

(47) For this reason, the Commission should assess the deforestation and forest degradation risk, ***and the risk of violations***

parts thereof based on a range of criteria that reflect both quantitative, objective and internationally recognised data, **and** indications that the countries are actively engaged in fighting deforestation and forest degradation. This benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and reduce their deforestation impact. This should help making supply chains more transparent and sustainable. This benchmarking system should be based on a **three-tier** classification of countries to be regarded as **low**, standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned.

For relevant commodities and products from low risk countries or parts of countries identified as low-risk, operators should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a **low or** high risk of producing relevant commodities and products that are not compliant with this Regulation.

of human and labour rights, at a level of a country or parts thereof based on a range of criteria that reflect both quantitative, objective and internationally recognised data, indications that the countries are actively engaged in fighting deforestation and forest degradation **and information provided by third parties, including local communities, indigenous peoples and civil society organisations**. This benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and reduce their deforestation impact. This should help making supply chains more transparent and sustainable. This benchmarking system should be based on a **two-tier** classification of countries to be regarded as standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned. **The** competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a high risk of producing relevant commodities and products that are not compliant with this Regulation. **The Commission should envisage specific financial and technical support as well as enhance dialogue with partner countries considered part of the high risk category, in order to support them in the transition towards the standard category.**

Amendment 30

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties.

Amendment

(52) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant relevant commodities and products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are sanctioned by effective, proportionate and dissuasive penalties **and that operators failing to comply with the requirements laid down in this Regulation are liable and obliged to compensate for the harm that the exercise of due diligence would have avoided.**

Amendment 31

Proposal for a regulation Recital 57

Text proposed by the Commission

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral **Voluntary Partnership Agreements (VPAs)** with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation.

Amendment

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a **Forest Law Enforcement, Governance and Trade (FLEGT)**licensing scheme through bilateral VPAs with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation. **The Commission will engage with VPA**

partner countries on ways to address the deforestation and forest degradation requirements under this Regulation in the context of the VPAs or other partnership and cooperation mechanisms. This Regulation should also take into account the lessons learned and good practices stemming from the implementation of VPAs.

Amendment 32

Proposal for a regulation Recital 57 a (new)

Text proposed by the Commission

Amendment

(57a) The Commission should assist LDCs and SMEs in their understanding, implementation and compliance with the standards set out in this Regulation, keeping an open cooperation towards capacity-building with national, regional and local governments, civil society organisations and producers, especially small producers.

Amendment 33

Proposal for a regulation Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

This Regulation lays down rules regarding the placing and making available on the Union market, as well as the export from the Union market, of **cattle, cocoa, coffee, oil palm, soya and wood** (“relevant commodities”) **and products, as listed in Annex I**, that contain, have been fed with or have been made using relevant commodities (“relevant products”), with a view to

This Regulation lays down rules regarding the placing and making available on the Union market, as well as the export from the Union market, of **commodities, listed in Annex I** (“relevant commodities”), that contain, have been fed with or have been made using relevant commodities **or products deriving from them** (“relevant products”), with a view to

Amendment 34

Proposal for a regulation
Article 1 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) preventing the violation of human rights linked to the production of relevant commodities and products.

Amendment 35

Proposal for a regulation
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation also lays down obligations for financial institutions operating in the Union that provide financial services to natural or legal persons whose economic activities consist, or are linked to, the production, supply, placing on or export from the Union market of relevant commodities and products.

Amendment 36

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) ‘deforestation’ means the conversion of ***forest to*** agricultural use, whether human-induced or not;

(1) ‘deforestation’ means the conversion of ***forests, including conversion of forests that were not plantation forests into plantation forests, to another land use, including*** agricultural use, whether human-induced or not;

Amendment 37

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)

(1a) ‘agricultural use’ means the use of land for one or more of the following: cultivation of temporary or annual crops that have a growing cycle of one year or less; cultivation of permanent or perennial crops that have a growing cycle of more than one year, including tree crops; cultivation of permanent or temporary meadows or pastures; and temporarily fallow land;

Amendment 38

Proposal for a regulation Article 2 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, **and** excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;

Amendment

(4) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It **specifically** includes **all** short rotation plantations for wood, fibre and energy. **It specifically** excludes **all** forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;

Amendment 39

Proposal for a regulation Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘forest degradation’ means **harvesting operations that are not sustainable and cause a reduction or loss of the biological or economic productivity and complexity of forest ecosystems, resulting in the long-term reduction of the**

Amendment

(6) ‘forest degradation’ means **changes within a forest that negatively affect its species composition, structure, or function and reduce the forest’s capacity to support biodiversity or deliver ecosystem services, whether human**

overall supply of benefits from forest, which includes wood, biodiversity and other products or services;

induced or not;

Amendment 40

Proposal for a regulation

Article 2 – paragraph 1 – point 16 a (new)

Text proposed by the Commission

Amendment

(16a) ‘meaningful engagement with stakeholders’ means understanding the concerns and interests of relevant stakeholders, in particular the most vulnerable groups such as smallholders, indigenous peoples and local communities as well as women, by consulting them directly in a manner that takes into account potential barriers to effective engagement;

Amendment 41

Proposal for a regulation

Article 2 – paragraph 1 – point 28

Text proposed by the Commission

Amendment

(28) ‘relevant ***legislation of the country of production***’ means the rules applicable in the country of production concerning the legal status of the area of production ***in terms of*** land use rights, environmental protection, third parties’ rights ***and*** relevant trade ***and*** customs regulations under ***legislation*** framework applicable in the country of production;

(28) ‘relevant ***law***’ means :

a) the rules applicable in the country of production concerning the legal status of the area of production, land use rights, environmental protection, third parties’ rights, ***labour rights, and as well as*** relevant ***tax, anti-corruption,*** trade, customs, ***payment and contract*** regulations under ***the legal*** framework applicable in

the country of production;

(b) human rights protected under international law, in particular under any treaties and other instruments ratified or endorsed by the country of production. Those include instruments protecting: customary tenure rights and the right to free, prior and informed consent (FPIC), as set out among other things by the UN Declaration on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues and UN and regional treaty bodies, the right to water, the right to environmental protection and sustainable development, the right to defend human rights and the environment, free from any form of persecution and harassment, labour rights as enshrined in ILO fundamental conventions and other internationally recognised human rights related to land use, access or ownership, as well as the human right to a healthy environment, as defined in the Framework Principles on Human Rights and the Environment and the standards and good practices identified by the UN Special Rapporteur on Human Rights and the Environment. Where national laws fall short of international standards, operators shall ensure that the above-mentioned rights are complied with;

Amendment 42

Proposal for a regulation Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

(28a) ‘free, prior and informed consent’ or ‘FPIC’ means a collective human right of indigenous peoples and local communities to give and withhold their consent prior to the commencement of any activity that may affect their rights, land, resources, territories, livelihoods,

and food security, exercised through representatives of their own choosing and in a manner consistent with their own customs, values, and norms;

Amendment 43

Proposal for a regulation Article 2 – paragraph 1 – point 28 b (new)

Text proposed by the Commission

Amendment

(28b) ‘human rights defender’ means an individual, group or organ of society that promotes and protects universally recognised human rights and fundamental freedoms. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realisation of economic, social and cultural rights. Human rights defenders also promote and protect the rights of members of groups such as indigenous communities;

Amendment 44

Proposal for a regulation Article 2 – paragraph 1 – point 28 c (new)

Text proposed by the Commission

Amendment

(28c) ‘environmental human rights defender’ means an individual or a group who, in its personal or professional capacity and in a peaceful manner, strives to protect and promote human rights relating to the environment, including water, air, land, flora and fauna;

Amendment 45

Proposal for a regulation Article 2 – paragraph 1 – point 28 d (new)

(28d) ‘remedial measure’ means any action, or combination of actions, to restore, rehabilitate or replace land that has been subject to deforestation, ecosystem conversion, or forest or ecosystem degradation;

Amendment 46

Proposal for a regulation

Article 2 – paragraph 1 – point 28 e (new)

(28e) ‘financial service’ means:

(a) lending including, inter alia: credit agreements relating to immovable property, factoring, with or without recourse, financing of commercial transactions (including forfeiting), export credit;

(b) financial leasing;

(c) payment service as defined in Article 4, point (3) of Directive (EU) 2015/2366 of the European Parliament and of the Council^{1a};

(d) guarantees and commitments;

(e) participation in securities issues and the provision of services relating to such issues;

(f) money broking;

(g) non-life insurance services as set out in Annex I of Directive 2009/138/EC of the European Parliament and of the Council^{1b}; or

(h) portfolio management and advice;

^{1a} Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and

2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L337, 23.12.2015, p. 35).

^{1b} Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

Amendment 47

Proposal for a regulation

Article 2 – paragraph 1 – point 28 f (new)

Text proposed by the Commission

Amendment

(28f) ‘affected peoples’ means indigenous peoples and local communities who own, inhabit, depend on, or have a special attachment to land that has been subject to deforestation, ecosystem conversion, or forest or ecosystem degradation, or whose rights have been impacted by the production of relevant commodities or products.

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) they have been produced in accordance with the relevant legislation of the country of production; and

(b) they have been produced in accordance with the relevant legislation of the country of production and **international law and standards on tenure rights and on the rights of indigenous peoples and local communities, including customary tenure rights and the right to FPIC, in line with the International Labour Organization Convention 169, the Convention on Biological Diversity and the United Nations Declaration on the Rights of Indigenous Peoples, as well as**

considering the provisions of the UN Guiding Principles on Business and Human Rights; and

Amendment 49

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That statement shall confirm that due diligence was carried out and no or only negligible risk was found **and** shall contain the information set out in Annex II for the relevant commodities and products.

Amendment

2. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant commodities and products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the Union market or exporting the relevant commodities and products. That ***electronically available and transmittable and certified*** statement shall confirm that due diligence was carried out and ***disclose the steps that were taken in this regard to verify the compliance of the relevant commodities and products with this Regulation, and explain the assessment why*** no or only negligible risk was found. ***It shall also*** contain the information set out in Annex II for the relevant commodities and products. ***Statements and certification shall be made publicly available.***

Amendment 50

Proposal for a regulation Article 4 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Operators shall engage with stakeholders prior to taking any decisions that can impact them. This involves the timely provision of all information needed by potentially impacted stakeholders to be

able to make an informed decision as to how the decision could affect their interests. It involves a follow-through on implementation of agreed commitments, ensuring that adverse impacts to impacted and potentially impacted stakeholders are addressed.

Amendment 51

Proposal for a regulation Article 4 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Operators shall by all means support the compliance of their suppliers, including smallholders, with this Regulation, including through investments and capacity building as well as pricing mechanisms that would enable a living income for the producers they source from.

Amendment 52

Proposal for a regulation Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Operators shall ensure meaningful engagement with stakeholders and participation of all relevant stakeholder groups, in particular with potentially impacted stakeholders and right holders, notably indigenous people and local communities and their right to FPIC in the due diligence process. They shall engage with stakeholders prior to taking any decisions that can impact them.

Amendment 53

Proposal for a regulation Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) description, including the trade name and type of relevant commodities and products as well as, where applicable, the common name of the species and its full scientific name;

Amendment

(a) description, including the trade name and type of relevant commodities and products as well as, where applicable, the common name of the species and its full scientific name; ***for relevant products, the description shall include mention of the relevant commodities, or products derived from them, that are contained as components or ingredients, used as feed or used in the production process;***

Amendment 54

Proposal for a regulation

Article 9 – paragraph 1 – point h

Text proposed by the Commission

(h) adequate and verifiable information that the production has been conducted in accordance with relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity;

Amendment

(h) adequate and verifiable information that the production has been conducted in accordance with relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity, ***and ensuring that the rights of indigenous peoples to FPIC are respected;***

Amendment 55

Proposal for a regulation

Article 9 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) adequate and verifiable information, obtained via independent audits and appropriate consultation processes, that the area used for the purpose of producing the relevant commodities and products is not subject to any claims on the basis of indigenous, customary or other legitimate tenure rights or subject to any dispute regarding

their use, ownership or occupation;

Amendment 56

Proposal for a regulation

Article 9 – paragraph 1 – point h b (new)

Text proposed by the Commission

Amendment

(hb) adequate and verifiable information disclosing the views of any indigenous peoples, local communities and other groups that claim tenure rights in respect of the area used for the purpose of producing the relevant commodities and products regarding the production of the relevant commodities and products;

Amendment 57

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall also propose supporting measures for the development of smallholders' capacities regarding the geo-localisation requirements foreseen in this Regulation. This may include both technical and financial support for smallholders to be able to collect and manage the required data while also prioritizing technology transfer, among other initiatives.

Amendment 58

Proposal for a regulation

Article 9 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall set up, in collaboration with producer countries, a platform using satellite images and

positioning stemming from the use of EGNOS/Galileo and Copernicus to support compliance checks and support all parties to move quickly towards deforestation-free supply chains. Such platform shall include information for the periodical monitoring of forest cover change, thematic mappings, and user-friendly briefings made available to Member State authorities, interested third countries authorities, operators and traders.

Amendment 59

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraph 1 concerning further relevant information to be obtained that may be necessary to ensure the effectiveness of the due diligence system.

Amendment

3. The Commission may adopt delegated acts in accordance with Article 33 ***and commodity-specific guidance*** to supplement paragraph 1 concerning further relevant information to be obtained that may be necessary to ensure the effectiveness of the due diligence system, ***as well as the application of information requirements to smallholders and ensure that they retain ownership and control over proprietary data.***

Amendment 60

Proposal for a regulation Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) the presence of forests in the country and area of production of the relevant commodity or product;

Amendment

(b) the presence of forests ***and other endangered ecosystems like savannahs, steppes, peatlands, wetlands or mangroves*** in the country and area of production of the relevant commodity or product;

Amendment 61

Proposal for a regulation
Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the presence of vulnerable peoples, indigenous peoples, local communities and other customary tenure rights holders in the country and area of production of the relevant commodity or product;

Amendment 62

Proposal for a regulation
Article 10 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, ***absence or lack of enforcement or violation of rights of, or violence against, indigenous peoples, local communities or other customary tenure rights holders, as well as human rights defenders and environmental human rights defenders, weak governance,*** armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment 63

Proposal for a regulation
Article 10 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) concerns in relation to other actors involved in the supply chain, particularly in relation to legal complaints taken against an actor, substantiated concerns relating to deforestation, forest degradation, human rights abuses or attacks against environmental and land

rights defenders committed by an actor, or the inclusion of an actor on any United Nations list of companies and businesses involved in violations of human rights or international law;

Amendment 64

Proposal for a regulation

Article 10 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the prevalence of business practices, such as purchasing and pricing practices, that undermine the capacity of farmers to produce relevant commodities and products in a manner consistent with the requirements of this Regulation;

Amendment 65

Proposal for a regulation

Article 10 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation *has* occurred or *is* occurring;

(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest *and ecosystem* degradation, *as well as violations of the relevant laws or human rights violations have* occurred or *are* occurring;

Amendment 66

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant

with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits or other measures pertaining to information requirements set out in Article 9.

with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits, **capacity-building and financial investments for smallholders** or other measures pertaining to information requirements set out in Article 9.

Amendment 67

Proposal for a regulation Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where relevant, operators shall ensure that risk assessments and mitigation measures are adopted ensuring the participation and consultation and the FPIC of indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products.

Amendment 68

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3(a) **and (b)**. The due diligence system shall be reviewed at least once a year and **if necessary** adapted to and accounting for

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3, **points (a), (b) and (c)**. The due diligence system shall be reviewed at least once a year and adapted to and accounting for new

new developments which may influence the exercise of due diligence. Operators shall keep record of updates in the due diligence system(s) for 5 years.

developments which may influence the exercise of due diligence **when operators become aware of them**. Operators shall keep record of updates in the due diligence system(s) for 5 years.

Amendment 69

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. ***Unless otherwise provided by other EU legislative instruments that lay down requirements regarding sustainability value chain due diligence***, operators ***which are not SMEs*** shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system ***including on*** the steps taken by them to implement their obligations as set out in Article 8. Operators falling also within the scope of other EU legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other EU legislative instruments.

Amendment

2. Operators shall, on an annual basis, publicly report as widely as possible, including on the internet, on ***the following elements***:

- a) their due diligence system ***and*** the steps taken by them to implement their obligations as set out in Article 8, ***including the meaningful engagement with stakeholders and participation of stakeholders and disclosure on disengagement, as referred to in Article 10***;
- b) ***evidence of consent of indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products***;
- c) ***the measures they have implemented to ensure that the costs of***

compliance with this Regulation are shared among all actors in the supply chains proportionally, and;

d) the measures they have implemented to support the compliance of their suppliers, in particular smallholders, including investments and capacity building, as well as pricing mechanisms that would enable a living income for the producers they source from.

Operators falling also within the scope of other EU legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other EU legislative instruments.

Amendment 70

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The reports referred to in paragraph 2 shall, in respect of relevant commodities and products supplied by each supplier:

(a) include the information described in Article 9(1), points (a) to (e);

(b) describe the information and evidence obtained and used to assess the compliance of the relevant commodities and products with Article 3, points (a), (b) and (c);

(c) state the conclusions of the risk assessment conducted under Article 10(1) and describe any risk mitigation procedures or measures undertaken pursuant to Article 10(4);

(d) include the date and place where relevant commodities and products were placed on or exported from the Union

market; and

(e) provide evidence of consultation of indigenous peoples, local communities, and other customary tenure rights holders that are present in the area of production of the relevant commodities and products.

Amendment 71

Proposal for a regulation Article 12

Text proposed by the Commission

Amendment

Article 12

deleted

Simplified due diligence

- 1. When placing relevant commodities or products on the Union market or exporting them from it, operators are not required to fulfil the obligations under Article 10 where they can ascertain that all relevant commodities and products have been produced in countries or parts thereof that were identified as low risk in accordance with Article 27.*
- 2. However, if the operator obtains or is made aware of any information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 have to be fulfilled.*

Amendment 72

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Due diligence guidelines

In order to provide support to companies

or to Member State authorities on how companies should fulfil their due diligence obligations, the Commission, in consultation with stakeholders, the European Environment Agency, and where appropriate with international bodies having expertise in due diligence, may issue guidelines. When developing those guidelines due account shall be taken i.a. of the UN Guiding Principles on Business and Human Rights and the OECD-FAO Guidance for Responsible Agricultural Supply Chains.

Amendment 73

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators, taking into account the situation of SMEs, in order to facilitate compliance with the requirements of this Regulation.

Amendment

5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance, ***as well as commodity-specific guidance*** to operators, taking into account the situation of SMEs, in order to facilitate compliance with the requirements of this Regulation.

Amendment 74

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall take into account in

Amendment

3. To carry out the checks referred to in paragraph 1, the competent authorities shall establish a plan based on a risk-based approach. The plan, ***which shall be made public***, shall contain at least risk criteria to carry out the risk analysis under paragraph 4 and thereby inform the decisions on checks. In establishing and reviewing the risk criteria, the competent authorities shall

particular the assignment of risk to countries or parts thereof in accordance with Article 27, ***the history of compliance*** of an operator or trader with this Regulation and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness. ***When reviewing the plans, the competent authorities shall establish a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.***

take into account in particular the assignment of risk to countries or parts thereof in accordance with Article 27, ***previous failures*** of an operator or trader ***to ensure compliance*** with this Regulation, ***the quantity of relevant commodities and products being placed or made available on the market by the operator or trader, the period of time since the risk assessment for the relevant commodities or products was completed, the proximity of the plots of land on which the relevant commodities and products were produced to forests and other natural ecosystems,*** and any other relevant information. Based on the results of the checks and the experience on implementation of the plans, the competent authorities shall review those plans and risk criteria on a regular basis in order to improve their effectiveness.

Amendment 75

Proposal for a regulation Article 14 – paragraph 11

Text proposed by the Commission

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment

11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall conduct, ***without undue delay,*** checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.

Amendment 76

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.

1. Competent authorities shall cooperate with each other, with authorities from other Member States, with the Commission, ***civil society organisations and trade unions***, and if necessary, with administrative authorities of third countries in order to ensure compliance with this Regulation.

Amendment 77

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year. This information shall include their plans for checks, the number and the results of the ***controls*** carried out on operators and traders, including the ***contents*** of these checks, the volume of relevant commodities and products checked in relation to the total quantity of relevant commodities and products placed on the market, the countries of origin and of production of relevant commodities and products as well as the measures taken in case of non-compliance and the costs of ***controls*** recovered.

Amendment

1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year. This information shall include their plans for checks ***and the risk criteria on which they are based***, the number and the results of the ***checks*** carried out on operators and traders, including the ***results*** of these checks, ***the number and the result of the controls carried out on relevant commodities and products including the results of those controls***, the volume of relevant commodities and products checked in relation to the total quantity of relevant commodities and products placed on the market, the countries of origin and of production of relevant commodities and products as well as the measures taken in case of non-compliance and the ***operators and traders against whom such measures were taken as well as the trading name of the non-compliant products***, the costs of ***enforcement activities*** recovered ***in each instance, and operators and traders who failed to fulfil their obligations under this Regulation and against whom an administrative authority or court has imposed penalties in line with Article 23 which are final within the preceding four years, including the trading name of the***

relevant non-compliant products.

Amendment 78

Proposal for a regulation

Article 19 – paragraph 2

Text proposed by the Commission

2. The Commission services shall make publicly available, on an annual basis, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.

Amendment

2. The Commission services shall make publicly available, on an annual basis, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1. ***Based on this overview, the Commission shall issue recommendations to competent authorities to ensure the uniform application of this Regulation.***

Amendment 79

Proposal for a regulation

Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall notify the Commission without undue delay about any administrative or criminal sanction or penalty, including in the form of a formal warning, imposed on operators or traders for infringing their obligations under this Regulation.

Amendment 80

Proposal for a regulation

Article 19 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall publish in the Official Journal of the European Union a list of operators and traders identified in accordance with paragraph 2a that have failed to fulfil their

obligations under this Regulation and the trading name of the relevant non-compliant products. The operator or trader concerned shall be informed of its inclusion. The list shall be made publicly available on the website of the Commission and regularly updated.

Amendment 81

Proposal for a regulation

Article 19 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission shall remove an operator or trader from the list of contravening operators and traders after one year at the earliest if the Member State has notified the Commission that the operator or trader has taken sufficient remedial action, including full payment of penalties and improvements to its due diligence system and if no further reports of sanctions or administrative or criminal proceedings concerning alleged contravening activity have been reported by the respective Member State authority. The Commission shall publish in its annual report a short justification for each operator or trader that has been removed from the list.

Amendment 82

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

Amendment

Where, following the checks referred to in Article 15 and 16, possible serious shortcomings have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities *may* take immediate interim measures, including seizure or suspension of the placing or

Where, following the checks referred to in Article 15 and 16, possible serious shortcomings have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities *shall* take immediate interim measures, including seizure or suspension of the placing or

making available on and exporting from the Union market of the relevant commodities and products.

making available on and exporting from the Union market of the relevant commodities and products.

Amendment 83

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. ***Without prejudice to*** Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take ***appropriate and proportionate*** corrective action to bring the non-compliance to an end.

Amendment

1. ***In addition to the imposition of penalties in accordance with*** Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take corrective action to bring the non-compliance to an end ***within a specified and reasonable period of time.***

Amendment 84

Proposal for a regulation Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) destroying the relevant commodity or product or donating it to charitable or public interest purposes.

Amendment

(d) destroying the relevant commodity or product or donating it to charitable or public interest purposes ***if possible;***

Amendment 85

Proposal for a regulation Article 22 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) addressing any shortcoming in the due diligence system which may have led to the non-compliance, in view of preventing the risk of further infringements.

Amendment 86

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. If the operator or trader fails to **take** corrective action referred to in paragraph 2 or where the non-compliance referred to in paragraph 1 persists, competent authorities shall ensure that the product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

Amendment

3. If the operator or trader fails to **complete the** corrective action referred to in paragraph 2 **within the period of time specified by the competent authority under paragraph 1**, or where the non-compliance referred to in paragraph 1 persists **after that period of time**, competent authorities shall ensure that the **relevant commodity or** product is withdrawn or recalled, or that its being made available on or exported from the Union market is prohibited or restricted.

Amendment 87

Proposal for a regulation Article 23 – paragraph 2 – point a

Text proposed by the Commission

(a) fines proportionate to the environmental damage and the value of the relevant commodities or products concerned, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements; the maximum amount of such fines shall be at least 4 % of the operators or trader's annual turnover in the Member State or Member States concerned;

Amendment

(a) fines proportionate to the environmental damage **or the human rights violations** and the value of the relevant commodities or products concerned, calculating the level of such fines in such way as to make sure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements; the maximum amount of such fines shall be at least 4 % of the operators or trader's annual turnover in the Member State or Member States concerned;

Amendment 88

Proposal for a regulation
Article 23 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) in case of serious or repeated infringement, suspension of the right to submit a due diligence statement in view of placing relevant commodities and products on the Union market, or of exporting them; recall of relevant commodities or products offered for sale including at retailers; and criminal sanctions, in accordance with the Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC.

Amendment 89

Proposal for a regulation
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Operators failing to comply with the obligations under this Regulation shall also be liable and obliged to compensate for the harm that the exercise of due diligence would have avoided. The action to establish liability shall be filed before the relevant jurisdiction by any natural or legal person with a legitimate interest to do so.

Amendment 90

Proposal for a regulation
Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Commission **may** develop an electronic interface based on the EU Single Window Environment for Customs to

2. The Commission **shall** develop an electronic interface based on the EU Single Window Environment for Customs to

enable:

enable:

Amendment 91

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes a **three-tier** system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a **low or** high risk, countries shall be considered as presenting a standard risk. The Commission may identify countries or parts thereof that present a **low or** high risk of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a **low or** high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2). That list shall be updated as necessary in light of new evidence.

Amendment

1. This Regulation establishes a **two-tier** system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a high risk, countries shall be considered as presenting a standard risk. The Commission may identify countries or parts thereof that present a high risk of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2). That list shall be updated as necessary in light of new evidence. ***That process shall be developed in close dialogue with producer countries and with specific indications and timeline of when a review of the country's high risk category can be envisaged.***

Amendment 92

Proposal for a regulation Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

2. The identification of **low and** high risk countries or parts thereof pursuant to paragraph 1 shall take into account information provided by the country concerned and be based on the following assessment criteria:

Amendment

2. The identification of high risk countries or parts thereof pursuant to paragraph 1 ***shall follow a transparent assessment process which*** shall take into account information provided by the country concerned and ***by third parties, including indigenous peoples, local communities, civil society organisations***

and international organisations, and be based on the following assessment criteria:

Amendment 93

Proposal for a regulation

Article 27 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(aa) the specific situation of each country concerned relating to the production of the commodities or products concerned;

Amendment 94

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) rate of expansion of agriculture land for relevant commodities,

(b) rate of expansion of agriculture land for relevant commodities *based on solid evidence that the rate of expansion of agricultural land is directly linked to deforestation and forest degradation;*

Amendment 95

Proposal for a regulation

Article 27 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) whether the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change covers emissions and removals from agriculture, forestry and land use which ensures that emissions from deforestation and forest degradation are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC;

(d) whether the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change covers emissions and removals from agriculture, forestry and land use which ensures that emissions from deforestation and forest degradation are accounted towards the country's commitment to reduce or limit greenhouse gas emissions as specified in the NDC, *whilst also acknowledging the efforts*

made by that country in the implementation of its NDC ;

Amendment 96

Proposal for a regulation

Article 27 – paragraph 2 – point e

Text proposed by the Commission

(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation or forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation and their effective implementation;

Amendment

(e) agreements and other instruments, ***including partnership and cooperation mechanisms referred to in Article 28(1)*** concluded between the country concerned and the Union that address deforestation or forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation and their effective implementation;

Amendment 97

Proposal for a regulation

Article 27 – paragraph 2 – point f

Text proposed by the Commission

(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement, and takes effective enforcement measures to avoid and sanction activities leading to deforestation and forest degradation, and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation or forest degradation are applied.

Amendment

(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement, ***the United Nations Declaration on the Rights of Indigenous Peoples, and relevant law*** and takes effective enforcement measures to ***ensure that those laws are implemented and to avoid and sanction activities related to the production of relevant commodities for export*** leading to deforestation, and forest degradation, and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation, or forest degradation ***or non-compliance with the relevant law*** are applied.

Amendment 98

Proposal for a regulation
Article 27 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) whether the national and sub-national jurisdiction has developed jurisdictional approaches with the meaningful engagement of all relevant stakeholders, including civil society, indigenous peoples and local communities, women, and the private sector, including micro-enterprises, SMEs and smallholders, to tackle deforestation, forest degradation, natural ecosystem conversion and degradation, land rights violations and illegal production;

Amendment 99

Proposal for a regulation
Article 27 – paragraph 2 – point f b (new)

Text proposed by the Commission

Amendment

(fb) whether the country concerned makes relevant data available transparently.

Amendment 100

Proposal for a regulation
Article 27 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall notify the countries concerned of its intent to assign a change to the existing risk category and invite them to provide any information deemed useful in this regard. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

The Commission shall notify the countries concerned of its intent to assign a change to the existing risk category and invite them to provide any information deemed useful in this regard. ***It shall also carry out a public consultation to gather information and views from all interested parties, including in particular vulnerable peoples, indigenous peoples, local communities, smallholders, women, and civil society organisations, including trade***

unions. The Commission shall allow the countries *and other interested parties* adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

Amendment 101

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 2 – point c

Text proposed by the Commission

(c) the consequences of its identification as a high *or low* risk country.

Amendment

(c) the consequences of its identification as a high risk country.

Amendment 102

Proposal for a regulation

Article 27 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The benchmarking system shall be accompanied by strong support and clear information available to countries concerned by this Regulation. The Commission should put in place specific supporting mechanism, and commodity-specific guidance and initiatives with countries identified as high-risk to help improving their risk level towards the standard category. That support should be based on a structured dialogue, mutual cooperation and the enhancement of ongoing and new partnership and cooperation mechanisms, including, but not limited, to the examples laid down in Article 28.

Amendment 103

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

1. The Commission shall engage with producer countries concerned by this Regulation to develop partnerships and cooperation to jointly address deforestation and forest degradation. Such partnerships and cooperation mechanisms **will** focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation and the transition to sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms **may** include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.

Amendment

1. The Commission shall engage **and work in partnership** with producer countries concerned by this Regulation, **including those that are engaged in VPA FLEGT processes**, to develop partnerships and cooperation to jointly address **the root causes of** deforestation and forest degradation, **to adopt agro-ecological and production systems that are free from forest destruction and which respect human rights, including structural poverty and the need for a living income for forests and ecosystems dependent societies in partner countries concerned by this Regulation.**

Such partnerships and cooperation mechanisms **shall serve to allow for the exchange of information and good practices, be supported by technical and sufficient financial resources and** focus on the conservation, restoration and sustainable use of forests, **ending** deforestation **and** forest degradation, **human rights protection** and the transition to sustainable commodity production, consumption processing and trade methods, **while stimulating stable and legal business and contributing to sustainable and inclusive economies and societies. Those partnerships and cooperation mechanisms shall aim at enhancing cooperation with producer country customs authorities and other relevant law enforcement agencies, strengthening or improving good**

governance, as well as protecting the rights, livelihoods and subsistence of forest dependent communities including indigenous peoples, local communities, other customary tenure rights holders and smallholders, especially women, in ways that respect their culture and customs. Such partnerships and cooperation mechanisms shall also involve facilitating scientific and academic cooperation.

Partnerships and cooperation mechanisms ***shall ensure and include multi-stakeholder structured dialogues and collaboration, support programmes and actions, including assistance in the development and implementation of national frameworks for forestry and sustainable forestry, specific technical and capacity building support,*** administrative arrangements and provisions in existing agreements or agreements ***as well as trade incentives*** that enable producer countries, ***with a specific focus on smallholders, indigenous peoples and local communities,*** to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation, ***leaving none behind and facilitating their access to the Union market. They should be based on time-bound milestones agreed with local stakeholders, such as smallholders, indigenous peoples and local communities.*** Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation. ***All those partnerships and cooperation mechanisms are especially relevant for countries listed in the high-risk category.***

Partnerships and cooperation mechanisms shall properly take into consideration environmental, social and economic dimensions. Income depletion for vulnerable populations, loss of jobs, regression in the achievements of developing countries and incentives for

illegal activities shall be avoided.

Amendment 104

Proposal for a regulation Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall take advantage of the extensive experience and expertise of international organizations, such as the Food and Agriculture Organization and the United Nations Environment Programme, regarding the specific technical support needed by partner countries concerned by this Regulation.

Amendment 105

Proposal for a regulation Article 28 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall facilitate a process, in partnership with producer countries, between stakeholders, smallholders and local communities to develop pricing models that enable farmers to earn a decent living income and produce sustainable deforestation-free goods and explore positive incentives for smallholders to move towards sustainable practices.

Amendment 106

Proposal for a regulation Article 28 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall engage with producer countries to jointly develop and

implement national roadmaps to help smallholders to comply with Union requirements. Those roadmaps shall be developed and implemented with inclusive participation of smallholders, indigenous people and local communities.

Amendment 107

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. Partnerships and cooperation should allow the full participation of all stakeholders, including civil society, indigenous **people**, local communities and the private sector including, SMEs and smallholders.

Amendment

2. Partnerships and cooperation **shall be provided with adequate financial resources and should support and allow for the monitoring of** the full participation of all stakeholders, including civil society, **namely local environmental defenders**, indigenous **peoples**, local communities, **women** and the private sector including SMEs and smallholders. **The Commission shall assist LDCs in their understanding, implementation and compliance with the standards laid down in this Regulation, keeping an open cooperation towards capacity building with national, regional and local governments, civil society organisations and producers, especially small producers.**

Partnerships and cooperation shall include support for demarcation and recognition of indigenous peoples' and local communities' rights, including tenure rights, in line with international standards in order to clarify the domestic legal situation and set clear obligations for undertakings and support – where not already present through existing agreements and dialogues such as FLEGT VPAs – initiate inclusive and participatory dialogue toward national legal and governance reform processes to enhance forest governance and address domestic factors contributing to deforestation and forest degradation.

Amendment 108

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, fiscal incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains, strengthen the rights of forest dependent communities including smallholders, indigenous peoples **and** local communities, and ensure public access to forest management documents and other relevant information.

Amendment

3. Partnerships and cooperation shall, ***in consultation with indigenous peoples, local communities, civil society organisations and smallholders and through participatory multi-stakeholder processes***, promote the development of integrated land use planning processes, relevant legislations ***and legal reforms, taking into consideration the existing national legal framework, where relevant***, fiscal incentives and other pertinent tools to improve ***governance and law enforcement***, forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity ***including agro-ecology*** and competitiveness, ***greater food security***, transparent supply chains, strengthen the rights of forest dependent communities including smallholders, ***women***, indigenous peoples, local communities, and ***other groups with customary land rights, seek the recognition and respect of their land rights, ownership, tenure and access to land, and right to free, prior and informed consent, in accordance with international standards and in line with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests***, ensure public access to forest management documents and other relevant information ***and support smallholders in third countries to comply with the requirements laid down in this Regulation and facilitate their access to the Union market***.

Any project developed under those partnerships, including those focusing on conservation and restoration, shall respect the rights of indigenous peoples, obtain their FPIC regarding any project or development in their territories, and respect their land rights, as defined by international standards.

The Commission shall also continue supporting key ongoing programmes, projects and initiatives to halt deforestation and forest degradation, such as FLEGT VPAs, or the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries, as well as specific country and regional initiatives foreseen within its development policy.

Amendment 109

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation and forest degradation, including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and

Amendment

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation and forest degradation ***and to avoid the inverse effect of diverting unwanted deforestation-marked supply chains to other regions in the world,*** including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as

agreeing robust standards and definitions that ensure a high level of protection of *forest* ecosystems.

the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of *forests and other natural* ecosystems *and related human rights*.

Amendment 110

Proposal for a regulation Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall set up a European database collecting data on ongoing and past projects involving the Union and third countries, as well as bilateral projects between Member States and third countries, in order to assess the impact of such projects on the world's forests.

Amendment 111

Proposal for a regulation Article 28 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. The Commission shall support countries to ensure that their FLEGT licensing systems fully conform to the deforestation-free requirements of this Regulation.

Amendment 112

Proposal for a regulation Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The procedures referred to in paragraph 1 procedure shall be fair,

equitable, timely and not prohibitively expensive as well as provide adequate and effective remedies, including injunctive relief where appropriate and Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.

Amendment 113

Proposal for a regulation

Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purposes of paragraph 6, projects shall include a mechanism to monitor and avoid negative impacts on human rights and a locally accessible and transparent grievance mechanism. Special attention is to be given to projects in areas with specific needs or vulnerabilities, such as areas with specific environmental challenges or natural constraints and areas of high natural value.

Projects shall respect and promote the inherent rights of indigenous peoples, especially their rights to their lands, territories, resources and self-determination and their right to FPIC.

Projects shall be technically and financially coherent. In addition to the criteria set out in Article 186 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council^{1a}, costs relating to the purchase of land and other property shall be considered eligible for financing under paragraphs 6 and 7 if the following conditions are fulfilled:

(a) the purchase serves to implement remedial measures or directly benefit affected peoples; and

(b) the land or property purchased is

reserved on a long-term basis for either the implementation of remedial measures or for the direct benefit of affected peoples.

This article shall be applied without prejudice to any rights to compensation or other remedies any party may be entitled to independently of this Regulation.

^{1a} Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

Amendment 114

Proposal for a regulation Article 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The Commission shall adopt delegated acts in accordance with Article 33 to set up a remedy mechanism for communities whose rights have been violated by infringements of this Regulation and penalties relating to environmental damage.

Amendment 115

Proposal for a regulation Article 31 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall provide access to that information system to

4. The Commission shall provide access to that information system to

customs authorities, competent authorities, operators and traders in accordance with their respective obligations under this Regulation.

customs authorities, competent authorities, operators and traders in accordance with their respective obligations under this Regulation. ***Producers, including smallholders, shall be granted access to all information which concern them.***

Amendment 116

Proposal for a regulation Article 32 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Upon the entry into force of this Regulation, the Commission shall assess whether there is a risk of increasing destruction of savannahs, wetlands, peatlands and high biodiversity grasslands, amongst other ecosystems, due to intensive harvesting and cattle production related to commodities production, and assess the need to amend this Regulation accordingly.

Amendment 117

Proposal for a regulation Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall permanently monitor the impacts of this Regulation on vulnerable stakeholders such as smallholders, indigenous peoples and local communities, especially in third countries, also paying particular regard to the situation of women. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by the stakeholders concerned, such as third countries, intergovernmental, non-governmental, civil society and smallholder organisations, as well as indigenous peoples and local

communities, including through multi-stakeholder dialogues. No later than three years from the date of application referred to in Article 36(2), the Commission shall propose measures, taking into account the outcomes of the monitoring process aiming at supporting those stakeholders, in particular to:

a) ensure that their production methods and scale are able to comply with the sustainability criteria set out in this Regulation, and that their commodities and products are traceable and their origin transparent;

b) promote, when necessary, their transition towards, and the maintaining of, socially and environmentally sustainable agricultural practices which do not make them exclusively dependent on commodity production for export but support a transition focused on agro-ecology;

c) facilitate and support their inclusion in supply chains leading to the Union internal market by creating conditions and incentives that enable them to comply with the Union regulatory requirements;

d) provide support and incentives for them to conserve their forests and natural ecosystems on their lands that are used for commodity production;

e) ensure that the rights of indigenous peoples and other local communities with tenure rights are adequately protected.

Amendment 118

Proposal for a regulation Article 32 – paragraph 4

Text proposed by the Commission

4. Following a review as set out in paragraph 3, the Commission may adopt delegated acts in accordance with Article 33 to amend Annex I to include ***relevant***

Amendment

4. Following a review as set out in paragraph 3, the Commission may adopt delegated acts in accordance with Article 33 to amend Annex I to include ***additional***

products that contain or have been made using relevant commodities.

relevant commodities.

Amendment 119

Proposal for a regulation Annex I – paragraph 1

Text proposed by the Commission

Goods as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87, referred to in Article 1 of this Regulation⁶⁸.

⁶⁸ The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and *mutatis mutandis* as amended by subsequent legislation.

Amendment 120

Proposal for a regulation Annex I – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Goods as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87, referred to *as "relevant commodities"* in Article 1 of this Regulation⁶⁸ ***Bovine, cocoa, coffee, maize, natural rubber, palm oil, poultry, soy, sheep and goats, swine, wood. In accordance with Article 1 of this Regulation, this Regulation shall apply to all goods that contain, have been fed with or have been made using "relevant commodities" or products deriving from them, and are therein referred to as "relevant products". An indicative list of these products is provided in the table included in this Annex.***

⁶⁸ The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and *mutatis mutandis* as amended by subsequent legislation.

Amendment

Indicative list of "relevant products", as

*classified in the Combined Nomenclature
set out in Annex I to Council Regulation
(EEC) No 2658/87:*

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
References	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)
Committee responsible Date announced in plenary	ENVI 17.1.2022
Opinion by Date announced in plenary	DEVE 7.4.2022
Rapporteur for the opinion Date appointed	Rosa Estaràs Ferragut 26.1.2022
Date adopted	23.6.2022
Result of final vote	+: 11 –: 0 0: 9
Members present for the final vote	Barry Andrews, Eric Andrieu, Stéphane Bijoux, Lefteris Christoforou, Antoni Comín i Oliveres, Mónica Silvana González, Pierrette Herzberger-Fofana, Rasa Juknevičienė, Beata Kempa, Karsten Lucke, Pierfrancesco Majorino, Erik Marquardt, Janina Ochojska
Substitutes present for the final vote	Alessandra Basso, Malte Gallée
Substitutes under Rule 209(7) present for the final vote	Helmut Geuking, Constanze Krehl, Colm Markey, Luisa Regimenti, Ralf Seekatz

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

11	+
NI	Antoni Comín i Oliveres
RENEW	Barry Andrews, Stéphane Bijoux
S&D	Eric Andrieu, Mónica Silvana González, Constanze Krehl, Karsten Lucke, Pierfrancesco Majorino
VERTS/ALE	Malte Gallée, Pierrette Herzberger-Fofana, Erik Marquardt

0	-
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9	0
ECR	Beata Kempa
ID	Alessandra Basso
PPE	Lefteris Christoforou, Helmut Geuking, Rasa Juknevičienė, Colm Markey, Janina Ochojska, Luisa Regimenti, Ralf Seekatz

Key to symbols:

+ : in favour

- : against

0 : abstention

16.6.2022

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010

(COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))

Rapporteur: Norbert Lins

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention. In addition, forests provide subsistence and income to about one third of the world's population and their destruction has serious consequences for

Amendment

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most (***around 80%***) of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention. ***Forests provide jobs and energise rural areas. Their sustainable management contributes to their good health and to the***

the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on forest ecosystems.¹⁸ Furthermore, deforestation and forest degradation reduce essential carbon sinks and increase the likelihood of new diseases spreading from animals to humans.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

preservation of biodiversity within them. In addition, forests ***embody cultural, social and spiritual values, covering much of the land traditionally inhabited by indigenous peoples, and*** provide subsistence and income to about one third of the world's population and their destruction has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who heavily depend on forest ecosystems.¹⁸ Furthermore, deforestation and forest degradation reduce essential carbon sinks and increase the likelihood of new diseases spreading from animals to humans.

¹⁸ Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Deforestation and forest degradation are taking place at an alarming rate. The Food and Agriculture Organization of the United Nations estimates that 420 million hectares of forest – about 10% of the world's remaining forests and an area larger than the European Union – have been lost worldwide between 1990 and 2020¹⁹. Deforestation and forest degradation are, in turn, important drivers of global warming and biodiversity loss — the two most important environmental challenges of our time. Yet every year the world continues to lose 10 million hectares of forest.

Amendment

(2) Deforestation and forest degradation are taking place at an alarming rate. The Food and Agriculture Organization of the United Nations estimates that 420 million hectares of forest – about 10% of the world's remaining forests and an area larger than the European Union – have been lost worldwide between 1990 and 2020¹⁹. Deforestation and forest degradation are, in turn, important drivers of global warming and biodiversity loss — the two most important environmental challenges of our time. Yet every year the world continues to lose 10 million hectares of forest. ***Forests are also heavily impacted by climate change, and many challenges will need to be addressed to ensure the adaptability***

and resilience of forests in the coming decades.

¹⁹ FAO, Global Forest Resource Assessment 2020, p. XII, <https://www.fao.org/documents/card/en/c/a9825en>.

¹⁹ FAO, Global Forest Resource Assessment 2020, p. XII, <https://www.fao.org/documents/card/en/c/a9825en>.

Amendment 3

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity helps mitigate climate change. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation and forest degradation and systemically restoring forests and other ecosystems is the single largest nature-based opportunity for climate mitigation.

Amendment

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Amendment 4

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period,

Amendment

(14) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period,

Union consumption was responsible for 10% of worldwide deforestation associated with the production of goods or services. Even if the relative share of EU consumption is decreasing, EU consumption is a disproportionately large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. Partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect.

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Amendment 5

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Union is highly dependent on imports of proteins, which are necessary for the development of its agriculture. Therefore, it is desirable that the Commission propose a protein plan to guarantee the Union's protein independence while ensuring that the plan does not contribute to global deforestation.

Amendment 6

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union.

Amendment

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union. ***This Regulation should accordingly comply with WTO rules, and the measures set out in it should not be more trade-restrictive than necessary to fulfil its legitimate objective.***

Amendment 7

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) This Regulation also follows the Commission's Communication on "An Open, Sustainable and Assertive Trade Policy"³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world.

Amendment

(19) This Regulation also follows the Commission's Communication on "An Open, Sustainable and Assertive Trade Policy"³⁸ which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, the EU needs a new trade policy strategy –one that will support achieving its domestic and external policy objectives and promote greater sustainability ***and uphold human rights*** in line with its commitment of fully implementing the UN Sustainable Development Goals. Trade policy must play its full role in the recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Europe in the world.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

³⁸ Communication from the Commission to the European Parliament, the Council, the European, Economic and Social Committee and the Committee of the Regions, Trade Policy Review - An Open, Sustainable and Assertive Trade Policy, COM(2021) 66 final, 18 February 2021.

Amendment 8

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous people, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry. In doing so it should acknowledge the role of indigenous people in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders in line with the Communication to Stepping up Action to Protect and Restore the World's Forests. The partnership approach should help

Amendment

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations, **local civil society** and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous people **and local communities**, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry. In doing so it should acknowledge the role of indigenous people **and local communities** in protecting forests. Building upon the experience and lessons learned in the context of the already existing initiatives, the Union and the Member States should work in partnership with producer countries, upon their request, to exploit the multi-functionalities of forest, support them in the transition to sustainable forest management, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders **and giving them support** in

producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation.

line with the Communication to Stepping up Action to Protect and Restore the World's Forests. The partnership approach should help producer countries in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation. ***The Commission should ensure a level playing field as well as a better common understanding of non-deforestation supply chains to increase supply chain transparency and minimise the risk of deforestation and forest degradation.***

Amendment 9

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The definition of “deforestation-free” should be sufficiently broad to cover both deforestation and forest degradation, it should provide legal clarity, and it should be measurable based on quantitative, objective and internationally recognised data.

Amendment

(26) The definition of “deforestation-free” should be sufficiently broad to cover both deforestation and forest degradation, it should provide legal clarity ***and predictability*** and it should be measurable based on quantitative, objective and internationally recognised data. ***Definitions in this Regulation should also take into account the proportionality of the requirements, as well as appropriate measures to be taken by companies in line with their degree of responsibility for the impact.***

Amendment 10

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to

Amendment

(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to

effectively combat deforestation, forest degradation, and to promote deforestation-free supply chains.

effectively combat deforestation, forest degradation, and to promote deforestation-free supply chains. ***Those obligations should also ensure the protection of human rights recognised under international law, in particular under treaties and other instruments ratified or endorsed by the country of production and should furthermore maintain a level playing field and address any unfair conditions of competition between the Union and third-country companies selling products on the internal market.***

Amendment 11

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) In order to facilitate the access to factual, reliable and updated information on deforestation to operators, Member States' authorities, interested third countries' authorities and relevant stakeholders, the Commission should establish a platform for deforestation information exchange covering forest areas worldwide, featuring a range of tools to enable all parties to quickly move towards no-deforestation across supply chains. The platform should include thematic maps, a land cover map with a time series visualisation from 2015, and a range of map classes allowing to determine landscape composition. The platform should also provide an alert system, relying upon a monthly monitoring of forest cover change, and a range of analyses as well as user-friendly and secured outputs, depicting how supply chains are linked to deforestation. In order to foster the use of the most accurate and timely information, to develop risk assessment and risk analyses, to improve checks on declarations and countries benchmarking, whilst

developing a cooperative approach, the platform should be made available to all relevant stakeholders. The platform should use satellite imagery, including Copernicus Sentinel, which has the capability to provide the factual, reliable and updated information required, whilst ensuring Union's strategic autonomy in the provision of data.

Justification

A digital Platform using satellite imagery from Earth observational tools, including from Copernicus, should be developed by the European Commission to provide a robust set of credible information and evidence on the deforestation situation in specific regions, and help all parties involved to implement the scheme in a pragmatic and non bureaucratic way. Mobilizing modern technologies would allow a smooth, evidence based implementation of the Regulation with more efficiency and major simplifications.

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss.

Amendment

(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss ***caused by deforestation.***

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation shall take into account the specificity of each relevant commodity regarding its production chain.

Amendment 14

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘deforestation’ means the conversion of forest to **agricultural** use, whether human-induced or not;

Amendment

(1) ‘deforestation’ means the conversion of forest to **other land** use **which would decrease the carbon sequestration of the land**, whether human-induced or not;

Amendment 15

Proposal for a regulation
Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘forest degradation’ means **harvesting** operations that are not sustainable and cause a reduction or loss of the biological or economic productivity and complexity of forest ecosystems, resulting in the long-term reduction of the overall supply of benefits from **forest**, which includes wood, biodiversity and other products or services;

Amendment

(6) ‘forest degradation’ means **forest management** operations that are not sustainable and **that** cause a **significant or irreversible** reduction or loss of the biological or economic productivity and complexity of forest ecosystems, resulting in the long-term reduction, **over a period of time longer than one forest rotation, where relevant**, of the overall supply of benefits from **forests**, which includes wood, biodiversity and other products or services, **and including, where after final felling, the site is not regenerated through appropriate tree planting, seeding or natural regeneration, or a combination of these, in line with the practices set out in approved forest management plans where applicable**;

Amendment 16

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘sustainable harvesting operations’ means harvesting that is carried out considering maintenance of soil quality and

Amendment

(7) ‘sustainable harvesting operations’ means harvesting that is carried out **in the context of sustainable forest management**

biodiversity with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;

or considering maintenance of soil quality and biodiversity with the aim of minimising negative impacts, in a way that avoids harvesting of stumps and roots, degradation of primary forests or their conversion into plantation forests, and harvesting on vulnerable soils; minimises large clear-cuts and ensures locally appropriate thresholds for deadwood extraction and requirements to use logging systems that minimise impacts on soil quality, including soil compaction, and on biodiversity features and habitats;

Amendment 17

Proposal for a regulation

Article 2 – paragraph 1 – point 8 – point a

Text proposed by the Commission

(a) that the relevant commodities and products, including those used for or contained in relevant products, were produced on land that has not been subject to deforestation after December 31, **2020**, and

Amendment

(a) that the relevant commodities and products, including those used for or contained in relevant products, were produced on land that has not been subject to deforestation after December 31, **2019**, and

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 8 – point b

Text proposed by the Commission

(b) that the wood has been harvested from the forest without inducing forest degradation after December 31, **2020**;

Amendment

(b) that the wood has been harvested from the forest without inducing forest degradation after December 31, **2019**;

Amendment 19

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

Amendment

(9) ‘produced’ means grown, harvested, raised, fed from or obtained on relevant *plot* of land;

(9) ‘produced’ means grown, harvested, raised *or* fed from or obtained on relevant *plots* of land *along the production or livestock rearing process*;

Amendment 20

Proposal for a regulation Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) they have been produced in accordance with the relevant legislation of the country of production; and

Amendment

(b) they have been produced in accordance with the relevant legislation of the country of production, *or as defined in Article 2(28) of this Regulation, and without any violation of human rights along the supply chain*; and

Amendment 21

Proposal for a regulation Article 4 – paragraph 6

Text proposed by the Commission

6. Operators that have received new information, including substantiated concerns, that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market. In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

Amendment

6. Operators that have received new *relevant* information, including substantiated concerns, that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant commodity or product on the market. In the case of exports from the Union market, the operators shall inform the competent authority of Member State which is the country of production.

Amendment 22

Proposal for a regulation Article 6 – paragraph 2 – point a a (new)

(aa) the reference number of the due diligence statement or statements assigned by the information system referred to in Article 31 in relation to all the relevant commodities or products that have been supplied to them;

Amendment 23

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Traders which are SMEs that have received new information, including substantiated concerns, that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant commodity or product on the market.

4. Traders which are SMEs that have received new ***relevant*** information, including substantiated concerns, that the relevant commodity or product that they have already made available on the market is not in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant commodity or product on the market.

Amendment 24

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

Amendment

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

In case a natural or legal person established outside the Union places on the Union market relevant commodities and products, ***which meet the requisite conditions***, the first natural or legal person established in the Union who buys or takes possession of such relevant commodities and products shall be considered operator within the meaning of this Regulation.

Amendment 25

Proposal for a regulation
Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of this Regulation, the due diligence shall include:

Amendment

2. For the purposes of this Regulation, the due diligence **system** shall include:

Amendment 26

Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years the following information relating to the relevant commodities or products, supported by evidence:

Amendment

1. Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3, **taking into account their compatibility and compliance with local legislation**. For this purpose, the operator shall collect, organise and keep for 5 years the following information relating to the relevant commodities or products, supported by evidence:

Amendment 27

Proposal for a regulation
Article 9 – paragraph 1 – point d

Text proposed by the Commission

(d) geo-localisation coordinates, latitude and longitude of all plots of land where the relevant commodities and products were produced, as well as date or time range of production;

Amendment

(d) geo-localisation coordinates, latitude and longitude of all plots of land where the relevant commodities and products were produced, as well as date or time range of production; **with regard to cattle, operators shall collect all the necessary information linking the actual identification and traceability information;**

Amendment 28

Proposal for a regulation
Article 9 – paragraph 1 – point g

Text proposed by the Commission

(g) adequate and verifiable information that the relevant commodities and products are deforestation-free;

Amendment

(g) adequate and verifiable information that the relevant commodities and products are deforestation-free, ***including information provided by the platform established under Article 18a;***

Amendment 29

Proposal for a regulation
Article 9 – paragraph 1 – point h

Text proposed by the Commission

(h) adequate and verifiable information that the production has been conducted in accordance with relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity;

Amendment

(h) adequate and verifiable information ***throughout the supply chain ensuring*** that the production has been conducted in accordance with relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity;

Amendment 30

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The information referred to in paragraph 1 shall be without prejudice to legislation on confidentiality and professional secrecy.

Amendment 31

Proposal for a regulation
Article 10 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) prevalence of deforestation or forest degradation in the country, region and area of production of the relevant commodity or product;

(c) prevalence of deforestation or forest degradation in the country, region and area of production of the relevant commodity or product, ***taking into account the information provided by the platform established under Article 18a;***

Justification

Certain units of commodities/products may not be directly linked to a certain location. It would be more feasible if supply chains contained the information on origin.

Amendment 32

Proposal for a regulation

Article 10 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or products to the plot of land where they were produced;

(f) the complexity of the relevant supply chain, in particular difficulties in connecting ***the supply chain*** commodities and/or products to the plot of land where they were produced;

Justification

Evidence through the due diligence system that the material for the product or commodity that has entered to the production chain has not caused deforestation following the requirements of the competition legislation demonstrating that exact geo localization coordinates of plot of lands can only be known by the first operator in the chain;

Amendment 33

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Amendment

Maintenance of due diligence systems and record keeping

Due diligence ***system development, maintenance*** and record keeping

Justification

The amendment seeks to put a stronger emphasis on this requirement that operators must

have in place and without which they can be penalised.

Amendment 34

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3(a) and (b). ***The due diligence system shall be reviewed at least once a year and if necessary adapted to and accounting for new developments which may influence the exercise of due diligence. Operators shall keep record of updates in the due diligence system(s) for 5 years.***

Amendment

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3(a) and (b). ***That system shall be implemented on the basis of the 'think small first' principle and shall not entail excessive administrative or financial burdens for SMEs and very small enterprises (VSEs).***

Justification

The deleted text is included under "Maintenance and record keeping"

Amendment 35

Proposal for a regulation Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The due diligence system shall be reviewed at least once a year and, if necessary, adapted to, and accounting for, new developments which may influence the exercise of due diligence. Operators shall keep record of updates in the due diligence system(s) for five years.

Amendment 36

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. However, if the operator obtains or is made aware of any information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 have to be fulfilled.

Amendment

2. However, if the operator obtains or is made aware of any **relevant** information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation, all obligations of Article 9 and 10 have to be fulfilled.

Amendment 37

Proposal for a regulation Article 14 – paragraph 9

Text proposed by the Commission

9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover **at least 5% of the** operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as **5% of** the quantity of each of the relevant commodities placed or made available on or exported from their market.

Amendment

9. Each Member State shall ensure that the annual checks carried out by their competent authorities **according to the risk-based approach** cover **both** operators **that are** placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as the quantity of each of the relevant commodities placed or made available on or exported from their market.

Justification

Having an inflexible minimum level of checks undermines the risk-based approach, and consequently the efficiency of the enforcement. This also allows the competent authorities in Member States to focus on products and operators with the highest risk.

Amendment 38

Proposal for a regulation Article 15 – paragraph 1 – point h

Text proposed by the Commission

(h) spot checks, including field audits, including where appropriate in third countries through cooperation with the administrative authorities of third

Amendment

(h) spot checks, including field audits, including where appropriate in third countries through cooperation with the administrative authorities of third

countries.

countries; those on-the-spot checks shall be carried out without an increase in bureaucracy and without hampering the various trade agreements.

Amendment 39

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Technological tools for information collection

The Commission shall establish a platform using satellite imagery, including Copernicus Sentinel, covering forest areas worldwide, and featuring tools to enable all parties to quickly move towards no-deforestation across supply chains. The platform shall provide:

- (a) thematic maps, including a land cover map with a time series visualisation from 2015 and a range of map classes allowing to appreciate landscape composition;**
- (b) an alert system, relying upon a monthly monitoring of forest cover change;**
- (c) a range of analyses and user-friendly and secured outputs, depicting how supply chains are linked to deforestation.**

The platform shall be made available to Member State authorities, interested third countries authorities, operators and traders, in order to foster the use of the most accurate and timely information, and develop a cooperative approach with all interested parties.

Justification

A digital platform using satellite imagery from Earth observational tools, including from

Copernicus, should be developed by the Commission to provide a robust set of credible information and evidence on the deforestation situation in specific regions, and help all parties involved to implement the scheme in a pragmatic and non bureaucratic way. Mobilising modern technologies would allow a smooth, fact-based implementation of the Regulation with more efficiency and major simplifications.

Amendment 40

Proposal for a regulation

Article 20 – title

Text proposed by the Commission

Amendment

Enhanced scrutiny

Increased controls according to risk

Amendment 41

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end.

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end, ***both for the relevant commodities or products concerned and all others with the same risk profile.***

Justification

The situation provided for in this paragraph should take account of the fact that, although checks are carried out on a given consignment, it is usually the case that there are more consignments in the same situation, even if they have not been checked.

Amendment 42

Proposal for a regulation

Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one *or more* of the following:

Amendment

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one of the following:

Amendment 43

Proposal for a regulation

Article 22 – paragraph 2 – point d

Text proposed by the Commission

(d) *destroying* the relevant commodity or product *or donating it* to charitable or public interest purposes.

Amendment

(d) *donating* the relevant commodity or product to charitable or public interest purposes *or destroying it*;

Amendment 44

Proposal for a regulation

Article 22 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) addressing any shortcomings in the due diligence system which may have led to the non-compliance in order to prevent the non-compliance from reoccurring.

Amendment 45

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a low or high risk, countries shall be considered as presenting a standard risk.

Amendment

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a low or high risk, countries shall be considered as presenting a standard risk.

The Commission may identify countries or parts thereof that present a low or high risk of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a low or high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2). That list shall be updated as necessary in light of new evidence.

The Commission may identify, ***on the basis of objective and verifiable criteria***, countries or parts thereof that present a low or high risk of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a low or high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2). That list shall be updated as necessary in light of new evidence.

Amendment 46

Proposal for a regulation Article 27 – paragraph 2 – point a

Text proposed by the Commission

(a) rate of deforestation and forest degradation,

Amendment

(a) rate of deforestation and forest degradation, ***in particular having recourse to the information provided by the platform established under Article 18a;***

Justification

In order for more efficacies, the assessment of countries should take into account the credible and up-to-date information provided by the platform established in Art. 18a.

Amendment 47

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. The Commission shall engage with producer countries concerned by this Regulation to develop partnerships and cooperation to jointly address deforestation and forest degradation. Such partnerships and cooperation mechanisms ***will*** focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation and the transition to

Amendment

1. The Commission shall engage with producer countries concerned by this Regulation ***as well as with those who are engaged with VPA FLEGT processes*** to develop partnerships and cooperation to jointly address deforestation and forest degradation. Such partnerships and cooperation mechanisms ***shall be supported by adequate resources and shall***

sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.

focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, **human rights protection** and the transition to sustainable commodity production, consumption processing and trade methods, **good governance as well as protecting the lives and livelihoods of forest-dependent communities including indigenous peoples, local communities, other customary tenure right holders and small holders**. Partnerships and cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. **Partnerships may also include mechanisms to exchange with the demand-side all the information that guarantees compliance with this Regulation**. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.

Amendment 48

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

1. Natural or legal persons shall be entitled to submit substantiated **concerns** to competent authorities when they deem, based on objective circumstances, that one or more operators or traders are failing to comply with the provisions of this Regulation.

Amendment

1. Natural or legal persons shall be entitled to submit **concerns** substantiated **with supporting evidence** to competent authorities when they deem, based on objective circumstances, that one or more operators or traders are failing to comply with the provisions of this Regulation.

Amendment 49

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall diligently and impartially assess the substantiated concerns and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the Union market of relevant commodities and products under investigation.

Amendment

2. Competent authorities shall diligently and impartially assess the substantiated concerns ***using the supporting evidence*** and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the Union market of relevant commodities and products under investigation.

Amendment 50

Proposal for a regulation
Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Competent authorities shall prioritise substantiated concerns related to non-compliance with Article 3, point (b), when they are based on court judgments or ongoing legal complaints that are initiated in the country of origin by local communities, non-governmental organisations or any other pertinent stakeholder.

Justification

It would be interesting to encourage and facilitate this type of complaint in particular so that the local authorities, NGOs and local stakeholders concerned can actually communicate them to the competent authorities of the Member States directly or, preferably, via the Commission.

Amendment 51

Proposal for a regulation
Article 29 – paragraph 3

Text proposed by the Commission

3. The competent authority shall, as soon as possible and in accordance with the relevant provisions of national law, inform the natural or legal persons referred to in paragraph 1, which submitted **observations** to the authority, of its decision to accede to or refuse the request for action and shall provide the reasons for it.

Amendment

3. The competent authority shall, as soon as possible and in accordance with the relevant provisions of national law, inform the natural or legal persons referred to in paragraph 1, which submitted **substantial concerns** to the authority, of its decision to accede to or refuse the request for action and shall provide the reasons for it.

Amendment 52

Proposal for a regulation
Article 29 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The substantiated concern system shall not cause excessive administrative burden for the competent authority.

Amendment 53

Proposal for a regulation
Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the case of soya, the Commission shall publish a strategy on how to prevent soya, when it is produced as a result of deforestation, from entering the Union market, while minimising disruption to animal feedstocks in the Union. That strategy shall outline options for the phased introduction of due diligence for soya including a transitional period.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010
References	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)
Committee responsible Date announced in plenary	ENVI 17.1.2022
Opinion by Date announced in plenary	AGRI 17.1.2022
Rapporteur for the opinion Date appointed	Mazaly Aguilar 17.12.2021
Discussed in committee	22.3.2022
Date adopted	14.6.2022
Result of final vote	+: 15 –: 10 0: 17
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Álvaro Amaro, Attila Ara-Kovács, Carmen Avram, Daniel Buda, Isabel Carvalhais, Dacian Cioloș, Ivan David, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Luke Ming Flanagan, Dino Giarrusso, Francisco Guerreiro, Martin Häusling, Martin Hlaváček, Jarosław Kalinowski, Gilles Lebreton, Norbert Lins, Chris MacManus, Colm Markey, Marlene Mortler, Ulrike Müller, Maria Noichl, Juozas Olekas, Bronis Ropė, Bert-Jan Ruissen, Simone Schmiedtbauer, Annie Schreijer-Pierik, Marc Tarabella, Veronika Vrecionová, Sarah Wiener
Substitutes present for the final vote	Eric Andrieu, Franc Bogovič, Claude Gruffat, Anja Hazekamp, Peter Jahr, Zbigniew Kuźmiuk, Michaela Šojdrová
Substitutes under Rule 209(7) present for the final vote	Vlad Gheorghe, Christophe Grudler, Jarosław Kalinowski

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ID	Gilles Lebreton
Renew	Dacian Cioloș, Jérémy Decerle, Vlad Gheorghe, Christophe Grudler, Martin Hlaváček, Ulrike Müller
S&D	Clara Aguilera, Eric Andrieu, Attila Ara-Kovács, Carmen Avram, Isabel Carvalhais, Maria Noichl, Juozas Olekas, Marc Tarabella

10	-
ECR	Mazaly Aguilar, Zbigniew Kuźmiuk, Bert-Jan Ruissen, Veronika Vrecionová
ID	Ivan David
Verts/ALE	Claude Gruffat, Francisco Guerreiro, Martin Häusling, Bronis Ropé, Sarah Wiener

17	0
NI	Dino Giarrusso
PPE	Álvaro Amaro, Franc Bogovič, Daniel Buda, Herbert Dorfmann, Salvatore De Meo, Peter Jahr, Jarosław Kalinowski, Norbert Lins, Colm Markey, Marlene Mortler, Simone Schmiedtbauer, Annie Schreijer-Pierik, Michaela Šojdrotová
THE LEFT	Luke Ming Flanagan, Anja Hazekamp, Chris MacManus

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010			
References	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)			
Date submitted to Parliament	18.11.2021			
Committee responsible Date announced in plenary	ENVI 17.1.2022			
Committees asked for opinions Date announced in plenary	DEVE 7.4.2022	INTA 17.1.2022	IMCO 7.4.2022	AGRI 17.1.2022
Associated committees Date announced in plenary	INTA 7.4.2022	IMCO 7.4.2022		
Rapporteurs Date appointed	Christophe Hansen 15.12.2021			
Discussed in committee	20.4.2022			
Date adopted	12.7.2022			
Result of final vote	+: 60 -: 2 0: 13			
Members present for the final vote	Maria Arena, Bartosz Arłukowicz, Simona Baldassarre, Traian Băsescu, Aurélie Beigneux, Sergio Berlato, Alexander Bernhuber, Simona Bonafè, Delara Burkhardt, Pascal Canfin, Sara Cerdas, Nathalie Colin-Oesterlé, Esther de Lange, Christian Doleschal, Bas Eickhout, Cyrus Engerer, Eleonora Evi, Agnès Evren, Malte Gallée, Andreas Glück, Jytte Guteland, Anja Hazekamp, Pär Holmgren, Jan Huitema, Yannick Jadot, Adam Jarubas, Ewa Kopacz, Peter Liese, Javi López, César Luena, Marian-Jean Marinescu, Liudas Mažylis, Tilly Metz, Silvia Modig, Nicola Procaccini, Frédérique Ries, María Soraya Rodríguez Ramos, Sándor Rónai, Christine Schneider, Günther Sidl, Maria Spyraiki, Nils Torvalds, Edina Tóth, Véronique Trillet-Lenoir, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik, Anna Zalewska			
Substitutes present for the final vote	Matteo Adinolfi, Biljana Borzan, Milan Brglez, Asger Christensen, Rosanna Conte, Salvatore De Meo, Nicolás González Casares, Christophe Hansen, Sara Matthieu, Demetris Papadakis, João Pimenta Lopes, Manuela Ripa, Marcos Ros Sempere, Hermann Tertsch, Grzegorz Tobiszowski, Marie Toussaint, Idoia Villanueva Ruiz, Nikolaj Villumsen			
Substitutes under Rule 209(7) present for the final vote	Isabella Adinolfi, Mazaly Aguilar, Vlad Gheorghe, Claude Gruffat, Krzysztof Hetman, Łukasz Kohut, Kostas Papadakis			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

60	+
PPE	Isabella Adinolfi, Bartosz Arłukowicz, Traian Băsescu, Alexander Bernhuber, Nathalie Colin-Oesterlé, Salvatore De Meo, Christian Doleschal, Agnès Evren, Christophe Hansen, Krzysztof Hetman, Ewa Kopacz, Esther de Lange, Peter Liese, Marian-Jean Marinescu, Liudas Mažylis, Christine Schneider, Maria Spyrali, Pernille Weiss
RENEW	Pascal Canfin, Asger Christensen, Vlad Gheorghe, Jan Huitema, Frédérique Ries, María Soraya Rodríguez Ramos, Nicolae Ștefănuță, Véronique Trillet-Lenoir, Michal Wiezik
S&D	Maria Arena, Simona Bonafè, Biljana Borzan, Milan Brglez, Delara Burkhardt, Sara Cerdas, Cyrus Engerer, Nicolás González Casares, Jytte Guteland, Lukasz Kohut, Javi López, César Luena, Demetris Papadakis, Sándor Rónai, Marcos Ros Sempere, Günther Sidl, Petar Vitanov
THE LEFT	Anja Hazekamp, Silvia Modig, João Pimenta Lopes, Idoia Villanueva Ruiz, Nikolaj Villumsen, Mick Wallace
VERTS/ALE	Bas Eickhout, Eleonora Evi, Malte Gallée, Claude Gruffat, Pär Holmgren, Yannick Jadot, Sara Matthieu, Tilly Metz, Manuela Ripa, Marie Toussaint

2	-
ECR	Mazaly Aguilar, Hermann Tertsch

13	0
ECR	Sergio Berlato, Nicola Procaccini, Grzegorz Tobiszowski, Alexandr Vondra, Anna Zalewska
ID	Matteo Adinolfi, Simona Baldassarre, Aurélie Beigneux, Rosanna Conte
NI	Edina Tóth
RENEW	Andreas Glück, Nils Torvalds, Emma Wiesner

Key to symbols:

+ : in favour

- : against

0 : abstention