



**2021/0366(COD)**

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

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## 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 a 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*

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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) 2018/2001<sup>49</sup>, provided that **the information meets** the requirements set out in Article 9;

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<sup>49</sup> 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*

(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) 2018/2001<sup>49</sup>, provided that **such certification or other third-party-verified schemes meet** the requirements set out in Article 9;

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<sup>49</sup> 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*

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

<b>Title</b>	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
<b>References</b>	COM(2021)0706 – C9-0430/2021 – 2021/0366(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 17.1.2022
<b>Opinion by</b> Date announced in plenary	IMCO 7.4.2022
<b>Associated committees - date announced in plenary</b>	7.4.2022
<b>Rapporteur for the opinion</b> Date appointed	Anna Cavazzini 25.1.2022
<b>Discussed in committee</b>	20.4.2022                      17.5.2022
<b>Date adopted</b>	16.6.2022
<b>Result of final vote</b>	+:                      37 -:                      0 0:                      6
<b>Members present for the final vote</b>	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
<b>Substitutes present for the final vote</b>	Marco Campomenosi, Maria da Graça Carvalho, Geoffroy Didier, Malte Gallée, Karen Melchior, Tsvetelina Penkova, Antonio Maria Rinaldi, Marc Tarabella, Kosma Złotowski
<b>Substitutes under Rule 209(7) present for the final vote</b>	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