



2021/0366(COD)

29.3.2022

DRAFT 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

PA_Legam

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

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, ***conversion of natural ecosystems*** and forest ***and ecosystems*** degradation, to promote deforestation-free supply chains ***and to ensure the protection of human rights recognised under international law, in particular under any treaties and other instruments ratified or endorsed by the country of production.***

Or. en

Amendment 2

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

Amendment

(32) To strengthen the Union's contribution to halting deforestation, ***conversion of natural ecosystems*** and forest ***and ecosystems*** degradation, and to ensure that commodities and products from supply chains related to deforestation, ***conversion of natural ecosystems*** and forest ***and ecosystems*** 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

of the country of production. To confirm that this is the case, they should always be accompanied by a due diligence statement.

market unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production ***and comply with international standards in the field of human rights to prevent any violation of those***. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Or. en

Amendment 3

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

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, ***conversion of natural ecosystems*** and forest ***and ecosystems*** 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

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.

(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.

Or. en

Amendment 4

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

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 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

competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

Or. en

Amendment 5

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.

Or. en

Amendment 6

Proposal for a regulation Article 2 – paragraph 1 – point 28 a (new)

Text proposed by the Commission

Amendment

(28a) “human rights” means human rights which are protected under international law, in particular under any treaties and other instruments ratified or endorsed by the country of production. These include instruments protecting: customary tenure rights and the right to free, prior and informed consent (FPIC),

as set out among others 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 must ensure that the above-mentioned rights are complied with.

Or. en

Amendment 7

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

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 **disclose the steps that were taken to verify the compliance of the relevant commodities and products with this Regulation, and**

relevant commodities and products.

explain the assessment why no or only negligible risk was found. *The statement* shall *also* contain the information *set out* in Annex II for the relevant commodities and products.

Or. en

Amendment 8

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Operators shall establish an easy-to-access system to allow third parties to submit new information, including substantiated concerns, about non-negligible risk of non-conformity of the relevant commodity or product placed on the market with the requirements of this Regulation. Operators shall assess the substantiated concerns and other information received and follow-up on them pursuant to paragraph 6 of this Article.

Or. en

Amendment 9

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

6. Operators that have received new information, including substantiated concerns, that **indicates a non-negligible risk that** the relevant commodity or product that they have already placed on the market **may not be** 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**

authority of Member State which is the country of production.

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 Member State which is the country of production.

Or. en

Amendment 10

Proposal for a regulation

Article 4 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Operators shall undertake reasonable, documented efforts to support smallholders through targeted and specific actions, including:

- (a) targeted investments;***
- (b) capacity building programmes on the ground;***
- (c) pricing mechanisms.***

Operators shall regularly review and report publicly about the actions they have undertaken in accordance with this paragraph.

Or. en

Amendment 11

Proposal for a regulation

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Online marketplaces shall take appropriate steps to ensure that the relevant commodities and products offered for sale by a natural or legal person established in a third country to an operator established in the Union, for which they facilitate the placing on the Union market by acting as intermediary,

comply with the requirements of this Regulation.

Appropriate steps shall as a minimum include:

(a) Providing an information mechanism to facilitate the identification of the natural or legal person established in a third country placing the relevant commodities or products on the Union market;

(b) information about requirements and obligations established under this Regulation for both the natural or legal person established in a third country placing the relevant commodities and products on the market and the natural or legal person established in the Union who buys or takes possession of those.

Or. en

Amendment 12

Proposal for a regulation

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The due diligence shall be exercised with regard to deforestation, conversion of natural ecosystems and forest and ecosystems degradation, as well as with regard to human rights and in line with the UN Guiding Principles on Business and Human Rights.

Or. en

Amendment 13

Proposal for a regulation

Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) description of the steps taken to verify the information received along the

supply chain pursuant to Article 9;

Or. en

Amendment 14

Proposal for a regulation

Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where relevant, evidence of proper consultation of indigenous peoples, local communities, and other customary tenure rights holders present in the area of production of the relevant commodities and products.

Or. en

Amendment 15

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

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. 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.

1. Operators shall verify and analyse information collected in accordance with Article 9 *and Article 4(5a)* 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.

Or. en

Amendment 16

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) concerns in relation to the country of production and origin with regard to violations of human rights, in particular the rights of indigenous peoples, local communities or other customary tenure rights holders, as well as the rights of human rights and environmental defenders;

Or. en

Amendment 17

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, **conversion of natural ecosystems** or forest **and ecosystem degradation, as well as violations of the relevant law have** occurred or **are** occurring;

Or. en

Amendment 18

Proposal for a regulation

Article 10 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(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;**

(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 **[1];**

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. 82–209).

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. 82–209).

Or. en

Amendment 19

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 or other measures pertaining to information requirements set out in Article 9.

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. Where relevant, operators shall ensure that risk assessments and mitigation measures are adopted ensuring 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.

Or. en

Amendment 20

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) 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;

Or. en

Amendment 21

Proposal for a regulation

Article 12

Text proposed by the Commission

Article 12

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

deleted

Or. en

Amendment 22

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 possibility to impose penalties in line 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 appropriate and proportionate corrective action to bring the non-compliance to an end ***without delay***.

Or. en

Amendment 23

Proposal for a regulation Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For cases where the relevant commodity or product comes from an area identified as high risk pursuant to Article 27 of this Regulation, the competent authority shall suspend the placing on the market and proceed to further checks within four working days in order to verify that the relevant commodity or product complies with the requirements set under this Regulation.

Or. en

Amendment 24

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

Text proposed by the Commission

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

Amendment

(d) ***donating*** the relevant commodity

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

or product to charitable or public interest purposes.

Or. en

Amendment 25

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 occurring again.

Or. en

Amendment 26

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 *satisfactory* corrective action referred to in paragraph 2 *to remedy* the non-compliance referred to in paragraph 1, 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. en

Amendment 27

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 *of the operator or trader in question* from public

procurement processes.

Or. en

Amendment 28

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(da) in case of repeated infringement, suspension of the right to place relevant commodities and products on the Union market, or to export them;

Or. en

Amendment 29

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(db) inclusion of the operator or trader in question in the public list of contravening operators and traders referred to in Article 23a.

Or. en

Amendment 30

Proposal for a regulation

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23 a

List of contravening operators and traders

1. The Commission shall establish a list of all operators and traders who have been imposed penalties on the basis of Article 23, as well as of the trading name of the relevant non-compliant products.

2. Member States shall notify the

Commission without undue delay about any penalty imposed on the basis of Article 23, including in the form of a formal warning, on operators or traders for infringing their obligations under this regulation.

3. Upon receipt of such notification the Commission shall, without delay, include the operator or trader concerned on the list as well as the trading name of the relevant non-compliant products and inform the operator and trader concerned of its inclusion.

4. The list shall be made publicly available on the website of the Commission and be published in the Official Journal of the European Union. It shall be regularly updated. The list shall only include legal persons and shall not include personal data in accordance with Regulation (EU) 2016/679.

Or. en

Amendment 31

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant commodity and product entering or leaving the Union market. In particular, competent authorities shall be responsible of establishing, through the checks under Article 14(1), whether any such relevant commodity or product complies with the requirements of this Regulation. The competent authorities shall carry out these duties in accordance with the relevant provisions of Chapter 3 of this Regulation.

Amendment

2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant commodity and product entering or leaving the Union market. In particular, competent authorities shall be responsible of establishing, through the checks under Article 14(1) **and Article 22(1a)**, whether any such relevant commodity or product complies with the requirements of this Regulation. The competent authorities shall carry out these duties in accordance with the relevant provisions of Chapter 3 of this Regulation.

Or. en

Amendment 32

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.

Or. en

Amendment 33

Proposal for a regulation Article 24 – paragraph 6

Text proposed by the Commission

6. Where following the risk analysis under Article 14(4) the status of the corresponding due diligence statement indicates in the information system established under Article 31 that a relevant commodity or product requires to be checked before placed or made available on the EU market or exported, customs authorities shall suspend the release for free circulation or export of that relevant commodity or product.

Amendment

6. **Where a relevant commodity or product comes from an area identified as high risk pursuant to Article 27, or** where following the risk analysis under Article 14(4) the status of the corresponding due diligence statement indicates in the information system established under Article 31 that a relevant commodity or product requires to be checked before placed or made available on the EU market or exported, customs authorities shall suspend the release for free circulation or export of that relevant commodity or product.

Or. en

Amendment 34

Proposal for a regulation Article 24 – paragraph 7 – 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 **three** working days indicated in Article 14(7) **and four working days indicated in Article 22(1a)**, the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

Or. en

Amendment 35

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 **all other Member States’ customs authorities, in particular** the customs office of destination, **as well as with the national competent authority in charge of enforcing this Regulation.**

Or. en

Amendment 36

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 **no later than two** years from the date of adoption of the relevant implementing act referred to in paragraph 3.

Or. en

Amendment 37

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:

Or. en