



2021/0366(COD)

4.3.2022

DRAFT 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

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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 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

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, 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

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,

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.

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.

Or. en

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

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.

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. ***A trade policy built on openness and sustainable rule-based free trade is the most effective tool at the disposal of the Union to affect global change. Multilateral and bilateral*** partnerships and efficient international cooperation with producer and consumer countries are fundamental in that respect.

Or. en

Amendment 3

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) 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 and the private sector including SMEs and smallholders.

Or. en

Amendment 4

Proposal for a regulation Recital 18

Text proposed by the Commission

Amendment

(18) As a member of World Trade Organisation (WTO), the Union is

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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.

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 actions taken by the Union which affects trade flows should be objective, proportionate, non-discriminatory while minimalizing trade disruption.*** 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.***

Or. en

Amendment 5

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) 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.

Or. en

Amendment 6

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 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 ***and relevant stakeholders***, 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 ***as well as supporting forest restoration***.

Or. en

Amendment 7

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 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. To confirm that this is the case, **relevant commodities and products** should always be accompanied by a due diligence statement.

Or. en

Amendment 8

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) Operators should ensure they have a system in place, which is easily accessible and understandable, where interested parties can introduce substantiated concerns regarding non-compliance with the requirements of this Regulation. These substantiated concerns should always be investigated by the operator receiving them.

Or. en

Amendment 9

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) ***The due diligence requirements in this Regulation should always be considered an addition to general due diligence requirements in other Union legislation. To ensure that there is no undue administrative burden placed on operators and traders this Regulation should be adapted so as to be harmonised with any future general due diligence requirements.*** 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.

Or. en

Amendment 10

Proposal for a regulation Recital 39 a (new)

Text proposed by the Commission

Amendment

(39a) The Commission should present detailed and easily understandable 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 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.

Or. en

Amendment 11

Proposal for a regulation Recital 41

Text proposed by the Commission

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

(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.

accessible to competent authorities and customs authorities to facilitate fulfilling their obligations under this Regulation **and should provide for automatic 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.

Or. en

Amendment 12

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 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

Amendment

(47) For this reason, the Commission should assess **objectively and non-discriminatingly** 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 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

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.

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.

Or. en

Amendment 13

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.

Or. en

Amendment 14

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.

Or. en

Amendment 15

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.***

Or. en

Amendment 16

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.

Or. en

Amendment 17

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. **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.

Or. en

Amendment 18

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. **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 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 FLEGT Regulation will also remain an important system to provide frameworks for multi-stakeholder consultations.*

Or. en

Amendment 19

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 .

Or. en

Amendment 20

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.

Or. en

Amendment 21

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 uses**, whether human-induced or not;

Or. en

Amendment 22

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 which is** 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 **relevant ecological, economic and social functions of the** forest, which includes wood, biodiversity and other products or services;

Amendment 23

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 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

(7) ‘sustainable **forest management**’ means **the stewardship and use of forest lands in a way, and at a rate, that maintains their biodiversity, productivity, regeneration capacity, vitality and their potential to fulfil, now and in the future, relevant ecological, economic and social functions, at local, national and global levels, and that does not cause damage to other ecosystems.**

Or. en

Justification

This is the definition presented by the Commission in the EU Forest Strategy as well as the definition used by Forest Europe and should continue to be the main definition when talking about sustainable forestry.

Amendment 24

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**,

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, **2015**,

and

and

Or. en

Amendment 25

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, **2015**;

Or. en

Amendment 26

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 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 **or by the operator or trader**;

Or. en

Amendment 27

Proposal for a regulation

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. 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.

Or. en

Amendment 28

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 information, including substantiated concerns ***verified by the operator as referred to in paragraph 5a***, 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.

Or. en

Amendment 29

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

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

meaning of this Regulation.

shall be considered operator within the meaning of this Regulation.

Or. en

Amendment 30

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Sector specific guidelines for due diligence systems and due diligence statements

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 make due diligence statements as referred to in Article 4(2) available in order to be compliant with all the requirements of this Regulation. 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 stakeholders from the Union and trading partners and should be easily understandable. The Commission shall regularly, and at least every three years, review and if appropriate update those guidelines.

Or. en

Amendment 31

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 and shall be viewed as an extension of any due diligence obligations in the Union's future legislation on corporate sustainability due diligence

2. Within six months of the entry into force of future Union legislation on corporate sustainability due diligence, the Commission shall assess whether any amendments to this Regulation are necessary to ensure alignment and coherence between this Regulation and the legislation on corporate sustainability due diligence and that additional administrative burden for economic actors is kept to a minimum. If appropriate the Commission shall adopt a delegated act in accordance with Article 33 to make necessary adaptations.

Or. en

Amendment 32

**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

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.

Regulation.

Or. en

Amendment 33

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 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 ***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 ***where they have been active***.

Or. en

Amendment 34

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).

Or. en

Amendment 35

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

Amendment

9. Each Member State shall ensure that the annual checks carried out by their competent authorities ***are sufficient to 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*** cover at least 5% of the operators placing,

market.

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.

Or. en

Amendment 36

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.

Or. en

Amendment 37

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,***

Or. en

Amendment 38

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 ***closely*** 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.

Or. en

Amendment 39

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:***

Or. en

Amendment 40

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

Text proposed by the Commission

(a) ***rectifying any formal non-***

Amendment

deleted

compliance, in particular with the requirements of Chapter 2 of this Regulation;

Or. en

Amendment 41

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. en

Amendment 42

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.

Or. en

Amendment 43

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 infringements of the provisions of this Regulation by operators and traders and shall take all measures necessary to ensure that they are

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. Member States shall notify the Commission of those provisions and without delay of any subsequent amendments affecting them.

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.

Or. en

Amendment 44

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.***

Or. en

Amendment 45

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

Text proposed by the Commission

Amendment

2a. 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.

Or. en

Amendment 46

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 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;

Or. en

Amendment 47

**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 ***firstly donate the relevant commodity or product to charitable or public interest purposes and secondly*** 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 ***and its administration*** 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.

Or. en

Amendment 48

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. To enable the risk-based approach referred to in Article 14(3) for relevant commodities and products entering or leaving the Union market and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

Amendment

1. To enable the risk-based approach referred to in Article 14(3) for relevant commodities and products entering or leaving the Union market and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information, ***including by automatic electronic data sharing by means of the information system referred to in Article 31(1).***

Or. en

Amendment 49

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. Customs authorities and competent authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013 and exchange information necessary for the fulfilment of their functions under this Regulation, including via electronic means.

Amendment

2. Customs authorities and competent authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013 and ***continuously*** exchange information necessary for the fulfilment of their functions under this Regulation, including via electronic means.

Or. en

Amendment 50

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.

Or. en

Amendment 51

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.

Or. en

Amendment 52

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 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) **and made public using the publicly accessible parts of the information system referred to in Article 31(5)**. That list shall be updated as necessary in light of new evidence.

Or. en

Amendment 53

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 low and high risk countries or parts thereof pursuant to paragraph 1 **shall be based on objective criteria and not lead to any undue discrimination and** shall take into account information provided by the country concerned and be based on the following assessment criteria:

Or. en

Amendment 54

Proposal for a regulation

Article 27 – paragraph 3 – introductory part

Text proposed by the Commission

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.

Amendment

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 by to remedying situations. 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 allow the countries 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.

Or. en

Amendment 55

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 56**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 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, **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 57**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 and producers, particularly small producers, in third countries aimed at facilitating for these actors to live up to the administrative requirements of this Regulation .*

Or. en

Amendment 58

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Natural or legal persons shall be entitled to submit substantiated concerns to competent authorities ***and directly to operators or traders*** when they deem, based on objective circumstances, that one or more operators or traders are failing to comply with the provisions of this Regulation.

Or. en

Amendment 59

Proposal for a regulation Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Operators and traders shall have a system in place for accepting*

substantiated concerns from interested parties and shall thoroughly investigate all substantiated concerns introduced to this system.

Or. en

Amendment 60

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

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).

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) ***and the records of the results and nature of checks performed by the competent authorities in the Member States pursuant to Article 14(13).***

Or. en

Amendment 61

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.

Or. en

Amendment 62

Proposal for a regulation

Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

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:

Amendment

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** 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:

Or. en

Amendment 63

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, ***particularity 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;

Or. en

Amendment 64

**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.

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.

Amendment

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, **2015**, 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.

Or. en