



**2021/0366(COD)**

3.5.2022

# **COMPROMISE AMENDMENTS**

## **1 - 20**

**Draft report**  
**Christophe Hansen**  
(PE729.953v03-00)

on the proposal for a regulation of the European Parliament and of the Council  
on Making available on the Union market as well as export from the Union of  
certain commodities and products associated with deforestation and forest  
degradation and repealing Regulation (EU) No 995/2010

Proposal for a regulation  
(COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))



## **Compromise Amendment 1 on Scope and Review**

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 99, 100, 244, 243, DEVE 33, 237, 933, 236, 239, 26, 242, 240, 235, 238, 246, 934, 247, 248, 249, 250, 245, 251, AGRI 12, 252, 254, 935, 255, DEVE 34, 253, 936, 27, 257, 259, 937, 28, AGRI 13, 345, 357, 359, 358, 951, 36, 360, IMCO 10, 954, 364, 365, DEVE 41, 366, 379, 381, DEVE 48, 383, 39, INTA 27, AGRI 20, 384, 385, 387, 388, INTA 44, 554, 828, 829, 830, 831, 832, 833, 834, 92, 836, INTA 84, 93, 838, 839, 840, INTA 86, 842, 845, INTA 87, 847, 848, INTA 88, 851, 852, INTA 89, 853, DEVE 117, 854, 827, INTA 85, 864, 1050, 856, 857, 94, 859, 861, 862, AGRI 53, INTA 90, 865, 1055, 882, 883, 886, 887, 888, 889, 1045, 114, 116, 117, DEVE 6, 904, 123, 124, 910, INTA 10, 913, 163, 166, 164, 165, 167, 8, 914, 170, 171, AGRI 10, INTA 11, 175, DEVE 21, 916, INTA 12, IMCO 3, 179, 176, 10, 177, 11, 921, 16, 194, DEVE 25, 195, INTA 14, 224, 930, 225, 226, 228, 931, 932, 230, 231 and 24

**Proposal for a regulation**  
**Article 1**

*Text proposed by the Commission*

*Article 1*

**Subject matter and scope**

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

- (a) minimising the Union’s contribution to deforestation **and** forest degradation worldwide
- (b) reducing the European Union’s contribution to greenhouse gas emissions and global biodiversity loss.

The Regulation shall not apply to relevant commodities and products placed on the Union market that were produced before the date established in Article 36(1).

*Amendment*

*Article 1*

**Subject matter and scope**

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

- (a) minimising the Union’s contribution to deforestation. forest degradation **and forest conversion** worldwide;
- (b) reducing the European Union’s contribution to greenhouse gas emissions and global biodiversity loss;
- (ba) contributing to a reduction in global deforestation.**

The Regulation shall not apply to relevant commodities and products placed on the Union market that were produced before the date established in Article 36(1).

Or. en

**Proposal for a regulation**  
**Article 2 - paragraph 1 - point 18**

*Text proposed by the Commission*

- (18) ‘non-compliant products’ means relevant commodities and products that were not produced in a ‘deforestation-free’

*Amendment*

- (18) ‘non-compliant products’ means relevant commodities and products that

manner, or were not produced in accordance with the relevant **legislation of the country of production, or both**;

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

**Proposal for a regulation**  
**Article 2 - paragraph 1 - point 28**

*Text proposed by the Commission*

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

*Amendment*

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

**a)** the rules applicable in the country of production concerning the legal status of the area of production, land use rights, environmental protection, third parties’ rights, **as well as** relevant trade, customs, **and contract law** under **the legal** framework applicable in the country of production;

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

Or. en

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

*Text proposed by the Commission*

*Amendment*

***(28a) ‘free, prior and informed consent (FPIC)’ means a collective human right of indigenous peoples and local communities to give and withhold their consent prior to the commencement of any activity that may affect their rights, land, resources, territories, livelihoods, and food security; it is a right exercised through representatives of their own choosing and in a manner consistent with their own customs, values, and norms.***

**Proposal for a regulation**  
**Article 3**

*Text proposed by the Commission*

*Amendment*

*Article 3*

**Prohibition**

Relevant commodities and products may be placed or made available on the Union market, or exported from the Union market only if all the following conditions are fulfilled:

- (a) they are deforestation-free;
- (b) they have been produced in accordance with the relevant ***legislation of the country of production***; and
- (c) they are covered by a due diligence statement as laid down in Article 4(2).

*Article 3*

**Prohibition**

Relevant commodities and products may be placed or made available on the Union market, or exported from the Union market only if all the following conditions are fulfilled:

- (a) they are deforestation-free;
- (b) they have been produced in accordance with the relevant ***laws and standards, as defined in Article 2, point (28)***; and
- (c) they are covered by a due diligence statement as laid down in Article 4(2).

Or. en

## Annex I – table

<i>Text proposed by the Commission</i>	
Cattle	<p>ex 0102 Live cattle</p> <p>ex 0201 Meat of cattle, fresh or chilled</p> <p>ex 0202 Meat of cattle, frozen</p> <p>ex 0206 10 Edible offal of cattle, fresh or chilled</p> <p>ex 0206 22 Edible cattle livers, frozen</p> <p>ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen</p> <p>ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split</p> <p>ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared</p> <p>ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split</p>
Cocoa	<p>1801 00 00 Cocoa beans, whole or broken, raw or roasted</p> <p>1802 00 00 Cocoa shells, husks, skins and other cocoa waste</p> <p>1803 Cocoa paste, whether or not defatted</p> <p>1804 00 00 Cocoa butter, fat and oil</p> <p>1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter</p> <p>1806 Chocolate and other food preparations containing cocoa</p>
Coffee	<p>0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion</p>
Oil palm	<p>1511 Palm oil and its fractions, whether or not refined, but not chemically modified</p> <p>1207 10 Palm nuts and kernels</p> <p>1513 21 Crude palm kernel and babassu oil and fractions thereof</p> <p>1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude</p>

	<p>oil)</p> <p>2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils</p>
Soya	<p>1201 Soya beans, whether or not broken</p> <p>1208 10 Soya bean flour and meal</p> <p>1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified</p> <p>2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil</p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms</p> <p>4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared</p> <p>4406 Railway or tramway sleepers (cross-ties) of wood</p> <p>4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm</p> <p>4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm</p> <p>4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded,</p>



	<p>moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed</p> <p>4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances</p> <p>4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances</p> <p>4412 Plywood, veneered panels and similar laminated wood</p> <p>4413 00 00 Densified wood, in blocks, plates, strips or profile shapes</p> <p>4414 00 Wooden frames for paintings, photographs, mirrors or similar objects</p> <p>4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood</p> <p>(Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.)</p> <p>4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves</p> <p>4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes</p> <p>Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products</p> <p>9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture</p>
--	--

	9406 10 00 Prefabricated buildings of wood
--	--

<i>Amendment</i>	
<b>Cattle</b>	<p>ex 0102 Live cattle</p> <p>ex 0201 Meat of cattle, fresh or chilled</p> <p>ex 0202 Meat of cattle, frozen</p> <p>ex 0206 10 Edible offal of cattle, fresh or chilled</p> <p>ex 0206 22 Edible cattle livers, frozen</p> <p>ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen</p> <p><b><i>ex 0206 10 Edible offal of bovine animals, fresh or chilled</i></b></p> <p><b><i>ex 0206 21 Edible tongues of bovine animals, frozen</i></b></p> <p><b><i>ex 021020 Meat of cattle, salted, in brine, dried or smoked</i></b></p> <p><b><i>ex 1602 50 Meat or meat offal of cattle, prepared or preserved</i></b></p> <p>ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split</p> <p>ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared</p> <p>ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split</p>
<b>Swine</b>	<p><b><i>0103 Live swine</i></b></p> <p><b><i>0203 Meat of swine, fresh, chilled or frozen</i></b></p> <p><b><i>0210 11 Hams, shoulders and cuts thereof, with bone in, of domestic swine</i></b></p> <p><b><i>0210 12 Bellies (streaky) and cuts thereof, of domestic swine</i></b></p> <p><b><i>0210 19 Other meat of domestic swine</i></b></p> <p><b><i>209 10 Pig fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</i></b></p>
<b>Sheep and Goats</b>	<p><b><i>0104 Live sheep and goats</i></b></p> <p><b><i>0204 Meat of sheep or goats, fresh, chilled or frozen</i></b></p>

<b><i>Poultry</i></b>	<b><i>0105 Live poultry, that is to say, fowls of the species Gallus domesticus, ducks, geese, turkeys and guinea fowls</i></b> <b><i>0207 Meat and edible offal, of the poultry heading 0105, fresh, chilled or frozen</i></b> <b><i>0209 90 Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</i></b>
Cocoa	1801 00 00 Cocoa beans, whole or broken, raw or roasted 1802 00 00 Cocoa shells, husks, skins and other cocoa waste 1803 Cocoa paste, whether or not defatted, 1804 00 00 Cocoa butter, fat and oil, 1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter 1806 Chocolate and other food preparations containing cocoa
Coffee	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
Oil palm	1511 Palm oil and its fractions, whether or not refined, but not chemically modified  1207 10 Palm nuts and kernels  1513 21 Crude palm kernel and babassu oil and fractions thereof  1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil)  2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils  <b><i>2905 17 Dodecan-1-ol (lauryl Alcohol), Hexadecan-1-ol (cetyl Alcohol), and Octadecan-1-ol (stearyl Alcohol)</i></b>  <b><i>2905 45 Alcohols; polyhydric, glycerol</i></b>  <b><i>2915 70 Palmitic acid, stearic acid, their salts and esters</i></b>

	<p><b><i>2915 90 Acids; saturated acyclic monocarboxylic acids; anhydrides, halides, peroxides, peroxyacids and halogenated, sulphonated, nitrated or nitrosated derivatives, n.e.c. in heading no. 2915</i></b></p> <p><b><i>HS code groups and subheadings 1517..., 3401..., 3823..., 3824..., 3826 Palm-oil and palm kernel oil-based derivates</i></b></p>
Soya	<p>1201 Soya beans, whether or not broken</p> <p>1208 10 Soya bean flour and meal</p> <p>1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified</p> <p>2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil</p>
<b><i>Maize</i></b>	<p><b><i>1005 Maize (corn)</i></b></p> <p><b><i>1102 20 Maize (corn) flour</i></b></p> <p><b><i>1103 13 Cereal groats, meal and pellets of maize (corn)</i></b></p> <p><b><i>1103 29 40 Pellets of maize</i></b></p> <p><b><i>1104 19 50 Cereal grains otherwise worked of maize</i></b></p> <p><b><i>1104 23 Other worked grains of maize (corn)</i></b></p> <p><b><i>1108 12 00 Maize (corn) starch</i></b></p> <p><b><i>1515 21 Maize (corn) oil and its fractions:</i></b></p> <p><b><i>Crude oil</i></b></p> <p><b><i>1904 10 10 Prepared foods obtained by the swelling or roasting of cereals or cereal products obtained from maize</i></b></p> <p><b><i>2302 10 Bran, sharps and other residues, whether or not in the form of pellets</i></b></p>

	<p><i>derived from the sifting, milling or other working of cereals or of leguminous plants of maize (corn)</i></p> <p><i>1515 29 Maize oil and fractions thereof, whether or not refined, but not chemically modified (excl. crude)</i></p> <p><i>2306 90 05 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of maize (corn) germ</i></p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms</p> <p><i>4402 Wood charcoal, incl. shell or nut charcoal, whether or not agglomerated (excl. wood charcoal used as a medicament, charcoal mixed with incense, activated charcoal and charcoal in the form of crayons)</i></p> <p>4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared</p> <p>4406 Railway or tramway sleepers (cross-ties) of wood</p> <p>4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm</p> <p>4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm</p> <p>4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved,</p>

	<p>rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed</p> <p>4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances</p> <p>4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances</p> <p>4412 Plywood, veneered panels and similar laminated wood</p> <p>4413 00 00 Densified wood, in blocks, plates, strips or profile shapes</p> <p>4414 00 Wooden frames for paintings, photographs, mirrors or similar objects</p> <p>4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood</p> <p>(Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.)</p> <p>4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves</p> <p>4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes</p> <p>Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products</p> <p><b><i>4900 Printed books, newspapers, pictures and other products of the printing</i></b></p>
--	---

	<p><i>industry, manuscripts, typescripts and plans</i></p> <p>9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture</p> <p>9406 10 00 Prefabricated buildings of wood</p>
<b>Rubber</b>	<p><i>4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar gums; in primary forms or in plates, sheets or strip</i></p> <p><i>4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip</i></p> <p><i>4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings)</i></p> <p><i>4007 Vulcanised rubber thread and cord</i></p> <p><i>4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber</i></p> <p><i>4010 Conveyer or transmission belts or belting, of vulcanised rubber</i></p> <p><i>4011 New pneumatic tyres, of rubber (other)</i></p> <p><i>4012 Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber</i></p> <p><i>4013 Inner tubes, of rubber</i></p> <p><i>4015 Articles of apparel and clothing accessories (including gloves), for all purposes of vulcanised rubber other than hard rubber</i></p> <p><i>4016 Articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40</i></p> <p><i>4017 Hard rubber (i.e. ebonite) in all forms including waste and scrap; articles of hard rubber</i></p>



**Proposal for a regulation**  
**Article 32**

*Text proposed by the Commission*

*Article 32*

**Review**

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

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:**

**(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;**

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

*Amendment*

*Article 32*

**Review**

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

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

**(b) evaluate, no later than two years after the entry into force:**

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

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

**(iii) the need for and feasibility of additional trade facilitation tools, in particular for Least Developed Countries**

***highly impacted by this Regulation and countries identified as standard or high risk, to support the achievement of the objectives of this Regulation.***

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

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

2. Without prejudice to the ***reviews scheduled in*** paragraph 1, the Commission ***shall conduct*** at regular intervals a review of Annex I in order to assess whether it is appropriate to amend or extend the relevant products listed in Annex I in order to ensure that all products that contain, have been fed with or have been made using relevant commodities are included in that list, unless the demand for those products has a negligible effect on deforestation. The reviews shall be based on an assessment of the effect of the relevant commodities and products on deforestation, forest degradation ***and forest conversion***, and take into account changes in consumption, ***including a detailed assessment of changes to the patterns of trade in the sectors covered by this Regulation***, as indicated by scientific evidence.

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

**4. The Commission shall continuously monitor changes in the trade patterns of the products and commodities included in the scope of this Regulation. When changes in the pattern of trade are found to have insufficient due cause or economic justification other than to avoid obligations as laid down in this Regulation, including replacing those products and commodities with other products and commodities which are not included in the list of products and commodities in Annex I but have similar characteristics, 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.**

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

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

Or. en

## Proposal for a regulation

### Recital 7

*Text proposed by the Commission*

(7) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of *the* six commodities *included in the scope* (wood, cattle, soy,

*Amendment*

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

palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

production of **only** six commodities (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

Or. en

## Proposal for a regulation

### Recital 12

#### *Text proposed by the Commission*

(12) Combatting deforestation and forest degradation constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and to comply with the Union's commitment under the European Green Deal as well as with the 2015 Paris Agreement on Climate Change<sup>33</sup>, and with the legally binding commitment under the EU Climate Law to reach climate neutrality by 2050 and reduce greenhouse gas emissions by at least 55 % below 1990 levels by 2030.

---

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

#### *Amendment*

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

---

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

Or. en

## Proposal for a regulation

### Recital 27

#### *Text proposed by the Commission*

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global

#### *Amendment*

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global

deforestation **and** forest degradation and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of eight commodities. Wood was directly included in the scope as it was already covered by the EUTR. The list of the commodities was then further reduced via an efficiency analysis in the Impact Assessment. This efficiency analysis compared the hectares of deforestation linked to EU consumption, as estimated in a recent research paper<sup>44</sup>, for each of those commodities with their average value of EU imports. According to the research paper used for the efficiency analysis, six commodities represent the largest share of EU-driven deforestation among the total of eight commodities analysed in that research paper: palm oil (33,95%), soy (32,83%), wood (8,62%), cocoa (7,54%), coffee (7,01%) and beef (5,01%).

---

<sup>44</sup> Pendrill F., Persson U. M., Kastner, T. 2020.

deforestation, forest degradation **and forest conversion** and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that **environmental** footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of commodities. Wood was directly included in the scope as it was already covered by the EUTR. According to a recent research<sup>44</sup> paper used for the efficiency analysis, six commodities represent the largest share of EU-driven deforestation among the total of commodities analysed in that research paper: palm oil (33,95%), soy (32,83%), wood (8,62%), cocoa (7,54%), coffee (7,01%) and beef (5,01%). ***Meat imported into the Union should be subject to the same rules as meat produced within the EU. Therefore, meat from swine, poultry, and sheep and goats should be covered by this Regulation to ensure that animals raised outside the Union and then imported have been fed with deforestation-free commodities or products. Rubber and maize should also be covered by this Regulation due to their impact on global deforestation. The Commission should be entitled to adopt delegated acts to extend the scope of Annex I.***

---

<sup>44</sup> Pendrill F., Persson U. M., Kastner, T. 2020.

Or. en

## Proposal for a regulation

### Recital 28

*Text proposed by the Commission*

(28) Bearing in mind that the use of recycled relevant commodities and products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, should be excluded from the scope of this Regulation.

*Amendment*

(28) Bearing in mind that the use of recycled relevant commodities and products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, should be excluded from the scope of this Regulation.

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**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

*Amendment*

(32) To strengthen the Union's contribution to halting deforestation, forest degradation ***and forest conversion***, and to ensure that commodities and products from supply chains related to deforestation, forest degradation ***and forest conversion*** are not placed on ***or exported from*** the Union market, relevant commodities and products should not be placed or made available on the Union market, nor

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.

exported from the Union market unless they are deforestation-free and have been produced in accordance with the relevant **domestic and international law and standards**. To confirm that this is the case, they should always be accompanied by a due diligence statement.

Or. en

## **Proposal for a regulation**

### **Recital 38**

#### *Text proposed by the Commission*

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

#### *Amendment*

(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts, **such as Regulation (EU) 2020/852 of the European Parliament and of the Council<sup>1a</sup> and [the forthcoming Directive on Corporate Sustainability Due Diligence]<sup>1b</sup>**, should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. ***This Regulation aims to ensure the conformity of commodities and products with sustainability and legality requirements. It applies ex-ante, before commodities or products are placed on or exported from the EU market.*** The existence of this **commodity-specific** Regulation should not exclude the application of other EU legislative instruments that lay down requirements regarding value chain due diligence. Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with those of this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other EU legislative

instruments on due diligence or the achievement of their general aim. *The Commission should issue clear and easy to understand guidelines to help operators and traders, in particular SMEs, to comply with the requirements of this regulation with the aim to minimize the administrative and financial burden. The guidelines should also support operators to fulfill their due diligence requirements in an effective manner when they fall under the scope of other overlapping legislative instruments setting out other due diligence requirements.*

---

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

*<sup>1b</sup> COM(2022)0071 final.*

Or. en

**Proposal for a regulation**  
**Recital 38 a (new)**

*Text proposed by the Commission*

*Amendment*

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



*as enshrined in International Labour Organisation fundamental conventions, women`s rights, the rights to environmental protection and the right to defend human rights and the environment should also be promoted.*

## **Proposal for a regulation**

### **Recital 54**

*Text proposed by the Commission*

*Amendment*

(54) While this Regulation addresses deforestation and forest degradation, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change, as well as other sustainable development goals and their conversion or degradation require particular urgent attention. To address this, the Commission should assess the need and feasibility of extending the scope to other ecosystems and to further commodities two years after the entry into force. At the same time, the Commission should also undertake a review of the relevant products as listed in Annex I of this Regulation by way of a delegated act.

*deleted*

Or. en

## **Proposal for a regulation**

### **Recital 58**

*Text proposed by the Commission*

*Amendment*

(58) While this Regulation addresses deforestation and forest degradation, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems.

(58) While this Regulation addresses deforestation and forest degradation ***and forest conversion***, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural

Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change, as well as other sustainable development goals and their conversion or degradation require particular urgent **attention**. **An evaluation of *the need and the feasibility* of extending the scope of this Regulation to other ecosystems than forests should therefore be undertaken within 2 years of the entry into force of this Regulation.**

ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change **and the biodiversity crisis**, as well as other sustainable development goals and their conversion or degradation require particular urgent **action and need to be prevented**. **It is without doubt that Union consumption is a considerable driver also of the conversion and degradation of biodiverse and carbon-rich non-forest ecosystems around the globe. In order to reduce the Union's footprint on all natural ecosystems, an evaluation of, and a legislative proposal to, extending the scope of this Regulation to other ecosystems than forests and other wooded land should be undertaken at the latest one year of the entry into force of this Regulation, for which the preparations should start at the latest at the day of entry into force of this Regulation. Further delaying to include other ecosystems in this Regulation risks shifting agricultural production from forests to non-forest ecosystems. The latter are also increasingly under pressure of conversion and degradation due to commodity production for the Union market. The Commission should also assess the need and feasibility of extending the scope to further commodities at the latest two years after the entry into force. At the same time, the Commission should also undertake a review of the relevant products as listed in Annex I of this Regulation by way of a delegated act.**

**Proposal for a regulation**  
**Recital 58 a (new)**

*Text proposed by the Commission*

*Amendment*

**(58a) Taking into account the request made by the European Parliament in its resolution “An EU legal framework to halt and reverse EU-driven global deforestation” of 22 October**

*2020 and of the vast majority of the almost 1, 2 million participants to the Commission’s public consultation on demand-driven deforestation and forest degradation and forest conversion to include non-forest ecosystems in this Regulation, the Commission should base its evaluation and legislative proposal for an extension of the scope of this Regulation to other ecosystems on the basis of the definitions of “natural ecosystems”, “natural ecosystem conversion” and “forest and natural ecosystem degradation” and the cut-off date of 31 December 2019, as laid down in this Regulation.*

**Proposal for a regulation**  
**Recital 60**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Compromise Amendment 2 on definitions

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 938, DEVE 36, 266, 267, 268, 269, 270, 271, 272, 273, 275, 29, AGRI 14, 276, 279, 280, 30, 31, 32, 939, 282, 283, 284, 941, 285, 942, 286, 289, 288, 290, 291, 292, 293, 294, 295, 296, 297, 298, 300, 301, 302, 305, 306, 307, 33, AGRI 15, 308, 309, 310, 945, 311, 320, AGRI 16, 321, 322, 323, 324, 326, 947, 330, 328, AGRI 17, 329, 327, 332, 948, 334, 333, AGRI 18, 335, 338, 339, 340, 342, AGRI 19, 341, 344, 356, 104, 912, 162, 161, AGRI 9, 915, 9, 173 and 174

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 2

*Text proposed by the Commission*

(2) ‘forest’ means land spanning more than 0,5 hectares with trees higher than 5 meters and a canopy cover of more than 10%, or trees able to reach those thresholds in situ, excluding agricultural plantations and land that is predominantly under agricultural or urban land use;

*Amendment*

(2) ‘forest’ means land spanning more than 0,5 hectares with trees higher than 5 meters and a canopy cover of more than 10%, or trees able to reach those thresholds in situ, excluding agricultural plantations and land that is predominantly under agricultural or urban land use;

Or. en

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

*urban use;*

Or. en

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) ‘agricultural plantations’ means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the commodities in Annex I other than wood;

*Amendment*

(3) ‘agricultural plantations’ means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the commodities in Annex I other than wood;

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;

*Amendment*

(4) ‘plantation forest’ means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;

Or.

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute

*Amendment*

(5) ‘planted forest’ means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute

more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;

more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;

Or. en

## **Proposal for a regulation**

### **Article 2 – paragraph 1 – point 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Proposal for a regulation**

### **Article 2 – paragraph 1 – point 6**

**(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;**

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

Or. en

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

*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

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

*Text proposed by the Commission*

*Amendment*

(8) ***‘deforestation-free’ means***  
***(a) that the relevant commodities and products, including those used for or contained in relevant products, were produced on land that has not been subject to deforestation after December 31, 2020, and***  
***(b) that the wood has been harvested from the forest without inducing forest degradation after December 31, 2020;***

(8) ***‘deforestation-free’ means that the relevant commodities and products, including those used for or contained in relevant products, were produced on land that has not been subject to deforestation, and have not induced or contributed to forest degradation or forest conversion after 31 December 2019;***

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 9**



*Text proposed by the Commission*

(9) ‘produced’ means grown, harvested, raised, fed from or obtained on relevant plot of land;

*Amendment*

(9) ‘produced’ means grown, harvested, raised, fed from or obtained on relevant plot of land;

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘placing on the market’ means the first making available of a relevant commodity or product on the Union market;

*Amendment*

(10) ‘placing on the market’ means the first making available of a relevant commodity or product on the Union market;

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 17**

*Text proposed by the Commission*

(17) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from an operator to act on its behalf in relation to specified tasks with regard to the operator's obligations under this Regulation;

*Amendment*

(17) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from an operator to act on its behalf in relation to specified tasks with regard to the operator's obligations under this Regulation;

**Proposal for a regulation**

**Recital 26**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Recital 31**

*Text proposed by the Commission*

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

*Amendment*

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

## Compromise Amendment 3 on Obligations of operators

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 355, 950, 346, 35, 390, 392, 40, DEVE 49, 393, IMCO 11, 394, 41, IMCO 12, 42, 396, 398, INTA 28, IMCO 13, 399, 401, 402, 403, INTA 29, IMCO 14, AGRI 21, 404, 43, 405, 406, 407, 408, DEVE 50, 963, DEVE 51, 427, AGRI 24, INTA 31, IMCO 15, 428, 46, INTA 32, 890, 891, 894, 895, 897, 898, 150, 917, 181, 182, IMCO 4, 180, 183, 12, DEVE 22, 186, 13 and 187

### Proposal for a regulation Article 4

*Text proposed by the Commission*

#### *Article 4*

#### **Obligations of operators**

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

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

*Amendment*

#### *Article 4*

#### **Obligations of operators**

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

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

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

4. Operators may not place relevant commodities and products on the Union market nor export them without prior submission of a due diligence statement.

5. The operator shall not place the relevant commodities and products on the market nor export them if one or more of the following cases apply:

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

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

(c) the operator was unable to complete a due diligence procedure according to paragraphs 1 and 2.

6. Operators that have received new information, including substantiated concerns, that the relevant commodity or product that they have already placed on the

***publish and make available, taking into account data protection rules, the statements and certification for administrative, civic and scientific scrutiny.***

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

4. Operators may not place relevant commodities and products on the Union market nor export them without prior submission of a due diligence statement.

5. The operator shall not place the relevant commodities and products on the market nor export them if one or more of the following cases apply:

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

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

(c) the operator was unable to complete a due diligence procedure according to paragraphs 1 and 2.

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

6. Operators that have received ***or detected relevant*** new information,

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.

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

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

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

7a. *Operators shall take the necessary measures:*

(a) *to engage meaningfully with vulnerable stakeholders included in their supply chain: smallholders, indigenous peoples and local communities and*

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

(c) *to follow-through on implementation of agreed commitments, ensuring that*

*adverse impacts to identified vulnerable d stakeholders are addressed.*

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16 a) ‘meaningful engagement with stakeholders’ means understanding the concerns and interests of relevant stakeholders, in particular the most vulnerable groups such as smallholders and indigenous peoples, as well as local communities, including women, by consulting them directly in a manner that takes into account potential barriers to effective engagement.***

Or. en

**Proposal for a regulation**  
**Article 7**

*Text proposed by the Commission*

*Article 7*

**Placing on the market by operators  
established in third countries**

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

*Amendment*

*Article 7*

**Placing on the market by operators  
established in third countries**

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

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

Or. en

**Proposal for a regulation**  
**Annex II – paragraph 1 – point 2 and 3**

*Text proposed by the Commission*

2. Harmonised System code, free-text description, and quantity<sup>70</sup> of the relevant commodity or product that is intended to be placed on the Union market by the operator;

3. Country of production and all ***plots of land of*** production, including geo-localisation coordinates, latitude and

*Amendment*

2. Harmonised System code, free-text description, ***including the trade name as well as, where applicable, the full scientific name***, and quantity<sup>70</sup> of the relevant commodity or product that is intended to be placed on ***or exported from*** the Union market by the operator.

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

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

---

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

*lands or polygons*, the geo-location coordinates of all different *plots of lands or polygons* shall be included;

---

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

Or. en

## **Proposal for a regulation**

### **Article 2 – paragraph 1 – point 12**

#### *Text proposed by the Commission*

(12) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant commodities and products on the Union market or exports them from the Union market;

#### *Amendment*

(12) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant commodities and products on the Union market or exports them from the Union market;

Or. en

## **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

#### *Amendment*

(33) On the basis of a systemic approach, operators should take the appropriate steps in order to ascertain that the relevant commodities and products that they intend to place on the Union market comply with the deforestation-free and



legality requirements of this Regulation. To that end, operators should establish and implement due diligence procedures. The due diligence procedure required by this Regulation should include **three** elements: information requirements, risk assessment and risk mitigation measures. The due diligence procedures should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the Union market, including information demonstrating that the absence of deforestation **and** forest degradation and legality requirements are fulfilled, inter alia by identifying the country and area of production, including geo-location coordinates **of relevant plots of land**. These geo-location coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of this information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it.

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

*system, including on the steps taken to implement their obligations.*

Or. en

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) Operators should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.

*Amendment*

(34) Operators ***placing a commodity or product concerned on the Union market or exporting a product or a commodity to a third country*** should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.

## Compromise Amendment 4 on obligations of traders

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 347, 44, 411, 410, 412, 414, 415, 416, 418, 419, 421, 422, 423, AGRI 23, 425, 426, 15, 920, 193, DEVE 24 and 192

### Proposal for a regulation

#### Article 6

*Text proposed by the Commission*

*Amendment*

#### **Obligations of traders**

*deleted*

1. Traders which are SMEs may only make available on the market relevant commodities and products if they are in possession of the information required under paragraph 2.

2. Traders which are SMEs shall collect and keep the following information relating to the relevant commodities and products they intend to make available on the market:

(a) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the operators or the traders who have supplied the relevant commodities and products to them;

(b) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the traders to whom they have supplied the relevant commodities and products.

3. Traders which are SMEs shall keep the information referred to in this Article for at least 5 years and shall provide that information to the competent authorities upon request.

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

competent authorities of the Member States in which they made available the relevant commodity or product on the market.

5. Traders which are not SMEs shall be considered operators and be subject to obligations and provisions in Articles 3, 4, 5, 8 to 12, 14(9), 15 and 20 of this Regulation with regard to the relevant commodities and products that they make available in the Union market.

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

#### **Proposal for a regulation** **Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

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

***1. Traders which are SMEs may only make available on the market relevant commodities and products if they are in possession of the information required under paragraph 3.***

***2. Traders which are not SMEs shall be considered operators and shall be subject to the obligations and provisions set out in Articles 3, 4, 5, 8 to 12, Article 14(9), and Articles 15 and 20 of this Regulation with regard to the relevant commodities and products they make available in the Union market.***

***3. Traders which are SMEs shall collect and keep the following information relating to the relevant commodities and products they intend to make available on the market:***

*(a) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the operators or the traders who have supplied the relevant commodities and products to them;*

*(b) the name, registered trade name or registered trade mark, the postal address, the email and, if available, a web address of the traders to whom they have supplied the relevant commodities and products.*

*4. Traders which are SMEs shall keep the information referred to in this Article for at least 5 years and shall provide that information to the competent authorities upon request.*

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

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

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

*Text proposed by the Commission*

(13) ‘trader’ means any natural or legal person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the Union market relevant commodities and products;

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 20**

*Text proposed by the Commission*

20) ‘SMEs’ mean micro, small and medium-sized enterprises as defined in Directive 2013/34/EU<sup>33</sup>;

**Proposal for a regulation**

**Recital 36**

*Text proposed by the Commission*

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

**Proposal for a regulation**

**Recital 37**

*Text proposed by the Commission*

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

*Amendment*

(13) ‘trader’ means any natural or legal person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the Union market relevant commodities and products;

*Amendment*

20) ‘SMEs’ mean micro, small and medium-sized enterprises as defined in Directive 2013/34/EU<sup>33</sup>;

*Amendment*

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

*Amendment*

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

Or. en

## Compromise Amendment 5 on Due Diligence (Article 8)

*Supported by EPP, S&D, RE, Greens/EFA, ECR, The Left*

Compromise amendment replacing Amendments 429, 47, 430, 431, AGRI 25, 432, IMCO 16, 965, 433, 434, DEVE 52, 966, 435, 48, 436 and 49

### Proposal for a regulation Article 8

#### *Text proposed by the Commission*

1. Prior to placing relevant commodities and products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant commodities and products supplied by each particular supplier.
2. For the purposes of this Regulation, the due diligence shall include:
  - (a) the collection of information and documents needed to fulfil the requirements set out in Article 9;
  - (b) risk assessment measures as referred to in Article 10;
  - (c) risk mitigation measures as referred to in Article 10.

#### *Amendment*

1. Prior to placing relevant commodities and products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant commodities and products supplied by each particular supplier
2. For the purposes of this Regulation, the due diligence shall include:
  - (a) the collection of information and documents needed to fulfil the requirements set out in Article 9;
  - (b) risk assessment measures as referred to in Article 10;
  - (c) risk mitigation measures as referred to in Article 10.

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

## Compromise Amendment 6 on Information requirements (Article 9)

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 37, 361, 952, 437, 438, 439, AGRI 26, 440, 441, 968, 50, 442, 446, 444, 445, 51, 969, AGRI 27, 458, 447, 449, AGRI 28, 450, 451, DEVE 54, 452, 453, 971, 52, 454, 455, 457, 459, 460, AGRI 30, 463, DEVE 57, DEVE 58, 464, DEVE 59, 974, 468 and 865

### Proposal for a regulation

#### Article 9 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. <Original>{EN}en

### Proposal for a regulation

#### Article 9 – paragraph 1 – point a

*Text proposed by the Commission*

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

*Amendment*

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



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

*Text proposed by the Commission*

(c) identification of the country of production;

*Amendment*

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

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

*Text proposed by the Commission*

*Amendment*

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

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

*Text proposed by the Commission*

*Amendment*

***(h b) adequate and verifiable information disclosing the views of any indigenous peoples, local communities and other groups that claim tenure rights in respect of the area used for the purpose of producing the relevant commodities and products regarding the production of the relevant commodities and products;***

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

**Proposal for a regulation  
Article 2 – paragraph 1 – point 19**

*Text proposed by the Commission*

*Amendment*

(19) ‘plot of land’ is an extension of land within a single real-estate property, as recognised by the laws of the country of production, and which enjoys sufficiently homogeneous conditions as to allow to evaluate on the aggregate level the risk of deforestation and forest degradation associated with commodities produced on that extension of land;

(19) ‘plot of land’ is an extension of land within a single real-estate property, as recognised by the laws of the country of production, and which enjoys sufficiently homogeneous conditions as to allow to evaluate on the aggregate level the risk of deforestation and forest degradation associated with commodities produced on that extension of land;

## Compromise Amendment 7 on Risk Assessment and risk mitigation

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 348, 350, 353, 354, 54, INTA 33, IMCO 17, 471, 55, 472, 473, 976, 474, 475, 477, DEVE 60, 478, 479, 481, 482, 483, 484, AGRI 31, 486, DEVE 62, 487, 488, 981, 56, INTA 34, IMCO 18, INTA 35, DEVE 63, INTA 36, 489, 57, AGRI 32, IMCO 19, 490, 491, IMCO 20, 492, 494, DEVE 65, IMCO 21, INTA 38, INTA 39, 495, 499, 501, 984, 502, DEVE 67, 503, INTA 40, IMCO 24, 505, 506, 507, INTA 41, 508, 509, 510, 511, 59, 512, INTA 42, 514, 60, 985, 515, 865, 188, 189, 190, INTA 13, 191, 919 and 14

### Proposal for a regulation Article 10

*Text proposed by the Commission*

#### *Article 10*

##### **Risk assessment and risk mitigation**

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.

2. The risk assessment shall take special account of the following risk assessment criteria:

(a) the assignment of risk to the relevant country or parts thereof in accordance with Article 27;

*Amendment*

#### *Article 10*

##### **Risk assessment and risk mitigation**

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

2. The risk assessment shall take special account of the following risk assessment criteria:

a) the assignment of risk to the relevant country or parts thereof in accordance with Article 27;

(b) the presence of forests in the country and area of production of the relevant commodity or product;

(b) the presence of forests in the country and area of production of the relevant commodity or product;

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

(d) the source, reliability, validity and links to other available documentation of the information referred to in Article 9(1);

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

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

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

(h) the conclusions of the relevant Commission expert group meetings

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

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

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

(d) the source, reliability, validity and links to other available documentation of the information referred to in Article 9(1);

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

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

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

(h) the conclusions of the relevant Commission expert group meetings published in the Commission's expert group register;

published in the Commission's expert group register;

(i) substantiated concerns submitted under Article 29;

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

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.

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

(i) substantiated concerns submitted under Article 29;

***(ia) information provided via the rapid alert mechanism;***

3. Wood products which are in scope of Council Regulation (EC) No 2173/2005 that are covered by a valid FLEGT license from an operational licensing scheme shall be deemed to be in compliance ***with the rules applicable in the country of production, as defined in Article 3 and Article 2(28), point (a),*** of this Regulation

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

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

5. Operators shall be able to demonstrate how the information gathered

5. Operators shall be able to demonstrate how the information gathered was checked against the risk assessment criteria set out in paragraph 2, how a decision on risk mitigation measures was taken and how the operator determined the degree of risk.

6. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant commodities and products identified. These shall include:

(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;

(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all operators that are not SMEs.

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

8. The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraphs 2, 4 and 6 as regards relevant information to be obtained, risk assessment criteria and risk

was checked against the risk assessment criteria set out in paragraph 2, how a decision on risk mitigation measures was taken and how the operator determined the degree of risk.

6. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant commodities and products identified. These shall include:

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

(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all operators that are not SMEs.

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

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

mitigation measures that may be necessary to supplement those referred to in this Article to ensure the effectiveness of the due diligence system.

Or. en

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 16**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

### **Proposal for a regulation**

#### **Recital 35**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en



## Compromise Amendment 8 on Maintenance of due diligence systems and record keeping

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 343, 516, 517, 518, 519, AGRI 34, 521, DEVE 69, 522, 523, 987, 61, 524, 525, 527, 528 and 529

### Proposal for a regulation Article 11

*Text proposed by the Commission*

#### *Article 11*

#### **Maintenance of due diligence systems and record keeping**

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3(a) and (b). The due diligence system shall be reviewed at least once a year and if necessary adapted to and accounting for new developments which may influence the exercise of due diligence. Operators shall keep record of updates in the due diligence system(s) for 5 years.

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

*Amendment*

#### *Article 11*

#### **Maintenance of due diligence systems and record keeping**

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in Article 3. The due diligence system shall be reviewed at least once a year and adapted to and accounting for new developments which may influence the exercise of due diligence ***when operators become aware of them***. Operators shall keep record of updates in the due diligence system(s) for 5 years.

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

reporting in the context of other *EU* legislative instruments.

of other *Union* legislative instruments.

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

**(a) include the information described in Article 9;**

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

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

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

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

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

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

Or. en

## Compromise Amendment 9 on Simplified due diligence - Enhanced Scrutiny - Benchmarking

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Replacing amendments IMCO 25, 81, 532, 535, IMCO 26, 545, 546, IMCO 27, 696, 697, 74, AGRI 40, 638, 1009, 641, 82, 712, 720, 1024, DEVE 91, 716, 536, 62, 714, 715, 717, 537, 539, 540, 719, 541, AGRI 45, 721, 725, 726, 731, 1026, AGRI 46, DEVE 93, 734, DEVE 94, 735, 736, 737, 738, 739, 741, DEVE 95, 1027, 744, DEVE 96, 745, 746, 747, 1028, DEVE 97, 748, 749, 1029, 750, 1030, 1031, 751, DEVE 100, 1032, INTA 74, 752, 753, 754, 1033, 755, 758, 760, INTA 77, 761, 763, DEVE 102, 764, 765, 766, 767, 768, 769, 1036, 87, INTA 78, AGRI 47, DEVE 103, INTA 79, DEVE 104, DEVE 105, DEVE 106, 770, 771, 772, 1037, INTA 80, DEVE 107, 773, INTA 81, 774, DEVE 108, 775, 776, 1038, INTA 82, 777, 88, 778, 779, DEVE 109, 780, 781, 89, INTA 83, 782, 783, DEVE 110, 784, 785, 786, DEVE 111, 1053, 205, 923, DEVE 28, 19, 206, IMCO 8, 207, 208, 20, 209, 924, DEVE 29, 212 and INTA 16

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

### Proposal for a regulation Article 12 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

*the competent authority.*

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Proposal for a regulation**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

commodities placed or made available on or exported from their market from high risk countries or parts thereof.

each of the relevant commodities **and products** placed or made available on or exported from their market from high risk countries or parts thereof. **Competent authorities shall ensure that the annual checks carried out on the basis of this Article include all of the elements listed in Article 15.**

## **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 **shall** identify countries or parts thereof that present a low or high risk of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries or parts thereof that present a low or high risk shall be published by means of implementing act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2) **within 6 months of the entry into force of this Regulation**. That list shall be updated as necessary in light of new evidence.

Or. en

## **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

### *Amendment*

2. The identification of low and high risk countries or parts thereof pursuant to paragraph 1 **shall follow a transparent and objective assessment process which** shall take into account information provided by the country concerned and by the country,

assessment criteria:

*regional authorities* concerned, *operators as well as NGOs and third parties, including indigenous peoples, local communities and civil society organisations and* be based on the following assessment criteria:

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. <Original>{EN}en

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

#### **Proposal for a regulation**

##### **Article 27 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation **or** forest degradation and facilitates compliance of relevant commodities and

*Amendment*

(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation, forest degradation **or forest conversion** and facilitates compliance of relevant

products with the requirements of this Regulation **and** their effective implementation;

commodities and products with the requirements of this Regulation, ***provided that their **timely and** effective implementation **has been ascertained on the basis of an objective and transparent assessment*****;

Or. en

### Proposal for a regulation

#### Article 27 – paragraph 2 – point f

##### *Text proposed by the Commission*

(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement, and takes effective enforcement measures to avoid and sanction activities leading to deforestation **and** forest degradation, and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation **or** forest degradation are applied.

##### *Amendment*

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

Or. en

### Proposal for a regulation

#### Article 27 – paragraph 2 – point f a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(f a) whether the national and sub-national jurisdiction has developed jurisdictional approaches with the meaningful engagement of all relevant***

*stakeholders, including civil society, indigenous peoples and local communities, and the private sector, including micro enterprises, SMEs and smallholders, to tackle deforestation, forest degradation, forest conversion, land rights violations and illegal production;*

## **Proposal for a regulation**

### **Article 27 – paragraph 2 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

*(f b) whether the country concerned makes relevant data available transparently;*

## **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Proposal for a regulation**

### **Article 27 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

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

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



*shall* allow the countries *and regional authorities* adequate time to provide a response, which may include information on measures taken by the country *or regional authority* to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

Or. en

**Proposal for a regulation**

**Article 27 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

It shall include in the notification the following information:

*Amendment*

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

Or. en

**Proposal for a regulation**

**Article 27 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

(a) the reason or reasons for the intention to change the risk identification of the country or parts thereof;

*Amendment*

(a) the reason or reasons for the intention to change the risk identification of the country or parts thereof;

Or. en

**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. ***In a coordinated approach*** the Commission ***and the Member States***, shall engage with producer countries concerned by this Regulation, ***local governments and interested parties, in particular those exporting significant volumes of commodities listed in Annex I, including via the use of existing and future*** partnerships and ***free trade agreements and the alignment of existing aid tools*** to jointly address ***the root causes of*** deforestation, forest degradation ***and forest conversion***. Such partnerships and cooperation mechanisms ***shall be supported with adequate resources and shall*** focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, ***forest conversion*** and the transition to sustainable commodity production, consumption processing and trade methods, ***good governance, as well as protecting the rights and livelihoods and subsistence of forest-dependent communities, including indigenous peoples, local communities, other customary tenure rights holders and smallholders***. Partnerships and cooperation mechanisms may include, ***but are not limited to***, structured dialogues, ***financial and technical*** support programmes and actions, administrative arrangements that enable producer countries ***and parts thereof*** to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. ***The Commission shall ensure that indigenous peoples, local communities and civil society, are involved in the development of joint roadmaps. The joint roadmaps shall be based on milestones agreed with local stakeholders. The Commission shall particularly engage with producing countries to remove legal obstacles to their***

*compliance, including national land tenure governance and data protection law. The aim of those partnerships is the development of joint roadmaps, including sustained dialogue and cooperation, in particular with countries and parts thereof identified as high-risk, to support continuous improvement towards the standard risk category in accordance with Article 27. Partnerships and cooperation mechanisms shall pay particular attention to smallholders in order to enable them to transition to sustainable farming and forestry practices and to comply with the requirements of this Regulation, including through enabling sufficient and user-friendly information. Adequate financial resources shall be available to meet the needs of smallholders.*

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

*Text proposed by the Commission*

*Amendment*

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

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

### **Proposal for a regulation Article 28 – paragraph 3**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

peoples and local communities ***strengthen national systems of governance and law enforcement***, and ensure public access to forest management documents and other relevant information. ***The Commission shall aim to integrate the monitoring of land and tenure rights under the EU Observatory.***

Or. en

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

*Text proposed by the Commission*

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation ***and*** forest degradation, including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of forest ecosystems.

Or. en

*Amendment*

4. The Commission shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation, forest degradation ***and forest conversion***, including in multilateral fora such as Convention on Biological Diversity, Food and Agriculture Organization of the United Nations, United Nations Convention to Combat Desertification, United Nations Environment Assembly, United Nations Forum on Forests, United Nations Framework Convention on Climate Change, World Trade Organisation, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continue efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of ***forests and other natural ecosystems and related human rights.***

**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 ***or parts thereof***. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden, ***unless the operator knows or has reasons to believe that there are risks of non-compliance with this Regulation. Where a competent authority becomes aware of a risk that the requirements of this Regulation are being circumvented, for example where a relevant commodity or product produced in a high-risk country is subsequently processed in, or exported to, the Union from a low-risk country, the customs declaration or due diligence statement indicate that the commodity or product was produced in a low-risk country, it should verify via further checks whether there is any non-compliance and, if necessary, take appropriate action, such as seizure and suspension of placing on the market of the relevant commodity or product, as well as carry out further checks***. Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Or. en

**Proposal for a regulation**  
**Recital 47**

(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 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.

(47) For this reason, the Commission should assess the deforestation and forest degradation **or forest conversion** risk at a level of a country or parts thereof based on a range of criteria that reflect both quantitative, objective and internationally recognised data, and indications that the countries are actively engaged in fighting deforestation, forest degradation **and forest conversion, and for the promotion of rights of indigenous peoples and local communities**. This benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and reduce their deforestation impact. This should help making supply chains more transparent and sustainable. This benchmarking system should be based on a three-tier classification of countries to be regarded as low, standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned. For relevant commodities and products from low risk countries or parts of countries identified as low-risk, operators should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.

**Proposal for a regulation**  
**Recital 47 a (new)**

*Text proposed by the Commission*

*Amendment*

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



## Compromise Amendment 10 on Competent authority and exchange of information (Articles 13, 17, 18 and 25; recitals 40, 42, 43 and 53)

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 555, 556, 557, 558, 559, 560, DEVE 73, 561, 563, 562, 565, 994, 611, 612, 613, 614, 615, 616, 617, 1001, 70, DEVE 76, INTA 57, 618, 71, 619, 72, INTA 58, 621, 622, 1020, 78, 79, 705, IMCO 39, 196, 197, 198, 199, 922, DEVE 26, 18, 929 and 221

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

2. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the names, addresses and contact details of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to this information.

*Amendment*

2. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the names, addresses and contact details of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to this information.

### Proposal for a regulation Article 13 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

### Proposal for a regulation Article 13 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Article 13 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators, taking into account the situation of SMEs, in order to facilitate compliance with the requirements of this Regulation.

*Amendment*

5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators, taking into account the situation of SMEs, in order to facilitate compliance with the requirements of this Regulation.

**Proposal for a regulation**  
**Article 13 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Article 13 – paragraph 7**

*Text proposed by the Commission*

7. Assistance shall be provided in a manner which does not compromise the independence, legal obligations and responsibilities of competent authorities in enforcing this Regulation.

*Amendment*

7. Assistance shall be provided in a manner which does not compromise the independence, legal obligations and responsibilities of competent authorities in enforcing this Regulation.

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

*Text proposed by the Commission*

*Amendment*

***(7a) In order to ensure the uniform application of the obligations listed in this Chapter, notably the checks on operators and traders, the European Commission***

***shall issue guidance to all competent authorities no later than six months after the entry into force of this Regulation.***

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

1. Member States may authorise their competent authorities to reclaim from the operators or traders the totality of the costs of their activities with respect to instances of non-compliance.

*Amendment*

1. Member States may authorise their competent authorities to reclaim from the operators or traders the totality of the costs of their activities with respect to instances of non-compliance .

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Article 18 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

**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

*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.

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.

#### **Proposal for a regulation** **Article 25 – paragraph 4**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

#### **Proposal for a regulation** **Recital 40**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

*Commission should, in particular, carry out an analysis of the penalties applied by the Member States and conduct an exchange with them in order to promote harmonised implementation of this Regulation.*

**Proposal for a regulation  
Recital 40 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Proposal for a regulation  
Recital 40 b (new)**

*Text proposed by the Commission*

*Amendment*

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

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

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

*Amendment*

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

**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) Taking into account the international character of deforestation **and** forest degradation and related trade, competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and

*Amendment*

(53) Taking into account the international character of deforestation, forest degradation, **forest conversion** and related trade, competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and

enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.

enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.



## Compromise Amendment 11 on checks (Articles 14, 15 and 16; recitals 48, 49 and 51)

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments INTA 45, 995, 571, 570, 63, INTA 46, 573, 574, 575, 576, 578, 577, INTA 47, 579, 580, 581, 582, 583, 66, 585, 586, 999, 589, INTA 50, 590, 591, INTA 51, 592, 593, 1000, INTA 52, 67, 595, 68, INTA 53, 596, 597, INTA 54, 599, 602, INTA 55, 603, 605, 606, AGRI 38, INTA 56, 69, 607, 608, 65, INTA 48, 21, INTA 17, 925, 215, 216, 22, 217, INTA 19 and 219

### Proposal for a regulation Article 14 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

record of full compliance with the requirements under this Regulation.

**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 **five** working days, **or 72 hours 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).

**Proposal for a regulation**  
**Article 14 – paragraph 9**

*Text proposed by the Commission*

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

*Amendment*

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

*annual checks can be reduced to 5%.*

**Proposal for a regulation**  
**Article 14 – paragraph 10**

*Text proposed by the Commission*

10. For relevant commodities and products produced in a country or parts thereof listed as high risk in accordance with Article 27 or if there is a risk of relevant commodities or products produced in such countries or parts thereof entering the relevant supply chain, the competent authority shall carry out enhanced scrutiny specified in Article 20.

*Amendment*

10. For relevant commodities and products produced in a country or parts thereof listed as high risk in accordance with Article 27 or if there is a risk of relevant commodities or products produced in such countries or parts thereof entering the relevant supply chain, the competent authority shall carry out enhanced scrutiny specified in Article 20.

**Proposal for a regulation**  
**Article 14 – paragraph 11**

*Text proposed by the Commission*

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

*Amendment*

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

**[Proposal for a regulation**  
**Article 14 – paragraph 12**

*Text proposed by the Commission*

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

*Amendment*

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

*prior warnings.*

**Proposal for a regulation**  
**Article 14 – paragraph 13**

*Text proposed by the Commission*

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance. Records of all checks shall be kept for at least 5 years.

*Amendment*

13. The competent authorities shall keep records of the checks indicating in particular their nature and results, as well as on the measures taken in case of non-compliance, ***including the penalties related to cases of non-compliance with this Regulation.*** Records of all checks shall be kept for at least ***ten*** years.

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

*Text proposed by the Commission*

*Amendment*

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

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

*Text proposed by the Commission*

*Amendment*

***13a. Where the Commission receives information that a Member State does not conduct controls that are sufficient to ensure that relevant commodities and products made available on, or exported from, the Union market comply 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 established by that Member State to ensure that the situation is rectified.***

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

*Text proposed by the Commission*

*Amendment*

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

**Proposal for a regulation**  
**Article 15 – title**

*Text proposed by the Commission*

*Amendment*

Checks on operators

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

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

*Text proposed by the Commission*

*Amendment*

(a) examination of the due diligence system, including risk assessment and risk mitigation procedures;

(a) examination of the due diligence system, including risk assessment and risk mitigation procedures;

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

*Text proposed by the Commission*

*Amendment*

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

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

*Text proposed by the Commission*

*Amendment*

(f) any technical and scientific means adequate to determine the exact place

(f) any technical and scientific means adequate to determine the exact place

where the relevant commodity or product was produced, including *isotope testing*;

where the relevant commodity or product was produced, including *anatomical, chemical and DNA analysis*;

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Proposal for a regulation**

#### **Article 15 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

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

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

#### **Proposal for a regulation**

#### **Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Checks on traders

Checks on *SME* traders

#### **Proposal for a regulation**

#### **Recital 48**

*Text proposed by the Commission*

*Amendment*

(48) Competent authorities should carry

(48) Competent authorities should carry

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

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

## Proposal for a regulation

### Recital 49

#### *Text proposed by the Commission*

(49) The checks of operators and traders by competent authorities should cover the due diligence systems and the compliance of the relevant commodities and products with the provisions of this Regulation. The checks should be based on a risk-based plan of checks. The plan should contain risk criteria that enable competent authorities to carry out a risk analysis of the due diligence statements submitted by operators and traders. The risk criteria should take into account the risk of deforestation associated to relevant commodities and products in the country of production, the history of compliance of operators and traders with the obligations of this Regulation and any other relevant information available to competent authorities. The risk analysis of due diligence statements should allow

#### *Amendment*

(49) The checks of operators and traders by competent authorities should cover the due diligence systems and the compliance of the relevant commodities and products with the provisions of this Regulation. The checks should be based on a risk-based plan of checks. The plan should contain risk criteria that enable competent authorities to carry out a risk analysis of the due diligence statements submitted by operators and traders. The risk criteria should take into account the risk of deforestation associated to relevant commodities and products in the country of production, the history of compliance of operators and traders with the obligations of this Regulation and any other relevant information available to competent authorities. The risk analysis of due diligence statements should allow

competent authorities the identification of operators, traders and relevant commodities and products to be checked, and should be carried out using electronic data processing techniques in the information system which collects the due diligence statements.

competent authorities the identification of operators, traders and relevant commodities and products to be checked, and should be carried out using electronic data processing techniques in the information system which collects the due diligence statements. ***Where necessary and technically possible, competent authorities, in close cooperation with authorities in third countries, should also conduct controls in situ.***



## Compromise Amendment 12 on reporting (Article 19)

*Supported by EPP, S&D, RE, Greens/EFA, ECR, The Left*

Compromise amendment replacing Amendments 624, 1003, 626, 627, 73, 628, 1004, DEVE 78, 629, 631, 1005, 630 and DEVE 79

### Proposal for a regulation

#### Article 19 – paragraph 1

##### *Text proposed by the Commission*

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

##### *Amendment*

1. Member States shall make available to the public and the Commission, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year. This information shall include their plans for checks **and the risk criteria on which they are based, including the number and results of the checks carried out on operators and traders and relevant commodities and products**, the volume of relevant commodities and products checked in relation to the total quantity of relevant commodities and products placed on the market, the countries of origin and of production of relevant commodities and products as well as the **market surveillance** measures taken **and penalties imposed** in case of non-compliance **in accordance with Articles 22 and 23, respectively**.

#### Article 19 – paragraph 2

##### *Text proposed by the Commission*

2. The Commission services shall make publicly available, on an annual basis, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.

##### *Amendment*

2. The Commission services shall make publicly available, on an annual basis, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.

## Compromise Amendment 13 on measures in response to non-compliance

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 1010, 644, 645, DEVE 82, 646, 647, 649, 650, IMCO 30, INTA 60, 651, IMCO 31, 652, 653, 654, 655, 1012, INTA 62, AGRI 43, DEVE 84, IMCO 32, 656, 658, AGRI 44, INTA 63, 659, IMCO 35, 661, 662, 665, 663, INTA 65, 664, 666, 667, 668, 669, 670, 671, 672, 1015, 673, DEVE 87, 674, 675, 676, 677, INTA 66, DEVE 88, 1016, 680, 681, 1017, 684, 690, 685, 687, 688, 689, 1019, IMCO 36, INTA 67, INTA 68, 693, 76, 800, 211, 23, INTA 18, 928, INTA 21, IMCO 9 and 220

### Proposal for a regulation Article 21 - paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### 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

*Amendment*

1. Without prejudice to Article 23, where competent authorities establish that an operator or trader has not complied with its obligations under this Regulation or that

a relevant commodity or product is not compliant with this Regulation, they shall without delay require the relevant operator or trader to take ***appropriate and proportionate*** corrective action to bring the non-compliance to an end.

a relevant commodity or product is not compliant with ***the requirements set out in*** this Regulation, they shall without delay require the relevant operator or trader to take corrective action to bring the non-compliance to an end ***within a specified and reasonable period of time.***

Or. en

### **Proposal for a regulation**

#### **Article 22 – paragraph 2 – introductory part**

##### *Text proposed by the Commission*

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one or more of the following:

##### *Amendment*

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one or more of the following:

Or. en

### **Proposal for a regulation**

#### **Article 22 – paragraph 2 – point a**

##### *Text proposed by the Commission*

(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation;

##### *Amendment*

(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation;

Or. en

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

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Proposal for a regulation**  
**Article 22 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

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

1. ***Within six months of the entry into force of this Regulation, the Commission shall adopt delegated acts on uniform*** penalties applicable to infringements of the provisions of this Regulation by operators and traders, ***in order to ensure harmonised standards are applied across the Union.*** ***Member States*** shall take all measures necessary to ensure that they are implemented.

Or. en

## Proposal for a regulation

### Article 23 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Proposal for a regulation

### Article 23 – paragraph 2 – point a

#### *Text proposed by the Commission*

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

#### *Amendment*

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

---

<sup>1a</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24,

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ba) the obligation to restore the environment;**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

**Proposal for a regulation**

**Article 23 – paragraph 2 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) temporary** exclusion from public procurement processes.

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

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

*infringements;*

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*(d b) prohibition from the use of the simplified due diligence procedure in Article 12, in the event of a serious infringement or of repeated infringements;*

**Proposal for a regulation**

**Article 23 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

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

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

*Text proposed by the Commission*

*Amendment*

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

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

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



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

Or. en

**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.

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

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

*Amendment*

***(52a) The Commission should publish the names of operators and traders not in compliance with this Regulation. This could help other operators and traders in their risk assessments and increase the pressure from consumers and civil society on non-compliant operators and traders to source from supply chains that are free from deforestation.***

## Compromise Amendment 14 on controls (Article 24 and recital 44)

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 698, IMCO 37, 699, INTA 69, 700, 701, 702, 703, 704, 77, INTA 70 and IMCO 38

### Proposal for a regulation

#### Article 24 – paragraph 7 – subparagraph 1 – point b

##### *Text proposed by the Commission*

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

##### *Amendment*

(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the **five** working days, **or 72 hours for fresh commodities and products which are at the 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;

### Proposal for a regulation

#### Article 24 – paragraph 8 – subparagraph 1

##### *Text proposed by the Commission*

Where the competent authorities conclude that a relevant commodity or product entering or leaving the Union market is not compliant with this Regulation, they shall notify the customs authorities accordingly through the information system established under Article 31. Competent authorities may also indicate in the information system that they object to placing the relevant commodity or product under other specific customs procedures.

##### *Amendment*

Where the competent authorities conclude that a relevant commodity or product entering or leaving the Union market is not compliant with this Regulation, they shall notify the customs authorities accordingly through the information system established under Article 31. Competent authorities may also indicate in the information system that they object to placing the relevant commodity or product under other specific customs procedures.

### Proposal for a regulation

#### Article 24 – paragraph 8 – subparagraph 2

##### *Text proposed by the Commission*

Upon notification of **that** status, customs

##### *Amendment*

Upon notification of **the non-compliant**

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

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

## **Proposal for a regulation**

### **Article 24 – paragraph 10**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Compromise Amendment 15 on electronic interfaces (Article 26 and recital 45)

*Supported by EPP, S&D, RE, Greens/EFA, ECR, The Left*

Compromise amendment replacing Amendments 1021, 706, 708, IMCO 40, INTA 71, 80, 1022, INTA 73 and IMCO 7

### Proposal for a regulation Article 26 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Proposal for a regulation Article 26 – paragraph 2

*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:

### 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

*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

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

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

## Compromise Amendment 16 on Substantiated Concern

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 362, 38, 787, AGRI 48, 788, 789, 790, 90, AGRI 49, AGRI 50, 1041, 793, 794, 795, 796, 797, AGRI 52, 802, 801, 91, 803, 804, 805, DEVE 112, 806, DEVE 113, DEVE 114, 1043, 809, 808, 811 and 812

### Proposal for a regulation

#### Article 29 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. Natural or legal persons shall be entitled to submit 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.

Or. en

### Proposal for a regulation

#### Article 29 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Proposal for a regulation**  
**Article 29 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

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

*Text proposed by the Commission*

*Amendment*

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

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



**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. Any natural or legal person having sufficient interest, including those having submitted substantiated concern in accordance with Article 29, shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Regulation.

*Amendment*

1. Any natural or legal person having sufficient interest, including those having submitted substantiated concern in accordance with Article 29, shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Regulation.

Or. en

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**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

*Amendment*

(21) 'substantiated concern' means ***a*** claim based on objective and

verifiable information regarding  
noncompliance with the present Regulation  
and which may require the intervention of  
competent authorities;

verifiable information regarding  
noncompliance with the present Regulation  
and which may require the intervention of  
competent authorities

Or. en

## Compromise Amendment 17 on Information System

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 815, 816, 817, 818, 819, 820, 1044, 822, 823, 824, 825, 826, 201, 202, 200, 17 and INTA 15

### 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 list of non-compliant operators and traders referred to in Article 23a.***

Or. en

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

### Proposal for a regulation Article 31 – paragraph 2 – point e

#### *Text proposed by the Commission*

(e) allow the risk profiling of operators, traders and relevant commodities and products for the purpose

#### *Amendment*

(e) allow the risk profiling of operators, traders and relevant commodities and products for the purpose

of identifying high risk consignments according to the risk analysis in Article 14(4);

of identifying high risk consignments according to the risk analysis in Article 14(4);

Or. en

#### **Proposal for a regulation Article 31 – paragraph 4**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

Or. en

#### **Proposal for a regulation Article 31 - paragraph 5**

##### *Text proposed by the Commission*

5. **In** line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024<sup>51</sup>, the Commission shall provide access to the wider public to the complete anonymised datasets of the information system in an open format that can be machine-readable and that ensures interoperability, re-use and accessibility.

##### *Amendment*

5. **Without prejudice to Article 23 and in** line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024<sup>51</sup>, the Commission shall provide access to the wider public, **except for the information in paragraph 2, point (e) of this Article**, to the complete anonymised datasets of the information system in an open format that can be machine-readable and that ensures interoperability, re-use and accessibility.

---

<sup>51</sup> Directive (EU) 2019/1024 of the

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

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

Or. en

## **Proposal for a regulation**

### **Recital 41**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Compromise Amendment 18 on Entry into Force

*Supported by EPP, S&D, RE, Greens/EFA, ECR, The Left*

Compromise amendment replacing Amendments INTA 43, IMCO 28, 989, 529, 553, 870, 874, 97, 875 and 25

### Proposal for a regulation Article 36 - paragraph 2

*Text proposed by the Commission*

2. Articles 3 to 12, 14 to 22, 24, 29 and 30 shall apply 12 months from the entry into force of this Regulation.

*Amendment*

2. Articles 3 to 12, 14 to 22, 24, 29 and 30 shall apply 12 months from the entry into force of this Regulation.

Or. en

### 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 microenterprises<sup>53</sup> established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010.

*Amendment*

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

<sup>53</sup> 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.

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

Or. en

### Proposal for a regulation Article 12 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 12 a**

## **Guidelines**

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

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

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

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

### **Proposal for a regulation Recital 61**

*Text proposed by the Commission*

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

*Amendment*

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

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

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

Or. en



## Compromise Amendment 19 on self-standing recitals (recitals 1-6, 8, 9, 10, 11, 13, 15, 16, 17, 19, 20, 22, 24 and 30)

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments 101, 102, AGRI 1, 103, DEVE 1, DEVE 2, 106, 105, 107, 108, 109, DEVE 3, 110, 111, AGRI 3, 112, 113, 115, 118, 119, 1, 903, 122, 3, DEVE 12, 135, 136, 151, 152, 153, 7, INTA 9, 911, 157 and 172

### Proposal for a regulation

#### Recital 1

##### *Text proposed by the Commission*

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

---

<sup>18</sup> Commission Communication of 27 July 2019 'Stepping up EU Action to Protect

##### *Amendment*

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

---

<sup>18</sup> Commission Communication of 27 July 2019 'Stepping up EU Action to Protect

### Proposal for a regulation Recital 3

#### *Text proposed by the Commission*

(3) Deforestation **and** forest degradation contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change resilience of the affected area and substantially reducing its biodiversity. Deforestation alone accounts for 11 % of greenhouse gas emissions<sup>20</sup>.

---

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

#### *Amendment*

(3) Deforestation, forest degradation **and forest conversion** contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change resilience of the affected area and substantially reducing its biodiversity **and resilience to diseases and pests**. Deforestation alone accounts for 11 % of greenhouse gas emissions<sup>20</sup>.

---

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

### Proposal for a regulation Recital 4

#### *Text proposed by the Commission*

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity **helps mitigate** climate **change**. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water resources and prevention of droughts and

#### *Amendment*

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are inextricably linked, as recent studies have confirmed. Biodiversity **and ecosystems are fundamental to** climate **resilient development<sup>1a</sup>**. Insects, birds and mammals act as pollinators, seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure a continuous replenishment of water

their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation **and** forest degradation and systemically restoring forests and other ecosystems is the single largest nature-based opportunity for climate mitigation.

resources and prevention of droughts and their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation, forest degradation **and forest conversion** and systemically restoring forests and other ecosystems the single largest nature-based opportunity for climate mitigation.

---

<sup>1a</sup> **IPCC Report-Summary for policy makers, February 2022**  
**[https://report.ipcc.ch/ar6wg2/pdf/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)**

## **Proposal for a regulation**

### **Recital 5**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*of water flows, both within forests but also in surrounding areas. The impact of deforestation on Earth's water recycling system risks to be as devastating as its impact for climate change.*

## Proposal for a regulation

### Recital 6

#### *Text proposed by the Commission*

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

#### *Amendment*

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

## Proposal for a regulation

### Recital 8

#### *Text proposed by the Commission*

(8) As regards the situation of forests within the EU, *the State of Europe's Forests 2020 report<sup>21</sup> states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%.* However, less than 5% of European forest areas are considered undisturbed, or natural, *according to the European Environment Agency's State of the Environment 2020 report<sup>22</sup>.*

#### *Amendment*

(8) As regards the situation of forests within the EU *the State of Europe's Forests 2020 report<sup>21</sup> states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%.* *Nevertheless natural and old-growth forests are also subject to management intensification and their unique biodiversity and structural features are in danger. Furthermore,* less than 5% of European forest areas are *now* considered undisturbed, or natural, *and climate change leads to threats ranging from extreme weather patterns to bug diseases. Forest ecosystems have to cope with multiple pressures generated from*

*human-related activities. These include activities that directly affect ecosystems and habitats such as certain forest management practices. In particular, intensively managed even-aged forests may have a severe impact on whole habitats through clear-cutting and deadwood removal<sup>22a</sup>.*

---

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

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

---

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

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

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

## Proposal for a regulation

### Recital 11

#### *Text proposed by the Commission*

(11) The European Parliament highlighted that ongoing destruction of the world's forests *is* linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution<sup>32</sup> in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation”.

#### *Amendment*

(11) The European Parliament highlighted that ongoing destruction *and degradation* of the world's forests *and natural ecosystems, as well as human rights violations, are* linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution<sup>32</sup> in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation” *based on mandatory*

*due diligence.*

---

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

---

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

## Proposal for a regulation

### Recital 17

#### *Text proposed by the Commission*

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use<sup>37</sup> that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories *also* stressed *in that Declaration* that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit, *and that do not drive deforestation and land degradation*.

---

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

## Proposal for a regulation

### Recital 22

#### *Amendment*

(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use<sup>37</sup> that recognises that “to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities”. The signatories *committed to halt and reverse forest loss and land degradation by 2030 and* stressed that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit.

---

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

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

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products ***and other publicly or privately available sources***, the EU Observatory will facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory will thus directly support the implementation of this Regulation by providing scientific evidence in regard to global deforestation and forest degradation and related trade. ***The EU Observatory should have stable and sufficient resources and should participate in the establishment of a rapid alert system for operators, traders, civil society and competent authorities where the forest cover analysis reveals deforestation or forest degradation activity. In order to facilitate the implementation of this Regulation, the Commission should also examine how the EU Observatory can contribute to the analysis of relevant legislation in producer countries, including tenure rights and the procedural right to give free, prior and informed consent.*** The EU Observatory will cooperate closely with relevant international organisations, research institutes, ***non-governmental organisations, operators*** and third countries. ***It will also cooperate with the competent authorities of the Member States with a view to centralising the data and the results of the controls which they***

*carry out on the spot.*

## **Proposal for a regulation**

### **Recital 24**

*Text proposed by the Commission*

(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country of production. A recent report<sup>43</sup> estimates that between 2013 and 2019, around 30% of deforestation destined to commercial agriculture in tropical countries was legal. Available data tend to focus on countries with weak governance — the global share of deforestation that is illegal might be lower, but already provide clear data signalling that leaving out deforestation that is legal in the country of production undermines the effectiveness of *policy* measures.

---

<sup>43</sup> [https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods\\_rev.pdf](https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf)

*Amendment*

(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country of production. A recent report<sup>43</sup> estimates that between 2013 and 2019, around 30% of deforestation destined to commercial agriculture in tropical countries was legal. Available data tend to focus on countries with weak governance — the global share of deforestation that is illegal might be lower, but already provide clear data signalling that leaving out deforestation that is legal in the country of production undermines the effectiveness of measures *in this area*.

---

<sup>43</sup> [https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods\\_rev.pdf](https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf)

## **Proposal for a regulation**

### **Recital 30**

*Text proposed by the Commission*

(30) Many international organisations and bodies (e.g. Food and Agriculture Organization of the United Nations, the Intergovernmental Panel on Climate Change, United Nations Environment Programme, the Paris Agreement, International Union for the Conservation of Nature, Convention on Biological Diversity) have developed work in the field of deforestation and forest degradation and the definitions in this Regulation build on this work.

*Amendment*

(30) Many international organisations and bodies (e.g. Food and Agriculture Organization of the United Nations, the Intergovernmental Panel on Climate Change, United Nations Environment Programme, the Paris Agreement, International Union for the Conservation of Nature, Convention on Biological Diversity) have developed work in the field of deforestation and forest degradation *as well as the conversion and degradation of other ecosystems* and the definitions in this



Regulation build on this work.

## Compromise Amendment 20 on Trade Recitals

*Supported by EPP, S&D, RE, Greens/EFA, The Left*

Compromise amendment replacing Amendments INTA 2, DEVE 9, 129, 130, 131, AGRI 4, 2, INTA 3, INTA 4, AGRI 6, INTA 5, 138, 140, 141, 905, INTA 6, DEVE 13, AGRI 7, 142, 4, INTA 7, DEVE 16, INTA 8, 144, 148, 906, AGRI 8, 146, 5, 147, INTA 24 and 227

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

### Proposal for a regulation Recital 18

#### *Text proposed by the Commission*

(18) As a member of World Trade

#### *Amendment*

(18) As a member of World Trade

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

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

**Proposal for a regulation**  
**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

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

**Proposal for a regulation**  
**Recital 19**

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

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

***19a) In order to revitalise the Union’s work on free trade agreements, ensure a level-playing field for Union businesses and to fulfil the Union’s commitments under the Paris agreement and the Convention on Biological Diversity, which call for the protection of forests, the Union’s trade policy should focus on implementing and enforcing current trade agreements as well as conducting negotiations and concluding new trade agreements which shall include strong, binding and enforceable provisions on ~~provisions on~~ sustainable development.***

***19b) Robust clauses on deforestation,***

*forest degradation and the conversion and degradation of other ecosystems should be included in the negotiating mandates and sustainable benchmarks for relevant raw materials should be included for the granting of new trade preferences.*

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

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

*19 d) The proposed regulation should be accompanied by strong partnership agreements based on trade and cooperation with major producer countries of the relevant commodities and products taking into account the special interests of smallholders and local communities.*

---

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

---

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

## **[Proposal for a regulation Recital 20**

*Text proposed by the Commission*

(20) This Regulation should be complementary to other measures proposed

*Amendment*

(20) This Regulation should be complementary to other measures proposed

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

---

<sup>39</sup> COM(2019) 352 final.

in the Commission Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’<sup>39</sup>, in particular: 1) working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and 2) strengthen international cooperation, with major consumer countries *by, amongst other actions, promoting trade agreements that include forest conservation provisions and encourage trade in deforestation-free agricultural and forest-based products, and* the adoption of similar measures to avoid products coming from supply chains associated with deforestation and forest degradation being placed on their markets.

---

<sup>39</sup> COM(2019) 352 final.

## Proposal for a regulation

### Recital 21

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

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

**Proposal for a regulation**  
**Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en