



TEXTS ADOPTED

P9_TA(2022)0311

Deforestation Regulation *I**

Amendments adopted by the European Parliament on 13 September 2022 on the proposal for a regulation of the European Parliament and of the Council on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (COM(2021)0706 – C9-0430/2021 – 2021/0366(COD))¹

(Ordinary legislative procedure: first reading)

¹ The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0219/2022).

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 2

Proposal for a regulation

Recital 2

Text proposed by the Commission

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

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

Amendment 3

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Deforestation **and** forest degradation contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing climate change resilience of the affected area and substantially reducing its biodiversity. Deforestation alone accounts for 11 % of greenhouse gas emissions²⁰.

Amendment

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

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 emissions²⁰.

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

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

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

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

Amendment

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

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

Amendment 5

Proposal for a regulation
Recital 5

Text proposed by the Commission

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

Amendment

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

Amendment 6

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Climate change, biodiversity loss and deforestation are concerns of the highest

Amendment

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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.

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

Amendment 7

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of **the** six commodities **included in the scope** (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

(7) Union consumption is a considerable driver of deforestation, **natural ecosystem conversion and natural ecosystem** and forest degradation **and forest conversion** on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of **only** six commodities (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of

deforestation annually by 2030.

Amendment 9

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) As regards the situation of forests within the EU, the State of Europe's Forests 2020 report²¹ states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%. **However**, less than 5% of European forest areas are considered undisturbed, or natural, **according to the European Environment Agency's State of the Environment 2020 report²²**.

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

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

Amendment

(8) As regards the situation of forests within the EU the State of Europe's Forests 2020 report²¹ states that, between 1990 and 2020, the area of forests in Europe has increased by 9%, carbon stored in the biomass has grown by 50% and wood supply has risen by 40%. **Nevertheless natural and old-growth forests are also subject to management intensification and their unique biodiversity and structural features are in danger. Furthermore**, less than 5% of European forest areas are **now** considered undisturbed, or natural, **and climate change leads to threats ranging from extreme weather patterns to bug diseases. Forest ecosystems have to cope with multiple pressures generated from human-related activities. Those include activities that directly affect ecosystems and habitats such as certain forest management practices. In particular, intensively managed even-aged forests may have a severe impact on whole habitats through clear-cutting and deadwood removal²².**

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

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

Amendment 10

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others, fresh air, clean water, healthy soil and biodiversity. To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy,

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(9) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’²³, the Commission identified as a priority the reduction of the Union consumption footprint on land and encourage the consumption of products from deforestation-free supply chains in the Union. In its Communication of 11 December 2019 entitled ‘The European Green Deal’²⁴, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy ***built on sustainable and rule-based free trade***, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place are left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, among others, fresh air, clean water, healthy soil and biodiversity. To that end, the EU Biodiversity Strategy for 2030²⁵, the Farm to Fork Strategy²⁶, the EU Forest Strategy²⁷, the EU Zero pollution action plan²⁸ and other relevant strategies²⁹ developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy aims to protect nature and reverse the degradation of ecosystems. Finally, the EU Bioeconomy Strategy³⁰ enhances the protection of the environment and

materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

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

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

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

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

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

²⁹ e.g. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A long-term Vision for the EU's Rural Areas -

ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

²³ COM(2019) 352 final.

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

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

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

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

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

²⁹ e.g. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic and Social Committee and the Committee of the Regions, A long-term Vision for the EU's Rural Areas -

Towards stronger, connected, resilient and prosperous rural areas by 2040, COM (2021) 345 final.

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

Towards stronger, connected, resilient and prosperous rural areas by 2040, COM (2021) 345 final.

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

Amendment 11

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation **and** forest degradation, enhanced Union action is needed in order to contribute more effectively to the achievement of the Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

Amendment

(10) Member States have repeatedly expressed their concern about persistent deforestation. They emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation, forest degradation, **forest conversion and biodiversity loss**, enhanced Union action is needed in order to contribute more effectively to the achievement of the Sustainable Development Goals (SDGs), under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations Member States in 2015. ***The Commission and Member States have also committed to the UN Decade of Action for the SDGs, the UN Decade on Ecosystem Restoration and the UN Decade of Family Farming.*** The Council specifically supported the Commission announcement in the Communication ‘Stepping up EU Action to Protect and Restore the World’s Forests’ that it would assess additional regulatory and non-regulatory measures and that it would present respective proposals.³¹

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

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

Amendment 12

Proposal for a regulation Recital 11

Text proposed by the Commission

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

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

Amendment 13

Amendment

(11) The European Parliament highlighted that ongoing destruction *and degradation and conversion* of the world's forests *and natural ecosystems, as well as human rights violations, are* linked, to a large extent, to the expansion of agricultural production — in particular by converting forests to agricultural land dedicated to producing a number of high-demand products and commodities. The Parliament adopted on 22 October 2020 a resolution³² in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU) requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an “EU legal framework to halt and reverse EU-driven global deforestation” *based on mandatory due diligence*.

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

Proposal for a regulation
Recital 12

Text proposed by the Commission

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

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

Amendment

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

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

^{33a} ***Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).***

Amendment 14

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Combating deforestation, forest degradation and forest conversion constitutes also an important part of the package of measures needed to combat biodiversity loss and to comply with the Union's commitments under the UN's

Convention on Biological Diversity, the European Green Deal, the EU Biodiversity Strategy for 2030 and the EU nature restoration targets.

Amendment 15

Proposal for a regulation Recital 12ba (new)

Text proposed by the Commission

Amendment

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

Amendment 16

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

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

Amendment 17

Proposal for a regulation Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Plant proteins for feeding livestock contribute greatly to deforestation, forest degradation and forest conversion and the

conversion of other ecosystems worldwide. Deforestation and the conversion of other ecosystems can be countered in particular by reducing the Union's dependence on imported plant proteins and promoting locally and sustainably sourced plant proteins. The achievement of the objectives of this Regulation need to be accompanied by an increase in protein autonomy and the implementation of a Union strategy on plant proteins.

Amendment 18

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment 19

Proposal for a regulation Recital 15

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a regulation Recital 17

Text proposed by the Commission

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

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

mutual benefit, *and that do not drive deforestation and land degradation.*

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

Amendment 21

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment 22

Proposal for a regulation

Recital 18 a (new)

consumption, that work to countries' mutual benefit.

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

Amendment

(18) As a member of World Trade Organisation (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. ***Any measures introduced by the Union that affect trade are required to be WTO compliant. Furthermore, all measures introduced by the Union that affect trade are required to take into account the possible response of the Union's trade partners and ensure that the enforcement of the measure is not unduly restrictive or disruptive to trade, while taking into account that the conservation of exhaustible natural resources is of overriding interest.*** The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union ***as well as focus on commodities and products most at risk of leading to deforestation, forest degradation and forest conversion.***

Text proposed by the Commission

Amendment

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

Amendment 23

Proposal for a regulation

Recital 19

Text proposed by the Commission

Amendment

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

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

effective manner.

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

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

Amendment 24

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

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

Amendment 25

Proposal for a regulation Recital 19 b (new)

Text proposed by the Commission

Amendment

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

Amendment 26

Proposal for a regulation Recital 19 c (new)

Text proposed by the Commission

Amendment

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

Amendment 27

Proposal for a regulation Recital 19 d (new)

Text proposed by the Commission

Amendment

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

Amendment 28

Proposal for a regulation Recital 19 e (new)

Text proposed by the Commission

Amendment

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

Amendment 29

Proposal for a regulation Recital 20

Text proposed by the Commission

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

³⁹ COM(2019) 352 final.

Amendment 30

Proposal for a regulation Recital 20 a (new)

Text proposed by the Commission

Amendment

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

³⁹ COM(2019) 352 final.

(20a) This Regulation should comply with the principle of policy coherence for development and therefore serve to promote and facilitate cooperation with developing countries, particularly with the least developed countries (LDCs), through provision of technical and financial assistance, as well as the exchange of information and good practices as regards the preservation, conservation, and

sustainable use of forests, giving special recognition to sustainability initiatives carried out by the private sector.

Amendment 31

Proposal for a regulation Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) Depending on the developing country concerned and its general environmental, social and economic situation, an integral approach to sustainability should be considered, taking into account the environmental dimension, as well as the social and economic dimensions, in particular when referring to LDCs. Union measures should not lead to income depletion for vulnerable populations, loss of jobs or a regression in the achievements of developing countries and should avoid incentivising illegal activities, many of which are linked to transnational organised crime, and the effects of which are even more disastrous for the environment and society. The negative impact of the COVID-19 pandemic on the progress made towards achieving the SDGs, particularly the pandemic's disproportionate impact on the poor and vulnerable, and on employment and inequality, should also be adequately taken into account.

Amendment 32

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international

(21) ***In coordination with Member States***, the Commission should continue to work in partnership with producer countries, and more generally in

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

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

Amendment 33

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) This Regulation recognises the economic importance of commodity exports for third countries as well as the specific challenges that smallholders, especially women, may face. Given that the share of smallholders in the production of the commodities concerned can be very high, special attention needs to be paid to the challenges that smallholders will face with the implementation of this Regulation. It is crucial that the operators buying from smallholders provide timely financial and technical support to help smallholders meet the new Union market access requirements. To support sustainable practices, such as agro-ecology and community forest management, the Union should tackle direct and indirect drivers of deforestation, including poverty, by promoting a living income for smallholders producing goods exported to the Union and securing sufficient resources to specifically support smallholders in third countries to comply with the requirements of this Regulation and facilitate their access to the Union market. At the same time, the setting up of a credible traceability system can empower smallholder farmers as it can avoid the non-payment of promised sustainability premiums, allow for electronic payments to producers by using the national traceability system, thus combating fraud and enabling local authorities to collect knowledge on the number of producer plots and control the number of farmers.

Amendment 34

Proposal for a regulation
Recital 22

Text proposed by the Commission

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

Amendment

(22) Another important action announced in the Communication is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Moreover, building on already existing monitoring tools, including Copernicus products ***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.

Amendment 35

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) The existing EU **legislative** framework focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council, laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹. ***Both Regulations were evaluated in a Fitness Check which determined that, while the legislation has had a positive impact on forest governance, the objectives of the two Regulations – namely to curb illegal logging and related trade, and to reduce the consumption of illegally harvested timber in the EU – have not been met⁴² and it was concluded that focusing solely on legality of timber was not sufficient to meet the set objectives.***

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴¹ OJ L 347, 30.12.2005, p. 1.

⁴² <https://ec.europa.eu/info/law/better-regulation/have-your->

Amendment

(23) The existing EU **forest** framework ***is the EU Action Plan for Forest Law Enforcement, Governance and Trade that*** focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council, laying down the obligations of operators who place timber and timber products on the market⁴⁰, and Council Regulation (EC) No 2173/2005, on the establishment of a Forest Law Enforcement, Governance and Trade licensing scheme for imports of timber into the European Community⁴¹ which ***operationalises the Voluntary Partnership Agreements (VPAs). The performance and implementation of the two Regulations underwent a fitness check which found that, while both achieved some success, a number of implementation challenges have held back progress towards achieving fully their objectives. The application and functioning of the due diligence scheme under Regulation (EU) No 995/210 on the one hand, and the limited number of countries involved in the VPA process, with only one having thus far an operating licensing system in place (Indonesia), on the other, curtailed effectiveness in meeting the objective of consumption of illegally harvested timber in the EU.***

⁴⁰ OJ L 295, 12.11.2010, p. 23.

⁴¹ OJ L 347, 30.12.2005, p. 1.

Amendment 36

Proposal for a regulation

Recital 24

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 37

Proposal for a regulation

Recital 25

Text proposed by the Commission

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

Amendment

(25) The impact assessment of possible policy measures to address Union-driven deforestation and forest degradation, Council conclusions and the 2020 resolution of the European Parliament clearly identify the need to establish deforestation and forest degradation as the guiding criteria for future Union measures. *Focusing only on legality could potentially encourage a race to the bottom*

the production of relevant commodities and products is deforestation-free.

in countries that are highly dependent on agricultural exports. Those countries could be tempted to lower their environmental protection with a view to facilitating access of their products to the Union market. Therefore, the new Union legal framework should address both legality, whether the production of relevant commodities and products is deforestation-free *and whether the protection of tenure rights of indigenous and local populations has been maintained.*

Amendment 38

Proposal for a regulation Recital 26

Text proposed by the Commission

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

Amendment

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

Amendment 39

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global deforestation **and** forest degradation and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked

Amendment

(27) The Regulation should cover those commodities whose Union consumption is the most relevant in terms of driving global deforestation, forest degradation **and forest conversion** and for which a Union policy intervention could bring highest benefits per unit value of trade. An extensive review of scientific literature, namely of primary sources estimating the impact of EU consumption on global deforestation and linking that **environmental** footprint to specific commodities, was carried out as a part of the study supporting the Impact

via extensive consultation with stakeholders. That process delivered a first list of **eight** commodities. Wood was directly included in the scope as it was already covered by the EUTR. ***The list of the commodities was then further reduced via an efficiency analysis in the Impact Assessment. This efficiency analysis compared the hectares of deforestation linked to EU consumption, as estimated in a recent research paper⁴⁴, for each of 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%).

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

Amendment 40

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of commodities. Wood was directly included in the scope as it was already covered by the EUTR. ***According to*** a recent research⁴⁴ paper used for the efficiency analysis, six commodities represent the largest share of EU-driven deforestation among the total of commodities analysed in that research paper: palm oil (33,95%), soy (32,83%), wood (8,62%), cocoa (7,54%), coffee (7,01%) and beef (5,01%). ***Meat imported into the Union should be subject to the same rules as meat produced within the Union. Therefore, meat from swine, poultry, and sheep and goats should be covered by this Regulation to ensure that animals raised outside the Union and then imported have been fed with deforestation-free commodities or products. Rubber and maize should also be covered by this Regulation due to their impact on global deforestation. The Commission should be entitled to adopt delegated acts to extend the scope of Annex I.***

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

Amendment

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

or indirectly linked to deforestation, forest degradation or forest conversion.

Amendment 41

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

Amendment 42

Proposal for a regulation

Recital 29 a (new)

Text proposed by the Commission

Amendment

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

Amendment 43

Proposal for a regulation

Recital 30

Text proposed by the Commission

(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 44

Proposal for a regulation
Recital 31

Text proposed by the Commission

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

Amendment 45

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.

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.

Proposal for a regulation
Recital 32

Text proposed by the Commission

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

Amendment 46

Proposal for a regulation
Recital 33

Text proposed by the Commission

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

Amendment

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

Amendment

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

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.

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.*

Amendment 47

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

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

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

Amendment 48

Proposal for a regulation Recital 33 b (new)

Text proposed by the Commission

Amendment

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

Amendment 49

Proposal for a regulation Recital 34

Text proposed by the Commission

Amendment

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

(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

authorities and courts as well as increase compliance by operators.

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

Amendment 50

Proposal for a regulation Recital 36

Text proposed by the Commission

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

Amendment

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

Amendment 51

Proposal for a regulation Recital 37

Text proposed by the Commission

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

Amendment

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

Amendment 52

Proposal for a regulation Recital 38

Text proposed by the Commission

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

Amendment

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

due diligence requirements.

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

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

Amendment 53

Proposal for a regulation Recital 38 a (new)

Text proposed by the Commission

Amendment

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

Amendment 54

Proposal for a regulation Recital 40

Text proposed by the Commission

Amendment

(40) Responsibility for enforcing this

(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.

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

Amendment 55

Proposal for a regulation Recital 40 a (new)

Text proposed by the Commission

Amendment

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

Amendment 56

Proposal for a regulation Recital 40 b (new)

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 of Fundamental Rights of the European Union and Member States should therefore ensure that members of the public concerned or affected by a violation of this Regulation have proper access to an effective remedy.

Amendment 57

Proposal for a regulation Recital 41

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.

Amendment 58

Proposal for a regulation
Recital 42

Text proposed by the Commission

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

Amendment

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

Amendment 59

Proposal for a regulation
Recital 42 a (new)

Text proposed by the Commission

Amendment

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

Amendment 60

Proposal for a regulation
Recital 43 a (new)

Text proposed by the Commission

Amendment

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

Amendment 61

Proposal for a regulation
Recital 45

Text proposed by the Commission

Amendment

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up electronic interfaces that allow the automatic data transfer between customs systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and ***additional burden*** for customs authorities ***should be limited***. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby ***traders and*** economic operators make available the due diligence statement of a relevant

(45) In order to optimise and unburden the control process of relevant commodities and products entering or leaving the Union market, it is necessary to set up ***interoperable*** electronic interfaces that allow the automatic data transfer between customs systems and the Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and ***facilitate processes*** for customs authorities ***as well as limit costs and burden for operators***. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby economic operators make available the due diligence

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.

statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.

Amendment 62

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) The risk of non-compliant commodities and products being placed on the Union market varies depending on the commodity and product as well as on its country of origin and production. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden. Commodities and products from high-risk countries or parts thereof should be subject to enhanced 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 reason 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, and the customs declaration or due diligence statement indicate that the commodity or product was produced in a low-risk country, it should verify via further checks whether there is any non-compliance and, if necessary, take appropriate action, such as seizure and suspension of placing on the market of the relevant commodity or product, as well as carry out further***

checks. Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.

Amendment 63

Proposal for a regulation

Recital 47

Text proposed by the Commission

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

Amendment

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

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.

scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.

Amendment 64

Proposal for a regulation Recital 47 a (new)

Text proposed by the Commission

Amendment

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

Amendment 65

Proposal for a regulation Recital 48

Text proposed by the Commission

Amendment

(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For a comprehensive coverage of the relevant commodities and products, the respective operators and traders and the volumes of their share of commodities and products, a twofold approach should apply. Competent authorities should thus be required to check

(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.

on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant commodities and products. Such percentages should be higher for relevant commodities and products from high-risk countries or parts thereof ***whereas they can be lower for low-risk countries or parts thereof.***

Amendment 66

Proposal for a regulation Recital 49

Text proposed by the Commission

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

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. ***Where necessary and technically possible, competent authorities, in close cooperation with authorities in third countries, should also conduct controls in situ.***

Amendment 67

Proposal for a regulation Recital 50

Text proposed by the Commission

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

Amendment 68

Proposal for a regulation Recital 50 a (new)

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.

Text proposed by the Commission

Amendment

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

Amendment 69

Proposal for a regulation Recital 51

Text proposed by the Commission

Amendment

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

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

Amendment 70

Proposal for a regulation Recital 51 a (new)

Text proposed by the Commission

Amendment

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

Amendment 71

Proposal for a regulation Recital 52

Text proposed by the Commission

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

Amendment

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

Amendment 72

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

Text proposed by the Commission

Amendment

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

Amendment 73

**Proposal for a regulation
Recital 53**

Text proposed by the Commission

Amendment

(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

(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

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.

authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.

Amendment 74

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) In order to facilitate the access to factual, reliable and updated information on deforestation to operators, Member State authorities, and interested third country authorities, and to facilitate the compliance of economic operators with the requirements of this Regulation, the Commission should establish a platform covering the forest areas worldwide, featuring a range of tools to enable all parties to quickly move towards No-Deforestation across supply chains. The platform should include thematic maps, a land cover map with time series following the cut-off date established by this Regulation, and a range of classes allowing to examine landscape composition. The platform should also provide an alert system, relying upon a monthly monitoring of forest cover change, and a range of analyses and user-friendly and secured outputs, depicting how supply chains are linked to deforestation. In order to foster the use of the most accurate and timely information, to develop risk assessment and risk analyses, to improve checks on declarations and countries benchmarking, whilst developing a cooperative approach, the platform should be made available to

all operators, Member State authorities, and interested third country authorities. The platform should use satellite imagery, including Copernicus Sentinel, which have the capability to provide the factual, reliable and updated information required.

Amendment 75

Proposal for a regulation Recital 54

Text proposed by the Commission

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

Amendment 76

Proposal for a regulation Recital 55

Text proposed by the Commission

Amendment

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this

(55) In order to ensure that information requirements with which operators have to comply and which are set out in this

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

Amendment 77

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation

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

Amendment

(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. ***VPAs are intended to foster systemic changes in the forestry sector aimed at sustainable management of forests, eradicating illegal logging and supporting worldwide efforts to stop deforestation. VPAs provide an***

should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation.

important legal framework for both the Union and its partner countries, made possible with the good cooperation and engagement by the countries concerned.

New VPAs with additional partners should be promoted. This Regulation should build upon the work done under Regulation (EC) No 2173/2005 that continues to serve as an important mechanism to protect the world's forests.

To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage) ***and incentivise other partners to work towards reaching this stage***, this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation, ***thus ensuring that this part of the due diligence requirement will be easily verified. The VPA partnerships should be supported with adequate resources and specific administrative and capacity building support. Regulation (EC) No 2173/2005 will also remain an important system to provide frameworks for multi-stakeholder consultations.***

Amendment 78

Proposal for a regulation Recital 57 a (new)

Text proposed by the Commission

Amendment

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

Amendment 79

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) While this Regulation addresses deforestation **and** forest degradation, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change, as well as other sustainable development goals and their conversion or degradation require particular urgent **attention**. An evaluation of **the need and the feasibility of** extending the scope of this Regulation to other ecosystems than forests should **therefore** be undertaken **within 2 years** of the entry into force of this Regulation.

Amendment

(58) While this Regulation addresses deforestation, forest degradation **and forest conversion**, as envisaged in the 2019 Communication 'Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change **and the biodiversity crisis**, as well as other sustainable development goals and their conversion or degradation require particular urgent **action and need to be prevented**. **There is no doubt that Union consumption is a considerable driver also of the conversion and degradation of biodiverse and carbon-rich non-forest ecosystems around the globe. In order to reduce the Union's footprint on all natural ecosystems**, an evaluation of, **and a legislative proposal to**, extending the scope of this Regulation to other ecosystems than forests **and other wooded land** should be undertaken **at the latest one year** of the entry into force of this Regulation, **for which the preparations should start at the latest at the day of entry into force of this Regulation. Further delaying to include other ecosystems in this Regulation risks shifting agricultural production from forests to non-forest ecosystems. The latter are also increasingly under pressure of conversion and degradation due to commodity production for the Union market. The Commission should also assess the need and feasibility of extending the scope to further commodities at the latest two years after the date of entry into force of this Regulation. At the same time, the Commission should also undertake a**

review of the relevant products listed in Annex I to this Regulation by way of delegated act.

Amendment 80

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) Taking into account the request made by the European Parliament in its resolution ‘An EU legal framework to halt and reverse EU-driven global deforestation’ of 22 October 2020 and of the vast majority of the almost 1,2 million participants to the Commission’s public consultation on demand-driven deforestation and forest degradation and forest conversion to include non-forest ecosystems in this Regulation, the Commission should base its evaluation and legislative proposal for an extension of the scope of this Regulation to other ecosystems on the basis of the definitions of ‘natural ecosystems’, ‘natural ecosystem conversion’ and ‘forest and natural ecosystem degradation’ and the cut-off date of 31 December 2019, as laid down in this Regulation.

Amendment 81

Proposal for a regulation Recital 60

Text proposed by the Commission

Amendment

(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

(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

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.

achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 82

Proposal for a regulation Recital 61

Text proposed by the Commission

(61) Operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation,

Amendment

(61) ***In order to avoid supply chain disruptions and reduce negative impacts on third countries, trade partners, and in particular smallholders,*** operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation,

Amendment 83

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

Text proposed by the Commission

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

Amendment

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

Amendment 84

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

Text proposed by the Commission

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

Amendment

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

Amendment 85

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

Text proposed by the Commission

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

Amendment

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

Amendment 86

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

Text proposed by the Commission

Amendment

(ba) contributing to a reduction in global deforestation.

Amendment 87

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

Text proposed by the Commission

Amendment

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

and products within the meaning of this Article.

Amendment 88

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

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

Amendment

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

Amendment 89

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 90

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

crops; cultivation of permanent or temporary meadows or pastures as well as animal husbandry; and temporarily fallow land;

Amendment 91

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

Text proposed by the Commission

Amendment

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

Amendment 92

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

Text proposed by the Commission

Amendment

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

Amendment 93

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

Text proposed by the Commission

Amendment

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

Amendment 94

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

Text proposed by the Commission

Amendment

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

deleted

Amendment 95

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

Text proposed by the Commission

(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;*

Amendment

(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;**

Amendment 240

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, or obtained on relevant plot of land, **or, in the case of livestock, 'produced' means all relevant plots of land involved in the livestock rearing process;**

Amendment 96

Proposal for a regulation

Article 2 – paragraph 1 – point 16

Text proposed by the Commission

(16) 'negligible risk' means a full assessment of both the product-specific and the general information on compliance with **Articles 3(a) and 3(b) by relevant**

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 showing no cause for concern;

*commodities or products show no cause for concern on grounds of a full assessment of both the product-specific and the general information on compliance with **Article 3 and the application of the appropriate mitigation measures;***

Amendment 97

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

Text proposed by the Commission

Amendment

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

Amendment 98

Proposal for a regulation Article 2 – paragraph 1 – point 18

Text proposed by the Commission

Amendment

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

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

Amendment 99

Proposal for a regulation
Article 2 – paragraph 1 – point 21

Text proposed by the Commission

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

Amendment

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

Amendment 100

Proposal for a regulation
Article 2 – paragraph 1 – point 28

Text proposed by the Commission

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

Amendment

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

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

(b) ***human rights protected under international law, in particular instruments protecting customary tenure rights and the right to free, prior and informed consent (FPIC), as set out in, inter alia, the UN Declaration on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues and existing binding international agreements, the Indigenous and Tribal Peoples Convention (No 169, 1989), which cover the right to environmental***

protection, the right to defend the environment, free from any form of persecution and harassment, and other internationally recognised human rights related to land use, access or ownership;

Amendment 101

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

Text proposed by the Commission

Amendment

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

Amendment 102

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

Text proposed by the Commission

Amendment

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

Amendment 103

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

Text proposed by the Commission

Amendment

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

Amendment 104

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

Text proposed by the Commission

Amendment

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

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

Amendment 105

Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

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

Amendment 106

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Operators shall exercise due diligence prior to placing relevant 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.

Amendment

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

Amendment 107

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 108

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 109

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

Text proposed by the Commission

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

Amendment

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

Amendment 110

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

Text proposed by the Commission

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

Amendment

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

Amendment 111

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

Text proposed by the Commission

Amendment

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

Amendment 112

Proposal for a regulation
Article 4 – paragraph 6

Text proposed by the Commission

Amendment

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

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

Amendment 113

Proposal for a regulation
Article 4 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Amendment 114

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

Text proposed by the Commission

Amendment

7a. Operators shall take the necessary measures:

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

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

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

Amendment 115

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

Article 4a

Obligations of traders and exemptions for SME traders

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

not in conformity with the requirements of this Regulation, shall immediately inform the competent authorities of the Member States in which they made available on the market the relevant commodity or product.

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

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

Amendment 116

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 117

Proposal for a regulation Article 6

Text proposed by the Commission

Article 6

Amendment

Deleted

Obligations of traders

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

facilitate the performance of the checks under Article 16, including as regards access to premises and the presentation of documentation or records.

Amendment 118

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

Article 7

Placing on the market by operators established in third countries

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

Amendment

Article 7

Placing on the market by operators established in third countries

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

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

Amendment 119

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

Text proposed by the Commission

Amendment

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

Amendment 120

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 121

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 122

Proposal for a regulation

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) identification of the country of production;

Amendment

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

Amendment 123

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

Text proposed by the Commission

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

Amendment

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

Amendment 124

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

Text proposed by the Commission

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

Amendment

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

Amendment 125

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

Text proposed by the Commission

Amendment

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

Amendment 126

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

Text proposed by the Commission

Amendment

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

Amendment 127

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

Text proposed by the Commission

Amendment

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

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

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

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

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

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

Amendments 128 and 253

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

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

Amendment

deleted

Amendment 129

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

Text proposed by the Commission

Amendment

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

Amendment 130

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 131

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

Text proposed by the Commission

Amendment

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

Amendment 132

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 133

Proposal for a regulation

Article 10 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

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

Amendment 134

Proposal for a regulation

Article 10 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions

(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**

imposed by the United Nations Security Council or the Council of the European Union;

lack of law enforcement *of tenure rights and rights of indigenous people and local communities*, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;

Amendment 135

Proposal for a regulation

Article 10 – paragraph 2 – point f

Text proposed by the Commission

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

Amendment

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

Amendment 136

Proposal for a regulation

Article 10 – paragraph 2 – point g

Text proposed by the Commission

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

Amendment

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

Amendment 137

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 138

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ia) information provided via the rapid alert mechanism;

Amendment 245

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 140

Proposal for a regulation

Article 10 – paragraph 4

Text proposed by the Commission

Amendment

4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk.

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.

This may include requiring additional information, data or documents, undertaking independent surveys or audits, ***capacity-building and financial investments for smallholders*** or other measures pertaining to information requirements set out in Article 9.

Amendment 141

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

Text proposed by the Commission

Amendment

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

Amendment 142

Proposal for a regulation Article 10 – paragraph 6 – point a

Text proposed by the Commission

Amendment

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

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

Amendment 143

Proposal for a regulation Article 10 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Amendment 144

**Proposal for a regulation
Article 11 – paragraph 1**

Text proposed by the Commission

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

Amendment

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system to ensure that they can guarantee compliance with the requirements set out in ***Article 3***. 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.

Amendment 145

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. ***Unless otherwise provided by other EU legislative instruments that lay down requirements regarding sustainability value chain due diligence***, operators ***which are not SMEs*** shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Article 8.

Amendment

2. Operators shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Articles 8, ***9 and 10, as well as the implementation and outcomes of their due diligence, and measures they have taken to support the compliance of smallholders, including***

Operators falling also within the scope of other *EU* legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other *EU* legislative instruments.

through investments and capacity building. Operators falling also within the scope of other *Union* legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other *Union* legislative instruments.

Amendment 146

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

Text proposed by the Commission

Amendment

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

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

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

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

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

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

Amendment 147

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 148

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Obligations of financial institutions

1. ***With a view to complying with Article 3, financial institutions shall exercise due diligence prior to providing financial services to customers whose economic activities consist, or are linked to, the trading or placing on the market of relevant commodities and products.***

2. ***The due diligence shall include:***

(a) ***the collection of information and documents, as referred to in Article 9(1a), needed to fulfil the requirement set out in paragraph 1 of this Article;***

(b) ***risk assessment and mitigation measures as referred to in Article 10;***

3. ***Financial institutions shall not provide financial services to customers without prior submission of a due diligence statement to the competent authorities.***

4. ***Where financial institutions have established an ongoing business relationship with customers before ... [date of entry into force of this***

Regulation], the financial institutions shall complete the relevant due diligence by ... [OP: insert date one year after the date of entry into force of this Regulation].

Amendment 149

Proposal for a regulation Article 11 b (new)

Text proposed by the Commission

Amendment

Article 11b

1. Financial institutions shall verify and analyse information collected in accordance with Article 9(1a) and any other relevant documentation, and on that basis shall carry out a risk assessment to establish if there is a risk that the provision of financial services to a customer does not comply with Article 12a(1). If the financial institution cannot demonstrate that the risk of non-compliance is negligible, it shall not provide financial services to the customer concerned.

Amendment 150

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

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*** 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.

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

Amendment 151

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 152

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

Text proposed by the Commission

Amendment

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

Amendment 153

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Guidelines

- 1. By ... [date 12 months after the entry into force of this Regulation], the Commission shall issue user-friendly commodity-specific guidelines to clarify due diligence responsibilities and traceability rules of operators that are tailored to fit their respective supply chains. The Commission shall take into account other due diligence requirements arising from Union law, in particular [the forthcoming Directive on Sustainable Corporate Governance Due Diligence].**
- 2. The guidelines shall particularly take into account SMEs' needs and shall inform them of the different means to access administrative and financial assistance and shall provide guidance on how the requirements from overlapping due diligence rules under different Union acts could be implemented most efficiently.**
- 3. The guidelines shall be developed in consultation with relevant stakeholders, including from third countries and, where appropriate, taking into consideration best practices from international bodies having expertise in due diligence.**
- 4. The Commission shall regularly review and update the guidelines, taking into account the latest developments in the sectors concerned.**

Amendment 154

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

Text proposed by the Commission

Amendment

3. The Commission shall make the list of the competent authorities publicly available on its website. The Commission

3. The Commission shall make the list of the competent authorities publicly available on its website **without undue**

shall regularly update the list, based on relevant updates received from Member States.

delay. The Commission shall regularly update the list, based on relevant updates received from Member States.

Amendment 155

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 156

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Amendment 157

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

Text proposed by the Commission

Amendment

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

of this Regulation].

Amendment 158

Proposal for a regulation

Article 13 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

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

Amendment 159

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

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

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

reviewing the plans, the competent authorities *may* establish a reduced frequency of checks for those operators and traders who have shown a consistent record of full compliance with the requirements under this Regulation.

Amendment 160

Proposal for a regulation Article 14 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Amendment 161

Proposal for a regulation Article 14 – paragraph 9

Text proposed by the Commission

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

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

each of the relevant commodities placed or made available on or exported from their market.

the quantity of each of the relevant commodities **and products** placed or made available on or exported from their market. ***For commodities or products from countries or parts thereof categorised as low-risk as referred to Article 27, Member States may reduce the annual checks to 5 %.***

Amendment 162

Proposal for a regulation Article 14 – paragraph 11

Text proposed by the Commission

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

Amendment

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

Amendment 163

Proposal for a regulation Article 14 – paragraph 12

Text proposed by the Commission

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

Amendment

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

Amendment 164

Proposal for a regulation
Article 14 – paragraph 13

Text proposed by the Commission

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

Amendment 165

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

Text proposed by the Commission

Amendment

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

Amendment 166

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

Text proposed by the Commission

Amendment

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

Amendment 167

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

Text proposed by the Commission

Amendment

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

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

Amendment 168

Proposal for a regulation Article 15 – title

Text proposed by the Commission

Amendment

Checks on operators

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

Amendment 169

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

Text proposed by the Commission

Amendment

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

Amendment 170

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

Text proposed by the Commission

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

Amendment

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

Amendment 171

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

Text proposed by the Commission

Amendment

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

Amendment 172

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

Text proposed by the Commission

Amendment

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

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

Amendment 173

Proposal for a regulation
Article 16 – title

Text proposed by the Commission

Checks on traders

Amendment

Checks on **SME** traders

Amendment 174

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.

Amendment 175

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.***

Amendment 176

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

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 with other Member States' competent authorities to facilitate the enforcement of this Regulation.

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

Amendment 177

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 178

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Satellite imagery and access to forest data
The Commission shall establish a platform using satellite imagery,

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

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

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

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

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

Amendment 179

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

measures taken *in accordance with Article 22 and penalties imposed in accordance with Article 23.*

Amendment 180

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 181

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

Where, following the checks referred to in 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

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

the Union market of the relevant commodities and products.

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

Member States shall immediately inform the Commission and the competent authorities of other Member States about such measures.

Amendment 182

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 183

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

Text proposed by the Commission

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

Amendment 184

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

Text proposed by the Commission

Amendment

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

Amendment 185

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 186

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

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

Amendment 187

Proposal for a regulation

Article 23 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 188

Proposal for a regulation

Article 23 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

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

Amendment 189

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

Text proposed by the Commission

Amendment

(ba) the obligation to restore the environment;

Amendment 190

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

Text proposed by the Commission

Amendment

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

Amendment 191

Proposal for a regulation
Article 23 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) temporary exclusion from public procurement processes.

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

Amendment 192

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

Text proposed by the Commission

Amendment

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

Amendment 193

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

Text proposed by the Commission

Amendment

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

Amendment 194

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

Text proposed by the Commission

Amendment

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

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

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

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

regularly updated.

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

Amendment 195

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

Text proposed by the Commission

Amendment

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

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

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

Amendment 196

Proposal for a regulation Article 24 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

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

(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**

suspension of the release for free circulation or export of that relevant commodity or product;

are at risk of spoilage, indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;

Amendment 197

Proposal for a regulation Article 24 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 198

Proposal for a regulation Article 24 – paragraph 10

Text proposed by the Commission

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

Amendment

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

authorities.

Amendment 199

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 200

Proposal for a regulation Article 26 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 201

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

Text proposed by the Commission

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

Amendment

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

Amendment 202

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this Article as presenting a low or high risk, countries shall be considered as presenting a standard risk. The Commission **may** identify countries or parts thereof that present a low or high risk 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) **by ... [OP: insert date 6 months of the entry into force of this Regulation]**. That list shall be updated as necessary in light of new evidence.

Amendment 203

Proposal for a regulation
Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall take into account

Amendment

The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall **follow a transparent and**

information provided by the country concerned and be based on the following assessment criteria:

objective assessment process which shall take into account information provided by the country and by the regional authorities concerned, operators as well as NGOs and third parties, including indigenous peoples, local communities and civil society organisations and be based on the following assessment criteria:

Amendment 204

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 205

Proposal for a regulation

Article 27 – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 206

Proposal for a regulation

Article 27 – paragraph 2 – point e

Text proposed by the Commission

(e) agreements and other instruments concluded between the country concerned

Amendment

(e) agreements and other instruments concluded between the country concerned

and the Union that address deforestation *or* forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation *and* their effective implementation;

and the Union that address deforestation, forest degradation *or forest conversion* and facilitates compliance of relevant commodities and products with the requirements of this Regulation, *provided that* their *timely and* effective implementation *has been ascertained on the basis of an objective and transparent assessment*;

Amendment 207

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

Text proposed by the Commission

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

Amendment 208

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

Text proposed by the Commission

Amendment

(fa) whether the national and sub-national jurisdiction has developed jurisdictional approaches with the meaningful engagement of all relevant stakeholders, including civil society, indigenous peoples and local

communities, and the private sector, including micro-enterprises and other SMEs, and smallholders, to tackle deforestation, forest degradation, forest conversion, land rights violations and illegal production;

Amendment 209

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 210

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 211

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall notify the countries concerned of its intent to assign a change to the *existing* risk category and invite them to provide any information deemed useful in this regard. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the

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*

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

consultation to gather information and views from interested parties, including in particular indigenous peoples, local communities, smallholders and civil society organisations. The Commission shall allow the countries and regional authorities adequate time to provide a response, which may include information on measures taken by the country or regional authority to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

Amendment 212

Proposal for a regulation

Article 27 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

It shall include in the notification the following information:

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

Amendment 213

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

Amendment

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***

1. ***In a coordinated approach*** the Commission ***and Member States***, shall engage with producer countries concerned by this Regulation, ***local governments and interested parties, in particular those exporting significant volumes of commodities listed in Annex I, including via the use of existing and future*** partnerships and ***free trade agreements and the alignment of existing aid tools*** to jointly address ***the root causes of*** deforestation, forest degradation ***and forest conversion***. Such partnerships and cooperation mechanisms ***shall be supported with adequate resources and shall*** focus on the conservation, restoration

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.**

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 shall be the development of joint roadmaps, including sustained dialogue and cooperation, in particular with countries and parts thereof identified as high-risk, to support their continuous improvement towards the standard risk category referred to in Article 27. Partnerships and cooperation mechanisms shall pay particular attention to smallholders in order to enable these smallholders to transition to sustainable farming and forestry practices and to comply with the requirements of this Regulation, including through enabling sufficient and user-friendly information. Adequate financial resources shall be available to meet the needs of smallholders.**

Amendment 265

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

Text proposed by the Commission

Amendment

1a. The Commission and the Council shall engage further to implement and enforce trade agreements as well as concluding new free trade agreements that include strong provisions on sustainability, particularly for forests, and the obligation for effective enforcement of multilateral environmental agreements, such as the Paris Agreement and the Convention on Biological Diversity.

Amendments 214 and 266

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 shall** allow the full participation of all stakeholders, including civil society, indigenous **peoples**, local communities, **women** and the private sector including **micro enterprises and other** SMEs, and smallholders. **Partnerships and cooperation shall also support or initiate inclusive and participatory dialogue towards national legal and governance reform processes to enhance forest governance and address domestic factors contributing to deforestation.**

Amendment 215

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

Text proposed by the Commission

Amendment

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

Amendment 216

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

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

Amendment

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

enforcement, and ensure public access to forest management documents and other relevant information. ***The Commission shall aim to integrate the monitoring of land and tenure rights under the EU Observatory.***

Amendment 217

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

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

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***.

Amendment 218

Proposal for a regulation Article 29 – paragraph 2

Text proposed by the Commission

2. Competent authorities shall diligently

Amendment

2. Competent authorities shall, ***without***

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.

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

Amendment 219

Proposal for a regulation Article 29 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 220

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

Text proposed by the Commission

Amendment

3a. In order to facilitate the transmission of substantiated concerns from natural or legal persons from

producer countries, and especially from local communities, the Commission shall establish a centralised communication procedure to channel those concerns to the relevant Member States. That procedure shall be complementary to those established by competent authorities.

Amendment 221

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

Text proposed by the Commission

Amendment

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

Amendment 222

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

Text proposed by the Commission

Amendment

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

Amendment 223

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

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 23.**

Amendment 224

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

Text proposed by the Commission

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

Amendment

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

Amendment 225

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

Text proposed by the Commission

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

Amendment

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

Amendment 226

**Proposal for a regulation
Article 31 – paragraph 5**

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 227

**Proposal for a regulation
Article 32 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

(a) present, no later than ... [***OP: insert date one year*** after the ***date of*** entry into force ***of this Regulation***], ***an impact assessment*** accompanied, ***where*** appropriate, by a legislative proposal, ***to extend*** the scope of this Regulation to other

natural ecosystems, including land with high carbon stocks and land with a high biodiversity value such as grasslands, peatlands and wetlands, *in addition to forest and other wooded land in accordance with the cut-off date and definitions as referred to in Article 2,*

(b) evaluate, no later than ... [OP: insert date two years after the date of entry into force of this Regulation]:

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

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

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

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

Proposal for a regulation
Article 32 – paragraph 2 – introductory part

Text proposed by the Commission

No later than five years after the entry into force and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of:

Amendment

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

Amendment 229

Proposal for a regulation
Article 32 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

deleted

Amendment 230

Proposal for a regulation Article 32 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

deleted

Amendment 231

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

Amendment

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.

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

Amendment 232

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

Text proposed by the Commission

Amendment

3a *The Commission shall continuously monitor changes in the trade patterns of the products and commodities included in the scope of this Regulation. When changes in the pattern of trade are found to have insufficient due cause or economic justification other than to avoid obligations as laid down in this Regulation, including replacing those products and commodities with other products and commodities which are not included in the list of products and commodities in Annex I but have similar characteristics, this shall be viewed as a practice of circumvention. Interested parties may inform the Commission of any perceived circumvention and the Commission shall investigate any substantiated claim introduced by an interested party.*

Amendment 233

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

Amendment

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

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

Amendment 234

Proposal for a regulation
Article 33 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 235

**Proposal for a regulation
Article 35 a (new)**

Text proposed by the Commission

Amendment

Article 35a

***Amendment of Directive 2003/35/EC
Annex I of Directive 2003/35/EC^{1a} of the
European Parliament and of the Council
is amended by adding the following point:
(ga) Article 14(3) of [Regulation (EU) No
XXXX/XX of the European Parliament
and of the Council of ... on the making
available on the Union market as well as
export from the Union of certain
commodities and products associated with
deforestation and forest degradation and
repealing Regulation (EU) No 995/2010]*.***

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

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

Amendment 236

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

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

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

Amendment

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

⁵³ As defined in Article 3(1) **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.

Amendments 237 and 246

Proposal for a regulation
Annex I

<i>Text proposed by the Commission</i>	
Cattle	ex 0102 Live cattle ex 0201 Meat of cattle, fresh or chilled ex 0202 Meat of cattle, frozen ex 0206 10 Edible offal of cattle, fresh or chilled ex 0206 22 Edible cattle livers, frozen ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split

	<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 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</p>

	soya-bean oil
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, 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> <p>9406 10 00 Prefabricated buildings of wood</p>
<i>Amendment</i>	
Cattle	<p>ex 0102 Live cattle</p> <p>ex 0201 Meat of cattle, fresh or chilled</p> <p>ex 0202 Meat of cattle, frozen</p> <p>ex 0206 10 Edible offal of cattle, fresh or chilled</p> <p>ex 0206 22 Edible cattle livers, frozen</p> <p>ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen</p> <p><i>ex 0206 10 Edible offal of bovine animals, fresh or chilled</i></p> <p><i>ex 0206 21 Edible tongues of bovine animals, frozen</i></p> <p><i>ex 021020 Meat of cattle, salted, in brine, dried or smoked</i></p> <p><i>ex 1602 50 Meat or meat offal of cattle, prepared or preserved</i></p> <p>ex 4101 Raw hides and skins of cattle</p>

	<p>(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>
<i>Swine</i>	<p>0103 Live swine</p> <p>0203 Meat of swine, fresh, chilled or frozen</p> <p>0210 11 Hams, shoulders and cuts thereof, with bone in, of domestic swine</p> <p>0210 12 Bellies (streaky) and cuts thereof, of domestic swine</p> <p>0210 19 Other meat of domestic swine</p> <p>209 10 Pig fat, free of lean meat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</p>
<i>Sheep and Goats</i>	<p>0104 Live sheep and goats</p> <p>0204 Meat of sheep or goats, fresh, chilled or frozen</p>
<i>Poultry</i>	<p>0105 Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i>, ducks, geese, turkeys and guinea fowls</p> <p>0207 Meat and edible offal, of the poultry heading 0105, fresh, chilled or frozen</p> <p>0209 90 Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</p> <p>0210 99 39 Salted poultry meat</p> <p>1602 31 – 1602 32 – 1602 39 Prepared and preserved poultry</p>
Cocoa	1801 00 00 Cocoa beans, whole or broken,

	<p>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 oil)</p> <p>2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils</p> <p><i>2905 17 Dodecan-1-ol (lauryl Alcohol), Hexadecan-1-ol (cetyl Alcohol), and Octadecan-1-ol (stearyl Alcohol)</i></p> <p><i>2905 45 Alcohols; polyhydric, glycerol</i></p> <p><i>2915 70 Palmitic acid, stearic acid, their salts and esters</i></p> <p><i>2915 90 Acids; saturated acyclic monocarboxylic acids; anhydrides, halides, peroxides, peroxyacids and halogenated, sulphonated, nitrated or nitrosated derivatives, n.e.c. in heading no. 2915</i></p> <p><i>HS code groups and subheadings 1517..., 3401..., 3823..., 3824..., 3826 Palm-oil and palm kernel oil-based derivates</i></p>

Soya	<p>1201 Soya beans, whether or not broken</p> <p>1208 10 Soya bean flour and meal</p> <p>1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified</p> <p>2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil</p>
<i>Maize</i>	<p><i>1005 Maize (corn)</i></p> <p><i>1102 20 Maize (corn) flour</i></p> <p><i>1103 13 Cereal groats, meal and pellets of maize (corn)</i></p> <p><i>1103 29 40 Pellets of maize</i></p> <p><i>1104 19 50 Cereal grains otherwise worked of maize</i></p> <p><i>1104 23 Other worked grains of maize (corn)</i></p> <p><i>1108 12 00 Maize (corn) starch</i></p> <p><i>1515 21 Maize (corn) oil and its fractions: Crude oil</i></p> <p><i>1904 10 10 Prepared foods obtained by the swelling or roasting of cereals or cereal products obtained from maize</i></p> <p><i>2302 10 Bran, sharps and other residues, whether or not in the form of pellets derived from the sifting, milling or other working of cereals or of leguminous plants of maize (corn)</i></p> <p><i>1515 29 Maize oil and fractions thereof, whether or not refined, but not chemically modified (excl. crude)</i></p> <p><i>2306 90 05 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of maize (corn) germ</i></p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood</p>

waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms

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)

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

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

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

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

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

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

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

4412 Plywood, veneered panels and similar laminated wood

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

	<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>4900 Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans</p> <p>9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture</p> <p>9406 10 00 Prefabricated buildings of wood</p>
<p>Rubber</p>	<p>4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar gums; in primary forms or in plates, sheets or strip</p> <p>4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip</p> <p>4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings)</p> <p>4007 Vulcanised rubber thread and cord</p> <p>4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber</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>
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Amendment 238

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

Text proposed by the Commission

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

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

Amendment

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

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

statement.

statement.

Amendment 239

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

Text proposed by the Commission

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

Amendment

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