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Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application (first reading) Outcome of the written procedure initiated by CM 5479/24 – Adoption of the legislative act = END OF WRITTEN PROCEDURE

Delegations are informed that the written procedure, opened by CM 5479/24 of 17 December 2024 was completed on 18 December 2024 at 15h10 and that all delegations voted in favour of the adoption of the Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application, as set out in PE-CONS 98/24.

The required qualified majority has been reached. Therefore, the above Regulation is adopted.

The statements by Austria, Sweden and the Commission are reproduced in the Annex to this CM.

The above statements will be included in the summary of acts adopted by written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

Statement by Austria

Austria shares the overall objectives of the EU Deforestation Regulation (EUDR), to halt deforestation and forest degradation worldwide. These objectives must be achieved through proportionate and efficient measures, focusing resources and enforcement efforts on regions where deforestation is actually taking place. This would constitute minimal administrative burden for both businesses and authorities alike and must especially apply to countries with low deforestation risk, while providing legal certainty for all actors along the value chain. Austria was thus amongst the first to call for a postponement of the date of application of the EUDR and refers to its note submitted as an AOB to the AGRIFISH Council on 26 March 2024.

Austria welcomes, that an agreement could be reached that foresees a postponement of the application date of the EUDR by one year, as well as the envisaged review by the Commission by June 2028 to analyse additional measures to simplify and reduce the administrative burden and will thus vote in favour of the text. At the same time, Austria regrets that there was insufficient time to discuss further administrative simplifications. During the extended transition period, work must continue on improving and developing a simple and practical solution for implementing the regulation, particularly considering SMEs and ensuring a fair level playing field. Unfair competitive conditions for European companies must be prevented especially through a well-functioning EUDR Information System that is tailored to the needs of businesses along the value chain.

Austria calls on the Commission to further improve the FAQs and Guidelines, in close cooperation with the Member States and the economic sectors affected by the EUDR.

Statement by Sweden

Since the Regulation was adopted, Sweden has contributed to both formal and informal work to clarify its many ambiguities. Owing to remaining uncertainties, Sweden has been asking since February 2024 for the date of application to be postponed in order to allow for an orderly and legally certain implementation for legal and natural persons. Sweden considers that the Commission's proposal for a 12-month postponement falls short of what is needed, in particular for smallholders in third countries. The Commission's information system must also function effectively in good time before the Regulation starts to apply in order to allow businesses to adapt their operations. Furthermore, the Commission's guidance document and new FAQs introduce further uncertainties that need to be clarified well before the Regulation starts to apply.

Sweden considers that the rules need to be simplified, and believes that the Commission must take further action to reduce the administrative burden on businesses. Sweden welcomes the fact that the European Parliament also seems to share this view. Changes need to be made on the basis of impact-assessed proposals that do not distort competition or risk creating biases. Overall, the problem remains that, as a result of the Regulation, businesses face a disproportionately high administrative burden in order to avoid disproportionately severe sanctions or disproportionate negative economic consequences. The provisions of the Regulation and its application need to be more proportionate in terms of both the administrative burden and the penalties, including with regard to the withdrawal of products sold in bulk. Sweden continues to believe that a narrower and more functional Regulation would contribute more to sustainable global development. However, since the proposed timetable for implementation is preferable to the current situation, Sweden supports the postponement of the application. Sweden welcomes the Commission's commitment to reduce administrative burdens, as expressed in the context of the trilogue, and urges the Commission to do its utmost within the framework of the existing Regulation and to undertake a review with a view to simplifying the regulatory framework before 2028. Such a review should also analyse the possibility of further simplification for commodities and products from countries or parts of countries with a low risk of deforestation and forest degradation.

Statement by the Commission

The Commission remains committed to easing the burden on businesses by reducing administrative requirements and eliminating unnecessary bureaucratic burdens.

To achieve this in relation to Regulation (EU) 2023/1115, the Commission will provide further clarifications and explore additional simplifications, and streamline reporting and documentation obligations, to keep them to a necessary minimum, in full compliance with the objectives of the Regulation. To this effect and to address these issues, the Commission will publish an updated edition of the Guidelines and Frequently Asked Questions. The Commission will also continue responding to feedback from stakeholders and Member States, assisting the traders and operators in implementation, in particular with regard to the obligation to submit due diligence statements throughout the value chain.

In order to allow traders and operators, in collaboration with competent authorities, to be in a position to meet the requirements of the Regulation, the Commission is prioritising the operationalization of the Information System. The benchmarking risk categorisation is also key to ensure predictability in the application of the Regulation for operators, traders, producing countries and competent authorities. The Commission strongly commits to ensure that both the Information System and the proposal for the risk classification should be available as soon as possible but no later than six months before the Regulation enters into application.

In the context of the general review of the Regulation, expected no later than 30 June 2028, the Commission will analyse, based where appropriate on an impact assessment, additional measures to simplify and reduce the administrative burden. This analysis will include the need for and the feasibility of reduced requirements in relation to sourcing from countries and parts thereof that have achieved positive results in line with the objectives of the Regulation.
