



Council of the European Union
General Secretariat

**Interinstitutional files:
2021/0366 (COD)**

Brussels, 25 November 2022

WK 14314/2022 REV 4

LIMITE

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INFORMATION

From:	General Secretariat of the Council
To:	Ad Hoc Working Party on the risk of deforestation and forest degradation associated with products placed on the EU market (AHWP Deforestation)
N° Cion doc.:	ST 14151/21 + ADD 1
Subject:	Regulation on Deforestation: Revised 4-Column Table: State of play of the negotiations with the EP

Delegations will find attached a revised 4-Column table with the state of play of negotiations on the Deforestation Regulation, as results from the technical meeting held on 24 November 2022.

In order to facilitate examination, the column with the row number is marked in blue if there has been changes compared to the last version (WK 14314/22 REV 3).

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010

(Text with EEA relevance)

2021/0366(COD)

v. 25 November 2022

SUBTITLES:

Rows highlighted in green, means that agreement in principle has been reached at the technical level

Rows highlighted in green, with provisions highlighted in yellow, means that the provisions in yellow are still open for discussion and that agreement in principle has been reached at the technical level on the provisions of the row highlighted in green

Rows highlighted in yellow, means that the provisions are still open for discussion (or have not been discussed yet)

Rows highlighted in orange, means that the provisions will be discussed at political level at the trilogue

	Commission Proposal	EP	Council Mandate	Draft Agreement
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (Text with EEA relevance)		Proposal for a Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation, and repealing Regulation (EU) No 995/2010 (Text with EEA relevance)	Not to raise Package discussion on commodities vs products
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192 thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 492 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 492 192(1) thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,			Having regard to the proposal from the European Commission,

	Commission Proposal	EP	Council Mandate	Draft Agreement
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,			After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .			Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .			Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,			Acting in accordance with the ordinary legislative procedure,
Formula				
10	Whereas:			Whereas:
Recital 1				
11		AM 1		(1) Forests provide a broad variety of environmental, economic and

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	(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.¹ Furthermore, deforestation and forest degradation reduce essential carbon sinks and increase the likelihood of new diseases spreading from animals to humans. 1. Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.	(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 <i>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.</i> 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.¹ Furthermore, deforestation, forest degradation <i>and forest conversion</i> reduce essential carbon sinks. <i>Deforestation, forest degradation and forest conversion</i> also increase <i>contacts between wild animals, farmed animals and humans, thereby increasing</i> the likelihood of new diseases spreading <i>and the risks of new epidemics and pandemics.</i> 1. Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.		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 <i>and recharge. Large forest areas act as a moisture source and help prevent desertification of continental regions.</i> 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.¹ Furthermore, deforestation, forest degradation <i>and forest conversion</i> reduce essential carbon sinks. <i>Deforestation, forest degradation and forest conversion</i> also increase <i>contacts between wild animals, farmed animals and humans, thereby increasing</i> the likelihood of new diseases spreading <i>and the risks of new epidemics and pandemics.</i> 1. Commission Communication of 27 July 2019 'Stepping up EU Action to Protect and Restore the World's Forests', COM(2019) 352 final.

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	Recital 2	AM 2		
12	(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 2020¹. 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. ¹ FAO, Global Forest Resource Assessment 2020, p. XII, https://www.fao.org/documents/card/en/c/ca9825en.	(2) Deforestation, forest degradation and forest conversion 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, forest degradation and forest conversion 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. Forests are also heavily impacted by climate change, and many challenges will need to be addressed to ensure the adaptability and resilience of forests in the coming decades. ¹ FAO, Global Forest Resource Assessment 2020, p. XII, https://www.fao.org/documents/card/en/c/ca9825en.		(2) Deforestation, forest degradation and forest conversion 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, forest degradation and forest conversion 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. Forests are also heavily impacted by climate change, and many challenges will need to be addressed to ensure the adaptability and resilience of forests in the coming decades. ¹ FAO, Global Forest Resource Assessment 2020, p. XII, https://www.fao.org/documents/card/en/c/ca9825en.
	Recital 3	AM 3		
13	(3) Deforestation and forest degradation contribute to the global	(3) Deforestation, forest degradation and forest		(3) Deforestation, forest degradation and forest conversion contribute to the global

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	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 emissions¹. 1. 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/.	<i>conversion</i> 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 emissions¹. 1. 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/.		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 emissions¹. 1. 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/.
Recital 4 AM 4				
14	(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	(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		(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 healthy 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

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	peoples. Drastically reducing deforestation and forest degradation and systemically restoring forests and other ecosystems is the single largest nature-based opportunity for climate mitigation.	communities, including indigenous peoples. Drastically reducing deforestation, forest degradation <i>and forest conversion</i> and systemically restoring forests and other ecosystems the single largest nature-based opportunity for climate mitigation. <i>^{1a} IPCC Report-Summary for policy makers, February 2022 https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf</i>		their deleterious effects to local communities, including indigenous peoples. Drastically reducing deforestation, forest degradation <i>and forest conversion</i> and systemically restoring forests and other ecosystems the single largest nature-based opportunity for climate mitigation. <i>^{1a} IPCC Report-Summary for policy makers, February 2022 https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf</i>
Recital 5 AM 5				
15	(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.	(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 <i>present in complex, naturally regenerating forests with sustained complex symbiotic relationships</i>, as		(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

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		critical inputs for production, notably for medicines, <i>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.</i>		production, notably for medicines, <i>including antimicrobials.</i>
Recital 6		AM 6		
16	(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of intergenerational equity.	(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of <i>gender equality and of</i> intergenerational equity.		(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of <i>gender</i>

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				<i>equality and of intergenerational equity.</i>
Recital 6a (new)		AM 7		
16a		(6a) <i>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.</i>		For discussion at ITM Elements on human rights defenders/environmental human rights defenders that were dropped in the operative part should be included here. Numbers: should be more vague.
Recital 7		AM 8		
17	(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, <i>natural ecosystem conversion and natural ecosystem</i> and forest degradation <i>and forest conversion</i> on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of <i>only</i> six commodities (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.		To be further discussed at technical level (7) Union consumption is a considerable driver of deforestation, <i>natural ecosystem conversion and natural ecosystem</i> and forest degradation <i>and forest conversion</i> on a global scale. The initiative's Impact Assessment estimated that without an appropriate regulatory intervention EU consumption and production of <i>only</i> six commodities (wood, cattle, soy, palm oil, cocoa and coffee) will rise to approximately 248,000 hectares of deforestation annually by 2030.

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	Recital 8 AM 9			
18	(8) As regards the situation of forests within the EU, the State of Europe's Forests 2020 report¹ 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 report². 1. Forest Europe - Ministerial Conference on the Protection of Forests in Europe, State of Europe's Forests 2020, https://foresteurope.org/state-europes-forests-2020/. 2. European Environment Agency, State of the Environment 2020, https://www.eea.europa.eu/soer/publications/s-2020.	(8) As regards the situation of forests within the EU the State of Europe's Forests 2020 report¹ 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%. <i>Nevertheless natural and old-growth forests are also subject to management intensification and their unique biodiversity and structural features are in danger. Furthermore,</i> less than 5% of European forest areas are <i>now</i> considered undisturbed, or natural, <i>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 removal</i>². 1. Forest Europe - Ministerial Conference on the Protection of Forests in Europe, State of Europe's Forests 2020, https://foresteurope.org/state-europes-forests-2020/.		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		2. European Environment Agency, State of the Environment 2020, https://www.eea.europa.eu/soer/publications/soer-2020 .		
Recital 9		AM 10		
19	(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’¹, 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’², 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	(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’¹, 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’², 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 <i>built on sustainable and rule-based free trade</i>, 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.		(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’¹, 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’², 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 <i>built on sustainable and rule-based free trade</i>, 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

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	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 2030³, the Farm to Fork Strategy⁴, the EU Forest Strategy⁵, the EU Zero pollution action plan⁶ and other relevant strategies⁷ 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 Strategy⁸ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume. 1. COM(2019) 352 final. 2. 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. 3. 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.	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 2030³, the Farm to Fork Strategy⁴, the EU Forest Strategy⁵, the EU Zero pollution action plan⁶ and other relevant strategies⁷ 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 Strategy⁸ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume. 1. COM(2019) 352 final. 2. 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. 3. 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. 4. Communication from the Commission to the European Parliament, the Council, the European Council, The European Economic		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 2030³, the Farm to Fork Strategy⁴, the EU Forest Strategy⁵, the EU Zero pollution action plan⁶ and other relevant strategies⁷ 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 Strategy⁸ enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume. 1. COM(2019) 352 final. 2. 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. 3. Communication from the Commission to the European Parliament, The European

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	4. 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. 5. 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. 6. 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. 7. 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. 8. 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.	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. 5. 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. 6. 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. 7. 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. 8. 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.		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. 4. 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. 5. 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. 6. 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. 7. 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. 8. 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

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				strategy, Updated Bioeconomy Strategy, COM(2018) 273 final.
Recital 10	AM 11			
20	(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.¹ 1. 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.	(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. <i>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.</i> 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.¹		(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 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 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.¹ <i>The Union and Member States have also endorsed the UN Decade of Action for the SDGs, the UN Decade on Ecosystem Restoration</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
		1. 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 .		<i>and the UN Decade of Family Farming.</i> 1. 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 .
Recital 11		AM 12		
21	(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 resolution¹ 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”. ¹ 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.	(11) The European Parliament highlighted that ongoing destruction <i>and degradation and conversion</i> of the world's forests <i>and natural ecosystems, as well as human rights violations, are</i> 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 resolution¹ 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” <i>based on mandatory due diligence</i>. ¹ European Parliament resolution of 22 October 2020 with recommendations to the		(11) The European Parliament highlighted that ongoing destruction <i>and degradation and conversion</i> of the world's forests <i>and natural ecosystems, as well as human rights violations, are</i> 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 resolution¹ 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” <i>based on mandatory due diligence</i>.

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		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 .		1. 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 .
	Recital 12	AM 13		
22	(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 Change¹, 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. ¹. Ratified by the EU on 5 October 2016, and entered into force on 4 November 2016.	(12) Combatting deforestation, <i>natural ecosystem conversion, natural ecosystem</i> and forest degradation <i>and forest conversion</i> 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 Change¹, and <i>the Eighth Environment Action Programme adopted by Decision (EU) 2022/591 of the European Parliament and of the Council^{1a}</i>, and with the legally binding commitment under the EU Climate Law to reach climate neutrality by 2050 <i>at the latest</i> and reduce greenhouse gas emissions by at least 55 % below 1990 levels by 2030. ¹. Ratified by the EU on 5 October 2016, and entered into force on 4 November 2016. 1a. <i>Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action</i>		(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 Change¹, and <i>the Eighth Environment Action Programme adopted by Decision (EU) 2022/591 of the European Parliament and of the Council^{1a}</i>, and with the legally binding commitment under the EU Climate Law to reach climate neutrality by 2050 <i>at the latest</i> and reduce greenhouse gas emissions by at least 55 % below 1990 levels by 2030. ¹. Ratified by the EU on 5 October 2016, and entered into force on 4 November 2016. 1a. <i>Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union</i>

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		<i>Programme to 2030 (OJ L 114, 12.4.2022, p. 22).</i>		<i>Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).</i>
Recital 12a (new)		AM 14		
22a		12a) <i>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.</i>		(12a) <i>Combating deforestation and forest degradation 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 accompanying EU nature restoration objectives.</i>
Recital 12ba (new)		AM 15		
22b		(12b) <i>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.</i>		For discussion at ITM
Recital 13				
23	(13) Agricultural expansion drives almost 90% of global deforestation,			13) Agricultural expansion drives almost 90% of global

	Commission Proposal	EP	Council Mandate	Draft Agreement
	with more than half of forest loss due to conversion of forest into cropland, whereas livestock grazing is responsible for almost 40 percent of forest loss¹. 1. FAO new Global Remote Sensing Survey, 6 Nov. 2021 - FAO Remote Sensing Survey reveals tropical rainforests under pressure as agricultural expansion drives global deforestation.		PUBLIC	deforestation, with more than half of forest loss due to conversion of forest into cropland, whereas livestock grazing is responsible for almost 40 percent of forest loss¹. 1. FAO new Global Remote Sensing Survey, 6 Nov. 2021 - FAO Remote Sensing Survey reveals tropical rainforests under pressure as agricultural expansion drives global deforestation.
Recital 13a (new)		AM 16		
23a		<i>(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.</i>		----
Recital 13b (new)		AM 17		
23b		<i>(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</i>		Not to raise the issue of forest conversion, but rest can be discussed

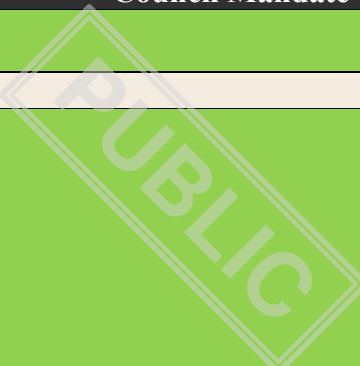
	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>accompanied by an increase in protein autonomy and the implementation of a Union strategy on plant proteins.</i>		
Recital 14	AM 18			
24	(14) The Union imported and consumed one third of the globally traded agricultural products associated 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.	(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		17/11/2022 To be looked at later on (28) (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

	Commission Proposal	EP	Council Mandate	Draft Agreement
		and consumer countries are fundamental in that respect.		the global market, not only supply chains to the Union. Partnerships and efficient international cooperation, <i>including free trade agreements (FTAs)</i> , with producer and consumer countries are fundamental in that respect.
	Recital 14a (new)			
24a			(14a) The EU is committed to promote and implement ambitious environment and climate policies across the world, in accordance with the Charter of Fundamental Rights of the European Union, in particular its article 37 providing that a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development. As part of the external dimension of the European Green Deal, action under this Regulation will take into account the importance of existing global agreements, commitments and frameworks contributing to the reduction of deforestation and forest degradation such as the UN Strategic Plan for Forests 2017-2030 and its Global Forest Goals, the UN Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, the	(14a) The EU is committed to promote and implement ambitious environment and climate policies across the world, in accordance with the Charter of Fundamental Rights of the European Union, in particular its article 37 providing that a high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development. As part of the external dimension of the European Green Deal, action under this Regulation will take into account the importance of existing global agreements, commitments and frameworks contributing to the reduction of deforestation and forest degradation such as the UN Strategic Plan for Forests 2017-2030 and its Global Forest Goals, the UN Framework Convention on Climate Change

	Commission Proposal	EP	Council Mandate	Draft Agreement
			Convention on Biological diversity (CBD) and its Post-2020 Global Biodiversity Framework, the global Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets, and the UN Convention to Combat Desertification; as well as the multilateral framework in support of tackling the root causes of deforestation and forest degradation, such as the UN Sustainable Development Goals and the UN Declaration on the Rights of Indigenous Peoples.	(UNFCCC) and its Paris Agreement, the Convention on Biological diversity (CBD) and its Post-2020 Global Biodiversity Framework, the global Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets, and the UN Convention to Combat Desertification; as well as the multilateral framework in support of tackling the root causes of deforestation and forest degradation, such as the UN Sustainable Development Goals and the UN Declaration on the Rights of Indigenous Peoples.
Recital 15		AM 19		
25	(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.	(15) Halting deforestation, forest degradation, <i>forest conversion and the conversion and degradation of other ecosystems</i> 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.		For further discussion on ITMs Proposal 17/11/2022 (15) <i>Ending deforestation and restoring degraded forests</i> 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.

	Commission Proposal	EP	Council Mandate	Draft Agreement
Recital 16				
26	(16) This Regulation should also respond to the New York Declaration on Forests¹, a non-legally binding political declaration that endorses a global timeline to cut natural forest loss in half by 2020, and strive to end it by 2030. The Declaration was endorsed by dozens of governments, many of the world's biggest companies, and influential civil society and indigenous organisations. It also called on the private sector to meet the goal of eliminating deforestation from the production of agricultural commodities such as palm oil, soy, paper and beef products by no later than 2020, a goal that was not achieved. The Regulation should in addition contribute to the United Nations Strategic Plan for Forests, 2017-2030², whose Global Forest Goal 1 is to reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation and enhance the contribution of forests to climate change. ¹. https://unfccc.int/news/new-york-declaration-on-forests.			(16) This Regulation should also respond to the New York Declaration on Forests¹, a non-legally binding political declaration that endorses a global timeline to cut natural forest loss in half by 2020, and strive to end it by 2030. The Declaration was endorsed by dozens of governments, many of the world's biggest companies, and influential civil society and indigenous organisations. It also called on the private sector to meet the goal of eliminating deforestation from the production of agricultural commodities such as palm oil, soy, paper and beef products by no later than 2020, a goal that was not achieved. The Regulation should in addition contribute to the United Nations Strategic Plan for Forests, 2017-2030², whose Global Forest Goal 1 is to reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation and enhance the contribution of forests to climate change.

	Commission Proposal	EP	Council Mandate	Draft Agreement
	2. https://www.un.org/esa/forests/wp-content/uploads/2016/12/UNSPF_AdvUnedited.pdf .			1. https://unfccc.int/news/new-york-declaration-on-forests . 2. https://www.un.org/esa/forests/wp-content/uploads/2016/12/UNSPF_AdvUnedited.pdf .
Recital 17	AM 20			
27	(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use¹ that recognises that "to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, Indigenous Peoples, and local communities". The signatories also stressed in that Declaration that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit, and that do not drive deforestation and land degradation. 1. https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/.	(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use¹ 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 <i>committed to halt and reverse forest loss and land degradation by 2030 and</i> stressed that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit. 1. https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/.	(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use¹ that recognises that "to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, indigenous peoples, and local communities". The signatories also stressed in that Declaration that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit, and that do not drive deforestation and land degradation. 1. https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/.	(17) This Regulation should also respond to the 2021 Glasgow Leaders' Declaration on Forests and Land Use¹ 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 <i>committed to working collectively to halt and reverse forest loss and land degradation by 2030 and</i> stressed that they will strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promotes sustainable development and sustainable commodity production and consumption, that work to countries' mutual benefit. 1. https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/.

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Recital 18 AM 21			
28	(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.	(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. <i>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.</i> The scope of this Regulation will therefore include both commodities and products produced within the Union and commodities and products imported to the Union <i>as well as focus on commodities and products most at risk of leading to deforestation, forest degradation and forest conversion.</i>		(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.
	Recital 18a (new) AM 22			

	Commission Proposal	EP	Council Mandate	Draft Agreement
28a		(18a) <i>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.</i>		(18a) <i>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.</i>
Recital 19		AM 23		
29	(19) This Regulation also follows the Commission's Communication on "An Open, Sustainable and Assertive Trade Policy" ¹ 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	(19) This Regulation also follows the Commission's Communication on "An Open, Sustainable and Assertive Trade Policy" ¹ 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 <i>and international cooperation can be important tools for consolidating higher standards of sustainability, especially with regard to sectors that are linked to forests</i>		(19) This Regulation also follows the Commission's Communications on "The power of trade partnerships together for green and just economic growth" [footnote to be added] and on "An Open, Sustainable and Assertive Trade Policy" ¹ 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

	Commission Proposal	EP	Council Mandate	Draft Agreement
	economy and towards building a more resilient Europe in the world. 1. 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.	<i>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.</i> 1. 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.		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. 1. 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.
Recital 19a (new)		AM 24		
29a		<i>(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.</i>		Merge 19(a)-(e) in one recital (limit general references to trade agreements; in connection with Article 28)

	Commission Proposal	EP	Council Mandate	Draft Agreement
Recital 19b (new)		AM 25		
29b		(19b) <i>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.</i>		Merge 19(a)-(e) in one recital (limit general references to trade agreements; in connection with Article 28)
Recital 19c (new)		AM 26		
29c		(19c) <i>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.</i>		Merge 19(a)-(e) in one recital (limit general references to trade agreements; in connection with Article 28)
Recital 19d (new)		AM 27		
29d		(19d) <i>Public procurement provisions in free trade agreements should take into account social, environmental and responsible business conduct.</i>		Merge 19(a)-(e) in one recital (limit general references to trade agreements; in connection with Article 28)
Recital 19e (new)		AM 28		

	Commission Proposal	EP	Council Mandate	Draft Agreement
29e		(19e) <i>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.</i>		Merge 19(a)-(e) in one recital (limit general references to trade agreements; in connection with Article 28)
Recital 20	AM 29			
30	(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’¹, 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. ¹ COM(2019) 352 final.	(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’¹, 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.		Not to raise the issue of forest conversion, but rest can be discussed redraft

	Commission Proposal	EP	Council Mandate	Draft Agreement
		1. COM(2019) 352 final.		
Recital 20a (new)		AM 30		
30a		<i>(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.</i>		For discussion at ITM - redraft
Recital 20b (new)		AM 31		
30b		<i>(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</i>		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Recital 21		AM 32		
31	(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous people, improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, climate-resilient agriculture, sustainable intensification and diversification, agro-ecology and agroforestry. In doing so it should acknowledge the role of indigenous people in protecting forests. Building	(21) <i>In coordination with Member States</i>, the Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies <i>as well as relevant stakeholders active on the ground</i>, and should be reinforcing its support and incentives with regard to protecting <i>and restoring</i> forests and transition to deforestation-free production, acknowledging <i>and strengthening</i> the role <i>and rights</i> of indigenous <i>peoples and local communities</i>, improving governance and land tenure, <i>the right to free, prior and informed consent</i>, increasing law enforcement and promoting <i>close to nature</i> sustainable	(21) The Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies, and should be reinforcing its support and incentives with regard to protecting forests and transition to deforestation-free production, acknowledging the role of indigenous people peoples, 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 peoples in	Not to raise the issue of forest conversion, but rest can be discussed

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	forest management <i>based on indicators and thresholds, ecotourism</i>, climate-resilient agriculture, diversification, agro-ecology and agroforestry. In doing so it should <i>fully recognise</i> the role <i>and rights</i> of indigenous <i>peoples and local communities</i> 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. <i>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.</i> 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 <i>and forest conversion as well as supporting forest restoration, including through the use of digital technologies and geospatial information.</i>	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.	

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Recital 21a (new)	AM 33		
31a		<i>(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,</i>		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Recital 22	AM 34			
32	(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	(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		24/11 – proposal for a recital (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. Building on already existing monitoring tools, including Copernicus products and other publicly or privately available sources, the EU Observatory should facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking

	Commission Proposal	EP	Council Mandate	Draft Agreement
	forest degradation and related trade. The EU Observatory will cooperate closely with relevant international organisations, research institutes, and third countries.	to global deforestation and forest degradation and related trade. The EU Observatory <i>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.</i>		deforestation, forest degradation, and changes in the world's forest cover to EU demand/trade for commodities and products. The EU Observatory <i>should</i> thus 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 <i>participate in the development of a rapid warning system combining research and monitoring capacity. The rapid warning system should be part of a platform/tool that can assist the competent authorities, operators, traders and other relevant stakeholders and could provide continuous monitoring and early [notifications/indications] on possible deforestation or forest degradation activity, and should be operational as soon as possible. The EU Observatory should cooperate with the competent authorities,</i> relevant international organisations, research institutes, <i>non-governmental</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
				<i>organisations, operators, traders</i> third countries and other relevant stakeholders.
Recital 23	AM 35			
33	(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 market¹, 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 Community². 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 met³ and it was concluded that focusing solely on legality of timber was not sufficient to meet the set objectives.	(23) The existing EU <i>forest</i> framework <i>is the EU Action Plan for Forest Law Enforcement, Governance and Trade that</i> 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 market¹, 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 Community² which <i>operationalises the Voluntary Partnership Agreements (VPAs). The performance and implementation of</i> the two Regulations <i>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</i>		For discussion at ITM Beginning OK, rest needs to be discussed (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 market¹, 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 Community².

	Commission Proposal	EP	Council Mandate	Draft Agreement
	1. OJ L 295, 12.11.2010, p. 23. 2. OJ L 347, 30.12.2005, p. 1. 3. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/11630-Illegal-logging-evaluation-of-EU-rules-fitness-check-_en	<i>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.</i> 1. OJ L 295, 12.11.2010, p. 23. 2. OJ L 347, 30.12.2005, p. 1.		
	Recital 24	AM 36		
34	(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country of production. A recent report¹ 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. _____	(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country of production. A recent report¹ 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 <i>in this area</i>. _____		(24) Available reports confirm that a sizable part of ongoing deforestation is legal according to the laws of the country of production. A recent report¹ 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. _____

	Commission Proposal	EP	Council Mandate	Draft Agreement
	1. https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf .	1. https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf .		1. https://www.forest-trends.org/wp-content/uploads/2021/05/Illicit-Harvest-Complicit-Goods_rev.pdf .
Recital 25		AM 37		
35	(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 the production of relevant commodities and products is deforestation-free.	(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. <i>Focusing only on legality could potentially encourage a race to the bottom 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.</i> Therefore, the new Union legal framework should address both legality, whether the production of relevant commodities and products is deforestation-free <i>and whether the protection of tenure rights of indigenous and local populations has been maintained.</i>		For discussion at ITM
Recital 26		AM 38		
36	(26) The definition of “deforestation-free” should be sufficiently broad to	(26) The definition of “deforestation-free” should be sufficiently broad to		(26) The definition of “deforestation-free” should be sufficiently broad to cover

	Commission Proposal	EP	Council Mandate	Draft Agreement
	cover both deforestation and forest degradation, it should provide legal clarity, and it should be measurable based on quantitative, objective and internationally recognised data.	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.		deforestation, forest degradation and forest conversion it should provide legal clarity, and it should be measurable based on quantitative, objective and internationally recognised data.
Recital 26a (new)				
36a			(26a) For the purpose of this Regulation, agricultural use should be defined as the use of land for the purpose of agriculture. The Commission should develop guidelines in order to clarify the interpretation of this definition, in relation in particular to situations of conversion of forest to land the purpose of which is not agricultural use.	Not to raise Package discussion on definition of “agriculture use”
Recital 27 AM 39				
37	(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	(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		Not to raise Package discussion on scope/forest conversion

	Commission Proposal	EP	Council Mandate	Draft Agreement
	footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of eight commodities. Wood was directly included in the scope as it was already covered by the EUTR. The list of the commodities was then further reduced via an efficiency analysis in the Impact Assessment. This efficiency analysis compared the hectares of deforestation linked to EU consumption, as estimated in a recent research paper¹, 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%). ¹. Pendrill F., Persson U. M., Kastner, T. 2020.	and linking that environmental footprint to specific commodities, was carried out as a part of the study supporting the Impact Assessment and cross-checked via extensive consultation with stakeholders. That process delivered a first list of commodities. Wood was directly included in the scope as it was already covered by the EUTR. According to a recent research¹ 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%). <i>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.</i> ¹. Pendrill F., Persson U. M., Kastner, T. 2020.		

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Recital 27a (new)	AM 40		
37a		(27a) <i>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.</i>		Not to raise Package discussion on financial institutions/geolocation/feed
37b			(27a) To ensure that this proposal meets its objectives, it is important to ensure that feed used for livestock falling under the scope of this Regulation does not lead to deforestation. Therefore, operators placing on the Union market or exporting from the Union market relevant products that contain or have been made using cattle, which have been fed with relevant products that contain or have been made using other relevant commodities, should ensure, as part of their due diligence process, that the feed originates from deforestation-free supply chains. In that case, geolocation requirements of	(27a) To ensure that this proposal meets its objectives, it is important to ensure that feed used for livestock falling under the scope of this Regulation does not lead to deforestation. Therefore, operators placing on the Union market or exporting from the Union market relevant products that contain or have been made using cattle, which have been fed with relevant products that contain or have been made using other relevant commodities or <i>products</i>, should ensure, as part of their due diligence process, that the feed is <i>deforestation-free</i>. In that case, geolocation requirements of Article 9(1)(d) should be limited to referring to the geographical

	Commission Proposal	EP	Council Mandate	Draft Agreement
			Article 9(1)(d) should be limited to referring to the geographical location of each of the premises or places where the cattle were raised, and no geolocation information should be sought for the feed itself. When the feed has already been subject to due diligence in a previous step of the supply chain, the evidence that the feed originates from deforestation-free supply chains could consist of keeping and being able to make available to competent authorities upon request the relevant invoices. The evidence should cover the lifetime of the animals, up to a maximum of five years. The Commission should develop guidelines on this point.	location of each of the establishments where the cattle were raised, and no geolocation information should be sought for the feed itself. <i>If the competent authority obtains or is made aware of relevant information, including based on substantiated concerns submitted by third parties, that the feed might be at risk of not being in compliance with the requirements of this Regulation, the competent authorities should immediately request detailed information on such feed.</i> When the feed has already been subject to due diligence in a previous step of the supply chain, <i>operators should use as evidence the relevant invoices and/or reference numbers of relevant due diligence statements or other any other relevant documentation</i> that the <i>feed is deforestation-free and may be required</i> to make <i>it</i> available to competent authorities upon request. The evidence should cover the lifetime of the animals, up to a maximum of five years. 11.11: further discussion needed on the level playing field
Recital 28				
38	(28) Bearing in mind that the use of recycled relevant commodities and			28) Bearing in mind that the use of recycled relevant commodities

	Commission Proposal	EP	Council Mandate	Draft Agreement
	products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, should be excluded from the scope of this Regulation.		PUBLIC	and products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, should be excluded from the scope of this Regulation.
Recital 29		AM 41		
39	(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.	(29) Obligations concerning relevant commodities and products should be laid down by this Regulation in order to effectively combat deforestation, forest degradation <i>and forest conversion</i> , and to promote deforestation-free supply chains, <i>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.</i>		Not to raise Package discussion on forest conversion/human rights
Recital 29a (new)		AM 42		
39a		(29a) <i>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</i>		Not to raise Package discussion on forest conversion/human rights/commodities vs products

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>deforestation, forest degradation and forest conversion, including rights of indigenous peoples, local communities and customary tenure rights holders, should be taken into account.</i>		
Recital 30		AM 43		
40	(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.	(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 <i>as well as the conversion and degradation of other ecosystems</i> and the definitions in this Regulation build on this work.		Not to raise Package discussion on forest conversion
Recital 30a (new)				
40a			(30a) It is essential that this Regulation also address the issue of forest degradation. The definition of forest degradation should be based on internationally agreed notions, and ensure that the associated obligations can easily be implemented by operators and competent	Not to raise Package discussion on definition of forest degradation

	Commission Proposal	EP	Council Mandate	Draft Agreement
			authorities. Those obligations should be operationally measurable and verifiable, as well as clear and unambiguous to provide legal certainty. In this context, this Regulation should focus on key elements of forest degradation that are measurable and verifiable, and that are particularly relevant to avoid environmental impacts, based on the most up-to-date scientific data. For that purpose, the definition should, initially and for a limited period of time, focus on structural changes to forest cover taking the form of conversion of primary forests to plantation forests and other wooded land, building on internationally agreed concepts that are defined by the FAO. The definition of forest degradation should be reviewed, in accordance with Article 32, to assess the extension of the definition with a view to covering a broader scope of forest degradation drivers and of forest ecosystems worldwide to further support the environmental objectives of this Regulation, taking into account progress made in international discussions on the matter, as well as the diversity of forest ecosystems and practices around the world. This review should be conducted on the basis of an in-depth analysis, in close	

	Commission Proposal	EP	Council Mandate	Draft Agreement
			cooperation with the Member States, and, as appropriate, in consultation with relevant stakeholders, international organisations and the scientific community.	
Recital 31		AM 44		
41	(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.	(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 <i>or forest conversion</i> , 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 <i>or forest conversion</i> after that date. It should allow for the appropriate verification and monitoring, <i>taking into account</i> 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 <i>and forest conversion</i> in view of the entry into force of this Regulation.	(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.	Not to raise Package discussion on forest conversion/commodities vs products
Recital 32		AM 45		
42				Not to raise

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(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.	(32) To strengthen the Union's contribution to halting deforestation, forest degradation <i>and forest conversion</i> , and to ensure that commodities and products from supply chains related to deforestation, forest degradation <i>and forest conversion</i> are not placed on <i>or exported from</i> 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 <i>domestic and international law and standards</i> . To confirm that this is the case, they should always be accompanied by a due diligence statement.	(32) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that commodities and relevant 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.	Package discussion on forest conversion/relevant commodities vs products
Recital 33		AM 46		
43	(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	(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 <i>four</i> elements: information requirements, risk	(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,	Not to raise Package discussion on forest conversion/human rights/commodities vs products

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

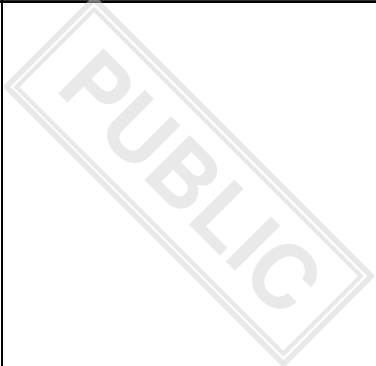
	Commission Proposal	EP	Council Mandate	Draft Agreement
		mitigate such risk to achieve no or negligible risk. Only after completing the required steps of the due diligence procedure and concluding that no or negligible risk exists that the relevant commodity or product is not compliant with this Regulation, should the operator be allowed to place the relevant commodity or product on the Union market or to export it. <i>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.</i>		
Recital 33a (new)		AM 47		
43a		(33a) <i>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.</i>		For discussion at ITM
Recital 33b (new)		AM 48		
43b		(33b) <i>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</i>		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Recital 34		AM 49		
44	(34) Operators should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.	(34) Operators <i>placing a commodity or product concerned on the Union market or exporting a product or a commodity to a third country</i> should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.	(34) Operators should formally assume responsibility for the compliance of the relevant commodities or products that they intend to place on the Union market or to export by making available due diligence statements. A template for such statements should be provided by this Regulation. This is expected to facilitate enforcement of this Regulation through competent authorities and courts as well as increase compliance by operators.	Not to raise Package discussion on commodities vs products
Recital 35				
45				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(35) In order to recognise good practice, certification or other third party verified schemes could be used in the risk assessment procedure, however, they should not substitute the operator's responsibility as regards due diligence.		PUBLIC	(35) In order to recognise good practice, certification or other third party verified schemes could be used in the risk assessment procedure, however, they should not substitute the operator's responsibility as regards due diligence.
Recital 36		AM 50		
46	(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.	(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.	(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 ensure, prior to making available on the market the relevant products, that the operators have exercised due diligence in a way that fulfils the relevant requirements, including that no or only negligible risk was found have the same obligations as operators.	Not to raise Package discussion on commodities vs products/simplification
Recital 37		AM 51		
47				For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(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.	(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.	(37) In order to foster transparency and facilitate enforcement, operators which are not SMEs do not fall under the categories of SMEs, microenterprises or natural persons should, on an annual basis, publicly report on their due diligence system, including on the steps taken to implement their obligations.	
	Recital 38	AM 52		
48	(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	(38) Other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts, <i>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}</i> , 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. <i>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.</i> The existence of this <i>commodity-specific</i> Regulation should not exclude the application of other EU legislative instruments that	(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 <u>and should be complementary to any other due diligence obligations in the Union's legislation on corporate sustainability due diligence as regards human rights and environmental impacts.</u> Where such other EU legislative instruments provide for more specific provisions or add requirements to the provisions laid	Not to raise Package discussion on commodities vs products

	Commission Proposal	EP	Council Mandate	Draft Agreement
	the effective application of other EU legislative instruments on due diligence or the achievement of their general aim.	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. <i>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.</i> 1a. <i>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).</i> 1b. <i>COM(2022)0071 final.</i>	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.	
Recital 38a (new)		AM 53		

	Commission Proposal	EP	Council Mandate	Draft Agreement
48a		<i>(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.</i>		Not to raise Package discussion on definitions of conversion of ecosystems
Recital 39				
49	(39) Operators falling within the scope of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts should be in a position to fulfil the reporting obligations under this Regulation by including the required information			(39) Operators falling within the scope of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts should be in a position to fulfil the reporting obligations under this Regulation by including the required information when

	Commission Proposal	EP	Council Mandate	Draft Agreement
	when reporting under the other EU legislative instrument.			reporting under the other EU legislative instrument.
Recital 40		AM 54		
50	(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.	(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. <i>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.</i>	(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.	Not to raise Package discussion on commodities vs products/ penalties
Recital 40a (new)		AM 55		
50a		(40a) <i>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</i>		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>environmental law and thus protect the environment.</i>		
Recital 40b (new)		AM 56		
50b		(40b) <i>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.</i>		Not to raise Package discussion on human rights
Recital 41		AM 57		
51	(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	(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	(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	Not to raise Package discussion on list of non-compliant operators and traders

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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.	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.	
	Recital 42	AM 58		
52	(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	(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	(42) For the relevant commodities 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, whereas the role of customs is to ensure that the reference of a due diligence statement is made available in the customs declaration where	Not to raise Package discussion on commodities vs products

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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.	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.	
Recital 42a (new)		AM 59		
52a		<i>(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.</i>		For discussion at ITM
Recital 43				
53	(43) Member States should ensure that adequate financial resources are always available for the appropriate staffing and equipping of the competent authorities. Efficient			43) Member States should ensure that adequate financial resources are always available for the appropriate staffing and equipping of the competent authorities.

	Commission Proposal	EP	Council Mandate	Draft Agreement
	checks are demanding in terms of resources, and stable resources should be provided at a level appropriate to the enforcement needs at any given moment. Member States should have the possibility to supplement public financing by reclaiming from the relevant economic operators the costs incurred when performing checks in relation to relevant commodities and products that were found to be non-compliant.		PUBLIC	Efficient checks are demanding in terms of resources, and stable resources should be provided at a level appropriate to the enforcement needs at any given moment. Member States should have the possibility to supplement public financing by reclaiming from the relevant economic operators the costs incurred when performing checks in relation to relevant commodities and products that were found to be non-compliant.
Recital 43a (new)		AM 60		
53a		(43a) <i>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.</i>		For discussion at ITM
Recital 44				

	Commission Proposal	EP	Council Mandate	Draft Agreement
54	(44) This Regulation is without prejudice to other Union legislation on goods and products entering or leaving the Union market, in particular the provisions of the Union Customs Code as regards the powers of customs authorities and customs controls. Importers should be reminded that Articles 220, 254, 256, 257 and 258 of Regulation (EU) No 952/2013 of the European Parliament and of the Council provide that products entering the Union market that require further processing shall be placed under the appropriate customs procedure allowing such processing. Generally, the release for free circulation or export should not be deemed to be proof of conformity with Union law, since such a release does not necessarily include a complete control of compliance.			44) This Regulation is without prejudice to other Union legislation on goods and products entering or leaving the Union market, in particular the provisions of the Union Customs Code as regards the powers of customs authorities and customs controls. Importers should be reminded that Articles 220, 254, 256, 257 and 258 of Regulation (EU) No 952/2013 of the European Parliament and of the Council provide that products entering the Union market that require further processing shall be placed under the appropriate customs procedure allowing such processing. Generally, the release for free circulation or export should not be deemed to be proof of conformity with Union law, since such a release does not necessarily include a complete control of compliance.
Recital 45		AM 61		
55	(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	(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 <i>interoperable</i> electronic interfaces that allow the automatic data transfer between customs systems and the	(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	Not to raise commodities vs products issue (package), but rest could be addressed

	Commission Proposal	EP	Council Mandate	Draft Agreement
	of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and additional burden for customs authorities should be limited. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby traders and economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.	Information System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and <i>facilitate processes</i> for customs authorities <i>as well as limit costs and burden for operators</i>. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.	System of competent authorities. The EU Single Window environment for customs is the natural candidate to support such data transfers. The interfaces should be highly automated and easy-to-use, and additional burden for customs authorities should be limited. Moreover, in view of the limited differences between the data to be declared respectively in the customs declaration and the due diligence statement, it is appropriate to propose also a ‘business-to-government’ approach whereby traders and economic operators make available the due diligence statement of a relevant commodity or product via national single window environment for customs and this statement is transmitted automatically to the Information System used by competent authorities. Customs authorities and competent authorities should contribute to determine the data to be transmitted and any other technical requirement.	
Recital 46		AM 62		
56	(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	(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 <i>or parts thereof</i>.	(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	Not to raise Package discussion on commodities vs products

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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, <i>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.</i> Commodities and products from high-risk countries or parts thereof should be subject to enhanced scrutiny by the competent authorities.	sourcing commodities and products from countries or parts subnational jurisdictions 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 subnational jurisdictions thereof should be subject to enhanced scrutiny by the competent authorities.	
Recital 47	AM 63			

	Commission Proposal	EP	Council Mandate	Draft Agreement
57	(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	(47) For this reason, the Commission should assess the deforestation and forest degradation <i>or forest conversion</i> 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 <i>and forest conversion, and for the promotion of rights of indigenous peoples and local communities</i>. 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	(47) For this reason, the Commission should assess the deforestation and forest degradation risk at a level of a country or parts subnational jurisdictions 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	Not to raise Package discussion on forest conversion, but we could maybe look at “subnational jurisdictions”

	Commission Proposal	EP	Council Mandate	Draft Agreement
	should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.	commodities and products from low risk countries or parts of countries identified as low-risk, operators should be allowed to apply a simplified due diligence, whilst competent authorities should be required to apply enhanced scrutiny on relevant commodities and products from high risk countries or parts of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.	or parts subnational jurisdictions 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 subnational jurisdictions of countries identified as high-risk. The Commission should be empowered to adopt implementing measures to establish the countries or parts subnational jurisdictions thereof that present a low or high risk of producing relevant commodities and products that are not compliant with this Regulation.	
Recital 47a (new)		AM 64		
57a		<i>(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.</i>		For discussion at ITM
Recital 48		AM 65		
58	(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that	(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify that	(48) Competent authorities should carry out checks at regular intervals on operators and traders to verify	Not to raise Package discussion on percentages/checks

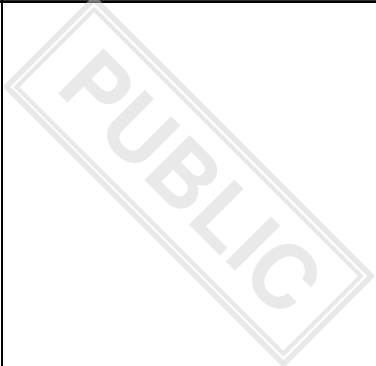
	Commission Proposal	EP	Council Mandate	Draft Agreement
	they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks when in possession of and based on relevant information, including substantiated concerns submitted by third parties. For 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.	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 <i>whereas they can be lower for low-risk countries or parts thereof</i>.	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 The identification of checks to be carried out should be based on a risk-based approach, for all products regardless of their share of commodities and products country of origin. In addition, a twofold approach should apply. competent authorities should thus be required to check on at least a certain percentage of operators and traders for relevant products from countries or subnational jurisdictions thereof identified as standard risk, as well as at least an enhanced, whilst also covering a specific percentage of for relevant commodities and products. Such percentages products from countries or subnational jurisdictions thereof identified as high risk. The first review of the Regulation should evaluate and identify quantified objectives for the annual checks to be carried out by competent authorities that are appropriate to ensure the	

	Commission Proposal	EP	Council Mandate	Draft Agreement
			enforcement of the Regulation and a harmonised approach across the Union. The Commission should also develop guidelines as regards calculation methods in relation with such quantified objectives be higher for relevant commodities and products from high risk countries or parts thereof.	
	Recital 49	AM 66		
59	(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	(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	(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 non-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	Not to raise Package discussion on commodities vs products

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	be checked, and should be carried out using electronic data processing techniques in the information system which collects the due diligence statements. <i>Where necessary and technically possible, competent authorities, in close cooperation with authorities in third countries, should also conduct controls in situ.</i>	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.	
Recital 50		AM 67		
60	(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	(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 <i>or their export from the Union</i> . 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 <i>five</i> working days, <i>or 72</i>	(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	Not to raise Package discussion on suspension of trade

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	<i>hours for fresh commodities and products at risk of spoilage,</i> 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.	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 by additional periods of three working days or request such extension to customs authorities in case of relevant commodities and products entering or leaving the Union market.	
Recital 50a (new)		AM 68		
60a		<i>(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.</i>		For discussion at ITM
Recital 51		AM 69		
61	(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 <i>might</i> be subject to a reduced frequency of checks.		Not to raise Package discussion on percentages/checks

	Commission Proposal	EP	Council Mandate	Draft Agreement
Recital 51a (new)		AM 70		
61a		(51a) <i>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.</i>		Not to raise Package discussion on checks
Recital 52		AM 71		
62	(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.	(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 <i>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.</i>	(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.	Not to raise Package discussion on penalties
Recital 52a (new)		AM 72		

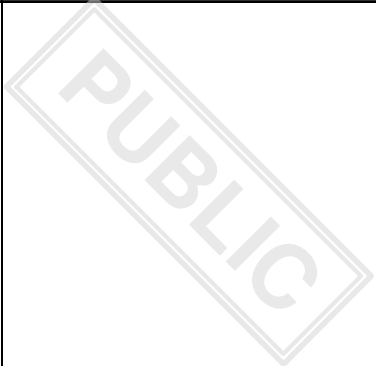
	Commission Proposal	EP	Council Mandate	Draft Agreement
62a		(52a) <i>The Commission should publish the names of operators and traders not in compliance with this Regulation. This could help other operators and traders in their risk assessments and increase the pressure from consumers and civil society on non-compliant operators and traders to source from supply chains that are free from deforestation.</i>		52a EP - Not to raise Package discussion on list of non-compliant operators and trades
62b			(52a) It will be critical that sufficient resources and capacity be available in Member States, so that they can deliver on the requirements of this Regulation, with a view to ensuring its effective application. In this context, beyond national resources, Member States should use as much as possible opportunities and possibilities for support available at the Union level and through other means, including cohesion funds and capacity-building instruments notably in the context of the Technical Support Instrument.	52a Council - For discussion at ITM
Recital 53		AM 73		
63	(53) Taking into account the international character of deforestation and forest degradation and related trade, competent	(53) Taking into account the international character of deforestation, forest degradation, forest conversion and related trade,	(53) Taking into account the international character of deforestation and forest degradation and related trade, competent	Not to raise Package discussion on forest conversion

	Commission Proposal	EP	Council Mandate	Draft Agreement
	authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.	competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.	authorities should cooperate with each other, with customs authorities of the Member States, with the Commission, as well as with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other EU legislative instruments that set out due diligence requirements in the value chain with regard to adverse human rights or environmental impacts.	
	AM 74		Recital 53a (new)	
63a		<i>(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</i>		

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
63b			(53a) According to settled case law of the Court of Justice, under the principle of sincere cooperation laid down in Article 4(3) of the Treaty on European Union (TEU), it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) TEU requires Member States to provide remedies sufficient to ensure effective judicial protection in the fields covered by Union law. In	Not to raise Package discussion on Access to Justice

	Commission Proposal	EP	Council Mandate	Draft Agreement
			this respect, Member States should ensure that the public, including natural or legal persons submitting substantiated concerns in accordance with Article 29, is ensured access to justice in line with the obligations Member States have undertaken as parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the ‘Aarhus convention’).	
Recital 54		AM 75		
64	(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	<i>deleted</i>	(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	Not to raise Package discussion on Delegated Acts

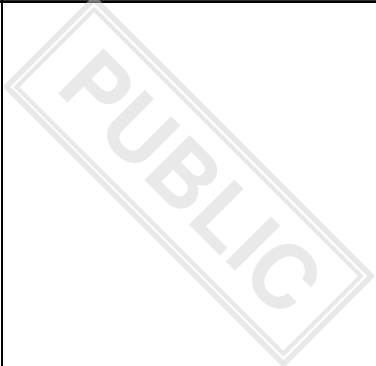
	Commission Proposal	EP	Council Mandate	Draft Agreement
	ecosystems and to further commodities two years after the entry into force. At the same time, the Commission should also undertake a review of the relevant products as listed in Annex I of this Regulation by way of a delegated act.		extending the 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.	
Recital 55		AM 76		
65	(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	(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 with stakeholders , and that those consultations be conducted in	<i>deleted</i>	For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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.		
Recital 56				
66	(56) Regulation (EU) No 995/2010 prohibits the placing of illegally harvested timber and timber products on the Union market. It lays down obligations for operators placing timber on the market for the first time to exercise due diligence and for traders to keep a traceable record of their suppliers and customers. This Regulation should retain the obligation to ensure the legality of relevant commodities and products, including wood and wood products, placed on the Union market and complements them with the requirement on sustainability. This Regulation and the related Commission Implementing Regulation (EU) No 607/2012 are therefore rendered redundant by this Regulation and should be repealed.		(56) Regulation (EU) No 995/2010 prohibits the placing of illegally harvested timber and timber products on the Union market. It lays down obligations for operators placing timber on the market for the first time to exercise due diligence and for traders to keep a traceable record of their suppliers and customers. This Regulation should retain the obligation to ensure the legality of relevant commodities and products, including wood and wood products, placed on the Union market and complements them with the requirement on sustainability. This Regulation and the related Commission Implementing Regulation (EU) No 607/2012 are therefore rendered redundant by this Regulation and should be repealed.	For discussion at ITM

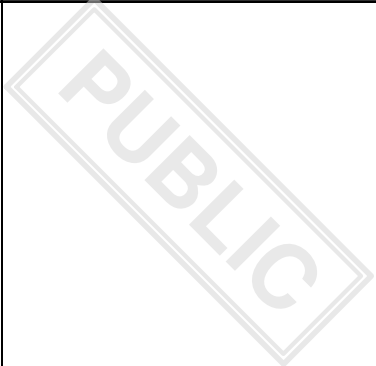
	Commission Proposal	EP	Council Mandate	Draft Agreement
			Timber and timber products as defined in Article 2, point (a) of Regulation No (EU) 995/2010 are the equivalent of wood and wood products listed in Annex I that contain or have been made using wood under this Regulation.	
Recital 57		AM 77		
67	(57) Regulation (EC) No 2173/2005 lays down Union procedures for the implementation of a FLEGT licensing scheme through bilateral Voluntary Partnership Agreements (VPAs) with timber-producing countries. To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner countries that have an operating system in place (FLEGT licensing stage), this Regulation should include a provision declaring wood and wood-based products covered by a valid FLEGT license as fulfilling the legality requirement under this Regulation.	(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. <i>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 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.</i> To respect bilateral commitments that the European Union has entered into and to preserve the progress achieved with partner		For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		countries that have an operating system in place (FLEGT licensing stage) <i>and incentivise other partners to work towards reaching this stage</i>, 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, <i>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.</i>		
Recital 57a (new)		AM 78		
67a		(57a) <i>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.</i>		For discussion at ITM
Recital 58		AM 79		
68				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(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.	(58) While this Regulation addresses deforestation, forest degradation <i>and forest conversion</i>, 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 <i>and the biodiversity crisis</i>, as well as other sustainable development goals and their conversion or degradation require particular urgent <i>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</i>, an evaluation of, <i>and a legislative proposal to</i>, extending the scope of this Regulation to other ecosystems than forests <i>and other wooded land</i> should be undertaken <i>at the latest one year</i> of the entry into force of this Regulation, <i>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</i>		Not to raise Package discussion on forest conversion

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Recital 58a (new)		AM 80		
68a		<i>(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-</i>		Not to raise Package discussion on forest conversion/definitions

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>off date of 31 December 2019, as laid down in this Regulation.</i>		
Recital 59				
69	(59) Where, for the purposes of this Regulation, it is necessary to process personal data, these are to be handled in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council², as applicable. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).			(59) Where, for the purposes of this Regulation, it is necessary to process personal data, these are to be handled in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council², as applicable. 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).
Recital 60				
AM 81				

	Commission Proposal	EP	Council Mandate	Draft Agreement
70	(60) Since the objective of this Regulation, fighting against deforestation and forest degradation by reducing the contribution of consumption in the Union, cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(60) Since the objective of this Regulation, fighting against deforestation, forest degradation and forest conversion by reducing the contribution of consumption in the Union and by incentivising deforestation reduction in producer countries , cannot be achieved by the Member States individually and can therefore, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.		Not to raise Package discussion on forest conversion
Recital 61		AM 82		
71	(61) Operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation,	(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,		For discussion at ITM
Formula				
72				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	HAVE ADOPTED THIS REGULATION:			HAVE ADOPTED THIS REGULATION:
Chapter 1				
73	Chapter 1 General Provisions		Chapter 1 General Provisions	Chapter 1 General Provisions
Article 1				
74	Article 1 Subject matter and scope		Article 1 Subject matter and scope	Article 1 Subject matter and scope
Article 1, first paragraph, introductory part		AM 83		
75	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	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, <i>swine, sheep and goats, poultry</i> , cocoa, coffee, oil palm <i>and palm-oil based derivatives, soya, maize, rubber</i> , and wood ("relevant commodities"), <i>and products, including charcoal and printed paper</i> 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:	1. 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 of products, as listed in Annex I, that contain, have been fed with or have been made using relevant commodities ("relevant products") cattle, cocoa, coffee, oil palm, soya and wood , with a view to:-	Further discussion at political level Package discussion on scope (with annex)
Article 1, first paragraph, point (a)		AM 84		
76				For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(a) minimising the Union's contribution to deforestation and forest degradation worldwide	(a) minimising the Union's contribution to deforestation, forest degradation and forest conversion worldwide;	(a) minimising the Union's contribution to deforestation and forest degradation worldwide;	In principle fine (addition of global deforestation); issue of forest conversion still needs to be solved Possible rewording (14/10): (a) minimising the Union's contribution to deforestation, forest degradation and forest conversion worldwide, and thereby contributing to a reduction in global deforestation;
Article 1, first paragraph, point (b)		AM 85		
77	(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss.	(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss;		(b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss.
Article 1, first paragraph, point (ba) (new)		AM 86		
77a		(ba) contributing to a reduction in global deforestation.		Possibly to be included in point (a) (row 76)
Article 1, paragraph 1a (new)		AM 87		
77b		<i>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</i>		For discussion at political level Package discussion on financial institutions

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Article 1, second paragraph				
78	The Regulation shall not apply to relevant commodities and products placed on the Union market that were produced before the date established in Article 36(1).		2. Without prejudice to Article 35(3), the Regulation shall not apply to relevant commodities and products placed on the Union market that were listed in Annex I produced before the date established in Article 36(1).	2. Without prejudice to Article 35(3), the Regulation shall not apply to relevant commodities and products placed on the Union market that were listed in Annex I produced before the date established in Article 36(1).
Article 2				
79	Article 2 Definitions		Article 2 Definitions	Article 2 Definitions
Article 2, first paragraph, introductory part				
80	For the purposes of this Regulation, the following definitions shall apply:			For the purposes of this Regulation, the following definitions shall apply:
Article 2, first paragraph, point (0)				
80a			(0) ‘relevant commodities’ means cattle, cocoa, coffee, oil palm, soya and wood;	For further discussion at ITM Package discussion on relevant commodities vs relevant products
Article 2, first paragraph, point (0a)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
80b			(0a) 'relevant products' means products listed in Annex I that contain, have been fed with or have been made using relevant commodities;	For further discussion at ITM Package discussion on relevant commodities vs relevant products
Article 2, first paragraph, point (1)		AM 88		
81	(1) 'deforestation' means the conversion of forest to agricultural use, whether human-induced or not;	(1) 'deforestation' means conversion, whether human-induced or not, <i>of forests or other wooded land to agricultural use or to plantation forest</i> ;		For further discussion at ITM
Article 2, first paragraph, point (1a) (new)		AM 89		
81a		(1a) ' <i>ecosystem conversion</i> ' means <i>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</i> ;		For further discussion at ITM
Article 2, first paragraph, point (2)				
82	(2) 'forest' means land spanning more than 0,5 hectares with trees higher than 5 meters and a canopy cover of more than 10%, or trees able		(2) 'forest' means land spanning more than 0,5 hectares with trees higher than 5 meters -metres and a canopy cover of more than 10%, or	(2) 'forest' means land spanning more than 0,5 hectares with trees higher than 5 meters -metres and a canopy cover of more than 10%,

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	to reach those thresholds in situ, excluding agricultural plantations and land that is predominantly under agricultural or urban land use;		trees able to reach those thresholds in situ, excluding agricultural plantations and land that is predominantly under agricultural or urban land use;	or trees able to reach those thresholds in situ, excluding agricultural plantations and land that is predominantly under agricultural or urban land use;
Article 2, first paragraph, point (2a) (new)		AM 90		
82a		(2a) <i>‘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;</i>	(2a) <i>‘agricultural use’ means the use of land for the purpose of agriculture, including for agricultural plantations, and includes livestock and set-aside agricultural areas;</i>	Agreement in principle on the following proposal; further discuss the recital (2a) <i>‘agricultural use’ means the use of land for the purpose of agriculture, including for agricultural plantations, and includes livestock and set-aside agricultural areas;</i> <u>EP Proposal for a recital on agroforestry:</u> (xx) <i>In line with FAO definitions, agroforestry systems, including when crops are grown under tree cover, as well as agrisilvicultural, silvopastoral and agrosilvopastoral systems, should not be considered forests, but as constituting agricultural use.</i>
Article 2, first paragraph, point (2b) (new)		AM 91		
82b				Was placed in row 86b

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		(2b) <i>'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;</i>		
Article 2, first paragraph, point (3)				
83	(3) 'agricultural plantations' means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the commodities in Annex I other than wood;		(3) 'agricultural plantations' means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the relevant commodities in Annex I other than wood other than wood. Agricultural plantations are excluded from the definition of 'forest';	(3) 'agricultural plantations' means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the relevant commodities in Annex I other than wood other than wood. Agricultural plantations are excluded from the definition of 'forest';
Article 2, first paragraph, point (4)				
84	(4) 'plantation forest' means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short rotation plantations for wood,			4) 'plantation forest' means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing. It includes short

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	fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;		PUBLIC	rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding which at stand maturity resemble or will resemble naturally regenerating forests;
Article 2, first paragraph, point (5)				
85	(5) 'planted forest' means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;			(5) 'planted forest' means forest predominantly composed of trees established through planting and/or deliberate seeding provided that the planted or seeded trees are expected to constitute more than fifty percent of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;
Article 2, first paragraph, point (5a) AM 92				
85a		(5a) <i>'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;</i>		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (6)		AM 93	
86	(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 <i>and other natural ecosystem</i> degradation' means <i>the</i> reduction or loss of <i>biological or</i> economic productivity and complexity of <i>forests and other wooded land and other natural</i> ecosystems, <i>affecting their species composition, structure or function, whether or not directly caused by humans; this</i> includes <i>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</i> biodiversity or <i>deliver ecosystem</i> services;	(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 structural changes to forest ecosystems, resulting in the long-term reduction cover, taking the form of the overall supply of benefits from forest, which includes wood, biodiversity and conversion of primary forests into plantation forests or into other products or services wooded land ;	For further discussion at ITM about possible options/political issue
	Article 2, first paragraph, point (6a)			
86a			(6a) 'primary forest' means naturally regenerated forest of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed;	Depends on definition of forest degradation
	Article 2, first paragraph, point (6b)			
86b			(6b) 'other wooded land' means land not classified as 'forest' spanning more than 0,5 hectares	(6b) 'other wooded land' means land not classified as 'forest' spanning more than 0,5 hectares

	Commission Proposal	EP	Council Mandate	Draft Agreement
			with trees higher than 5 metres and a canopy cover of 5 to 10%, 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 land use;	with trees higher than 5 metres and a canopy cover of 5 to 10%, 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 land use;
Article 2, first paragraph, point (7)		AM 94		
87	(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;	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
Article 2, first paragraph, point (8), introductory part		AM 95		
88	(8) ‘deforestation-free’ means	(8) ‘deforestation-free’ means that the relevant commodities and products, including those used for or contained	(8) ‘deforestation-free’ means	For further discussion at ITM about possible options/political issue

	Commission Proposal	EP	Council Mandate	Draft Agreement
		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 ;		
Article 2, first paragraph, point (8)(a)				
89	(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		(a) that the relevant commodities and products contain, have been fed with or have been made using , including those used for or contained in relevant products, commodities that were produced on land that has not been subject to deforestation after December 31, 2020 2021 , and	For further discussion at ITM about possible options/political issue
Article 2, first paragraph, point (8)(b)				
90	(b) that the wood has been harvested from the forest without inducing forest degradation after December 31, 2020;		(b) in case of relevant products that contain or have been made using wood , that the wood has been harvested from the forest without inducing forest degradation after December 31, 2020 2021 ;	For further discussion at ITM about possible options/political issue
Article 2, first paragraph, point (9) AM 240				
91	(9) 'produced' means grown, harvested, raised, fed from or obtained on relevant plot of land;	(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 ;	(9) 'produced' means grown, harvested, raised, fed from or obtained on relevant plot of land;	(9) 'produced' means grown, harvested, raised or obtained on relevant plots of land or establishments in case of cattle ;

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 2, first paragraph, point (10)				
92	(10) 'placing on the market' means the first making available of a relevant commodity or product on the Union market;		(10) 'placing on the market' means the first making available of a relevant commodity or product on the Union market;	(10) 'placing on the market' means the first making available of a relevant commodity or product on the Union market;
Article 2, first paragraph, point (11)				
93	(11) 'making available on the market' means any supply of a relevant commodity or product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;		(11) 'making available on the market' means any supply of a relevant commodity or product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;	(11) 'making available on the market' means any supply of a relevant commodity or product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;
Article 2, first paragraph, point (11a)				
93a			(11a) 'in the course of a commercial activity' means for the purpose of processing, or for distribution to commercial or non-commercial consumers, or for use in the business of the operator or trader itself;	11a) 'in the course of a commercial activity' means for the purpose of processing, or for distribution to commercial or non-commercial consumers, or for use in the business of the operator or trader itself;
Article 2, first paragraph, point (11b)				
93b			(11b) 'person' means a natural person, a legal person and any association of persons which is not a legal person but which is	(11b) 'person' means a natural person, a legal person and any association of persons which is not a legal person but which is

	Commission Proposal	EP	Council Mandate	Draft Agreement
			recognised under Union or national law as having the capacity to perform legal acts;	recognised under Union or national law as having the capacity to perform legal acts;
Article 2, first paragraph, point (12)				
94	(12) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant commodities and products on the Union market or exports them from the Union market;		(12) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant commodities and products on the Union market or exports them from the Union market;	(12) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant commodities and products on the Union market or exports them from the Union market;
Article 2, first paragraph, point (13)				
95	(13) ‘trader’ means any natural or legal person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the Union market relevant commodities and products;		(13) ‘trader’ means any natural or legal person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the Union market relevant commodities and products;	13) ‘trader’ means any natural or legal person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the Union market relevant commodities and products;
Article 2, first paragraph, point (14)				
96	(14) ‘country of origin’ means a country or territory as defined in Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ¹ ; ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269 10.10.2013, p. 1).			14) ‘country of origin’ means a country or territory as defined in Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ¹ ; ¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269 10.10.2013, p. 1).

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (15)			
97	(15) ‘country of production’ means the country or territory where the relevant commodity or the relevant commodity used in the production of or contained in a product was produced;		(15) ‘country of production’ means the country or territory where the relevant commodity or the relevant commodity used in the production of or contained in a product was produced;	(15) ‘country of production’ means the country or territory where the relevant commodity or the relevant commodity used in the production of or contained in a product was produced;
	Article 2, first paragraph, point (16) AM 96			
98	(16) ‘negligible risk’ means a full assessment of both the product-specific and the general information on compliance with Articles 3(a) and 3(b) by relevant commodities or products showing no cause for concern;	(16) ‘negligible risk’ means <i>the level of risk that applies to relevant commodities and products to be placed on, or exported from, the Union market where these commodities or products show no cause for concern on grounds of a full assessment of both the product-specific and the general information on compliance with Article 3 and the application of the appropriate mitigation measures;</i>	(16) ‘negligible risk’ means a full assessment of both the product-specific and the general information on compliance with Articles 3(a) and 3(b) by relevant commodities or products showing no cause for concern that the relevant products may not be compliant with those Articles;	(16) ‘negligible risk’ means the level of risk that applies to relevant commodities and relevant products, where these commodities or products show no cause for concern for not being compliant with Articles 3(a) and 3(b) on grounds of a full assessment of both the product-specific and the general information, and, where necessary, of the application of the appropriate mitigation measures.
	Article 2, first paragraph, point (16a) (new) AM 97			
98a		(16a) ‘ <i>meaningful engagement with stakeholders</i> ’ means <i>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</i>		-----

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>account potential barriers to effective engagement;</i>		
			Article 2, first paragraph, point (16b), introductory part	
98b			(16b) ‘person established in the Union’ means:	16b) ‘person established in the Union’ means:
			Article 2, first paragraph, point (16b)(a)	
98c			(a) in the case of a natural person, any person who has his or her residence in the Union;	(a) in the case of a natural person, any person who has his or her residence in the Union;
			Article 2, first paragraph, point (16b)(b)	
98d			(b) in the case of a legal person or an association of persons, any person having its registered office, central headquarters or a permanent business establishment in the Union;	(b) in the case of a legal person or an association of persons, any person having its registered office, central headquarters or a permanent business establishment in the Union;
Article 2, first paragraph, point (17)				
99	(17) ‘authorised representative’ means any natural or legal person established within the Union who has received a written mandate from an operator to act on its behalf in relation to specified tasks with regard		(17) ‘authorised representative’ means any natural or legal person established within in the Union who, in accordance with Article 5 , has received a written mandate from an operator or from a trader to act on	(17) ‘authorised representative’ means any natural or legal person established within in the Union who, in accordance with Article 5 , has received a written mandate from an operator or from a trader to act on its behalf in relation to

	Commission Proposal	EP	Council Mandate	Draft Agreement
	to the operator's obligations under this Regulation;		its behalf in relation to specified tasks with regard to the operator's or the trader's obligations under this Regulation;	specified tasks with regard to the operator's or the trader's obligations under this Regulation;
Article 2, first paragraph, point (18)		AM 98		
100	(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 <i>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;</i>	(18) 'non-compliant products' means relevant commodities and products that were not produced in a 'deforestation-free' manner, or were not produced in accordance do not comply with the relevant legislation of the country of production, or both requirements of Article 3;	(18) 'non-compliant products' means relevant commodities and products that were not produced in a 'deforestation-free' manner, or were not produced in accordance do not comply with the relevant legislation of the country of production, or both requirements of Article 3;
Article 2, first paragraph, point (19)				
101	(19) 'plot of land' is an extension of land within a single real-estate property, as recognised by the laws of the country of production, and which enjoys sufficiently homogeneous conditions as to allow to evaluate on the aggregate level the risk of deforestation and forest degradation associated with commodities produced on that extension of land;			(19) 'plot of land' is an extension of land within a single real-estate property, as recognised by the laws of the country of production, and which enjoys sufficiently homogeneous conditions as to allow to evaluate on the aggregate level the risk of deforestation and forest degradation associated with commodities produced on that extension of land;
Article 2, first paragraph, point (19a)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
				<i>(19a) ‘establishment’ means any premises, structure, or, in the case of open-air farming, any environment or place, where animals are kept, on a temporary or permanent basis;</i>
Article 2, first paragraph, point (20)				
102	(20) ‘SMEs’ mean micro, small and medium-sized enterprises as defined in Directive 2013/34/EU¹; 1. 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 Text with EEA relevance (OJ L 182, 29.6.2013, p. 19–76).			20) ‘SMEs’ mean micro, small and medium-sized enterprises as defined in Directive 2013/34/EU¹; 1. 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 Text with EEA relevance (OJ L 182, 29.6.2013, p. 19–76).
Article 2, first paragraph, point (21) AM 99				
103	(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;	(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;		(21) ‘substantiated concern’ means a duly justified claim based on objective and verifiable information regarding non-compliance with the present Regulation and which may require the intervention of competent authorities; <u>14/11/2022</u> (*) EP proposes to add a recital on what “duly justified” entails

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 2, first paragraph, point (22)				
104	(22) ‘competent authorities’ means the authorities designated under Article 13(1);			(22) ‘competent authorities’ means the authorities designated under Article 13(1);
Article 2, first paragraph, point (23)				
105	(23) ‘customs authorities’ means customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013;			(23) ‘customs authorities’ means customs authorities as defined in Article 5, point 1, of Regulation (EU) No 952/2013;
Article 2, first paragraph, point (23a)				
105 a			(23a) ‘customs territory’ is the territory as defined in Article 4 of Regulation (EU) 952/2013;	(23a) ‘customs territory’ is the territory as defined in Article 4 of Regulation (EU) 952/2013;
Article 2, first paragraph, point (23b)				
105 b			(23b) ‘third country’ means a country or territory outside the customs territory of the Union;	(23b) ‘third country’ means a country or territory outside the customs territory of the Union;
Article 2, first paragraph, point (24)				
106	(24) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;			(24) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 2, first paragraph, point (25)				
107	(25) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;			(25) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;
Article 2, first paragraph, point (26)				
108	(26) 'relevant commodities and products entering the Union market' means relevant commodities and products from third countries placed under the customs procedure 'release for free circulation' and intended to be placed on the Union market or intended for commercial use or consumption other than private within the customs territory of the Union;		(26) 'relevant commodities and products entering the Union market' means relevant commodities and products from third countries placed under the customs procedure 'release for free circulation' and that are intended to be placed on the Union market or and not intended for commercial private use or consumption other than private within the customs territory of the Union;	(26) 'relevant commodities and products entering the Union market' means relevant commodities and products from third countries placed under the customs procedure 'release for free circulation' and that are intended to be placed on the Union market or and not intended for commercial private use or consumption other than private within the customs territory of the Union;
Article 2, first paragraph, point (27)				
109	(27) 'relevant commodities and products leaving the Union market' means relevant commodities and products placed under the customs procedure 'export';		(27) 'relevant commodities and products leaving the Union market' means relevant commodities and products placed under the customs procedure 'export';	(27) 'relevant commodities and products leaving the Union market' means relevant commodities and products placed under the customs procedure 'export';
Article 2, first paragraph, point (28)				
AM 100				
110	(28) 'relevant legislation of the country of production' means the rules applicable in the country of	(28) 'relevant laws and standards ' means:	(28) 'relevant legislation of the country of production' means the rules applicable in the country of	17/11/2022: EP proposal – (28) 'relevant laws ' means

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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;	(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) <i>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;</i>	production concerning the legal status of the area of production in terms of land use rights, environmental protection, sustainable forest management, third parties' rights, labour rights and human rights protected under international law, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, and relevant tax, anti-corruption, trade and customs regulations under legislation the legal framework applicable in the country of production;	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, labour rights and human rights protected under international law, including under instruments ratified by the country of production, and relevant tax, anti-corruption, trade and customs regulations under the legal framework applicable in the country of production; and rights protected under international law concerning the area of production in terms of use, access and ownership, such as customary tenure rights and the right to free, prior and informed consent (FPIC).
Article 2, first paragraph, point (28a) (new)		AM 101		

	Commission Proposal	EP	Council Mandate	Draft Agreement
110 a		(28a) <i>'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.</i>		Depending on the definition above.
Article 2, first paragraph, point (29)				
110 b			(29) 'geolocation' means the geographical location of a plot of land described by means of latitude and longitude coordinates corresponding to at least one latitude and longitude point and using at least six decimal digits. For relevant commodities other than cattle, for plots of land of more than 10 hectares, the geographical location shall be provided using sufficient latitude and longitude points to describe the perimeter of the plot of land.	(29) 'geolocation' means the geographical location of a plot of land described by means of latitude and longitude coordinates corresponding to at least one latitude and longitude point and using at least six decimal digits. For relevant commodities other than cattle, for plots of land of more than 4 hectares, the geographical location shall be provided using polygons, meaning sufficient latitude and longitude points to describe the perimeter of each plot of land.
Article 2, first paragraph, point (28b) (new) AM 102				
110 ba				--- (*)

	Commission Proposal	EP	Council Mandate	Draft Agreement
		(28b) <i>‘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;</i>		(*) Agreement to include “human rights defenders” in a recital. EP to propose recitals on this issue.
Article 2, first paragraph, point (28c) (new)		AM 103		
110 c		(28c) <i>‘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;</i>		--- (*) (*) Agreement to include “environmental human rights defenders” in a recital. EP to propose recitals on this issue.
Article 3				
111	Article 3 Prohibition		Article 3 Prohibition	Article 3 Prohibition
Article 3, first paragraph, introductory part				
112	Relevant commodities and products may be placed or made available on		Relevant commodities and products may products shall not be placed or	Relevant commodities and products may products shall not

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	the Union market, or exported from the Union market only if all the following conditions are fulfilled:		made available on the Union market, or exported from the Union market only if, unless all the following conditions are fulfilled:	be placed or made available on the Union market, or exported from the Union market only if, unless all the following conditions are fulfilled:
Article 3, first paragraph, point (a)				
113	(a) they are deforestation-free;			(a) they are deforestation-free;
Article 3, first paragraph, point (b) AM 104				
114	(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 <i>laws and standards, as defined in Article 2, point (28)</i> ; and	(b) they the relevant commodities have been produced in accordance with the relevant legislation of the country of production; and	Further discussion needed - part of discussion on definitions - part of discussion on commodities/products in row 112
Article 3, first paragraph, point (c)				
115	(c) they are covered by a due diligence statement as laid down in Article 4(2).		(c) they are covered by a due diligence statement as laid down in Article 4(2) .	(c) they are covered by a due diligence statement as laid down in Article 4(2) .
Article 3a (new) AM 105				
115 a		<i>Article 3a</i> <i>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</i>		Discussion at political level needed Part of discussion on financial institutions

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		<i>question potentially provide support directly or indirectly to activities leading to deforestation, forest degradation or forest conversion.</i>		
Chapter 2				
116	Chapter 2 Obligations of operators and traders		Chapter 2 Obligations of operators and traders	Chapter 2 Obligations of operators and traders
Article 4				
117	Article 4 Obligations of operators		Article 4 Obligations of operators	Article 4 Obligations of operators
Article 4(1) AM 106				
118	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.	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.	1. Operators shall exercise due diligence in accordance with Article 8 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.	1. Operators shall exercise due diligence in accordance with Article 8 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.
Article 4(2) AM 107				
119				

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	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.	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 <i>electronically available, transmittable and certified</i> statement shall confirm that due diligence was carried out, <i>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</i> no or only negligible risk was found. <i>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.</i>	2. Operators shall not place relevant products on the Union market nor export them without prior submission of a due diligence statement. 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 Such 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.	2. Operators shall not place relevant products on the Union market nor export them without prior submission of a due diligence statement. 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. Such electronically available and transmittable 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.
Article 4(3)		AM 108		
120	3. By making available the due diligence statement, the operator assumes responsibility for the compliance of the relevant commodity or product with the	3. The operator assumes responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation. Operators shall <i>therefore</i>	3. By making available the due diligence statement to competent authorities, the operator assumes responsibility for the compliance of the relevant commodity or product	3. By making available the due diligence statement to competent authorities, the operator assumes responsibility for the compliance of the relevant commodity or

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	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.	<i>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.</i>	with the requirements of this Regulation. Operators shall keep record of the due diligence statements for 5 years from the date of making the statement is made available via the information system referred to in Article 31.	product with the requirements of this Regulation. Operators shall keep record of the due diligence statements for 5 years from the date of making the statement is made available via the information system referred to in Article 31.
Article 4(4)				
121	4. Operators may not place relevant commodities and products on the Union market nor export them without prior submission of a due diligence statement.		deleted	----
Article 4(5), introductory part				
122	5. The operator shall not place the relevant commodities and products on the market nor export them if one or more of the following cases apply:		5. The operator shall not place the relevant commodities and products on the market nor export them if one or more of the following cases apply:	5. The operator shall not place the relevant commodities and products on the market nor export them if one or more of the following cases apply:
Article 4(5), point (a)				
123	(a) the relevant commodities and products are not compliant with Article 3(a) or (b);	(a) the relevant commodities and products are not compliant with Article 3 ;	(a) the relevant commodities and products are not compliant with Article 3(a) or (b);	(a) the relevant commodities and products are not compliant with Article 3(a) or (b) ;

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	Article 4(5), point (b)		AM 110	
124	(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);	(b) the exercise of due diligence has revealed a non-negligible risk that the relevant commodities and products are not compliant with Article 3 ;	(b) the exercise of due diligence has revealed a non-negligible risk that the relevant commodities and products are not compliant with Article 3(a) or (b);	(b) the exercise of due diligence has revealed a non-negligible risk that the relevant commodities and products are not compliant with Article 3(a) or (b) ;
	Article 4(5), point (c)			
125	(c) the operator was unable to complete a due diligence procedure according to paragraphs 1 and 2.		(c) the operator was unable to complete a due diligence procedure according to the obligations referred to in paragraphs 1 and 2.	(c) the operator was unable to complete a due diligence procedure according to the obligations referred to in paragraphs 1 and 2.
	Article 4(5a) (new)		AM 111	
125 a		5a. <i>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.</i>		For further discussion at ITM Get back to when discussing Article 10 (2.h)
	Article 4(6)		AM 112	
126	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	6. Operators that have received <i>or detected relevant</i> new information, including substantiated concerns, <i>or information provided via the rapid alert mechanisms, that indicate a non-negligible risk</i> that the relevant commodity or product that they have already placed on the market is <i>at risk</i>	6. Operators that have received obtain or are made aware of relevant new information, including substantiated concerns, indicating that the relevant commodity or product that they have already placed on the market is not in conformity with the requirements of this	For further discussion at ITM 6. Operators that have received obtain or are made aware of relevant new information, including substantiated concerns, indicating that the relevant commodity or product that they have already placed on the market

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	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.	<i>of not being</i> 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, <i>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.</i> 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.	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.	is <i>at risk of not being</i> 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, <i>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.</i> 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.
Article 4(7)		Am 113		
127	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.	7. <i>The competent authorities shall verify the due diligence system of operators on an annual basis.</i> Operators shall <i>also</i> 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.	7. Operators shall offer all assistance necessary assistance to the competent authorities to facilitate the performance of the checks under Article 15, including as regards the access to premises and the presentation of documentation or and records.	7. Operators shall offer all assistance necessary assistance to the competent authorities to facilitate the performance of the checks under Article 15, including as regards the access to premises and the presentation of documentation or and records.
Article 4(7a) (new)		AM 114		
127 a		7a. <i>Operators shall take the necessary measures:</i>		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		(a) <i>to engage meaningfully with vulnerable stakeholders, such as smallholders, indigenous peoples and local communities, in their supply chain;</i> (b) <i>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</i> (c) <i>to follow through on implementation of agreed commitments, ensuring that adverse impacts on identified vulnerable stakeholders are addressed.</i>	PUBLIC	Drafting/compromise to be found on 10 a1 with binding implication
Article 4(7b) (new)				
127 b			8. Operators shall communicate to operators and traders further down the supply chain of the relevant products they placed on or exported from the Union market, notably through the information system referred to in Article 31, all information necessary to confirm that due	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			diligence was carried out and no or only negligible risk was found.	
Article 4(7c) (new)				
127 c			9. By derogation to paragraphs 1 to 5, in order to avoid duplication of due diligence requirements, the obligations of paragraphs 1 to 5 shall be considered to be met by the operator further down the supply chain when it makes available to the competent authority the reference number of the existing due diligence statements submitted by the operators who exercised the existing due diligence via the information system referred to in Article 31. Where such derogation is used and the relevant products contain a mix of relevant products, the operator further down the supply chain shall provide the reference numbers of each of the existing due diligence statements. Such operators shall also ensure, prior to placing on or exporting from the Union market such relevant products, that the already exercised due diligence fulfils the requirements of the present Chapter, including that no or only negligible risk was found. By making available the reference numbers of the existing due diligence statements, such operators retain their responsibility for the compliance	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			of the relevant products with the requirements of this Regulation.	
Article 4a (new)	AM 115			
127 ca		<i>Article 4a</i> <i>Obligations of traders and exemptions for SME traders</i> <i>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.</i> <i>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.</i> <i>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:</i> <i>(a) the name, registered trade name or registered trade mark, postal address, email and, if available, a web address of the operators or the</i>		For further discussion at ITM Consent: moving obligations of traders to Article 4. New paragraph 7 to be moved to Article 13(5)

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		<i>traders who have supplied the relevant commodities and products to them;</i> <i>(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.</i> <i>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.</i> <i>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.</i> <i>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</i>		

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>regards access to premises and the presentation of documentation or records.</i> <i>7. The Commission may provide SMEs which do not have the means to meet the requirements under this Article with technical assistance.</i>		
Article 5				
128	Article 5 Authorised representatives		Article 5 Authorised representatives	Article 5 Authorised representatives
Article 5(1)				
129	1. Operators or traders may mandate an authorised representative to make available the due diligence statement pursuant to Article 4(2) on their behalf. The operator or trader shall in that case retain the responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation.		1. Operators or traders may mandate an authorised representative to make available the due diligence statement pursuant to Article 4(2) on their behalf. The operator or trader shall in that case retain the responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation.	1. Operators or traders may mandate an authorised representative to make available the due diligence statement pursuant to Article 4(2) on their behalf. The operator or trader shall in that case retain the responsibility for the compliance of the relevant commodity or product with the requirements of this Regulation.
Article 5(2) AM 116				
130	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.	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 <i>and a copy in the</i>		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 <i>and a</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>language of the Member State in which the due diligence statement is handled or, failing that, in English.</i>		<i>copy in an official language of the Member State in which the due diligence statement is handled or, failing that, in English.</i>
Article 5(2a)				
130 a			3. An operator that is a natural person or a microenterprise may request the first operator or trader further down the supply chain that is not a natural person or a microenterprise to act as an authorised representative. Such first operator or trader further down the supply chain shall not place relevant products on or export relevant products from the Union market, or make relevant products available on the Union market, without making available the due diligence statement pursuant to Article 4(2) on behalf of that operator. The operator that is a natural person or a microenterprise shall in that case retain the responsibility for the compliance of the relevant product with the requirements of this Regulation, and shall communicate to that first operator or trader further down the supply chain all information necessary to confirm that due diligence was carried out and no or only negligible risk was found.	For further discussion at ITM Co-legislators to further reflect on the possibility of putting this in a recital and further clarify (possibly via new definitions) the concepts of “first operator” and “microenterprise” Council proposal on 27/11: “next operator or trader”

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 6		AM 117		
131	Article 6 Obligations of traders	<i>Deleted</i>	Article 6 Obligations of traders	For further discussion at ITM
Article 6(1)				
132	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.	<i>Deleted</i>	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.	For further discussion at ITM
Article 6(2), introductory part				
133	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:	<i>Deleted</i>	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:	For further discussion at ITM
Article 6(2), point (a)				
134	(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;	<i>Deleted</i>	(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-products to them, as well as the reference numbers of the	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			due diligence statements associated to those products;	
Article 6(2), point (b)				
135	(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.	<i>Deleted</i>	(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.	For further discussion at ITM
Article 6(3)				
136	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.	<i>Deleted</i>	3. Traders which are SMEs shall keep the information referred to in this Article for at least 5 years from the date of the making available on the market and shall provide that information to the competent authorities upon request.	For further discussion at ITM
Article 6(4)				
137	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	<i>Deleted</i>	4. Traders which are SMEs that have received that obtain or are made aware of relevant new information, including substantiated concerns, indicating 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	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	the relevant commodity or product on the market.		States in which they made available the relevant commodity or product on the market.	
Article 6(5)				
138	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.	<i>Deleted</i>	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 also ensure, prior to making available on the market the relevant products, that the operators have exercised due diligence in a way that fulfils the requirements of the present Chapter, including that no or only negligible risk was found. They shall also make available to the competent authorities the reference numbers of the existing due diligence statements via the information system referred to in Article 31. Where the relevant commodities and products made available on the market contain a mix of relevant products, the trader which is not an SME shall provide the reference numbers of each of the existing due diligence statements. By making that they make available in the Union market the reference numbers of such existing due diligence statements, such traders retain their responsibility for the	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			compliance of the relevant products with the requirements of this Regulation.	
Article 6(6)				
139	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.	<i>Deleted</i>	6. Traders shall offer all necessary assistance necessary to the competent authorities to facilitate the performance of the checks under ArticleArticles 15 and 16, including as regards access to premises and the presentation of documentation or and records.	For further discussion at ITM
Article 7				
140	Article 7 Placing on the market by operators established in third countries		Article 7 Placing on the market by operators established in third countries	Article 7 Placing on the market by operators established in third countries
Article 7, first paragraph		AM 118		
141	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.	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.	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 makes available on the Union market such relevant commodities and products shall be considered operator within the meaning of this Regulation.	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 makes available on the Union market such relevant commodities and products shall be considered operator within the meaning of this Regulation.

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		<i>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.</i>
Article 8				
142	Article 8 Due diligence		Article 8 Due diligence	Article 8 Due diligence
Article 8(1)				
143	1. Prior to placing relevant commodities and products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant commodities and products supplied by each particular supplier.		1. Prior to placing relevant commodities and products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant commodities and products supplied by each particular supplier.	1. Prior to placing relevant commodities and products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant commodities and products supplied by each particular supplier.
Article 8(2), introductory part				
144	2. For the purposes of this Regulation, the due diligence shall include:			2. For the purposes of this Regulation, the due diligence shall include:
Article 8(2), point (a)				

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145	(a) the collection of information and documents needed to fulfil the requirements set out in Article 9;			(a) the collection of information and documents needed to fulfil the requirements set out in Article 9;
Article 8(2), point (b)				
146	(b) risk assessment measures as referred to in Article 10;			(b) risk assessment measures as referred to in Article 10;
Article 8(2), point (c)				
147	(c) risk mitigation measures as referred to in Article 10.		(c) risk mitigation measures as referred to in Article 10-10a.	(c) risk mitigation measures as referred to in Article 10-10a.
Article 8(2a) (new) AM 119				
147 a		2a. <i>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.</i>		For further discussion at ITM drafting of 11.10.2022: 2a. <i>Relevant products contained in a composed product that have already undergone due diligence compliance in accordance with Article 4(1) shall be exempted from the obligation to initiate an additional due diligence procedure. The reference number of the existing due diligence statement shall be provided. For components that have not been covered by a due diligence procedure, the due diligence requirements shall still apply.</i>

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				<i>This provision shall not apply to traders that are not SMEs</i>
Article 9				
148	Article 9 Information requirements		Article 9 Information requirements	Article 9 Information requirements
Article 9(1), introductory part		AM 120		
149	1. Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years the following information relating to the relevant commodities or products, supported by evidence:	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 <i>each</i> relevant <i>commodity or product placed on the Union market or exported from the Union</i> , supported by evidence:	1. Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years from the date of the placing on the market the following information, accompanied the following information relating to the relevant commodities or products, supported by evidence, relating to each relevant product:	1. Operators shall collect information, documents and data demonstrating that the relevant commodities and products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years from the date of the placing on the market or export from the Union, the following information, accompanied the following information relating to the relevant commodities or products, supported by evidence, relating to each relevant product, :
Article 9(1), point (a)		AM 121		
150	(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;	(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; <i>the product description shall</i>	(a) description, including the trade name and type of the relevant commodities and products as well as, where applicable in the case of relevant products that contain or have been made using wood , the	(a) description, including the trade name and type of the relevant commodities and products as well as, where applicable in the case of relevant products that contain or have been made using wood ,

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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;</i>	common name of the species and its their full scientific name;	the common name of the species and its their full scientific name; <i>the product description shall include the list of relevant commodities or products contained therein or used to make those products; for animal products the description shall include the list of relevant commodities or products used to feed the animals;</i>
Article 9(1), point (b)				
151	(b) quantity (expressed in net mass and volume, or number of units) of the relevant commodities and products;		(b) quantity (expressed in net mass and or, when applicable , volume, or number of units) ¹ of the relevant commodities and products; 1. The quantity must be expressed in kilograms of net mass or, when applicable, 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.	(b) quantity (expressed in net mass and or, when applicable , volume, or number of units) ¹ of the relevant commodities and products; 1. The quantity must be expressed in kilograms of net mass or, when applicable, 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.
Article 9(1), point (c) Am 122				
152	(c) identification of the country of production;	(c) identification of the country of production <i>or parts thereof</i> ;	(c) identification of the country, region and area of production;	(c) identification of the country of production <i>and, where relevant, parts thereof</i> ;

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 9(1), point (d)			AM 123
153	(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;	(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; <i>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;</i> <i>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;</i>	(d) geo-localisation coordinates, latitude and longitude geolocation of all plots of land where the relevant commodities and products that the relevant product contains, or has been made using were produced, as well as date or time range of production. Where a relevant product contains or has been made with relevant commodities produced in different plots of land, the geolocation of all different plots of land shall be included. For relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the geolocation shall refer to the geographical location of each of the premises or places where the cattle were raised;	(d) geolocation of all plots of land where the relevant commodities that the relevant product contains, or has been made using, were produced, as well as date or time range of production. Where a relevant product contains or has been made with relevant commodities produced in different plots of land, the geolocation of all different plots of land shall be included. Any deforestation or forest degradation in the given plots of land shall automatically disqualify all products and commodities from those plots of land from being placed and made available on the market or exported therefrom. For relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the geolocation shall refer to all the establishments where the cattle were kept; for all other products of Annex 1, the geolocation shall refer to the plots of land.
	Article 9(1), point (e)			
154				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(e) name, email and address of any business or person from whom they have been supplied with the relevant commodities or products;		(e) name, email and address of any business or person from whom they have been supplied with the relevant commodities or products;	(e) name, email and address of any business or person from whom they have been supplied with the relevant commodities or products;
Article 9(1), point (f)				
155	(f) name, email and address of any business or person to whom the relevant commodities or products have been supplied;		(f) name, email and address of any business or person to whom the relevant commodities or products have been supplied;	(f) name, email and address of any business or person to whom the relevant commodities or products have been supplied;
Article 9(1), point (g)				
156	(g) adequate and verifiable information that the relevant commodities and products are deforestation-free;		(g) adequate adequately conclusive and verifiable information that the relevant commodities and products are deforestation-free;	(g) adequate adequately conclusive and verifiable information that the relevant commodities and products are deforestation-free;
Article 9(1), point (h)				
		AM 124		
157	(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;	(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);	(h) adequate adequately conclusive and verifiable information that the production of relevant commodities has been conducted in accordance with the 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;	Further discussion at ITM (h) adequate adequately conclusive 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;

	Commission Proposal	EP	Council Mandate	Draft Agreement
			PUBLIC	Addition of the following still to be considered: <i>as well as the relevant laws and standards, as defined in Article 2, point (28);</i> 23/11 - New proposal by EP (h) adequately conclusive and verifiable information that the production has been conducted in accordance with relevant laws, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity; <u>Explanation:</u> <i>This amendment is a combination of COM and Council positions and EP Amendment 124 to reflect the new defined term 'relevant laws of the country of production' and the inclusion of human rights relevant to the production of the relevant commodities in Article 3(b).</i>
	Article 9(1), point (ha) (new)	AM 125		
157 a				

	Commission Proposal	EP	Council Mandate	Draft Agreement
		(ha) <i>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;</i>		
Article 9(1), point (hb) (new)		AM 126		
157 b		(hb) <i>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.</i>		
Article 9(1a) (new)		AM 127		
157 c		<i>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:</i>		Not to raise Council proposes to raise it together with Article 1

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>(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;</i> <i>(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;</i> <i>(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;</i> <i>(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;</i> <i>(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.</i>		
Article 9(2)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
158	2. The operator shall make available to the competent authorities upon request the information, documents and data collected under this Article.			2. The operator shall make available to the competent authorities upon request the information, documents and data collected under this Article.
Article 9(3)		AM 128 and 253		
159	3. The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraph 1 concerning further relevant information to be obtained that may be necessary to ensure the effectiveness of the due diligence system.	deleted	deleted	deleted
Article 9(3a) (new)		AM 129		
159 a		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.		Not to raise Already raised and part of the discussion package on DA acts
Article 10				
160	Article 10 Risk assessment and risk mitigation		Article 10 Risk assessment and risk mitigation	Article 10 Risk assessment and risk mitigation
Article 10(1)		AM 130		

	Commission Proposal	EP	Council Mandate	Draft Agreement
161	1. Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant commodities and products intended to be placed on or exported from the Union market are non-compliant with the requirements of this Regulation. If the operators cannot demonstrate that the risk of non-compliance is negligible, they shall not place the relevant commodity or product on the Union market nor export it.	1. Operators <i>and financial institutions</i> 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. <i>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.</i> 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. <i>If the financial institutions cannot conclude that the risk of non-compliance is negligible, they shall not provide financial services to the concerned customers.</i>	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 Unless this risk assessment reveals no or only negligible risk that the risk of non-compliance is negligible, they relevant products are not compliant with Article 3(a) or (b), operators shall not place the relevant commodity or product on the Union market nor export it.	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 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 Unless this risk assessment reveals no or only negligible risk that the risk of non-compliance is negligible, they relevant products are not compliant with Article 3(a) or (b), operators shall not place the relevant commodity or product on the Union market nor export it. <i>If the financial institutions cannot conclude that the risk of non-compliance is negligible, they shall not provide financial services to the concerned customers.</i>
Article 10(2), introductory part				
162	2. The risk assessment shall take special account of the following risk assessment criteria:			2. The risk assessment shall take special account of the following risk assessment criteria:
Article 10(2), point (a)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
163	(a) the assignment of risk to the relevant country or parts thereof in accordance with Article 27;		(a) the assignment of risk to the relevant country of production or subnational jurisdictions or parts thereof in accordance with Article 27;	(a) the assignment of risk to the relevant country of production or parts thereof in accordance with Article 27;
Article 10(2), point (b)				
164	(b) the presence of forests in the country and area of production of the relevant commodity or product;		(b) the presence of forests in the country, region and area of production of the relevant commodity or product ;	(b) the presence of forests in the country and area of production of the relevant commodity or product ;
Article 10(2), point (ba) (new) AM 131				
164 a		(ba) <i>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;</i>		For further discussion at ITM
Article 10(2), point (bb) (new) AM 132				
164 b		(bb) <i>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;</i>		For further discussion at ITM
Article 10(2), point (c) AM 133				

	Commission Proposal	EP	Council Mandate	Draft Agreement
165	(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 <i>or forest conversion</i> in the country, region and area of production of the relevant commodity or product;	(c) prevalence of deforestation or forest degradation in the country, region and area of production of the relevant commodity or product;	(c) prevalence of deforestation, or forest degradation <i>or forest conversion</i> in the country, region and area of production of the relevant commodity or product;
Article 10(2), point (d)				
166	(d) the source, reliability, validity and links to other available documentation of the information referred to in Article 9(1);			(d) the source, reliability, validity and links to other available documentation of the information referred to in Article 9(1);
Article 10(2), point (e) AM 134				
167	(e) concerns in relation to the country of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;	(e) concerns in relation to the country of production <i>or parts thereof in accordance with Article 27</i> , and origin, such as level of corruption, prevalence of document and data falsification, <i>absence, violation or lack of law enforcement of tenure rights and rights of indigenous people and local communities</i> , armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;	(e) concerns in relation to the country, region and area of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, violations of international human rights , armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;	For further discussion at ITM
Article 10(2), point (f) AM 135				
168	(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or	(f) the complexity of the relevant supply chain, in particular difficulties in connecting commodities and/or	(f) the complexity of the relevant supply chain and the stage of processing of the relevant	(f) the complexity of the relevant supply chain and the stage of processing of the relevant

	Commission Proposal	EP	Council Mandate	Draft Agreement
	products to the plot of land where they were produced;	products to the plot of land where they were produced <i>or national data protection rules which prohibit the transmission of such data;</i>	products , in particular difficulties in connecting commodities and/or relevant products to the plot of land where they the relevant commodities were produced and/or ÷ (...);	products , in particular difficulties in connecting commodities and/or relevant products to the plot of land where they the relevant commodities were produced and/or ÷ (...);
Article 10(2), point (g) AM 136				
169	(g) the risk of mixing with products of unknown origin or produced in areas where deforestation or forest degradation has occurred or is occurring;	(g) the risk of mixing with products of unknown origin or produced in areas where deforestation, forest degradation <i>or forest conversion as well as violations of the relevant law</i> has occurred or is occurring;	(g) the risk of circumvention or mixing with relevant products of unknown origin or produced in areas where deforestation or forest degradation has occurred or is occurring;	(g) the risk of circumvention or mixing with relevant products of unknown origin or produced in areas where deforestation or forest degradation or forest conversion as well as violations of the relevant law has occurred or is occurring;
Article 10(2), point (h)				
170	(h) the conclusions of the relevant Commission expert group meetings published in the Commission's expert group register;		(h) conclusions of the meetings of the relevant Commission expert group meetings groups supporting the implementation of this Regulation , as published in the Commission's expert group register, notably in relation to point (e);	(h) conclusions of the meetings of the relevant Commission expert group meetings groups supporting the implementation of this Regulation , as published in the Commission's expert group register;
Article 10(2), point (ha) (new) AM 137				
170 a		(ha) <i>the outcome of multi-stakeholder dialogues where impacted parties, such as smallholders, SMEs, indigenous peoples and local communities, have been invited to actively participate;</i>		24/11: agreement: to be included in the relevant recital on dialogue with stakeholder

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 10(2), point (i)				
171	(i) substantiated concerns submitted under Article 29;		(h) any relevant information that would point to a risk that the relevant products may not meet the requirements of this Regulation, including relevant (i) substantiated concerns submitted under Article 29, and information on the history of non-compliance of operators or traders along the relevant supply chain with this Regulation;	(i) substantiated concerns submitted under Article 29, and information on the history of non-compliance of operators or traders along the relevant supply chain with this Regulation; (ia) any relevant information that would point to a risk that the relevant products may not meet the requirements of this Regulation;
Article 10(2), point (ia) (new)		AM 138		
171 a		<i>(ia) information provided via the rapid alert mechanism;</i>		24/11: included in recital 22
Article 10(2), point (j)				
172	(j) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001 ¹ , provided that the information meets the requirements set out in Article 9;		(i) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001¹, provided that the information meets the requirements set out in Article 9;	(i) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001¹, provided that the

	Commission Proposal	EP	Council Mandate	Draft Agreement
	1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328/82, 21.12.2018, p. 82–209).		1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328/82, 21.12.2018, p. 82–209).	information meets the requirements set out in Article 9; 1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328/82, 21.12.2018, p. 82–209).
Article 10(3)		AM 245		
173	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 <i>the rules applicable in the country of production, as outlined in Article 3, point (b), and as defined in Article 2, point (28)(a)</i> , of this Regulation.		For further discussion at ITM To be discussed in relation to FPIC
Article 10(3a)				
173 a			3a. The risk assessments shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request. Operators shall be able to demonstrate how the information gathered was checked against the risk assessment criteria set out in paragraph 2 and how the operator determined the degree of risk.	3a. The risk assessments shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request. Operators shall be able to demonstrate how the information gathered was checked against the risk assessment criteria set out in paragraph 2 and how the operator determined the degree of risk.

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 10(a)			
173 b			<i>Article 10a</i> Risk mitigation	<i>Article 10a</i> Risk mitigation
	Article 10(4) AM 140			
174	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.	4. Except where the analysis undertaken in accordance with paragraph 1 allows the operator to ascertain that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation, the operator shall adopt prior to placing the relevant commodities and products on the Union market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits, capacity-building and financial investments for smallholders or other measures pertaining to information requirements set out in Article 9.	41. Except where the analysis assessment undertaken in accordance with paragraph 1 allows the operator to ascertain Article 10 has revealed that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation Article 3(a) or (b), 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 also include supporting the compliance with this Regulation of their suppliers, in particular smallholders, through capacity building and investments.	1. Except where the analysis assessment undertaken in accordance with paragraph 1 allows the operator to ascertain Article 10 has revealed that there is no or negligible risk that the relevant commodities or products are not compliant with the requirements of this Regulation Article 3(a) or (b), 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 also include supporting the compliance with this Regulation of their suppliers, in particular smallholders, through capacity building and investments.

	Commission Proposal	EP	Council Mandate	Draft Agreement
				Parliament to check reference to Article 3
Article 10(4a) (new)		AM 141		
174 a		4a. <i>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.</i>		For further discussion at ITM
Article 10(5)				
175	5. Operators shall be able to demonstrate how the information gathered was checked against the risk assessment criteria set out in paragraph 2, how a decision on risk mitigation measures was taken and how the operator determined the degree of risk.		<i>deleted</i>	<i>deleted</i>
Article 10(6), introductory part				
176	6. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant commodities and products identified. These shall include:		62. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant commodities and products identified. These shall include:	62. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant commodities and products identified. These shall include:

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 10(6), point (a)		AM 142		
177	(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, <i>specifying the contact details or an up-to-date contact email address</i> ;		(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;
Article 10(6), point (b)				
178	(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all operators that are not SMEs.			(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all operators that are not SMEs.
Article 10(7)		AM 143		
179	7. The risk assessments shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request.	7. The risk assessments, <i>as well as, where appropriate, the risk mitigation decisions taken</i> shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request.	7 3. The decisions on risk mitigation measures shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request. Operators shall be able to demonstrate how a decision on risk mitigation measures was taken.	7 3. The decisions on risk mitigation measures shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request. Operators shall be able to demonstrate how a decision on risk mitigation measures was taken.
Article 10(8)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
180	8. The Commission may adopt delegated acts in accordance with Article 33 to supplement paragraphs 2, 4 and 6 as regards relevant information to be obtained, risk assessment criteria and risk mitigation measures that may be necessary to supplement those referred to in this Article to ensure the effectiveness of the due diligence system.		 deleted	For further discussion at ITM General discussion at technical level needed on delegated acts
Article 11				
181	Article 11 Maintenance of due diligence systems and record keeping		Article 11 Maintenance of Due diligence systems, reporting and record keeping	Article 11 Establishment and maintenance of due diligence systems, reporting and record keeping
Article 11(1) AM 144				
182	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	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 <i>Article 3</i> . 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 <i>when operators become aware of them</i> . Operators shall keep record of updates	1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system framework of procedures and measures 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	1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a due diligence system framework of procedures and measures 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

	Commission Proposal	EP	Council Mandate	Draft Agreement
	updates in the due diligence system(s) for 5 years.	in the due diligence system(s) for 5 years.	record of updates in the the relevant products they place on or export from the EU market comply with the requirements set out in Article 3(a) and (b) ('due diligence system(s) for 5 years') .	diligence. Operators shall keep record of updates in the the relevant products they place on or export from the EU market comply with the requirements set out in Article 3(a) and (b) ('due diligence system(s) for 5 years') .
Article 11(1a)				
182 a			1a. 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.	1a. 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 <i>when operators become aware of them</i> . Operators shall keep record of updates in the due diligence system(s) for 5 years
Article 11(2)		AM 145		
183	2. Unless otherwise provided by other EU legislative instruments that lay down requirements regarding sustainability value chain due diligence, operators which are not SMEs shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Article 8. Operators falling also within the scope of other EU legislative instruments that lay down	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 through investments and capacity building. Operators falling also within the scope of other <i>Union</i> legislative instruments	2. Unless otherwise provided by other EU legislative instruments that lay down requirements regarding sustainability value chain due diligence, operators which are not SMEsdo not fall under the categories of SMEs, microenterprises or natural persons 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	2. Operators which are not SMEsdo not fall under the categories of small enterprises, microenterprises or natural persons shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Article 8. Operators falling also within the scope of other EU legislative instruments that lay down requirements regarding value

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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.	8. Operators falling also within the scope of other EU legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other EU legislative instruments.	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.
Article 11 (2a)		AM 146		
183 a		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		Proposal discussed on 24/11 2a. Without prejudice to provisions set out in Union data protection legislation the reports shall, in respect of relevant commodities and products include the following information: (a) summary of information set out in Article 9 paragraph 1 point (a), (b) and (c); (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 measures undertaken pursuant to Article 10(4);

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		<i>(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.</i>		(d) provide evidence of consultation of indigenous peoples, local communities, and other customary tenure rights holders or the respective civil society organisations that are present in the area of production of the relevant commodities and products, where applicable.
Article 11(3)		AM 147		
184	3. Operators shall keep for at least 5 years all documentation related to due diligence, such as all relevant records, measures and procedures pursuant to Article 8. They shall make them available to the competent authorities upon request.	3. Operators shall keep for at least 5 years all due diligence documentation, such as all relevant records, measures and procedures under Article 8, allowing each product or commodity placed on the market, the risk analysis carried out, and the result obtained, to be identified beyond doubt. They shall make that documentation available to the competent authorities on request.		3. Operators shall keep for at least 5 years all due diligence 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.
Article 11a (new)		AM 148		
184 a		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:		Political issue Explore options at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>(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;</i> <i>(b) risk assessment and mitigation measures as referred to in Article 10;</i> <i>3. Financial institutions shall not provide financial services to customers without prior submission of a due diligence statement to the competent authorities.</i> <i>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].</i>	PUBLIC	
Article 11b (new)		AM 149		
184 b		<i>Article 11b</i> <i>2. 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</i>		Political issue Explore options at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Article 12				
185	Article 12 Simplified due diligence		Article 12 Simplified due diligence	Article 12 Simplified due diligence
Article 12(1) AM 150				
186	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 <i>Article 10(2), points (a), (b), (ba), (bb), (c), (d), (e), (h), (ha) or (j), or Article 10(6)</i> , 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 and 10a where they can ascertain that all relevant commodities and products have been produced in countries or parts subnational jurisdictions thereof that were identified as low risk in accordance with Article 27.	For further discussion at ITM With the exception of relevant commoditise/products <u>EP proposal: what needs to be complied with: Article 10</u> Para 1 Para 2 (f) (g) and (i) <u>Para 3a</u> Para 4 Para 5 Para 7 1. When placing relevant commodities or products on the Union market or exporting

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				them from it, operators are required to fulfil the obligations under <i>Article 10(1) [risk assessment], Article 10 (2) points (f) [complexity], (g) [mixed products], (i) [substantiated concerns], Article 10 (3a) [demonstration and documentation of the procedure], / [(4), (5) and (7)]</i> 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. 9/11: “make a simplified due diligence focused on Article 10 (2), points (f), (g) and (i) and to keep it documented” ➔ Referred back to technical level
Article 12(2) AM 151				
187	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.	2. However, if the operator obtains or is made aware of any <i>relevant</i> 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. <i>The operator shall immediately</i>	2. However, if the operator obtains or is made aware, before placing relevant products on the Union market or exporting them from it, of any relevant information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation or that the rules of this	2. However, if the operator obtains or is made aware, before placing relevant products on the Union market or exporting them from it, of any relevant information that would point to a risk that the relevant commodities and products may not fulfil the requirements of this Regulation or

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>communicate any relevant information to the competent authority.</i>	Regulation are circumvented, all obligations of Article 9 and 10 and 10a have to be fulfilled.	that the rules of this Regulation are circumvented, all obligations of Article 9 and 10 and 10a have to be fulfilled. <i>The operator shall immediately communicate any relevant information to the competent authority.</i> Further reflection needed on “before” + necessity of EP addition at ITM
Article 12(2a) (new)		AM 152		
187 a		2a. <i>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.</i>		2a. <i>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.</i> Reference to Article 14: to be further checked For further discussion at ITM
Article 12a (new)		AM 153		

	Commission Proposal	EP	Council Mandate	Draft Agreement
187 b		<i>Article 12a Guidelines</i> <i>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].</i> <i>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.</i> <i>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.</i>		For further discussion at ITM Commission suggests to add elements to Article 13(5)

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>4. The Commission shall regularly review and update the guidelines, taking into account the latest developments in the sectors concerned.</i>		
Chapter 3				
188	Chapter 3 Obligations of Member States and their competent authorities		Chapter 3 Obligations of Member States and their competent authorities	Chapter 3 Obligations of Member States and their competent authorities
Article 13				
189	Article 13 Competent authority		Article 13 Competent authority authorities	Article 13 Competent authority authorities
Article 13(1)				
190	1. Member States shall designate one or more competent authorities responsible for carrying out the obligations arising from this Regulation.			1. Member States shall designate one or more competent authorities responsible for carrying out the obligations arising from this Regulation.
Article 13(2)				
191	2. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the names, addresses and contact details of the competent authorities designated pursuant to		2. By three six months after the date of entry into force of this Regulation} at the latest , Member States shall notify inform the Commission of the names, addresses and contact details of the competent	2. By [three six] months after the date of entry into force of this Regulation} at the latest , Member States shall notify inform the Commission of the names, addresses and contact details of the

	Commission Proposal	EP	Council Mandate	Draft Agreement
	paragraph 1. Member States shall inform the Commission without undue delay of any changes to this information.		authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to this information.	competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to this information.
Article 13(3)		AM 154		
192	3. The Commission shall make the list of the competent authorities publicly available on its website. The Commission shall regularly update the list, based on relevant updates received from Member States.	3. The Commission shall make the list of the competent authorities publicly available on its website <i>without undue delay</i> . The Commission shall regularly update the list, based on relevant updates received from Member States.		3. The Commission shall make the list of the competent authorities publicly available on its website <i>without undue delay</i> . The Commission shall regularly update the list, based on relevant updates received from Member States.
Article 13(4)		AM 155		
193	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.	4. Member States shall ensure that the competent authorities have adequate powers, <i>functional independence</i> and resources to perform the obligations set out in Chapter 3 of this Regulation.		4. Member States shall ensure that the competent authorities have adequate powers, <i>functional independence</i> and resources to perform the obligations set out in Chapter 3 of this Regulation.
Article 13(5)				
194	5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators, taking into account the		5. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators, taking into	<i>Article 13a (new) Technical assistance, guidance and exchange of information</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
	situation of SMEs, in order to facilitate compliance with the requirements of this Regulation.		account the situation of SMEs, microenterprises and natural persons , in order to facilitate compliance with the requirements of this Regulation, including as regards the conversion of data from relevant systems to identify geolocation into the information system established under Article 31.	1. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators. The Commission, in collaboration with Member States, may also provide, where necessary, guidance to operators and competent authorities. Technical and other assistance and guidance shall take into account the situation of SMEs, microenterprises and natural persons, in order to facilitate compliance with the requirements of this Regulation, including as regards the conversion of data from relevant systems to identify geolocation into the information system established under Article 31, and take into account relevant current and future Union legislation containing due diligence obligations and other labour requirements.
Article 13(6)	AM 156			
195				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	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.	6. Member States, may 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 10 , and on best practices regarding the implementation of this Regulation.	2. 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 10 , and on best practices regarding the implementation of this Regulation.
Article 13(6a)				
195 a			6a. The competent authorities and the Commission shall continuously monitor and exchange information on any significant change in the pattern of trade of relevant products that can lead to the circumvention of this Regulation.	3. The competent authorities and the Commission shall continuously monitor and exchange information on any significant change in the pattern of trade of relevant products that can lead to the circumvention of this Regulation.
Article 13(7)				
196	7. Assistance shall be provided in a manner which does not compromise the independence, legal obligations and responsibilities of competent authorities in enforcing this Regulation.			4. Assistance shall be provided in a manner which does not compromise the independence, legal obligations and responsibilities of competent authorities in enforcing this Regulation.
Article 13(7a) (new)				
196 a				--

	Commission Proposal	EP	Council Mandate	Draft Agreement
		7a. <i>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].</i>		
Article 13(7b) (new)		AM 158		
196 b		7b. <i>Competent authorities shall monitor the compliance of financial institutions with the requirements of this Regulation.</i>		For further discussion at ITM
Article 13(8) (new)				
196 c			8. The Commission shall facilitate the implementation of the Regulation, by issuing relevant guidelines and by promoting an adequate exchange of information, coordination and cooperation between competent authorities, between competent authorities and customs authorities, and between competent authorities and the Commission.	8. The Commission may facilitate the harmonised implementation of the Regulation, by issuing relevant guidelines and by promoting an adequate exchange of information, coordination and cooperation between competent authorities, between competent authorities and customs authorities, and between competent authorities and the Commission.
Article 14				
197	Article 14		Article 14	Article 14

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Obligation to perform checks		Obligation to perform checks	Obligation to perform checks
Article 14(1)				
198	1. The competent authorities shall carry out checks to establish whether operators and traders comply with their obligations under this Regulation and whether the relevant commodities and products placed or made available on the Union market or exported from it are compliant with the requirements of this Regulation.		1. The competent authorities shall carry out checks to establish whether operators and traders established in their Member State comply with their obligations under this Regulation and whether the relevant commodities and products placed or made available on the Union market or exported from it are compliant with the requirements of this Regulation.	1. The competent authorities shall carry out checks within their territory to establish whether operators and traders established in the Union comply with their obligations under this Regulation and whether the relevant products placed or made available on the Union market or exported from it are compliant with the requirements of this Regulation
Article 14(2)				
199	2. The checks referred to in paragraph 1 shall be conducted in accordance with Article 15 and 16.			2. The checks referred to in paragraph 1 shall be conducted in accordance with Article 15 and 16.
Article 14(2a)				
199 a			2a. The identification of checks to be carried out shall be based on a risk-based approach. Risk criteria shall be identified based on an analysis of risks of non-compliance with this Regulation, taking into account in particular the relevant commodities, the complexity and the length of supply chains, including whether it involves mixing relevant products, and the	2a. The identification of checks to be carried out shall be based on a risk-based approach. Risk criteria shall be identified based on an analysis of risks of non-compliance with this Regulation, taking into account in particular the relevant commodities, the complexity and the length of supply chains, including whether it involves mixing relevant

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			stage of processing of the relevant product, the assignment of risk to countries or subnational jurisdictions thereof in accordance with Article 27, including special attention to the situation of countries or subnational jurisdictions thereof identified as high risk, the history of non-compliance of operators or traders with this Regulation, risks of circumvention, and any other relevant information. This analysis of risks shall build on the information contained in the register referred to in Article 31, and be supported by other relevant sources such as monitoring data, risk profiles from international organisations, substantiated concerns submitted under Article 29, or conclusions of EU expert meetings.	products, and the stage of processing of the relevant product, whether the plots of land concerned are adjacent to forests, the assignment of risk to countries or parts thereof in accordance with Article 27, including special attention to the situation of countries or parts thereof identified as high risk, the history of non-compliance of operators or traders with this Regulation, risks of circumvention, and any other relevant information. This analysis of risks shall build on the information requirements referred to in Articles 9 and 10 and may build on the information contained in the register referred to in Article 31, and be supported by other relevant sources such as monitoring data, risk profiles from international organisations, substantiated concerns submitted under Article 29, or conclusions of EU expert meetings.
Article 14(2b)				
199 b			2b. The Commission shall set out and regularly review and update	2b. The Commission shall, where appropriate, set out and

	Commission Proposal	EP	Council Mandate	Draft Agreement
			indicative risk criteria at the Union level, in accordance with paragraph 2a, and communicate them to competent authorities.	regularly review and update indicative risk criteria at the Union level, in accordance with paragraph 2a, and communicate them to competent authorities.
Article 14(3)		AM 159		
200	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, <i>which shall be made public in accordance with Article 19</i>, 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 <i>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</i>, and any other relevant information. Based on the results of the checks and the experience on implementation of the	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 annual 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	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 annual 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

	Commission Proposal	EP	Council Mandate	Draft Agreement
		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 <i>may</i> 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.	under this Regulation, containing at least:	compliance with the requirements under this Regulation, containing at least:
Article 14(3), point (a)				
200 a			(a) national risk criteria to inform the identification of checks to be carried out. Those national criteria shall be set out in accordance with paragraph 2a and may build on the indicative risk criteria at the Union level set out by the Commission in accordance with paragraph 2b. They shall systematically include risk criteria in relation to countries or subnational jurisdictions thereof identified as high risk;	(a) national risk criteria to inform the identification of checks to be carried out. Those national criteria shall be set out in accordance with paragraph 2a and shall build on any indicative risk criteria at the Union level set out by the Commission in accordance with paragraph 2b. They shall systematically include risk criteria in relation to countries or parts thereof identified as high risk;
Article 14(3), point (b)				
200 b			(b) an identification of the operators and traders to be checked. Those operators and traders shall be selected based on the national risk criteria referred to in point (a), using inter alia	(b) an identification of the operators and traders to be checked. Those operators and traders shall be selected based on the national risk criteria referred to in point (a), using inter alia information contained

	Commission Proposal	EP	Council Mandate	Draft Agreement
			information contained in the register referred to in Article 31 and electronic data-processing techniques. For each operator or trader to be checked, competent authorities may identify specific due diligence statements to be checked.	in the register referred to in Article 31 and electronic data-processing techniques. For each operator or trader to be checked, competent authorities may identify specific due diligence statements to be checked.
Article 14(3a)				
200 c			3a. The annual review of the plans by the competent authorities shall systematically build on the results of the checks and the experience on implementation of the plans referred to in paragraph 3 in order to improve their effectiveness.	3a. The annual review of the plans by the competent authorities shall systematically build on the results of the checks and the experience on implementation of the plans referred to in paragraph 3 in order to improve their effectiveness.
Article 14(4)				
201	4. In order to implement the risk-based plans of checks established under paragraph 3, the competent authorities shall carry out risk analysis of the information contained in the due diligence statements made available to them according to Article 4(2). The risk analysis shall use the risk criteria included in the plans established under paragraph 3, and shall be carried out by means of electronic data-processing techniques integrated in the information system set out in Article 31.		<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 14(5)				
202	5. Based on the risk analysis under paragraph 4 and any other relevant information, the competent authorities shall identify the operators and traders to be checked according to Articles 15 and 16.		<i>deleted</i>	<i>deleted</i>
Article 14(6)				
203	6. Based on the risk analysis under paragraph 4, competent authorities shall also identify relevant commodities and products that call for immediate action because they present such high risk of non-compliance with the provisions of this Regulation that require to be checked before they are placed or made available on the Union market or exported. Such identification shall be flagged in the information system established under Article 31 and shall result in competent authorities taking immediate interim measures under Article 21 to suspend the placing or making available on the Union market of the relevant commodities and products or, in the case of relevant commodities or products entering or leaving the Union market and once the electronic interface referred to in Article 26(1) is in place, in the request to customs authorities		<i>deleted</i>	<i>deleted</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
	for suspension under Article 24(6) of their release for free circulation or export.			
Article 14(7)		AM 160		
204	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).	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).	deleted	deleted
Article 14(8)				
205	8. Competent authorities shall exchange information on and coordinate the development and application of the risk criteria referred to in paragraph 3 with competent		8. Competent authorities shall communicate their established plans of checks, as well as updates thereof, to other competent authorities and the Commission.	8. Competent authorities shall communicate their established plans of checks, as well as updates thereof, to other competent authorities and the

	Commission Proposal	EP	Council Mandate	Draft Agreement
	authorities of other Member States and with the Commission, in order to improve the effectiveness of the enforcement of this Regulation.		Competent authorities shall exchange information on and coordinate the development and application of the risk criteria referred to in paragraph 3 with competent authorities of other Member States and with the Commission, in order to improve the effectiveness of the enforcement of this Regulation.	Commission. Competent authorities shall exchange information on and coordinate the development and application of the risk criteria referred to in paragraph 3 with competent authorities of other Member States and with the Commission, in order to improve the effectiveness of the enforcement of this Regulation.
Article 14(9)		AM 161		
206	9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover at least 5% of the operators placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as 5% of the quantity of each of the relevant commodities placed or made available on or exported from their market.	9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover at least 10 % of the operators placing, making available on or exporting from the Union market each of the relevant commodities and products on their market as well as 10 % of the quantity of each of the relevant commodities and products placed or made available on or exported from their market. <i>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 %.</i>	9. Each Member State shall ensure that the annual checks carried out by their competent authorities cover, at national level , at least 5% 1% of the operators, and traders that are not SMEs, established in that Member State placing, making available on or exporting from the Union market each of the relevant commodities on their market as well as 5% of the quantity of each of the relevant commodities placed or made available on or exported from their market products that contain or have been made using relevant commodities produced in a country or subnational jurisdiction thereof listed as standard risk in accordance with Article 27.	For further discussion at ITM/percentages to be decided at political level
Article 14(10)				
207				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	10. For relevant commodities and products produced in a country or parts thereof listed as high risk in accordance with Article 27 or if there is a risk of relevant commodities or products produced in such countries or parts thereof entering the relevant supply chain, the competent authority shall carry out enhanced scrutiny specified in Article 20.		10. For relevant commodities and products produced in a country or parts thereof listed as high risk in accordance with Article 27 or if there is a risk of relevant commodities or products produced in such countries or parts thereof entering the Each Member State shall ensure that the annual checks carried out by their competent authorities cover, at national level, at least 5% of the operators, and traders that are not SMEs, established in that Member State placing, making available on or exporting from the Union market relevant products that contain or have been made using relevant supply chain, the competent authority shall carry out enhanced scrutiny specified in commodities produced in a country or subnational jurisdiction thereof listed as high risk in accordance with Article 2027.	
Article 14(10a)				
207 a			10a. The quantified objective of checks to be carried out by competent authorities mentioned in paragraphs 9 and 10 shall be met separately for each of the relevant commodities. They shall be calculated by reference to the total number of operators, and traders that are not SMEs, who	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			placed, made available on or exported from the Union market relevant products in the previous year. Operators, and traders that are not SMEs, shall be considered as having been checked where the competent authority has checked the relevant elements mentioned in Article 15(1)(a) and (b).	
Article 14(11)		AM 162		
208	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.	11. Without prejudice to the checks under paragraphs 5 and 6, competent authorities shall, <i>without undue delay</i> , conduct checks referred to in paragraph 1 when they are in possession of evidence or other relevant information, including based <i>on the rapid alert mechanisms or on</i> substantiated concerns provided by third parties under Article 29, concerning potential non-compliance with this Regulation.	11. Without prejudice to the checks under paragraphs 5 and 6 planned in advance pursuant to paragraph 3 , competent authorities shall conduct checks referred to in paragraph 1 when they are in possession of evidence or other obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning a potential non-compliance with this Regulation.	11. Without prejudice to the checks under paragraphs 5 and 6 planned in advance pursuant to paragraph 3 , competent authorities shall conduct checks referred to in paragraph 1 when they are in possession of evidence or other obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning a potential non-compliance with this Regulation.
Article 14(12)		AM 163		
209	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.	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. <i>Authorities shall justify such</i>	12. Checks shall referred to in paragraph 1 should 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.	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.

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		<i>prior notifications in their control reports, including information on the number of prior warnings.</i>		
Article 14(13)		AM 164		
210	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.	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, <i>including the penalties related to cases of non-compliance with this Regulation.</i> Records of all checks shall be kept for at least <i>ten</i> years.		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 <i>ten</i> years.
Article 14(13a) (new)		AM 165		
210 a		13a. <i>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.</i>		-----
Article 14(13b) (new)		AM 166		
210 b		13b. <i>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</i>		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Article 14(13c) (new)		AM 167		
210 c		<i>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/EC1a and shall be made available upon request.</i> <i>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).</i>		For further discussion at ITM
Article 14a				
210 d			Article 14a Checks on relevant products calling for immediate action	Article 14a Checks on r Relevant products calling for immediate action
Article 14a(1)				
210 e			1. Based on the risk-based approach set out in paragraph 3 of Article 14, competent authorities shall also identify situations where	1. Based on the risk-based approach set out in paragraph 3 of Article 14, c Competent authorities shall also identify situations where relevant

	Commission Proposal	EP	Council Mandate	Draft Agreement
			relevant products call for immediate action, because they present such high risk of non-compliance with the provisions of this Regulation that they require to be checked by competent authorities before they are placed or made available on the Union market or exported. Competent authorities shall register such identified situations in the information system established under Article 31.	products present such high risk of non-compliance with the provisions of this Regulation that they require call for immediate action, because they present such high risk of non-compliance with the provisions of this Regulation that they require to be checked by competent authorities before they are placed or made available on the Union market or exported. Competent authorities shall register such identified situations in the information system established under Article 31
Article 14a(2), introductory part				
210 f			2. When a due diligence statement relating to such relevant products is made available by an operator, the information system shall identify the high risk of non-compliance with the provisions of this Regulation and inform competent authorities, which shall:	2. When competent authorities identify such situations, including when a due diligence statement relating to such relevant products is made available by an operator, the information system shall identify the high risk of non-compliance with the provisions of this Regulation and inform competent authorities, which shall:
Article 14a(2), point (a)				
210 g			(a) take immediate interim measures under Article 21 to suspend the placing or making	(a) take immediate interim measures under Article 21 to suspend the placing or making

	Commission Proposal	EP	Council Mandate	Draft Agreement
			available on the Union market of those relevant products or,	available on the Union market of those relevant products or,
Article 14a(2), point (b)				
210 h			(b) in the case of relevant products entering or leaving the Union market and once the electronic interface referred to in Article 26(1) is in place, shall require customs authorities for suspension under Article 24(6) of their release for free circulation or export.	(b) in the case of relevant products entering or leaving the Union market and once the electronic interface referred to in Article 26(1) is in place, shall require customs authorities for suspension under Article 24(6) of their release for free circulation or export.
Article 14a(3)				
210 i			3. The suspensions referred to in paragraph 2 shall end within 3 working days, starting from the date when the high risk of non-compliance is identified in the information system. Where 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 products comply with the requirements of this Regulation, they shall extend the period of suspension, by additional periods of 3 working days, by means of additional interim measures taken under Article 21 or, in the case of relevant products entering or	3. The suspensions referred to in paragraph 2 shall end within 3 working days, or 72 hours in case of perishable products, starting from the date when the high risk of non-compliance is identified in the information system. Where 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 products comply with the requirements of this Regulation, they shall extend the period of suspension, by additional periods of 3 working days, by means of additional interim measures taken under Article 21

	Commission Proposal	EP	Council Mandate	Draft Agreement
			leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6).	or, in the case of relevant products entering or leaving the Union market, by notifying the customs authorities of the need to maintain the suspension under Article 24(6)
Article 15		AM 168		
211	Article 15 Checks on operators	Article 15 Checks on operators <i>and non-SME traders</i>	Article 15 Checks on operators, and on traders that are not SMEs	Article 15 Checks on operators <i>and non-SME traders</i>
Article 15(1), introductory part				
212	1. The checks on operators shall include:			1. The checks on operators shall include:
Article 15(1), point (a)				
213	(a) examination of the due diligence system, including risk assessment and risk mitigation procedures;		(a) examination of the due diligence system, including risk assessment and risk mitigation procedures, and of documentation and records that demonstrate the proper functioning of the due diligence system;	(a) examination of the due diligence system, including risk assessment and risk mitigation procedures, and of documentation and records that demonstrate the proper functioning of the due diligence system;
Article 15(1), point (b)				
214	(b) examination of documentation and records that demonstrate the proper functioning of the due diligence system;		(b) examination of documentation and records that demonstrate the proper functioning compliance of a specific relevant product that the operator has placed, intends to	(b) examination of documentation and records that demonstrate the proper functioning compliance of a specific relevant product that the operator has placed, intends to place on or export from the

	Commission Proposal	EP	Council Mandate	Draft Agreement
			place on or export from the Union market with the requirements of this Regulation, including, when applicable, through risk mitigation measures, as well as examination of the relevant due diligence system statements;	Union market with the requirements of this Regulation, including, when applicable, through risk mitigation measures, as well as examination of the relevant due diligence system statements;
Article 15(1), point (c)				
215	(c) examination of documentation and records that demonstrate the compliance of a specific product or commodity that the operator has placed, intends to place on or export from the Union market with the requirements of this Regulation;		<i>deleted</i>	<i>deleted</i>
Article 15(1), point (d), introductory part				
216	(d) examination of due diligence statements;		<i>deleted</i>	<i>deleted</i>
Article 15(1), point (d), first paragraph				
217	and, where appropriate,		<i>deleted</i>	<i>deleted</i>
Article 15(1), point (da) (new) AM 169				
217 a		(da) examination of interim measures taken under Article 21 and corrective measures taken under Article 22;		Further discussion at ITM needed (da) examination of corrective measures taken under Article 22;

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				Need to consider whether it is necessary to have it here; reference to interim measures may be redundant
Article 15(2)				
217 b			2. The checks on operators may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions:	2. The checks on operators may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions:
Article 15(2), point (e)				
218	(e) on the ground examination of relevant commodities and products with a view to ascertaining their conformity to the documentation used for exercising due diligence;		(e) (a) on the ground examination of relevant commodities and-or of the relevant products with a view to ascertaining their conformity to the documentation used for exercising due diligence;	(a) on the ground examination of relevant commodities and-or of the relevant products with a view to ascertaining their conformity to the documentation used for exercising due diligence;
Article 15(2), point (f) AM 170				
219	(f) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including isotope testing;	(f) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including <i>anatomical, chemical and DNA analysis</i> ;	(f) (b) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including isotope testing by requesting more specific geolocation information from the operators, as well as the species concerned;	(f) (b) any technical and scientific means adequate to determine the exact place where the relevant commodity or product was produced, including <i>anatomical, chemical and DNA analysis</i> , isotope testing by requesting more specific geolocation information from the operators, as well as the species concerned;

	Commission Proposal	EP	Council Mandate	Draft Agreement
				To be further discussed at ITM: reference to anatomical/chemical and DNA analysis / deletion of isotope testing
Article 15(2), point (fa) (new)		AM 171		
219 a		(fa) <i>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;</i>		For further discussion at ITM
Article 15(2), point (c)		AM 172		
220	(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 <i>or from other publicly or privately available sources;</i> and	(g) (c) any technical and scientific means adequate to determine whether the relevant commodity or product products 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 products are deforestation-free, including Earth observation data such as from Copernicus programme and tools <i>or from other publicly or privately available relevant sources;</i> and
Article 15(2), point (d)				
221	(h) spot checks, including field audits, including where appropriate in third countries through cooperation with the administrative authorities of third countries.		(h) (d) spot checks, including field audits, including where appropriate in third countries, provided that such third countries agree , through cooperation with the administrative authorities of those third countries.	(h) (d) spot checks, including field audits, including where appropriate in third countries, provided that such third countries agree , through cooperation with the

	Commission Proposal	EP	Council Mandate	Draft Agreement
				administrative authorities of those third countries.
Article 15(2a)				
221 a			3. Checks on operators further down the supply chain, and traders that are not SMEs, that make available to competent authorities the reference numbers of existing due diligence statements in accordance with respectively Articles 4(9) and 6(5) shall consist in checking that the existing due diligence statements fulfilled the requirements of Chapter 2, including that no or only negligible risk was found. Competent authorities shall also check that those operators and traders have taken the necessary steps to ensure that the already exercised due diligence fulfilled the requirements of Chapter 2, including that no or only negligible risk was found.	For further discussion at ITM Part of Council's simplification package
Article 16 AM 173				
222	Article 16 Checks on traders	Article 16 Checks on SME traders	Article 16 Checks on traders that are SMEs	Article 16 Checks on SME traders
Article 16(1), introductory part				
223				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	1. The checks on traders shall include:		1. The checks on traders that are SMEs shall include: the examination of documentation and records that demonstrate the compliance with Article 6(2), (3) and (4).	1. The checks on traders that are SMEs shall include: the examination of documentation and records that demonstrate the compliance with Article 6(2), (3) and (4).
Article 16(1), point (a)				
224	(a) examination of documentation and records that demonstrate the compliance with Article 6(2);		<i>deleted</i>	<i>deleted</i>
Article 16(2)				
225	(b) where appropriate, spot checks, including field audits.		(b)2. The checks on traders that are SMEs may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions, spot checks, including field audits.	(b)2. The checks on traders that are SMEs may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions, spot checks, including field audits.
Article 17				
226	Article 17 Recovery of costs by competent authorities		Article 17 Recovery of costs by competent authorities	Article 17 Recovery of costs by competent authorities
Article 17(1)				
227	1. Member States may authorise their competent authorities to reclaim from the operators or traders the totality of			1. Member States may authorise their competent authorities to reclaim from the operators or

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	the costs of their activities with respect to instances of non-compliance.			traders the totality of the costs of their activities with respect to instances of non-compliance.
Article 17(2)		AM 174		
228	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.	2. The costs referred to in paragraph 1 may include, <i>inter alia</i> , 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.		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.
Article 18				
229	Article 18 Cooperation and exchange of information		Article 18 Cooperation and exchange of information	Article 18 Cooperation and exchange of information
Article 18(1)		AM 175		
230	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.	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, <i>including as regards the implementation of field audits</i> .	1. Competent authorities shall cooperate with each other and with customs authorities from their Member State, with competent authorities and customs , 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.	1. Competent authorities shall cooperate with each other and with customs authorities from their Member State, with competent authorities and customs , 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,

	Commission Proposal	EP	Council Mandate	Draft Agreement
				<i>including as regards the implementation of field audits.</i>
Article 18(2)				
231	2. For the application and enforcement of this Regulation, competent authorities shall establish administrative arrangements with the Commission concerning the transmission of information and the conduct of investigations.		2. For the application and enforcement of this Regulation, Competent authorities shall establish administrative arrangements with the Commission concerning the transmission of information on investigations and the conduct of investigations.	2. For the application and enforcement of this Regulation, Competent authorities shall establish administrative arrangements with the Commission concerning the transmission of information on investigations and the conduct of investigations.
Article 18(3) AM 176				
232	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.	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, <i>the nature and results of the controls carried out and any penalties imposed</i> , with other Member States' competent authorities to facilitate the enforcement of this Regulation. <i>Competent authorities shall apply, when exchanging information, strict data protection rules in accordance with existing data protection law.</i>	3. Competent authorities shall exchange information necessary for the enforcement of this Regulation, including through the register established pursuant to Article 31 . 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.	3. Competent authorities shall exchange information necessary for the enforcement of this Regulation, including through the register established pursuant to Article 31 . This shall include giving access to and exchange of data on operators and traders including due diligence statements, <i>the nature and results of the checks carried out [and any penalties imposed](*)</i> , with other Member States' competent authorities to facilitate the enforcement of this Regulation. <i>(*) to be added to reporting obligations</i>
Article 18(4) AM 177				

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233	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.	4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect <i>an actual or potential</i> 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, <i>or may be</i>, not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States <i>or to support enforcement action by those competent authorities.</i>	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.	4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect <i>any possible</i> infringements 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 <i>they deem to be</i> not compliant with this Regulation, to enable the withdrawal or recall of such commodity or product from sales in all Member States.
Article 18(5)				
234	5. At the request of a competent authority, Member States shall provide to it the necessary information to ensure compliance with this Regulation.		5. At the request of a competent authority, Member States shall provide to it the necessary information necessary to ensure compliance with this Regulation.	5. At the request of a competent authority, Member States shall provide to it the necessary information necessary to ensure compliance with this Regulation.
Article 18a (new) AM 178				
234 a		<i>Article 18a</i> <i>Satellite imagery and access to forest data</i> <i>The Commission shall establish a platform using satellite imagery,</i>		For further discussion at ITM Possibly to be included in a recital; it will take time to establish the platform. Also to be looked at in the context of Article 32 (Review)

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		<i>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:</i> <i>(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;</i> <i>(b) an alert system, relying upon a monthly monitoring of forest cover change;</i> <i>(c) a range of analyses and user-friendly and secured outputs, depicting how supply chains are linked to deforestation.</i> <i>The platform shall be made available to Member State authorities, interested third countries' authorities, operators and traders.</i>	PUBLIC	
Article 19				
235	Article 19 Reporting		Article 19 Reporting	Article 19 Reporting
Article 19(1) AM 179				
236	1. Member States shall make available to the public and the	1. Member States shall make available to the public and the	1. Member States shall make available to the public and the	For further discussion at ITM 17.10.2022

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	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.	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.	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 checks carried out on operators and traders, including the contents of these checks, the quantity (expressed in net mass or, when applicable, volume, or number of units)¹ of relevant of relevant commodities and products checked in relation to the total quantity of relevant commodities and products placed on the market or exported, the countries of origin and of production of relevant commodities and products as well as information on the types of non-compliance identified, the measures taken in case of non-compliance and the costs of controls recovered. ¹ The quantity must be expressed in kilograms of net mass or, when applicable, 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.	Agreement to further assess to what extent the input of EP and Council can be merged 14/11/2022 work on language, focusing on which data would be appropriate to make public to the public 22/11: agreement to add the following EP amendment to Article 19 (following discussion on Due Diligence provisions) Authorities shall justify such prior notifications in their control reports, including information on the number of prior warnings.
Article 19(1a)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
236 a			1a. Member States shall make available to the public, at the latest by 30 April of each year, information on the application of this Regulation during the previous calendar year, including aggregate information on the checks carried out, notably the percentage of operators and traders that are not SMEs established in the Member State that were checked during the previous calendar year, and the percentage of the quantity of relevant products checked that contain, have been fed with or have been made using each of the relevant commodities that were made available on or exported from the Union market by operators and traders that are not SMEs established in that Member State that were checked during the previous calendar year.	For further discussion at ITM
Article 19(2)				
237	2. The Commission services shall make publicly available, on an annual basis, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.		2. The Commission services shall make publicly available, on an annual basis at the latest by 30 October of each year, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.	2. The Commission services shall make publicly available, on an annual basis at the latest by 30 October of each year, a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.

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Article 20				
238	Article 20 Enhanced scrutiny		<i>deleted</i>	For further discussion at ITM
Article 20, first paragraph				
	AM 180			
239	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.	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.	<i>deleted</i>	For discussion at political level/merged with discussion on Article 14 (percentages)
Article 21				
240	Article 21		Article 21	Article 21

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Interim measures		Interim measures	Interim measures
	Article 21, first paragraph		AM 181	
241	Where, following the checks referred to in Article 15 and 16, possible serious shortcomings have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities may take immediate interim measures, including seizure or suspension of the placing or making available on and exporting from the Union market of the relevant commodities and products.	Where, <i>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</i> following the checks referred to in Article 15 and 16, possible <i>infringements of this Regulation</i> have been detected, or risks have been identified pursuant to Article 14(6), the competent authorities may take immediate interim measures, including seizure or suspension of the placing or making available on and exporting from the Union market of the relevant commodities and products. <i>Member States shall immediately inform the Commission and the competent authorities of other Member States about such measures.</i>	Where, including 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)-14a(2), 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.	<u>Proposal discussed on 22/11</u> Member States shall [provide for the possibility for]/[ensure that] their competent authorities [have the possibility] to 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, when possible <i>infringements of this Regulation</i> have been detected: - <i>either on the basis of the examination of evidence or other relevant information, including information exchanged under Article 18 or substantiated concerns provided submitted by third parties under Article 29,</i> - <i>or following the checks referred to in Article 15 and 16,</i> - <i>or risks have been identified by the Information system referred to in Article 31 pursuant to Article 14(6) (or 14a(2) of the GA); the competent authorities may take immediate interim measures, including seizure or suspension</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
			PUBLIC	of the placing or making available on and exporting from the Union market of the relevant commodities and products. <i>Where necessary, Member States shall immediately inform the Commission and the competent authorities of other Member States about such measures.</i>
Article 22				
242	Article 22 Market surveillance measures		Article 22 Market surveillance measures Corrective action in case of non-compliance	Article 22 Market surveillance measures Corrective action in case of non-compliance
Article 22(1) AM 182				
243	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.	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 <i>the requirements set out in</i> this Regulation, they shall without delay require the relevant operator or trader to take corrective action to bring the non-compliance to an end <i>within a specified and reasonable period of time</i> .	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 product placed or made available on the Union market or exported from it 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.	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 product placed or made available on the Union market or exported from it is not compliant with <i>the requirements set out in</i> 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 <i>within a</i>

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				<i>specified and reasonable period of time.</i>
Article 22(2), introductory part				
244	2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one or more of the following:		2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include, as applicable at least one or more of the following:	2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one or more of the following, as applicable :
Article 22(2), point (a)				
245	(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation;			(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2 of this Regulation;
Article 22(2), point (b)				
246	(b) preventing the relevant commodity or product from being placed, made available on or exported from the Union the market;		(b) preventing the relevant commodity or product from being placed, made available on or exported from the Union the market;	(b) preventing the relevant commodity or product from being placed, made available on or exported from the Union the market;
Article 22(2), point (c)				
247	(c) withdrawing or recalling the relevant commodity or product immediately;		(c) withdrawing or recalling the relevant commodity or product immediately;	(c) withdrawing or recalling the relevant commodity or product immediately;
Article 22(2), point (d)				
		AM 183		

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248	(d) destroying the relevant commodity or product or donating it to charitable or public interest purposes.	(d) <i>donating, where possible</i> , the relevant commodity or product to charitable or public interest purposes <i>or otherwise recycling or, as a last resort, destroying it.</i>	(d) destroying-donating the relevant commodity or product or donating it to charitable or public interest purposes or, if this is not possible, disposing of it.	(d) destroying-donating the relevant commodity or product or donating it to charitable or public interest purposes or, if this is not possible, disposing of it in line with the EU rules on waste management.
Article 22(2a) (new)		AM 184		
248 a		2a. <i>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.</i>		2a. <i>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.</i>
Article 22(3)		AM 185		
249	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 <i>within the period of time specified by the competent authority</i> 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.	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 secure application of the prescribed corrective action referred to in paragraph 2 by all means available on or exported from the Union market is prohibited or restricted to them under the law of the Member State concerned.	3. If the operator or trader fails to take corrective action referred to in paragraph 2 <i>within the period of time specified by the competent authority under paragraph 1</i> , or where the non-compliance referred to in that paragraph persists, after that period of time competent authorities shall ensure that the product is withdrawn or recalled, or that its being made secure application of the prescribed corrective action referred to in paragraph 2 by all means available on or exported from the

	Commission Proposal	EP	Council Mandate	Draft Agreement
				Union market is prohibited or restricted to them under the law of the Member State concerned.
Article 23				
250	Article 23 Penalties		Article 23 Penalties	Article 23 Penalties
Article 23(1) AM 186				
251	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. <i>Within six months of the entry into force of this Regulation, the Commission shall adopt delegated acts supplementing this Regulation concerning uniform</i> penalties applicable to infringements of the provisions of this Regulation by operators and traders, <i>in order to ensure harmonised standards are applied across the Union. Member States</i> shall take all measures necessary to ensure that they are implemented.		For further discussion at ITM.
Article 23(2), introductory part AM 187				
252	2. The penalties provided for shall be effective, proportionate and dissuasive. Penalties shall include as a minimum:	2. The penalties for shall be effective, proportionate, dissuasive <i>and uniform across Member States</i> . Penalties shall include as a minimum:	2. The penalties provided for in paragraph 1 shall be effective, proportionate and dissuasive. Penalties, and shall include as a minimum:	For further discussion at ITM
Article 23(2), point (a) AM 188				
253				For further discussion at ITM

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	(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;	(a) fines proportionate to the environmental damage, <i>economic damage for local communities</i> 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 <i>Union, calculated in accordance with Article 5(1) of Council Regulation (EC) 139/2004^{1a}</i>; 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).	(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 top of the range of the possible amounts for such fines shall be set at least at 4 % of the operators operator or trader's annual turnover in the Member State or Member States concerned, where the operator or trader is a legal person;	
Article 23(2), point (b)				
254	(b) confiscation of the relevant commodities and products concerned from the operator and/or trader;		(b) if applicable, confiscation of the relevant commodities and products concerned from the operator and/or trader;	For further discussion at ITM.
Article 23(2), point (ba) (new)				
AM 189				

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254 a		<i>(ba) the obligation to restore the environment;</i>		redraft the proposals on Article 23, taking into consideration the discussion at the ITM of 20.10 For further discussion at ITM
Article 23(2), point (bb) (new)		AM 190		
254 b		<i>(bb) the obligation to compensate for damage done to any natural or legal person that the exercise of due diligence would have avoided;</i>		For further discussion at ITM
Article 23(2), point (c)				
255	(c) confiscation of revenues gained by the operator and/or trader from a transaction with the relevant commodities and products concerned;			c) confiscation of revenues gained by the operator and/or trader from a transaction with the relevant commodities and products concerned;
Article 23(2), point (d)		AM 191		
256	(d) temporary exclusion from public procurement processes.	(d) temporary exclusion from public procurement processes <i>and from access to public funding, including tendering procedures, grants and concessions;</i>	(d) temporary exclusion for a maximum period of 12 months from public procurement processes.	For further discussion at ITM
Article 23(2), point (da) (new)		AM 192		
256 a		<i>(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</i>		For further discussion at ITM

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		<i>serious infringement or of repeated infringements;</i>		
Article 23(2), point (db) (new)		AM 193		
256 b		<i>(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;</i>		For further discussion at ITM
Article 23(2a) (new)		AM 194		
256 c		<i>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.</i>		For further discussion at ITM
256 d		<i>The list of non-compliant operators and traders shall contain the following elements:</i>		For further discussion at ITM
256 e		<i>(a) the name of the operator or trader;</i>		For further discussion at ITM
256 f		<i>(b) the date of the first inclusion on the list and the date from which</i>		For further discussion at ITM

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		<i>sufficient remedial action was taken;</i>		
256 g		<i>(c) a summary of the activities justifying the inclusion of the operator or trader on the list; and</i>		For further discussion at ITM
256 h		<i>(d) the nature and, where financial, the amount of the penalty imposed.</i>		For further discussion at ITM
256 i		<i>The list shall be made publicly available on the website of the Commission and regularly updated.</i>		For further discussion at ITM
256 j		<i>The Commission shall publish the list in the Official Journal of the European Union and in the Register referred to in Article 31.</i>		For further discussion at ITM
Article 23(2b) (new)		AM 195		
256 k		<i>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.</i>		For further discussion at ITM
256 l		<i>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</i>		For further discussion at ITM

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		<i>concerned every six months.</i>		
256 m		<i>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.</i>		For further discussion at ITM
Chapter 4				
257	Chapter 4 Procedures for relevant commodities and products entering or leaving the Union market		Chapter 4 Procedures for relevant commodities and products entering or leaving the Union market	Chapter 4 Procedures for relevant commodities and products entering or leaving the Union market
Article 24				
258	Article 24 Controls		Article 24 Controls	Article 24 Controls
Article 24(1)				
259	1. Relevant commodities and products placed under the customs procedure 'release for free circulation' or 'export' shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter is without prejudice to any other provisions of this Regulation as well as to other Union legislation governing the release for free circulation or export of goods, in particular the Union		1. Relevant commodities and products placed under the customs procedure 'release for free circulation' or 'export' shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter is without prejudice to any other provisions of this Regulation as well as to other Union legislation governing the release for free circulation or export of goods, in particular the Union	1. Relevant commodities and products placed under the customs procedure 'release for free circulation' or 'export' shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter is without prejudice to any other provisions of this Regulation as well as to other Union legislation governing the release for free circulation or export of

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	Customs Code and its Articles 46, 47, 134 and 267. Chapter VII of Regulation (EU) No. 2019/1020 of the European Parliament and of the Council¹ shall however not apply to controls on relevant commodities and products entering the Union market in so far as the application and enforcement of this Regulation is concerned. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.		Customs Code and its Articles 46, 47, 134 and 267. Chapter VII of Regulation (EU) No. 2019/1020 of the European Parliament and of the Council¹ shall however not apply to controls on relevant commodities and products entering the Union market in so far as the application and enforcement of this Regulation is concerned. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.	goods, in particular the Union Customs Code and its Articles 46, 47, 134 and 267. Chapter VII of Regulation (EU) No. 2019/1020 of the European Parliament and of the Council¹ shall however not apply to controls on relevant commodities and products entering the Union market in so far as the application and enforcement of this Regulation is concerned. 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.
Article 24(2)				
260	2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant commodity and product entering or leaving the Union market. In particular, competent authorities shall be responsible of establishing, through the checks under Article 14(1), whether any such relevant commodity or product complies with the requirements of this Regulation. The competent authorities shall carry out these duties in accordance with the relevant provisions of Chapter 3 of this Regulation.		2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant commodity and product entering or leaving the Union market. In particular, competent authorities shall be responsible, in accordance with Article 14, of identifying checks to be carried out based on a risk-based approach and of establishing, through the checks under-referred to in Article 14(1)14, whether any such relevant commodity or product complies with the requirements of this Regulation. The competent authorities shall carry	2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant commodity and product entering or leaving the Union market. In particular, competent authorities shall be responsible, in accordance with Article 14, of identifying checks to be carried out based on a risk-based approach and of establishing, through the checks under-referred to in Article 14(1)14, whether any such relevant commodity or product complies with the requirements of this Regulation.

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			out these duties in accordance with the relevant provisions of Chapter 3 of this Regulation.	The competent authorities shall carry out these duties in accordance with the relevant provisions of Chapter 3 of this Regulation.
Article 24(3)				
261	3. Customs authorities shall control the correct declaration of relevant commodities and products entering or leaving the Union market. Such controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and shall be performed within a common risk management framework on the Union level.		3. Without prejudice to paragraph 2, customs authorities shall control the correct declaration of relevant commodities and carry out controls on the customs declarations lodged in relation to relevant products entering or leaving the Union market. Such controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and shall be performed within a common risk management framework on the Union level in accordance with Articles 46 and 48 of Regulation (EU) No 952/2013. Such controls shall primarily be based on risk analysis, as established in Article 46(2) of Regulation (EU) No 952/2013.	3. Without prejudice to paragraph 2, customs authorities shall control the correct declaration of relevant commodities and carry out controls on the customs declarations lodged in relation to relevant products entering or leaving the Union market. Such controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and shall be performed within a common risk management framework on the Union level in accordance with Articles 46 and 48 of Regulation (EU) No 952/2013. Such controls shall primarily be based on risk analysis, as established in Article 46(2) of Regulation (EU) No 952/2013.
Article 24(4)				
262	4. The reference number of the due diligence statement assigned by the		4. The reference number of the due diligence statement shall be	4. The reference number of the due diligence statement shall be

	Commission Proposal	EP	Council Mandate	Draft Agreement
	information system referred to in Article 31 in relation to a relevant commodity or product entering or leaving the Union shall be made available to customs authorities when lodging the customs declaration for release for free circulation or export of that relevant commodity or product, except where the due diligence statement is lodged pursuant to Article 26(2).		made available to customs authorities before the release for free circulation or export of a relevant product entering or leaving the Union. For that purpose, the reference number of the due diligence statement assigned by the information system referred to in Article 31 in relation to a relevant commodity or such relevant product entering or leaving the Union shall be made available to customs authorities when by the person lodging the customs declaration for release for free circulation or export of that relevant commodity or product product by including the reference number of the due diligence statement in the customs declaration when lodging such customs declaration , except where the due diligence statement is lodged pursuant to made available through the electronic interface mentioned in Article 26(2).	made available to customs authorities before the release for free circulation or export of a relevant product entering or leaving the Union. For that purpose, the reference number of the due diligence statement assigned by the information system referred to in Article 31 in relation to a relevant commodity or such relevant product entering or leaving the Union shall be made available to customs authorities when by the person lodging the customs declaration for release for free circulation or export of that relevant commodity or product product by including the reference number of the due diligence statement in the customs declaration when lodging such customs declaration , except where the due diligence statement is lodged pursuant to made available through the electronic interface mentioned in Article 26(2).
Article 24(4a), introductory part				
262 a			4a. For the purpose of taking into account compliance with the provisions of this Regulation in allowing a relevant product to be released for free circulation or exported:	4a. For the purpose of taking into account compliance with the provisions of this Regulation in allowing a relevant product to be released for free circulation or exported:

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	Article 24(4a), point (a)			
262 b			(a) Until the electronic interface referred to in Article 26(1) is in place, paragraphs 5 to 8 shall not apply, and customs authorities shall exchange information and cooperate with competent authorities in accordance with Article 25, and, where necessary, take into account such exchange of information and cooperation in allowing relevant products to be released for free circulation or exported;	(a) Until the electronic interface referred to in Article 26(1) is in place, paragraphs 5 to 8 shall not apply, and customs authorities shall exchange information and cooperate with competent authorities in accordance with Article 25, and, where necessary, take into account such exchange of information and cooperation in allowing relevant products to be released for free circulation or exported;
	Article 24(4a), point (b)			
262 c			(b) Once the electronic interface referred to in Article 26(1) is in place, paragraphs 5 to 8 shall apply, and notifications and requests under paragraphs 5 to 8 shall take place by means of that electronic interface.	(b) Once the electronic interface referred to in Article 26(1) is in place, paragraphs 5 to 8 shall apply, and notifications and requests under paragraphs 5 to 8 shall take place by means of that electronic interface.
	Article 24(5)			
263	5. Upon receipt of a customs declaration for release for free circulation or export of a relevant commodity or product entering or leaving the Union market, customs authorities shall verify the status of the due diligence statement using the electronic interface referred to in		5. Upon receipt of a When carrying out controls on customs declaration for release for free circulation or export of a relevant commodity or product entering or leaving the Union market, customs authorities shall verify the status of the due diligence statement examine, using	5. Upon receipt of a When carrying out controls on customs declaration for release for free circulation or export of a relevant commodity or product entering or leaving the Union market, customs authorities shall verify the status of the due diligence statement

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	Article 26(1). Any change of status in the Information System referred to in Article 31, which takes place before the release for free circulation or export of that relevant commodity or product, shall be notified automatically to the customs authorities supervising that relevant commodity or product.		the electronic interface referred to in Article 26(1). Any change of, the status in the Information System referred to in Article 31, which takes place before the release for free circulation or export of that relevant commodity or product, shall be notified automatically to the customs authorities supervising that relevant commodity or product assigned to the corresponding due diligence statement by competent authorities in the register referred to in Article 31.	examine , using the electronic interface referred to in Article 26(1). Any change of, the status in the Information System referred to in Article 31, which takes place before the release for free circulation or export of that relevant commodity or product, shall be notified automatically to the customs authorities supervising that relevant commodity or product assigned to the corresponding due diligence statement by competent authorities in the register referred to in Article 31.
Article 24(6)				
264	6. Where following the risk analysis under Article 14(4) the status of the corresponding due diligence statement indicates in the information system established under Article 31 that a relevant commodity or product requires to be checked before placed or made available on the EU market or exported, customs authorities shall suspend the release for free circulation or export of that relevant commodity or product.		6. Where following the risk analysis under Article 14(4) the status of the corresponding due diligence statement indicates in the information system established under Article 31 that a relevant commodity or product requires the status referred to in paragraph 5 indicates that the relevant product entering or leaving the Union market has been identified, pursuant to Article 14a(2), as requiring to be checked before it is placed or made available on the EU Union market or exported, customs authorities shall suspend the release for free circulation or export of that relevant commodity or product.	6. Where following the risk analysis under Article 14(4) the status of the corresponding due diligence statement indicates in the information system established under Article 31 that a relevant commodity or product requires the status referred to in paragraph 5 indicates that the relevant product entering or leaving the Union market has been identified, pursuant to Article 14a(2), as requiring to be checked before it is placed or made available on the EU Union market or exported, customs authorities shall suspend the release for free circulation or

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				export of that relevant commodity or product.
Article 24(7), first subparagraph, introductory part				
265	7. Where all other requirements and formalities under Union or national law relating to the release for free circulation or export have been fulfilled, customs authorities shall allow a relevant commodity or product to be released for free circulation or exported in any of the following circumstances:		7. Where all other requirements and formalities under Union or national law relating to the release for free circulation or export have been fulfilled, customs authorities shall allow a relevant commodity or product product entering or leaving the Union market to be released for free circulation or exported in any of the following circumstances:	7. Where all other requirements and formalities under Union or national law relating to the release for free circulation or export have been fulfilled, customs authorities shall allow a relevant commodity or product product entering or leaving the Union market to be released for free circulation or exported in any of the following circumstances:
Article 24(7), first subparagraph, point (a)				
266	(a) Following the risk analysis under Article 14(4), competent authorities have not indicated in the information system established under Article 31 that relevant commodity or product as requiring the suspension of release for free circulation or of the export pursuant to paragraph 6;		(a) Following the risk analysis under Article 14(4), competent authorities have not indicated in the information system established under Article 31 that relevant commodity or product Where the status referred to in paragraph 5 does not indicate that such relevant product has been identified, pursuant to Article 14a(2), as requiring the suspension of release for free circulation or of the export pursuant to paragraph 6 to be checked before it is placed or made available on the Union market or exported;	(a) Following the risk analysis under Article 14(4), competent authorities have not indicated in the information system established under Article 31 that relevant commodity or product Where the status referred to in paragraph 5 does not indicate that such relevant product has been identified, pursuant to Article 14a(2), as requiring the suspension of release for free circulation or of the export pursuant to paragraph 6 to be checked before it is placed or made available on the Union market or exported;

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	Article 24(7), first subparagraph, point (b)			AM 196
267	(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, the competent authorities have not requested, within the 3 working days indicated in Article 14(7), the need to maintain the suspension of the release for free circulation or export of that relevant commodity or product;	(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 <i>five</i> working days, <i>or 72 hours for fresh commodities and products which are at risk of spoilage</i> , 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;	(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, and the competent authorities have not requested, within the 3 working days indicated in Article 14(7), the need to maintain the suspension to maintain the suspension before the end of the release for free circulation or export of that relevant commodity or product suspension period set out, and, if applicable, extended, pursuant to Article 14a(3);	(b) Where the release for free circulation or export has been suspended in accordance with paragraph 6, and the competent authorities have not requested, within the 3 working days indicated in Article 14(7), the need to maintain the suspension to maintain the suspension before the end of the release for free circulation or export of that relevant commodity or product suspension period set out, and, if applicable, extended, pursuant to Article 14a(3);
	Article 24(7), first subparagraph, point (c)			
268	(c) Where competent authorities have notified customs authorities through the information system established under Article 31 that the suspension of the release for free circulation or export of the relevant commodities and products can be lifted.		(c) Where competent authorities have notified customs authorities through the information system established under Article 31 the release for free circulation or export has been suspended in accordance with paragraph 6, and the competent authorities have notified customs authorities that the suspension of the release for free circulation or export of the relevant commodities and products can be lifted.	(c) Where competent authorities have notified customs authorities through the information system established under Article 31 the release for free circulation or export has been suspended in accordance with paragraph 6, and the competent authorities have notified customs authorities that the suspension of the release for free circulation or export of the relevant commodities and products can be lifted.

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Article 24(7), second subparagraph				
269	The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.		<i>deleted</i>	<i>deleted</i>
Article 24(8), first subparagraph				
270	8. Where the competent authorities conclude that a relevant commodity or product entering or leaving the Union market is not compliant with this Regulation, they shall notify the customs authorities accordingly through the information system established under Article 31. Competent authorities may also indicate in the information system that they object to placing the relevant commodity or product under other specific customs procedures.		8. Where the competent authorities conclude that a relevant commodity or product entering or leaving the Union market is not compliant with this Regulation, they shall notify the customs authorities accordingly through the information system established under Article 31. Competent and customs authorities may also indicate in the information system that they object to placing the shall not allow the release for free circulation or export of that relevant commodity or product under other specific customs procedures.	8. Where the competent authorities conclude that a relevant commodity or product entering or leaving the Union market is not compliant with this Regulation, they shall notify the customs authorities accordingly through the information system established under Article 31. Competent and customs authorities may also indicate in the information system that they object to placing the shall not allow the release for free circulation or export of that relevant commodity or product under other specific customs procedures.
Article 24(8), second subparagraph				
	AM 197			
271	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	Upon notification of <i>the non-compliant</i> 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,	<i>deleted</i>	<i>deleted</i>

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	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]	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]		
Article 24(8), third subparagraph				
272	Where the relevant commodity or product is subsequently declared for other customs procedures and provided that the competent authorities did not object to such placement, the notice shall be included by operator in the customs declarations and registered, under the same conditions, in the customs data-processing system and, where possible, on the accompanying documents used in connection with any such procedures.		<i>deleted</i>	<i>deleted</i>
Article 24(9)				
273	9. Notifications and requests under paragraphs 5 to 8 of this Article shall take place by means of the electronic interface referred to in Article 26(1). Paragraphs 5 to 8 shall apply once the electronic interface referred to in Article 26(1) is in place.		<i>deleted</i>	<i>deleted</i>

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Article 24(9a)				
273 a			9a. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.	9a. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.
Article 24(10)		AM 198		
274	10. Customs authorities may destroy a non-compliant relevant commodity or product upon the request of the competent authorities or where they deem it necessary and proportionate. The cost of such measure shall be borne by the natural or legal person holding the relevant commodity or product. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly. Upon request of competent authorities, non-compliant relevant commodities and products may alternatively be confiscated and placed by customs at the disposal of the competent authorities.	10. Customs authorities may <i>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,</i> 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.	<i>deleted</i>	<i>deleted</i>
Article 25				
275	Article 25 Exchange of information and cooperation among authorities		Article 25 Exchange of information and cooperation among authorities	Article 25 Exchange of information and cooperation among authorities
Article 25(1)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
276	1. To enable the risk-based approach referred to in Article 14(3) for relevant commodities and products entering or leaving the Union market and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.		1. To enable the risk-based approach referred to in Article 14(3) for relevant commodities and products entering or leaving the Union market and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.	1. To enable the risk-based approach referred to in Article 14(3) for relevant commodities and products entering or leaving the Union market and to ensure that checks are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.
Article 25(2)				
277	2. Customs authorities and competent authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013 and exchange information necessary for the fulfilment of their functions under this Regulation, including via electronic means.			2. Customs authorities and competent authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013 and exchange information necessary for the fulfilment of their functions under this Regulation, including via electronic means.
Article 25(2a) (new)				
277 a			2a. The customs authorities may communicate, in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duties, or provided to the customs	2a. The customs authorities may communicate, in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duties, or provided to the customs authorities on a confidential

	Commission Proposal	EP	Council Mandate	Draft Agreement
			authorities on a confidential basis, to the competent authority of the Member State where the operator or trader is established.	basis, to the competent authority of the Member State where the operator or trader is established.
Article 25(2b) (new)				
277 b			2b. Where the competent authorities have received information in accordance with the preceding paragraphs, those competent authorities may communicate the information to competent authorities from other Member States pursuant to Article 18(3).	2b. Where the competent authorities have received information in accordance with the preceding paragraphs, those competent authorities may communicate the information to competent authorities from other Member States pursuant to Article 18(3).
Article 25(3), introductory part				
278	3. Risk-related information shall be exchanged:			3. Risk-related information shall be exchanged:
Article 25(3), point (a)				
279	(a) Between customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013; and			(a) Between customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013; and
Article 25(3), point (b)				
280	(b) Between customs authorities and the Commission in accordance with		(b) Between customs authorities and the Commission in accordance with	(b) Between customs authorities and the Commission in accordance

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 16(1) of Regulation (EU) No 952/2013.		Article 16(1) 47(2) of Regulation (EU) No 952/2013-;	with Article 16(1) 47(2) of Regulation (EU) No 952/2013-;
Article 25(3), point (ba)				
280 a			(c) Between customs authorities and competent authorities, including competent authorities from other Member States, in accordance with Article 47(2) of Regulation (EU) No 952/2013.	(c) Between customs authorities and competent authorities, including competent authorities from other Member States, in accordance with Article 47(2) of Regulation (EU) No 952/2013.
Article 25(4) AM 199				
281	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.	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 <i>as well as to the competent authorities responsible for carrying out the obligations arising from this Regulation.</i>	<i>deleted</i>	<i>deleted</i>
Article 26				
282				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 26 Electronic interfaces		Article 26 Electronic interfaces	Article 26 Electronic interfaces
Article 26(1)		AM 200		
283	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.	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.	1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs* <i>[when the Regulation is adopted, reference can be made to it directly]</i> to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8 9 , 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.	1. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs* <i>[when the Regulation is adopted, reference can be made to it directly]</i> to enable the transmission of data, in particular the notifications and requests referred to in Article 24, paragraphs 5 to 8 9 , between national customs systems and the information system referred to in Article 31. This electronic interface shall be in place at the latest five years from the entry into force of this Regulation .
Article 26(2), introductory part		AM 201		
284	2. The Commission may develop an electronic interface based on the EU Single Window Environment for Customs to enable:	2. The Commission shall develop an electronic interface based on the EU Single Window Environment for Customs to enable:	2. The Commission may develop an electronic interface based on the EU Single Window Environment for Customs* <i>[when the Regulation is adopted, reference can be made to it directly]</i> to enable:	2. The Commission shall develop an electronic interface in accordance with Article 12 of the Regulation establishing the EU Single Window Environment for Customs* [when the Regulation is adopted, reference can be made to it directly] to enable:
Article 26(2), point (a)				
285				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	(a) Traders and operators to make available the due diligence statement of a relevant commodity or product via national single window environment for customs referred to in Article 8 of Regulation [PO to check the reference number and article number after the proposal is adopted] and receive feedback thereon from competent authorities; and			(a) Traders and operators to make available the due diligence statement of a relevant commodity or product via national single window environment for customs referred to in Article 8 of Regulation [PO to check the reference number and article number after the proposal is adopted] and receive feedback thereon from competent authorities; and
Article 26(2), point (b)				
286	(b) The transmission of that due diligence statement to the information system referred to in Article 31 of this Regulation.			(b) The transmission of that due diligence statement to the information system referred to in Article 31 of this Regulation.
Article 26(3)				
287	3. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 and 2 and, in particular, defining the data, including its format, to be transmitted in accordance with paragraphs 1 and 2. The implementing acts may also determine that certain specific data available in the due diligence statement and necessary for activities of customs authorities, including surveillance and fight against fraud, is		3. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 and 2 and, in particular, defining the data, including its format, to be transmitted in accordance with paragraphs 1 and 2. The implementing act shall also clarify how any changes in the status assigned by competent authorities to due diligence statements in the register referred to in Article 31	3. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 and 2 and, in particular, defining the data, including its format, to be transmitted in accordance with paragraphs 1 and 2. The implementing act shall also clarify how any changes in the status assigned by competent authorities to due diligence statements in the register referred to in Article 31 shall be

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	transmitted and registered in EU and national customs systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).		shall be notified immediately and automatically to the relevant customs authorities through the electronic interface mentioned in paragraph 1. The implementing acts may also determine that certain specific data available in the due diligence statement and necessary for activities of customs authorities, including surveillance and fight against fraud, is transmitted and registered in EU and national customs systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).	notified immediately and automatically to the relevant customs authorities through the electronic interface mentioned in paragraph 1. The implementing acts may also determine that certain specific data available in the due diligence statement and necessary for activities of customs authorities, including surveillance and fight against fraud, is transmitted and registered in EU and national customs systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).
Chapter 5				
288	Chapter 5 Country benchmarking system and cooperation with third countries		Chapter 5 Country benchmarking system and cooperation with third countries	Chapter 5 Country benchmarking system and cooperation with third countries
Article 27				
289	Article 27 Assessment of countries		Article 27 Assessment of countries	Article 27 Assessment of countries
Article 27(1)		AM 202		
290	1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this	1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. Unless identified in accordance with this	1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof , or subnational jurisdictions. This	1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. This system shall apply

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	Article as presenting a low or high risk, countries shall be considered as presenting a standard risk. The Commission <i>shall</i> 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) <i>by ... [OP: insert date 6 months of the entry into force of this Regulation].</i> That list shall be updated as necessary in light of new evidence.	system shall be apply to both EU Member States and third countries Under this system, countries, or subnational jurisdictions thereof, classified in one of the following risk categories:	to both EU Member States and third countries under this system, or parts thereof, classified in one of the following risk categories:
	Article 27(1) point (a)			
290 a			(a) ‘high risk’, which means countries, or subnational jurisdictions thereof, for which the assessment mentioned in paragraph 2 results in the identification of an exceptionally high risk of producing in such countries, or in subnational jurisdictions thereof, relevant commodities for which the relevant products are not compliant with Article 3, point (a);	(a) ‘high risk’, which means countries, or parts thereof, for which the assessment mentioned in paragraph 2 results in the identification of a high risk of producing in such countries, or in parts thereof, relevant commodities for which the relevant products are not compliant with Article 3, point (a);
	Article 27(1) point (b)			

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290 b			(b) 'low risk', which means countries, or subnational jurisdictions thereof, for which the assessment mentioned in paragraph 2 concludes that there is a sufficient assurance that instances of producing in such countries, or in subnational jurisdictions thereof, relevant commodities for which the relevant products are not compliant with Article 3, point (a), are exceptional;	(b) 'low risk', which means countries, or parts thereof, for which the assessment mentioned in paragraph 2 concludes that there is a sufficient assurance that instances of producing in such countries, or in parts thereof, relevant commodities for which the relevant products are not compliant with Article 3, point (a), are exceptional;
Article 27(1) point (c)				
290 c			(c) 'standard risk', which mean countries, or subnational jurisdictions thereof, which do not fall in the category of 'high risk' nor the category of 'low risk'. 1a. Upon the entry into force of this Regulation, all countries shall be assigned a standard level of risk.	(c) 'standard risk', which means countries, or parts thereof, which do not fall in the category of 'high risk' nor the category of 'low risk'.
Article 27(1a)				
290 d			<u>1a. Upon the entry into force of this Regulation, all countries shall be assigned a standard level of risk.</u> Unless identified in accordance with this Article as presenting a low or high risk, countries shall remain in the category of countries be considered as presenting a standard risk. The	<u>1a. Upon the entry into force of this Regulation, all countries shall be assigned a standard level of risk.</u> The Commission shall may identify countries, or parts thereof, that present a low or high risk in accordance with paragraph 1.

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			Commission shall may identify countries, or subnational jurisdictions parts thereof, that present a low or high risk in accordance with paragraph 1. of producing relevant commodities or products that are not compliant with Article 3, point (a). The list of the countries, or subnational jurisdictions parts thereof, that present a low or high risk shall be published by means of implementing acts act(s) to be adopted in accordance with the examination procedure referred to in Article 34(2), no later than 18 months from the entry into force of this Regulation.) That list shall be reviewed, and updated if appropriate, as often as necessary, and at least every two years, in light of new evidence-based information provided by Member States or third countries, international organisations and bodies, research institutes, or other relevant stakeholders.	The list of the countries, or parts thereof, that present a low or high risk shall be published by means of implementing acts to be adopted in accordance with the examination procedure referred to in Article 34(2), no later than 18 months from the entry into force of this Regulation. That list shall be reviewed, and updated if appropriate, as often as necessary in light of new evidence.
Article 27(2), introductory part		AM 203		
291	2. The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall take into account information provided by the country concerned and be based on the following assessment criteria:	2. The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall <i>follow a transparent and objective assessment process which shall</i> take into account information provided by the country and <i>by the regional authorities concerned, operators as well as</i>	2. The identification of low and high risk countries, or subnational jurisdictions parts thereof, pursuant to paragraph 1 shall be based on an assessment by the Commission taking into account all relevant sources of information, including take into account information	2. The identification of low and high risk countries or parts thereof pursuant to paragraph 1 shall be based on an objective and transparent assessment by the Commission, taking into account the latest scientific evidence and internationally recognised sources.

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		<i>NGOs and third parties, including indigenous peoples, local communities and civil society organisations and</i> be based on the following assessment criteria:	provided by the country concerned, and based on internationally recognised sources and on the latest scientific evidence. The identification shall be objective and transparent, and be based on the following assessment criteria:	The identification shall be primarily based on the following assessment criteria:
Article 27(2), point (a)		AM 204		
292	(a) rate of deforestation and forest degradation,	(a) rate of deforestation, forest degradation and forest conversion,		(a) rate of deforestation and forest degradation,
Article 27(2), point (b)				
293	(b) rate of expansion of agriculture land for relevant commodities,		(b) rate of conversion expansion of forest to agricultural use to produce agriculture land for relevant commodities,	(b) rate of expansion of agriculture land for relevant commodities,
Article 27(2), point (c)				
294	(c) production trends of relevant commodities and products,		(c) production trends of relevant commodities and of relevant products. ;	(c) production trends of relevant commodities and of relevant products,
		Article 27(2a)		
294 a			2a. The assessment mentioned in paragraph 2 shall also take into consideration the following elements:	2a. The assessment mentioned in paragraph 2 may also take into account (a) information provided by the country concerned as well as by regional authorities concerned, operators as well as NGOs and

	Commission Proposal	EP	Council Mandate	Draft Agreement
			PUBLIC	third parties, including indigenous peoples, local communities and civil society organisations, with regard to the effective covering of emissions and removals from agriculture, forestry and land use in the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change; (b) agreements and other instruments between the country concerned and the Union and/or its Member States that address deforestation and forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation and their effective implementation; (c) 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 tackle deforestation and forest degradation, and to avoid and sanction activities leading to deforestation and forest degradation and in particular whether sanctions of sufficient severity to deprive of

	Commission Proposal	EP	Council Mandate	Draft Agreement
			PUBLIC	the benefits accruing from deforestation or forest degradation are applied; (d) whether the country concerned makes relevant data available transparently; and, if applicable, the existence, compliance with, or effective enforcement of laws protecting human rights, the rights of indigenous peoples, local communities and other customary tenure rights holders; (e) sanctions imposed by the UN Security Council or the Council of the European Union on imports or exports of the commodities and products listed in Annex I.
Article 27(2), point (d)		AM 205		
295	(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;	(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;	(a) (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;	deleted

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	Article 27(2), point (e) AM 206			
296	(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;	(e) agreements and other instruments concluded between the country concerned and the Union that address deforestation, forest degradation <i>or forest conversion</i> and facilitates compliance of relevant commodities and products with the requirements of this Regulation, <i>provided that</i> their <i>timely and</i> effective implementation <i>has been ascertained on the basis of an objective and transparent assessment</i> ;	(b) (e) agreements and other instruments concluded between the country concerned and the Union and/or its Member States that address deforestation or forest degradation and facilitates compliance of relevant commodities and products with the requirements of this Regulation and their effective implementation;	deleted
	Article 27(2), point (f) AM 207			
297	(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.	(f) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement <i>and relevant laws and standards as defined in Article 2, point (28), of this Regulation</i> , and takes effective enforcement measures <i>to ensure that those laws are implemented and</i> to avoid and sanction activities leading to deforestation, forest degradation <i>and forest conversion</i> , and in particular whether sanctions of sufficient severity to deprive of the benefits accruing from deforestation, forest degradation <i>or forest conversion or non-compliance with the relevant laws and standards as defined in Article 2, point (28)</i> , are applied.	(c) (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 tackle the root causes leading to deforestation and forest degradation, and 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.	deleted

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Article 27(2), point (fa) (new)		AM 208		
297 a		<i>(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;</i>		-----
Article 27(2), point (fb) (new)		AM 209		
297 b		<i>(fb) whether the country concerned makes relevant data available transparently;</i>		-----
Article 27(2), point (fc) (new)		AM 210		
297 c		<i>(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.</i>		-----
Article 27 (2b)				
297 d			2b. The Commission shall engage in a specific dialogue with all countries that are classified as high risk, to help them reduce their	2b. The Commission shall engage in a specific dialogue with all countries that are or risk to be classified as high risk,

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			level of risk. Where, based on the assessment mentioned in paragraph 2, the Commission is considering a change of risk category to the high risk category for a country, it shall also engage in a specific dialogue with that country, in order to contribute to preventing such a change if possible.	with the objective to reduce their level of risk.
	Article 27(3), first subparagraph	AM 211		
298	3. The Commission shall notify the countries concerned of its intent to assign a change to the existing risk category and invite them to provide any information deemed useful in this regard. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.	3. The Commission shall notify the countries, <i>regional authorities as well as the operators and traders</i> concerned of its intent to assign a change to the risk-category of <i>a country or part thereof</i> and invite them to provide any information deemed useful in this regard. The Commission shall <i>also carry out a public consultation to gather information and views from interested parties, including in particular indigenous peoples, local communities, smallholders and civil society organisations. The Commission shall</i> allow the countries <i>and regional authorities</i> adequate time to provide a response, which may include information on measures taken by the country <i>or regional authority</i> to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.	3. Without prejudice to the previous paragraph, the Commission shall formally 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 also inform the competent authorities of such intent. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of subnational jurisdictions parts thereof might be changed to a higher risk category.	3. Without prejudice to the previous paragraph, the Commission shall formally 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 also inform the competent authorities of such intent. The Commission shall allow the countries adequate time to provide a response, which may include information on measures taken by the country to remedy the situation in case its status or the status of parts thereof might be changed to a higher risk category.

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	Article 27(3), second subparagraph, introductory part			AM 212
299	It shall include in the notification the following information:	It shall include in the notification <i>and in the consultation</i> the following information:		It shall include in the notification the following information:
	Article 27(3), second subparagraph, point (a)			
300	(a) the reason or reasons for the intention to change the risk identification of the country or parts thereof;		(a) the reason or reasons for the intention to change the risk identification of the country or subnational jurisdictions parts thereof;	(a) the reason or reasons for the intention to change the risk identification of the country or parts thereof;
	Article 27(3), second subparagraph, point (b)			
301	(b) the invitation to respond to the Commission in writing with regard to the intention to changing the risk status of the country or parts thereof;		(b) the invitation to respond to the Commission in writing with regard to the intention to changing the risk status of the country or subnational jurisdictions parts thereof;	(b) the invitation to respond to the Commission in writing with regard to the intention to changing the risk status of the country or parts thereof;
	Article 27(3), second subparagraph, point (c)			
302	(c) the consequences of its identification as a high or low risk country.			(c) the consequences of its identification as a high or low risk country.
	Article 27(4)			
303				

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	4. The Commission shall, without delay, notify the competent authorities of inclusion or removal of a country from the list referred to in paragraph 1.		4. The Commission shall, without delay, notify the third country concerned and the competent authorities of inclusion or removal of a country, or subnational jurisdictions thereof , from the list referred to in paragraph 1.	4. The Commission shall, without delay, notify the country concerned and the competent authorities of inclusion or removal of a country, or parts thereof , from the list referred to in paragraph 1a.
Article 28				
304	Article 28 Cooperation with third countries		Article 28 Cooperation with third countries	Article 28 Cooperation with third countries
Article 28(1) AM 213				
305	1. The Commission shall engage with producer countries concerned by this Regulation to develop partnerships and cooperation to jointly address deforestation and forest degradation. Such partnerships and cooperation mechanisms will focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation and the transition to sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates	1. <i>In a coordinated approach</i> the Commission <i>and Member States</i> , shall engage with producer countries concerned by this Regulation, <i>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</i> to jointly address <i>the root causes of</i> deforestation, forest degradation <i>and forest conversion</i> . Such partnerships and cooperation mechanisms <i>shall be supported with adequate resources and shall</i> focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, <i>forest conversion</i> and the transition to	1. The Commission, and interested Member States , shall engage with producer countries concerned by this Regulation to develop partnerships and cooperation to jointly address deforestation and forest degradation and the root causes leading to them . The Commission shall develop a comprehensive EU strategic framework for such engagement, including the mobilisation of all relevant EU instruments. 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, access to certification and trade methods. Partnerships and	1. The [Commission <i>and Member States</i>] / [Commission on behalf of the Union, and interested Member States], shall engage <i>in a coordinated approach</i> with producer countries and parts thereof, concerned by this Regulation, <i>in particular those identified as high-risk in the context of Article 27, via the use of existing and future partnerships, and other relevant cooperation mechanisms</i> to jointly address <i>the root causes of</i> deforestation and forest degradation. Such partnerships and cooperation mechanisms <i>shall</i> focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, and the transition to

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	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.	sustainable commodity production, consumption processing and trade methods, <i>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.</i> Partnerships and cooperation mechanisms may include, <i>but are not limited to,</i> structured dialogues, <i>financial and technical</i> support programmes and actions, administrative arrangements that enable producer countries <i>and parts thereof</i> to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. <i>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</i>	cooperation mechanisms may include structured dialogues, support programmes and actions, administrative arrangements and provisions in existing agreements or agreements that enable producer countries to make the transition to an agricultural production that facilitates the compliance of relevant commodities and products with the requirements of this regulation. Such agreements and their effective implementation will be taken into account as part of the benchmarking under Article 27 of this Regulation.	sustainable commodity production, consumption processing and trade methods. Partnerships and cooperation mechanisms may include, <i>but are not limited to,</i> structured dialogues, administrative arrangements, and existing agreements or provisions thereof, as well as joint roadmaps that enable the transition to an agricultural production that facilitates the compliance with the requirements of this regulation, paying particular attention to the needs of indigenous peoples, local communities and smallholders and ensuring the participation of all interested actors. To be included in the recitals The Commission, together with Member States, may explore the added value of developing a common strategic framework to guide the EU coordination with third countries in tackling the root causes of deforestation and forest degradation.

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>	PUBLIC	
Article 28(1a) (new)		AM 265		
305 a		<i>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.</i>		--- (some language to be included in a recital on trade agreements)
Article 28(2)		AM 214 and 266		
306	2. Partnerships and cooperation should allow the full participation of	2. Partnerships and cooperation <i>shall have adequate financial resources</i>	2. Partnerships and cooperation should allow the full participation of	2. Partnerships and cooperation <i>shall</i> allow the full participation of all stakeholders, including civil

	Commission Proposal	EP	Council Mandate	Draft Agreement
	all stakeholders, including civil society, indigenous people, local communities and the private sector including, SMEs and smallholders.	<i>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.</i>	all stakeholders, including civil society, indigenous peoples people , local communities, and the private sector including, SMEs and smallholders.	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.
Article 28(2a) (new)		AM 215		
306 a		<i>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.</i>		Reference to LDCs to be included in a recital
Article 28(3)		AM 216		
307				EP proposal on 14/11/2022

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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.	3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, <i>including multi-stakeholder processes to establish the scope of relevant legislation, fiscal or commercial</i> 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 <i>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,</i> strengthen the rights of forest dependent communities <i>that depend on the forest</i> including smallholders, indigenous peoples and local communities <i>strengthen national systems of governance and law enforcement,</i> and ensure public access to forest management documents and other relevant information. <i>The Commission shall aim to integrate the monitoring of land and tenure rights under the EU Observatory.</i>	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, local communities, and indigenous peoples, whose rights are set out in the United Nations Declaration on the Rights of Indigenous Peoples indigenous peoples and local communities, and ensure public access to forest management documents and other relevant information.	3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, <i>multi-stakeholder processes,</i> fiscal <i>or commercial</i> 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, local communities, and indigenous peoples, whose rights are set out in the United Nations Declaration on the Rights of Indigenous Peoples indigenous peoples and local communities, and ensure public access to forest management documents and other relevant information. <i>The Commission shall aim to integrate the monitoring of land and tenure rights under the EU Observatory.</i> <i>(*) to be included in a recital</i>

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 28(4)	AM 217		
308	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.	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.		4. The Commission [Commission on behalf of the Union, and interested Member States,] 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.
			Article 28(5)	

	Commission Proposal	EP	Council Mandate	Draft Agreement
308 a			5. The Commission, and interested Member States, shall engage in dialogue and cooperation with other major consuming countries, in coherence with the strategic framework referred to in paragraph 1, to promote the adoption of ambitious requirements to minimise such countries' contribution to deforestation and forest degradation, and a global level playing field.	5. The Commission [Commission on behalf of the Union], and interested Member States, shall engage in dialogue and cooperation with other major consuming countries, to promote the adoption of ambitious requirements to minimise such countries' contribution to deforestation and forest degradation, and a global level playing field.
Chapter 6				
309	Chapter 6 Substantiated concern		Chapter 6 Substantiated concerns	Chapter 6 Substantiated concerns
Article 29				
310	Article 29 Natural or legal persons' substantiated concerns		Article 29 Natural or legal persons' substantiated concerns	Article 29 Natural or legal persons' substantiated concerns
Article 29(1)				
311	1. Natural or legal persons shall be entitled to submit substantiated concerns to competent authorities when they deem, based on objective circumstances, that one or more operators or traders are failing to comply with the provisions of this Regulation.		1. Natural or legal persons shall be entitled to submit substantiated concerns to competent authorities when they deem, based on objective circumstances , that one or more operators or traders are failing to comply with the provisions of this Regulation.	1. Natural or legal persons shall be entitled to submit substantiated concerns to competent authorities when they deem, based on objective circumstances , that one or more operators or traders are failing to comply with the provisions of this Regulation.

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 29(2)		AM 218		
312	2. Competent authorities shall diligently and impartially assess the substantiated concerns and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the Union market of relevant commodities and products under investigation.	2. Competent authorities shall, <i>without undue delay</i>, 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 <i>and shall inform the Commission about the measures put in place.</i>	2. Competent authorities shall diligently and impartially assess the substantiated concerns, including whether the claims are well-founded, 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.	2. Competent authorities shall, <i>without undue delay</i>, diligently and impartially assess the substantiated concerns, including whether the claims are well-founded, 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.
Article 29(3)		AM 219		
313	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.	3. The competent authority shall, <i>within 30 days of receiving a substantiated concern</i>, and in accordance with the relevant provisions of national law, inform the natural or legal persons referred to in paragraph 1, which submitted <i>substantiated concerns</i> to the authority, of its <i>assessment of their substantiated concern, pursuant to paragraph 2, and the decision to accept</i> or refuse the request for action and shall provide the reasons for it. <i>Where further action is taken</i>	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 substantiated concerns to the authority, of its decision to accede to or refuse the follow-up given to the submission request for action and shall provide the reasons for it.	3. Within 30 days of receiving a substantiated concern, if not otherwise stated in the relevant provisions of national law, the competent authority shall inform the persons referred to in paragraph 1, which submitted observations to the authority substantiated concerns authority, of its decision to accede to or refuse the follow-up given to the submission request for action and shall provide the reasons for it.

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
Article 29(3a) (new)		AM 220		
313 a		<i>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.</i>		----
Article 29(3b) (new)		AM 221		
313 b		<i>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.</i>		For further discussion at ITM
Article 30				
314	Article 30 Access to justice		<i>deleted</i>	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 30(1)				
315	1. Any natural or legal person having sufficient interest, including those having submitted substantiated concern in accordance with Article 29, shall have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the competent authority under this Regulation.		<i>deleted</i>	For further discussion at ITM
Article 30(2)				
316	2. This Regulation shall be without prejudice to any provisions of national law which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.		<i>deleted</i>	For further discussion at ITM
Article 30(2a) (new)		AM 222		
316 a		<i>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</i>		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>made available to the public on access to administrative and judicial review procedures.</i>		
Chapter 7				
317	Chapter 7 Information System		Chapter 7 Information System	Chapter 7 Information System
Article 31				
318	Article 31 “Register” Information System		Article 31 “Register” Information System	Article 31 “Register” Information System
Article 31(1)		AM 223		
319	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).	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) <i>and the list of non-compliant operators and traders referred to in Article 23.</i>		Commission to add a “chapeau” to clarify that the information system is without prejudice to the obligations of competent authorities, and operators and traders under the present Regulation. For further discussion at ITM Linked to the Penalties provision (Article 23) 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)

	Commission Proposal	EP	Council Mandate	Draft Agreement
				<i>and the list of non-compliant operators and traders referred to in Article 23.</i>
Article 31(2), introductory part				
320	2. The information system shall provide at least for the following functionalities:			2. The information system shall provide at least for the following functionalities:
Article 31(2), point (a)				
321	(a) registration of operators and traders and their authorised representatives in the EU; for operators placing relevant commodities and products under the customs procedure ‘release for free circulation’ or ‘export’, the Economic Operators Registration and Identification (EORI) number established pursuant to Article 9 of Regulation (EU) No 952/2013, shall be included in their registration profile;		(a) registration of operators and traders and their authorised representatives in the EU; for operators placing relevant commodities and products under the customs procedure ‘release for free circulation’ or ‘export’, the Economic Operators Registration and Identification (EORI) number established pursuant to Article 9 of Regulation (EU) No 952/2013, shall be included in their registration profile;	(a) registration of operators and traders and their authorised representatives in the EU; for operators placing relevant commodities and products under the customs procedure ‘release for free circulation’ or ‘export’, the Economic Operators Registration and Identification (EORI) number established pursuant to Article 9 of Regulation (EU) No 952/2013, shall be included in their registration profile;
Article 31(2), point (b)				
322	(b) registration of due diligence statements including the delivery to the operator or trader concerned of a reference number for each due diligence statement;			(b) registration of due diligence statements including the delivery to the operator or trader concerned of a reference number for each due diligence statement;
Article 31(2), point (ba)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
322 a			<u>(ba) making available of the reference number of existing due diligence statements in application of Articles 4(9) and 6(5);</u>	For further discussion at ITM
Article 31(2), point (bb)				
322 b			<u>(bb) allow the conversion of data from relevant systems to identify geolocation, to ensure that competent authorities have access to the identification of the geographical location of relevant plots of land with the required level of precision;</u>	<u>(bb) where possible, allow the conversion of data from relevant systems to identify geolocation, to ensure that competent authorities have access to the identification of the geographical location of relevant plots of land with the required level of precision;</u>
Article 31(2), point (c) AM 224				
323	(c) registration of the outcome of controls on due diligence statements;	(c) registration of the outcome of controls on due diligence statements <i>and the penalties imposed;</i>	(c) registration of the outcome of checks carried out controls on due diligence statements in accordance with Chapter 3;	For further discussion at ITM
Article 31(2), point (d)				
324	(d) interconnection with customs via the EU Single Window Environment for Customs* [when the Regulation is adopted, reference can be made to it directly], in accordance with Article 26, including to allow the notifications and requests under Article 24(5) to (8);		(d) interconnection with customs via the EU Single Window Environment for Customs* [when the Regulation is adopted, reference can be made to it directly], in accordance with Article 26, including to allow the notifications and requests referred to in under Article 24(5) to (9) 8;	(d) interconnection with customs via the EU Single Window Environment for Customs* [when the Regulation is adopted, reference can be made to it directly], in accordance with Article 26, including to allow the notifications and requests referred to in under Article 24(5) to (9) 8;

	Commission Proposal	EP	Council Mandate	Draft Agreement
Article 31(2), point (e)				
325	(e) allow the risk profiling of operators, traders and relevant commodities and products for the purpose of identifying high risk consignments according to the risk analysis in Article 14(4);		(e) allow the risk profiling needed to establish the plan of checks referred to in Article 14(3), including allow the risk profiling of operators, traders and relevant commodities and products for the purpose of identifying, based on electronic data-processing techniques, operators and traders to be checked as referred to in Article 14(3), and relevant products that require to be checked by competent authorities before they are placed or made available on the Union market or exported as referred to in Article 14a(1) -high risk consignments according to the risk analysis in Article 14(4);	For further discussion at ITM
Article 31(2), point (f)				
326	(f) allow administrative assistance and cooperation between competent authorities and the Commission to exchange information and data;		(f) allow administrative assistance and cooperation between competent authorities, and between competent authorities and the Commission, to exchange information and data;	(f) allow administrative assistance and cooperation between competent authorities, and between competent authorities and the Commission, to exchange information and data;
Article 31(2), point (g)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
327	(g) allow communication between competent authorities and operators and traders for the purposes of implementation of this Regulation.		(g) allow communication between competent authorities and operators and traders for the purposes of implementation of this Regulation, including, where appropriate, through the use of digital supply management tools, such as blockchain technology, notably in relation to communication between operators and traders in accordance with Article 4(8).	(g) allow communication between competent authorities and operators and traders for the purposes of implementation of this Regulation, including, where appropriate, through the use of digital supply management tools, notably in relation to communication between operators and traders in accordance with Article 4(8).
Article 31(3)				
328	3. The Commission shall, by means of implementing acts, establish rules for the functioning of the information system, including rules for the protection of personal data and exchange of data with other IT systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2) of this Regulation.		3. The Commission shall, by means of implementing acts, establish rules for the functioning of the information system, including rules for the protection of personal data and exchange of data with other IT systems. <u>The implementing acts shall also clarify how competent authorities shall assign a status to due diligence statements in the register, in particular to indicate that the corresponding relevant products have been identified as requiring to be checked before they are placed or made available on the Union market or exported in accordance with Article 14a(1).</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 33(2) of this Regulation.	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Article 31(4) AM 225			
329	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.	4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators and traders, <i>or their legal representatives, or both, and suppliers concerned</i> in accordance with their respective obligations under this Regulation. <i>Suppliers concerned shall have the right to consult all information which pertains to them.</i>	4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators and traders <u>and, if applicable, their authorised representatives</u>, in accordance with their respective obligations under this Regulation.	4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators and traders <u>and, if applicable, their authorised representatives</u>, in accordance with their respective obligations under this Regulation.
	Article 31(5) AM 226			
330	5. In line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024¹, 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. ¹. 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).	5. <i>Without prejudice to Article 23 and</i> in line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024¹, the Commission shall provide access to the wider public, <i>except for the information in paragraph 2, point (e), of this Article</i>, 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. ¹. 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).	5. In line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024¹, 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. ¹. 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).	5. Without prejudice to Article 23 and in line with the EU's Open Data Policy, and in particular the Directive (EU) 2019/1024¹, 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. ¹. 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).
Chapter 8				
331				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Chapter 8 Review		Chapter 8 Review	Chapter 8 Review
Article 32				
332	Article 32 Review		Article 32 Review	Article 32 Review
Article 32(1)		AM 227		
333	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.	1. <i>Following the entry into force of this Regulation, the Commission shall continuously review its application. The Commission shall:</i>	1. No later than two years after the entry into force, the Commission shall carry out a first review of this Regulation, for which preparatory and possible analytical work shall commence with the entry into force 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, including rubber. The report shall also include an evaluation of the need for and feasibility of additional trade facilitation tools to support the achievement of the objectives	For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
			of the Regulation including through recognition of certification schemes. The report shall take into account the impact of the Regulation on farmers, in particular smallholders, indigenous peoples, and local communities. The report shall also evaluate and identify quantified objectives for the annual checks to be carried out by competent authorities that are appropriate to ensure the enforcement of the Regulation and a harmonised approach across the Union. The report shall also address the further extension of the definition of ‘forest degradation’, on the basis of an in-depth analysis, and taking into account progress made in international discussions on the matter.	<u>Proposal 11.11</u> The report shall take into account the impact of the Regulation on farmers, in particular smallholders, indigenous peoples, and local communities; <i>this will include the impact of the threshold for the mandatory use of polygons as per Article 2 (29)</i> Further discussion needed on where this should be put
333 a		(a) <i>present</i> , 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		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>definitions as referred to in Article 2,</i>		
333 b		<i>(b) evaluate, no later than ... [OP: insert date two years after the date of entry into force of this Regulation]:</i>		For further discussion at ITM
333 c		<i>(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;</i>		For further discussion at ITM
333 d		<i>(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;</i>		For further discussion at ITM
333 e		<i>(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;</i>		For further discussion at ITM
333 f		<i>(c) analyse, within one year of the adoption of [the forthcoming</i>		For further discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>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.</i>		
	Article 32(2), introductory part	228		
334	2. No later than five years after the entry into force and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of:	<i>2. Without prejudice to the reviews scheduled in paragraph 1, the Commission shall conduct at regular intervals a review of Annex I in order to assess 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.</i>	2. No later than five years after the entry into force and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. <u>The reports shall include an evaluation of the impact of the Regulation with regard to the objective of avoiding deforestation and forest degradation.</u> The first of the reports shall include in particular, based on specific studies, an evaluation of:	For further discussion at ITM
	Article 32(2), point (a)	AM 229		

	Commission Proposal	EP	Council Mandate	Draft Agreement
335	(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;	deleted	deleted	deleted
Article 32(2), point (b)		AM 230		
336	(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	(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.	For further discussion at ITM
Article 32(3)		AM 231		
337	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	3. <i>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.</i>	Without prejudice to the general review under paragraph 2 4 , a first review of the list of relevant products in 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 and at least every five years , in order to assess whether it is appropriate to amend such 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	For further discussion at ITM

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	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.		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.	
Article 32(3a) (new)		AM 232		
337 a		<i>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.</i>		For further discussion at ITM
Article 32(4)		AM 233		

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338	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 <i>any of the reviews</i> as set out in <i>paragraphs 1 to 4</i> , the Commission <i>is empowered to</i> adopt delegated acts in accordance <i>with Article 33 to supplement the list in Annex I, or, if appropriate, present a legislative proposal to amend this Regulation.</i>	4. Following a review under as set out in paragraph 3 , the Commission shall, where appropriate, make legislative proposals may adopt delegated acts in accordance with Article 33 to amend the list of Annex I to include relevant products in Annex I. that contain or have been made using relevant commodities.	For further discussion at ITM
Chapter 9				
339	Chapter 9 Final provisions		Chapter 9 Final provisions	Chapter 9 Final provisions
Article 33				
340	Article 33 Exercise of the delegation		<i>deleted</i>	
Article 33(1)				
341	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		<i>deleted</i>	
Article 33(2)				
342	2. The power to adopt delegated acts referred to in Articles 9(3), 10(8) and 32(4) shall be conferred on the Commission for a period of 5 years		<i>deleted</i>	

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	from DD/MM/YY. The Commission shall draw up a report in respect of the delegation of power at the latest 6 months before the end of the 5 year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.			
Article 33(3)				
343	3. The delegation of power referred to in Articles 9(3), 10(8) and 32(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		<i>deleted</i>	
Article 33(4) AM 234				
344	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	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	<i>deleted</i>	

	Commission Proposal	EP	Council Mandate	Draft Agreement
	Agreement of 13 April 2016 on Better Law-Making.	Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		
Article 33(5)				
345	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		<i>deleted</i>	
Article 33(6)				
346	6. A delegated act adopted pursuant to Articles 9(3), 10(8) and 32(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.		<i>deleted</i>	
Article 34				
347	Article 34 Committee procedure		Article 34 Committee procedure	Article 34 Committee procedure
Article 34(1)				

	Commission Proposal	EP	Council Mandate	Draft Agreement
348	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.			1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹. 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
Article 34(2)				
349	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply, having regard to the provisions of Article 11 thereof.			2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply, having regard to the provisions of Article 11 thereof.
Article 35				
350	Article 35 Repeals		Article 35 Repeals	Article 35 Repeals
Article 35, first paragraph				
351	Regulation (EU) No 995/2010 is repealed with effect from the date of application of this Regulation set out in Article 36(2).		1. Regulation (EU) No 995/2010 is repealed with effect from the date of application of this Regulation set out in Article 36(2).	1. Regulation (EU) No 995/2010 is repealed with effect from the date of application of this Regulation set out in Article 36(2).
Article 35(2)				

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351 a			2. However, Regulation (EU) No 995/2010 shall continue to apply during 3 years from the date set out in Article 36(2) to timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before the date set out in Article 36(1) and placed on the Union market on or after the date set out in Article 36(2).	2. However, Regulation (EU) No 995/2010 shall continue to apply during 3 years from the date set out in Article 36(2) to timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before the date set out in Article 36(1) and placed on the Union market on or after the date set out in Article 36(2).
Article 35(3)				
351 b			3. By derogation from Article 1, second paragraph, the timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before the date set out in Article 36(1) and placed on the Union market more than three years after the date set out in Article 36(2) shall comply with the requirements of this Regulation.	3. By derogation from Article 1, second paragraph, the timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before the date set out in Article 36(1) and placed on the Union market more than three years after the date set out in Article 36(2) shall comply with the requirements of this Regulation.
Article 35a (new)		AM 235		
351 c		<i>Article 35a</i>		----
351 d		<i>Amendment of Directive 2003/35/EC</i>		----

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351 e		<i>Annex I of Directive 2003/35/EC^{1a} of the European Parliament and of the Council is amended by adding the following point:</i> <i>(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]*.</i> ^{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).	PUBLIC	-----
Article 36				
352	Article 36 Entry into force and date of application		Article 36 Entry into force and date of application	Article 36 Entry into force and date of application
Article 36(1)				
353	1. This Regulation shall enter into force on the twentieth day following			1. This Regulation shall enter into force on the twentieth day following that of its publication in

	Commission Proposal	EP	Council Mandate	Draft Agreement
	that of its publication in the Official Journal of the European Union.			the Official Journal of the European Union.
Article 36(2)				
354	2. Articles 3 to 12, 14 to 22, 24, 29 and 30 shall apply 12 months from the entry into force of this Regulation.		2. Articles 3 to 12, 14 to 22, 24, 29 and 30 shall apply 12 18 months from the entry into force of this Regulation.	To be solved at the political level
Article 36(3) AM 236				
355	3. Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises¹ established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010. 1. 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.	3. Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises <i>and small enterprises</i>¹ established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010. 1. As defined in Article 3(1) <i>and (2)</i> 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.		3. Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises <i>and small enterprises</i>¹ established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010. 1. As defined in Article 3(1) <i>and (2)</i> 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.
Formula				
356	Done at Brussels,			Done at Brussels,

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	For the European Parliament The President For the Council The President			For the European Parliament The President For the Council The President
Annex I, first paragraph				
361	Goods as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87, referred to in Article 1 of this Regulation¹. 1. The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.		The table below lists goods Goods as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87, that are, referred to in Article 1 of the present this Regulation¹. 1. The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.	The table below lists goods Goods as classified in the Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87, that are, referred to in Article 1 of the present this Regulation¹. 1. The nomenclature codes are taken from the Combined Nomenclature as defined in Article 1(2) of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and as set out in Annex I thereto, which are valid at the time of publication of this Regulation and mutatis mutandis as amended by subsequent legislation.
Annex I, second paragraph				
362	The Regulation shall not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste, as defined in Article 3(1) of Directive		The present Regulation shall not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste, as defined in Article 3(1) of	The present Regulation shall not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste, as defined in

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	2008/98/EC¹. This exemption does not apply to by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3 (1) of that Directive. ¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30		Directive 2008/98/EC¹. This exemption does not apply to by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3 (1) of that Directive. ¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30	Article 3(1) of Directive 2008/98/EC¹. This exemption does not apply to by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3 (1) of that Directive. ¹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, OJ L 312, 22.11.2008, p. 3–30
Annex I, Table 1, Column 1, Header				
362 a			Relevant commodity	Not to raise Part of discussions on relevant commodity/products
Annex I, Table 1, Column 2, Header				
362 b			Relevant products	Not to raise Part of discussions on relevant commodity/products
Annex I, Table 1, Column 1, Row 1				
363	Cattle			Cattle
Annex I, Table 1, Column 1, Row 1a (new) Amendments 237 and 246				
363 a		<i>Swine</i>		Not to raise Part of discussions on scope
Annex I, Table 1, Column 1, Row 1b (new) Amendments 237 and 246				
363 b		<i>Sheep and Goats</i>		Not to raise Part of discussions on scope
Annex I, Table 1, Column 1, Row 1c (new) Amendments 237 and 246				

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363 c		<i>Poultry</i>		Not to raise Part of discussions on scope
Annex I, Table 1, Column 1, Row 2				
364	Cocoa			Cocoa
Annex I, Table 1, Column 1, Row 3				
365	Coffee			Coffee
Annex I, Table 1, Column 1, Row 4				
366	Oil palm			Oil palm
Annex I, Table 1, Column 1, Row 5				
367	Soya			Soya
Annex I, Table 1, Column 1, Row 5a (new) Amendments 237 and 246				
367 a		<i>Maize</i>		Not to raise Part of discussions on scope
Annex I, Table 1, Column 1, Row 6				
368	Wood			Wood
Annex I, Table 1, Column 1, Row 6a (new) Amendments 237 and 246				
368 a		<i>Rubber</i>		Not to raise Part of discussions on scope
Annex I, Table 1, Column 2, Row 1 Amendments 237 and 246				
369				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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 ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split	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 0206 10 Edible offal of bovine animals, fresh or chilled ex 0206 21 Edible tongues of bovine animals, frozen ex 021020 Meat of cattle, salted, in brine, dried or smoked ex 1602 50 Meat or meat offal of cattle, prepared or preserved 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 ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split	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 160250 Other prepared or preserved meat, meat offal, blood of bovine animals 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 ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split	For discussion at ITM 14/11 agreement on 160250 Other prepared or preserved meat, meat offal, blood of bovine animals
		<i>Swine</i> <i>0103 Live swine</i> <i>0203 Meat of swine, fresh, chilled or frozen</i> <i>0210 11 Hams, shoulders and cuts</i>		Not to raise Part of discussion on scope

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>thereof, with bone in, of domestic swine</i> <i>0210 12 Bellies (streaky) and cuts thereof, of domestic swine</i> <i>0210 19 Other meat of domestic swine</i> <i>209 10 Pig fat, free of lean meat, not rendered or otherwise extracted, fresh,</i> <i>chilled, frozen, salted, in brine, dried or smoked</i>		
		<i>Sheep and Goats</i> <i>0104 Live sheep and goats</i> <i>0204 Meat of sheep or goats, fresh, chilled or frozen</i>		Not to raise Part of discussion on scope
		<i>Poultry</i> <i>0105 Live poultry, that is to say, fowls of the species Gallus domesticus, ducks, geese, turkeys and guinea fowls</i> <i>0207 Meat and edible offal, of the poultry heading 0105, fresh, chilled or frozen</i> <i>0209 90 Poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked</i> <i>0210 99 39 Salted poultry meat</i> <i>1602 31 – 1602 32 – 1602 39 Prepared and preserved poultry</i>		Not to raise Part of discussion on scope
Annex I, Table 1, Column 2, Row 2				
370				

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	1801 00 00 Cocoa beans, whole or broken, raw or roasted 1802 00 00 Cocoa shells, husks, skins and other cocoa waste 1803 Cocoa paste, whether or not defatted 1804 00 00 Cocoa butter, fat and oil 1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter 1806 Chocolate and other food preparations containing cocoa		1801 00 00 Cocoa beans, whole or broken, raw or roasted 1802 00 00 Cocoa shells, husks, skins and other cocoa waste 1803 Cocoa paste, whether or not defatted 1804 00 00 Cocoa butter, fat and oil 1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter 1806 Chocolate and other food preparations containing cocoa	1801 00 00 Cocoa beans, whole or broken, raw or roasted 1802 00 00 Cocoa shells, husks, skins and other cocoa waste 1803 Cocoa paste, whether or not defatted 1804 00 00 Cocoa butter, fat and oil 1805 00 00 Cocoa powder, not containing added sugar or other sweetening matter 1806 Chocolate and other food preparations containing cocoa
Annex I, Table 1, Column 2, Row 3				
371	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion		0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
Annex I, Table 1, Column 2, Row 4				
Amendments 237 and 246				
372	1511 Palm oil and its fractions, whether or not refined, but not chemically modified 1207 10 Palm nuts and kernels 1513 21 Crude palm kernel and babassu oil and fractions thereof 1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil) 2306 60 Oilcake and other solid residues of palm nuts or kernels,	1511 Palm oil and its fractions, whether or not refined, but not chemically modified 1207 10 Palm nuts and kernels 1513 21 Crude palm kernel and babassu oil and fractions thereof 1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil) 2306 60 Oilcake and other solid residues of palm nuts or kernels,	1511 Palm oil and its fractions, whether or not refined, but not chemically modified 1207 10 Palm nuts and kernels 1513 21 Crude palm kernel and babassu oil and fractions thereof 1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding Crude oil) 2306 60 Oilcake and other solid residues of palm nuts or kernels,	For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils	whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils 2905 17 Dodecan-1-ol (lauryl Alcohol), Hexadecan-1-ol (cetyl Alcohol), and Octadecan-1-ol (stearyl Alcohol) 2905 45 Alcohols; polyhydric, glycerol 2915 70 Palmitic acid, stearic acid, their salts and esters 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 HS code groups and subheadings 1517..., 3401..., 3823..., 3824..., 3826 Palm-oil and palm kernel oil-based derivates	whether or not ground or in the form of pellets, resulting from the extraction of palm nuts oils or kernels oils ex 3823 19 30 Palm fatty acid distillate, whether or not hydrogenated, with free fatty acid content 80 % or more for use in the manufacture of	
372 a		1005 Maize (corn) 1102 20 Maize (corn) flour 1103 13 Cereal groats, meal and pellets of maize (corn) 1103 29 40 Pellets of maize 1104 19 50 Cereal grains otherwise worked of maize 1104 23 Other worked grains of maize (corn) 1108 12 00 Maize (corn) starch 1515 21 Maize (corn) oil and its fractions: Crude oil		Not to raise Part of discussion on scope

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>1904 10 10 Prepared foods obtained by the swelling or roasting of cereals or cereal products obtained from maize</i> <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> <i>1515 29 Maize oil and fractions thereof, whether or not refined, but not chemically modified (excl. crude)</i> <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>		
Annex I, Table 1, Column 2, Row 5				
373	1201 Soya beans, whether or not broken 1208 10 Soya bean flour and meal 1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified 2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil		1201 Soya beans, whether or not broken 1208 10 Soya bean flour and meal 1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified 2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	1201 Soya beans, whether or not broken 1208 10 Soya bean flour and meal 1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified 2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil
Annex I, Table 1, Column 2, Row 6				
	Amendments 237 and 246			
374	4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust	4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust	4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust	For discussion at ITM

	Commission Proposal	EP	Council Mandate	Draft Agreement
	and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms 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	and wood 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	and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms 4402 Wood charcoal (including shell or nut charcoal), whether or not agglomerated 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared 4404 Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like 4405 Wood wool; wood flour 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,	

	Commission Proposal	EP	Council Mandate	Draft Agreement
	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 4414 00 Wooden frames for paintings, photographs, mirrors or similar objects 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 (Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.) 4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves 4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products 9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture 9406 10 00 Prefabricated buildings of wood	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 4414 00 Wooden frames for paintings, photographs, mirrors or similar objects 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 (Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.) 4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves 4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products	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 4414 00 Wooden frames for paintings, photographs, mirrors or similar objects 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 (Not including packing material used exclusively as packing material to support, protect or carry another product placed on the market.) 4416 00 00 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves	

	Commission Proposal	EP	Council Mandate	Draft Agreement
		4900 Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans 9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture 9406 10 00 Prefabricated buildings of wood	4417 Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood 4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes ex 4419 Tableware and kitchenware, of wood 4420 Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94 4421 Other articles of wood, including 4421 20 Coffins Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products ex 9401 Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof 9403 30, 9403 40, 9403 50 00, 9403 60 and 9403 90 30 Wooden furniture 9406 10 00 Prefabricated buildings of wood	
374 a		Rubber 4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar		Not to raise Part of discussion on scope

	Commission Proposal	EP	Council Mandate	Draft Agreement
		<i>gums; in primary forms or in plates, sheets or strip</i> <i>4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip</i> <i>4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings)</i> <i>4007 Vulcanised rubber thread and cord</i> <i>4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber</i> <i>4010 Conveyer or transmission belts or belting, of vulcanised rubber</i> <i>4011 New pneumatic tyres, of rubber (other)</i> <i>4012 Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber</i> <i>4013 Inner tubes, of rubber</i> <i>4015 Articles of apparel and clothing accessories (including gloves), for all purposes of vulcanised rubber other than hard rubber</i> <i>4016 Articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40</i> <i>4017 Hard rubber (i.e. ebonite) in all forms including waste and scrap; articles of hard rubber</i>		
Annex II				
375	Annex II Due diligence statement		Annex II Due diligence statement	Annex II Due diligence statement

	Commission Proposal	EP	Council Mandate	Draft Agreement
Annex II, first paragraph, introductory part				
376	Information to be contained in the due diligence statement in accordance with Article 4(2) of this Regulation:			Information to be contained in the due diligence statement in accordance with Article 4(2) of this Regulation:
Annex II, first paragraph, point (1)				
377	1. Operator's name, address and, in case of relevant commodities and products entering or leaving the Union market, the Economic Operators Registration and Identification (EORI) number in accordance with Article 9 of Regulation (EU) No 952/2013;			1. Operator's name, address and, in case of relevant commodities and products entering or leaving the Union market, the Economic Operators Registration and Identification (EORI) number in accordance with Article 9 of Regulation (EU) No 952/2013;
Annex II, first paragraph, point (2)		AM 238		
378	2. Harmonised System code, free-text description, and quantity¹ of the relevant commodity or product that is intended to be placed on the Union market by the operator; 1. The quantity must be expressed in kilograms of net mass and, when applicable, also in the supplementary unit set out in Annex I to Council Regulation (EEC) No 2658/87 against the indicated Harmonised System code. A supplementary unit is applicable when it is defined consistently for all possible subheadings under the Harmonised System code mentioned in the due diligence statement.	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. 1. 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	2. Harmonised System code, free-text description, and quantity¹ (expressed in net mass or, when applicable, volume, or number of units) of the relevant commodity or product that is intended to be placed on the Union market by the operator; 1. The quantity must be expressed in kilograms of net mass and, when applicable, also in the supplementary unit set out in Annex I to	For discussion at ITM EP and Council additions: to be discussed further 2. Harmonised System code, free-text description, including the trade name as well as, where applicable, the full scientific name, and quantity⁷⁰ (expressed in net mass or, when applicable, volume, or number of units) of the relevant commodity or product that is intended to be placed on or

	Commission Proposal	EP	Council Mandate	Draft Agreement
		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		exported from the Union market by the operator. 1. 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
Annex II, first paragraph, point (3)		AM 239		
379	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;	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;	3. Country of production and geolocation of all plots of land where the relevant commodities were produced. of production, including geo-localisation coordinates, latitude and longitude. Where the relevant a product or commodity contains or has been made using commodities materials, ingredients or components produced in different plots of land, the geolocation geo-location coordinates of all different plots of land shall be included;	3. Country of production and geolocation of all plots of land where the relevant commodities were produced. Where the relevant product contains or has been made using commodities produced in different plots of land, the geolocation of all different plots of land shall be included in accordance with Article 9(1)(d);
Annex II, first paragraph, point (4)				
380				

	Commission Proposal	EP	Council Mandate	Draft Agreement
	4. The text: “By submitting this due diligence statement the operator confirms that due diligence according to the provisions of Regulation XXXX/XX was carried out and no or only negligible risk was found. The operator hereby confirms the compliance of the commodity/product with the requirements specified in Article 3 of Regulation XXXX/XX.”		4. The text: “By submitting this due diligence statement the operator confirms that due diligence according to the provisions of Regulation XXXX/XX was carried out and no or only negligible risk was found that. The operator hereby confirms the compliance of the commodity/product with the requirements specified in Article 3(a) or (b). that the relevant products are not compliant of Regulation XXXX/XX.”	4. The text: “By submitting this due diligence statement the operator confirms that due diligence according to the provisions of Regulation XXXX/XX was carried out and no or only negligible risk was found. The operator hereby confirms the compliance of the commodity/product with the requirements specified in Article 3(a) and (b) of Regulation XXXX/XX.”
Annex II, first paragraph, point (5)				
381	5. Signature in the following format:			5. Signature in the following format:
Annex II, second paragraph				
382	Signed for and on behalf of:			Signed for and on behalf of:
Annex II, third paragraph				
383	Place and date of issue:			Place and date of issue:
Annex II, fourth paragraph				
384	Name, function: Signature:			Name, function: Signature:

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