Deforestation Regulation: provisions relating to the date of application

2024/0249(COD) - 02/10/2024 - Legislative proposal

PURPOSE: to extend by 12 months the date of application of certain provisions of the deforestation regulation.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Regulation (EU) 2023/1115 (deforestation regulation) 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 establishes rules to ensure that products derived from certain commodities (namely coffee, cocoa, palm oil, soya, cattle, rubber and wood), which are placed on the EU market or exported from the EU, have not caused deforestation or forest degradation during their production, have been produced in accordance with the relevant legislation of the country of production and are covered by a due diligence statement.

Most of the provisions of that Regulation are to be applied as of 30 December 2024.

The Commission has been in intensive exchanges with several Member States, third countries as well as operators and traders, who have been arguing that more time is needed to prepare for the application of that Regulation due to the challenges that they face, *inter alia* to establish due diligence systems covering relevant commodities and products. It considers that the date of application of the provisions of Regulation (EU) 2023/1115 that lay down obligations on operators, traders and competent authorities, should be postponed by 12 months to allow Member States, exporting partner countries, operators and traders to be better prepared and for the latter, to fully establish the necessary due diligence systems covering all relevant commodities and products.

CONTENT: this proposal does not change any of the substantive rules of the Regulation (EU) 2023/1115, but simply **extends by 12 months** the date of application of those provisions of the Regulation which lay down obligations for operators, traders and competent authorities, to enable Member States, operators and professionals to be better prepared and able to comply fully with their obligations under the obligations under the Regulation.

In the light of the postponement of the date of application in Article 38(2) of Regulation (EU) 2023/1115 by 12 months, the dates in other interlinked provisions, in particular the repeal of Regulation (EU) No 995/2010, the transitional provisions and the provisions on the deferred application of Regulation (EU) 2023/1115 to micro-undertakings or small undertakings, should be adjusted accordingly.

Therefore, the obligations stemming from this regulation will be binding from:

- 30 December 2025, for large operators and traders;

- **30 June 2026**, for micro- and small enterprises.

To provide operators and traders with the information on assignment of risk to relevant countries of production well in advance before their due diligence obligations start to apply, the date by when the Commission is to classify countries or parts thereof, that present a low or high risk is to be postponed only by 6 months.

The proposal would give legal certainty, predictability and sufficient time for a smooth and effective implementation of the rules, including fully establishing due diligence systems covering all relevant commodities and products. These due diligence systems include identifying deforestation risks in supply chains as well as monitoring and reporting measures to prove compliance with EU rules.