

REGULATION (EU) 2023/1115

From December 30th, 2024, products containing, fed with, or produced using bovine **cattle, cocoa, coffee, palm oil, rubber, soy, and/or wood**, shall not be placed or made available on the market or exported from the European Union **unless** they comply with all the following conditions:

- a) **That they are deforestation-free:** that is, they have been produced on lands that have not experienced deforestation after December 31st, 2020, and in the case of containing or being produced with wood, that it has been sourced from the forest without causing its degradation after the same date.
- Deforestation** is understood as the conversion of forests for agricultural use (including for agricultural plantations, set-aside agricultural areas, and for rearing livestock), whether human-induced or not. **Degradation** refers to structural changes in forest cover that involve the conversion of primary forests (composed of native species without evidence of human intervention) or natural regeneration forests (predominantly composed of trees established through natural regeneration) into forest plantations or other wooded surfaces not classified as forests due to vegetation height or the percentage of canopy cover. It also includes the conversion of primary forests into planted forests (predominantly composed of trees established through planting or deliberate seeding).
- b) **That they have been produced in accordance with the relevant legislation of the country of production**, considering:
- land use rights;
 - environmental protection and forest-related regulations;
 - third-party rights;
 - labor rights;
 - human rights protected under international law;
 - the principle of free, prior, and informed consent of Indigenous Peoples;
 - tax, anti-corruption, trade, and customs regulations;
- c) **That they are covered by a due diligence statement presented by the operator;** that is, the natural or legal person who, in the course of a commercial activity, places relevant products on the market or exports them.

When exercising due diligence, operators will collect information, documents, and data demonstrating that the products comply with the Regulation (Article 9):

- **product description** (including trade name and product type) and **quantity**;
- **country of production** and, if applicable, specific areas within that country;
- **geolocation** of all plots of land where the relevant commodities contained in the product were produced or used for its production. A "**plot of land**" refers to land within a single real-estate property, as recognized by the law of the country of production, with sufficiently homogeneous conditions to allow an evaluation of the aggregate level of risk of deforestation and forest degradation associated with relevant commodities produced on it. However, the lack of formal registration or title will not necessarily be an obstacle to the designation as "land used de facto as plot of land", provided that the producer is legally authorized to produce and sell their products. If commodities come from different plots, the geolocation of each one must be indicated;
- **production date or time range:** for commodities other than cattle, this will be the harvesting date. For products other than live animals within the cattle category, the production date refers to the date of slaughtering, while the production time interval covers the entire life of the animal, including the date of slaughtering;
- Name, postal address, and email address of **any company or person who supplied them with the relevant products and/or to whom the relevant products have been supplied**;
- sufficiently conclusive and verifiable information that the relevant products **are free from deforestation**;
- sufficiently conclusive and verifiable information that the commodities have been produced **in accordance with the relevant legislation of the country of production**, including any provision conferring the right to use the relevant area for such production.

Operators may rely on information provided by **certification systems or other third-party verification systems**, provided they address the points to be considered in the due diligence. If necessary, they will adopt risk mitigation procedures and measures, which may include support to their suppliers to comply with the Regulation, particularly smallholders.

Traceability (requirement to provide geographical coordinates) of each plot of land from which the commodities originate is necessary to demonstrate that there has been no deforestation or degradation in any of them. Otherwise, relevant commodities and products from those plots of land shall be automatically disqualified from being placed or made available on the market or exported. Deforestation-free products must be **segregated** from others of unknown origin or non-deforestation-free at all stages of the supply chain. Under these conditions, mass balance must be ruled out, and full identity preservation becomes unnecessary.

By December 30th, 2024, the European Commission will establish an **information system** to be operated within the EU and fulfill at least the following functionalities: registration of operators and traders; registration of due diligence statements, as well as the outcome of checks thereof, and making available their reference numbers; provision of information to support risk-profiling; facilitation of administrative assistance and cooperation between competent authorities and support communication between authorities, operators, and traders.

This information system will be linked to an **electronic interface** (operational by June 30th, 2028), which will enable data transmission between said system and the customs systems of each Member State, to be developed based on **the single window environment for customs**. As for the latter, it is an initiative in the early stages of implementation within the EU, with the aim of making information exchange between national authorities more efficient and allowing operators to submit the required information only once.

EU Member States will designate one or several **competent authorities** responsible for fulfilling the obligations arising from the Regulation, who will **carry out checks** within their territory to determine whether the relevant products that the operator or trader has placed or intends to place on the market, has made available or intends to make available on the market or has exported or intends to export from the EU comply with the Regulation.

The Regulation establishes a **three-tier system for assessing countries** or parts thereof, considering the level of risk of producing commodities that do not meet the established requirements. To this end, the following categories are recognized (Article 29):

- **low risk**: annual checks carried out by competent authorities will cover at least 1% of operators introducing, making available on the market, or exporting products containing or made using commodities from these countries;
- **standard risk**: checks will cover 3% of operators;
- **high risk**: annual checks carried out by competent authorities will cover at least 9% of operators, as well as 9% of the quantity of each of the products placed or made available on the market or exported.

With the entry into force of the Regulation, all countries were assigned a standard risk level. The list of countries presenting low or high risk will be published no later than December 30th, 2024.

Each EU Member State will lay down **rules on penalties** applicable to any infringement by operators and traders who introduce, market, or export commodities or products within the EU, which will include:

- fines proportionate to the environmental damage and the value of the commodities and products concerned, with maximum values that may exceed 4% of the total annual turnover made in the EU by the offender during the economic year preceding the decision.
- confiscation of the relevant products or the revenues gained from a transaction involving them;
- temporary exclusion from public procurement procedures and access to public funding, for up to twelve months;
- temporary prohibition from placing or making available on the market or exporting relevant commodities and relevant products;
- prohibition from exercising the simplified due diligence set out in Article 13.

Text of the Regulation available at [EUR-Lex - 32022R2399 - EN - EUR-Lex \(europa.eu\)](#)

Frequently Asked Questions available at [Frequently Asked Questions - Deforestation Regulation \(europa.eu\)](#)