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From: General Secretariat of the Council
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Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application

- Letter to the Chair of the European Parliament Committee on the Environment, Public Health and Food Safety (ENVI)

Following the Permanent Representatives Committee meeting of 16 October 2024 which endorsed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on the Environment, Public Health and Food Safety (ENVI).



SGS 24 / 004430

Brussels, 16 October 2024

Mr Antonio DECARO

Chair, European Parliament Committee on the Environment, Public Health and Food Safety
European Parliament
60, rue Wiertz
1047 BRUSSELS

Subject: *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1115 as regards provisions relating to the date of application*


Dear Mr Decaro,

Following informal contacts between the European Parliament and the Council, the abovementioned Commission proposal was agreed without amendments by the Permanent Representatives Committee today.

I am therefore now in a position to confirm that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the exact form of the text set out in the Annex to this letter¹ (subject to revision by the lawyer-linguists of the two institutions), the Council would, in accordance with Article 294, paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.

On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this file at first reading.

Yours sincerely,



Katalin MOLNÁR

Chair of the Permanent Representatives
Committee (Part 1)

copy to: Maroš Šefčovič, Executive Vice-President

¹ Corresponding to the Commission proposal.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EU) 2023/1115 as regards provisions relating to the date of
application

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) Regulation (EU) 2023/1115³ was adopted to reduce deforestation and forest degradation. It lays down rules regarding the placing and making available on the Union market as well as the export from the Union of relevant products, as listed in its Annex I, that contain, have been fed with or have been made using relevant commodities, namely cattle, cocoa, coffee, oil palm, rubber, soya and wood. In particular, it aims to ensure that those commodities and relevant products are placed or made available on the Union market or exported, only if they are deforestation-free, have been produced in accordance with the relevant legislation of the country of production and covered by a due diligence statement. Most of the provisions of that Regulation are to be applied as of 30 December 2024.
- (2) To ensure that Regulation (EU) 2023/1115 achieves its objectives, operators and traders making available on the market or exporting relevant products are to exercise due diligence in accordance with Article 8 of that Regulation in order to prove that the relevant products comply with the requirements of that Regulation. Operators are responsible for a thorough examination and analysis of their own business activities, which primarily requires the collection of data that are relevant to Regulation (EU) 2023/1115, and appropriate documentation supporting them, from each particular supplier.
- (3) The Commission took important steps to facilitate the application of Regulation (EU) 2023/1115, engaging with Member States and stakeholders. In particular, the Guidance Document for Regulation (EU) 2023/1115 on deforestation-free products provides guidance to operators, traders as well as competent authorities on the main obligations laid down in Regulation (EU) 2023/1115 and clarifies among others the interpretation of the definition of agricultural use, in particular in relation to the conversion of forest to land the purpose of which is not agricultural use, as requested by the European Parliament and the Council.

³ Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 ([OJ L 150, 9.6.2023, p. 206](#)).

- (4) In addition, the Communication on the Strategic Framework for International Cooperation Engagement provides a comprehensive structure for cooperation with third countries to facilitate the implementation of Regulation (EU) 2023/1115. It also outlines the general principles the Commission intends to use in the classification of low-risk and high-risk countries (or parts thereof) in accordance with Article 29(3) of Regulation (EU) 2023/1115.
- (5) Implementing Regulation of [xx 2024] on the functioning of the information system pursuant to Regulation (EU) 2023/1115 provides for an information system and access to it to operators and traders, and if applicable, their authorised representatives, competent authorities, and customs authorities, to implement their respective obligations laid down in the Regulation. Operators and traders thus would be able to register and submit due diligence statements even before the entry into application of Regulation (EU) 2023/1115.
- (6) The Commission considers that the date of application of the provisions of Regulation (EU) 2023/1115 that lay down obligations on operators, traders and competent authorities, listed in Article 38(2) of that Regulation, should be postponed by 12 months. This is objectively necessary in order to allow third countries, Member States as well as operators and traders to be fully prepared, including, for the latter to establish the necessary due diligence systems covering all relevant commodities and products, so to be in a position to fully comply with their obligations.
- (7) 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.
- (8) However, 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 should be postponed only by 6 months.
- (9) Regulation (EU) 2023/1115 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Amendments to Regulation (EU) 2023/1115

Regulation (EU) 2023/1115 is amended as follows:

(1) In Article 29, paragraph 2, the third sentence is replaced by the following:
‘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 36(2), no later than 30 June 2025.’.

(2) Article 37 is replaced by the following:

‘Article 37

Repeal

1. Regulation (EU) No 995/2010 is repealed with effect from 30 December 2025.

2. However, Regulation (EU) No 995/2010 shall continue to apply until 31 December 2028 to timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before 29 June 2023 and placed on the market from 30 December 2025.

3. By way of derogation from Article 1(2) of this Regulation, the timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 that were produced before 29 June 2023 and placed on the market from 31 December 2028 shall comply with Article 3 of this Regulation.’;

(3) In Article 38, paragraphs 2 and 3 are replaced by the following:

‘2. Subject to paragraph 3 of this Article, Articles 3 to 13, Articles 16 to 24 and Articles 26, 31 and 32 shall apply from 30 December 2025.

3. Except as regards the products covered in the Annex to Regulation (EU) No 995/2010, for operators that by 31 December 2020 were established as micro-undertakings or small undertakings pursuant to Article 3(1) or (2) of Directive 2013/34/EU, respectively, the Articles referred to in paragraph 2 of this Article shall apply from 30 June 2026.’

Article 2

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
