



CIVIL SOCIETY POSITION STATEMENT ON

The proposed EU regulation on deforestation-free products

We, the undersigned organisations, welcome the European Commission's proposal for a new EU regulation on deforestation-free products. This proposal represents an essential step forward in global environmental governance and a huge opportunity to minimise the EU's impacts on people and planet in line with its commitments on climate, biodiversity and human rights.

It is now up to the European Parliament and Member States to preserve and improve the essential elements of the Commission's proposal and deliver a strong and ambitious law that meets the high expectations of EU citizens. To that end, we call on the European Parliament and Member States to ensure the current proposal is strengthened to include:

- 1 Strong sustainability requirements based on objective criteria** that ensure no goods linked to deforestation or forest degradation, as foreseen in the Commission's proposal, but also to the conversion of other natural ecosystems or human rights violations, may be placed on or exported from the EU market. Requirements should be clearly described with objective, science-based criteria, use clear and comprehensive definitions, and apply in addition to applicable laws of the country of production. Requirements should apply equally to EU exports.
- 2 Stronger definitions for forests, deforestation and forest degradation**, reflecting those used in the Accountability Framework Initiative, which make a clear distinction between natural forests and tree plantations. The proposal defines "deforestation" as conversion of forest to agricultural use, thereby excluding other causes of deforestation and the conversion of forests to tree plantations. Instead, it should refer to the conversion of forest to any other land use, including in the context of forestry (whether in the form of planted forests or tree plantations), mining and infrastructure related to commodity production. The definition of "forest degradation" should aim at preserving the ability of forests to support biodiversity and protect climate systems, and should prevent any changes within a natural ecosystem that significantly and negatively affect its species composition, structure, and/or function, irrespective of the cause.
- 3 Requirements to respect internationally recognised human rights** and ensure that products placed on or exported from the EU market are not linked to human rights violations, particularly of the rights of indigenous peoples and local communities, including requirements to respect customary tenure rights and the right to Free, Prior and Informed Consent.

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Equivalent protection from its commencement for other natural ecosystems, such as savannahs, peatlands and wetlands, with equal restrictions on products linked to their conversion or degradation. In the years until the scope of the regulation is potentially extended to other ecosystems following a review, as contemplated in the Commission's proposal, agricultural expansion may simply shift from forests to those ecosystems. This is an imminent risk, as these other ecosystems are already under pressure from agricultural expansion and commodities linked to their destruction are already entering the EU market.

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Equivalent due diligence requirements for EU-based financial institutions providing financial services to entities or corporate groups doing business in the commodities and products covered by the regulation. The EU Taxonomy Regulation and the Corporate Sustainability Reporting Directive currently have no obligations on investors and banks to stop and prevent investments going towards harmful activities, and provide no mechanisms to hold them accountable.

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The broadest possible product scope from commencement, adding all livestock (instead of just cattle), rubber and maize to the existing list, as well as all products that contain, have been fed with or have been made using any of the covered commodities, with potential to add additional commodities over time. All derived products should be covered from commencement and operators should be responsible for identifying covered products. Any list of derived products should provide guidance only and should be explicitly non-exclusive.

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No exceptions. 'Simplified' due diligence should be removed. The same due diligence obligations should apply to all operators regardless of size, trade volumes or the apparent risk level of the country or area of production.

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Civil liability, access to justice and criminal liability for serious non-compliance that provides victims of impacts linked to products unlawfully placed on the EU market with rights of redress against EU operators and imposes civil liability for harm caused by non-compliance. Serious non-compliance should constitute a criminal offence. All interested parties should have a right to redress, including injunctive relief.

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Stronger transparency requirements, including supply chain transparency, public reporting on due diligence procedures and outcomes for all operators (no exemptions for SMEs), greater disclosure in due diligence statements, including information on an operator's supply chain and the risks identified during the due diligence process, unrestricted public access to due diligence statements, and a public list of non-compliant actors.

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Clear, objective and measurable country and sub-national benchmarking criteria that address both sustainability and legality requirements. Assessment criteria, procedures and timeframes should be clear, objective, measurable and transparent. Country benchmarking should be taken into account when conducting due diligence and guide enforcement efforts, but should not modify due diligence obligations. The benchmarking should also take into account information provided by third parties, including local communities, indigenous peoples and NGOs.

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A cut-off date well before 2020, to prevent rewarding deforestation that happened in the past and to avoid undermining initiatives such as the Amazon Soy Moratorium, which aims to prevent the sale of soy from areas deforested in the Amazon region after 2008.

In addition, the European Parliament and Member States need to ensure that the regulation preserves and further builds on essential elements proposed by the Commission, including:

- 12** **Mandatory and results-based supply chain due diligence obligations** for operators and large traders with full traceability to the plot of land of production, based on geolocation, and full transparency of producers and upstream traders. Due diligence must be based on reliable evidence. Products should not be placed on the market or exported if there is more than a negligible risk that they do not meet the sustainability criteria and legality requirement. Due diligence must be ongoing and each supply should be covered by a public declaration of conformity with the regulation's requirements.
- 13** **No 'green lane' for certification or third-party verification schemes.** The use of certification or other third-party verification schemes should at most be allowed as complementary information in the due diligence procedure. Third-party certificates or assurances must not absolve operators or traders of their due diligence obligations.
- 14** **A robust enforcement framework** that includes multiple public and private mechanisms, in particular an effective substantiated concerns mechanism supported by adequate procedural safeguards, unrestricted rights to review competent authority acts and omissions, high minimum standards for compliance checks and penalties, and proactive checks on high-risk shipments. Member States and the Commission should receive adequate budgets for effective enforcement and coordination.
- 15** **A maximum transition period of 12 months** between the regulation entering into force and the commencement of all its provisions.
- 16** **Engagement with producer countries** in the form of structured dialogues, targeted financial and technical support, or other forms of cooperation to support agro-ecological practices and production that is free from forest and ecosystem destruction and respects human rights. Support should specifically empower indigenous peoples and other peoples and communities with customary rights, local civil society organisations, local communities and smallholders, and prioritise securing the land tenure rights of indigenous peoples and other groups with customary land rights.



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AbibiNsroma Foundation

ACRÉSCIMO

Amazon Watch Sverige

Amigos de la Tierra

Amigos de la Mateba

Association for Promotion Sustainable development India

Association of Ethical Shareholders Germany

ATTAC Spain

BankTrack

BirdLife Europe

BOS+

Both ENDS

Buddhist Tzu Chi Foundation

Bund für Umwelt und Naturschutz Deutschland/Friends of the Earth Germany
Canopée
Centar za životnu sredinu/Friends of the Earth Bosnia and Herzegovina
Centre for Climate Change and Environmental Study
Centre pour l'Environnement et le Développement
Christliche Initiative Romero e.V.
Conservation International - Europe
ClientEarth
Climate Action Network-Europe (CAN-E)
Climate Change Network Nigeria (Climate Connect Initiative)
Climate Alliance
CNCD-11.11.11
Coordinadora Estatal de Comercio Justo
Confederación de Consumidores y Usuarios (CECU)
Coordination Office of the Austrian Bishops' Conference for international development and Mission (KOO)
CorA Network for Corporate Accountability (Germany)
Corporate Europe Observatory
Corporate Justice Network
Deutsche Umwelthilfe (DUH) - Environmental Action Germany
DKA Austria Catholic Children's Movement
DOCIP
DOPPS - BirdLife Slovenia
Društvo Gibanje TRS
Earthsight
European Coalition for Corporate Justice (ECCJ)
Ecologistas en Acción
Environmental Investigation Agency
ELA
Environmental Justice Foundation
Eurogroup for Animals
Fair Finance International
Fair Finance Pakistan Coalition
Federation of Community Forestry Users Nepal (FECOFUN)
Fern
FOCSIV Italian Federation Christian Organisations International Voluntary Service
Focus Association for Sustainable Development
Fondazione Alberitalia
Forest of the World
Forests People Programme
Forêts et Développement Rural (FODER)
Forum Ökologie & Papier Germany
Friends of Fertö Lake Association
Friends of the Earth Europe
Friends of the Earth Finland
Friends of the Earth Georgia/Greens Movement of Georgia
Fundación Global Nature
Global Forest Coalition
Global Witness
GOB (Mallorca)
Green Development Advocates
Greenpeace EU
Human Rights International Corner
Indigenous Peoples Global Forum for sustainable development, IPGFForSD

Institute for Agriculture and Trade Policy, Europe
International-Curricula Educators Association
Jane Goodall Institute France
Justicia Alimentaria
La Coordinadora de Organizaciones para el Desarrollo de España
Legambiente ONLUS
Mighty Earth
Milieudefensie - Friends of the Earth Netherlands
OroVerde - Tropical Forest Foundation
Our Food. Our Future
Parque central sin Especulación
PCPCYII - Plataforma contra la privatización del Canal de Isabel II
Plataforma por una Banca Pública
Polski Klub Ekologiczny
Protect Our Winters Europe
ProVeg International
Rainforest Action Network
Rainforest Foundation Norway
Reach out Salone
Reforma Florestal Já - Por Pedrógão por Portugal
Réseau des Organisations de la Société Civile pour le Développement
du Tonkpi (ROSCIDET)
ROBIN WOOD e. V.
Salvia EDM
Seattle to Brussels Network
SEO BirdLife
Südwind
Swedish Society for Nature Conservation
Synaparcam
The International Federation for Human Rights (FIDH)
The Slovenian Association for Bat Research and Conservation
TROCA - Plataforma por um Comércio Internacional Justo
Umanotera, The Slovenian Foundation for Sustainable Development
Union Vegetariana Española
UNFCCC YOUNGO (Nature Working Group)
Veblen Institute
Vogelbescherming Nederland (BirdLife in The Netherlands)
VšĮ «Žiedinė ekonomika»
Wildlife Conservation Society EU
Wetlands International – Europe
World Animal Protection Netherlands
WWF European Policy Office
Zentrum für Mission und Ökumene - Nordkirche weltweit (Germany)
ZERO - Associação Sistema Terrestre Sustentável



