



## 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.

- 4** **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.
- 5** **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.
- 6** **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.
- 7** **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.
- 8** **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.
- 9** **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.
- 10** **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.
- 11** **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.



## SIGNED

11.11.11

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)  
Všl «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





Gibanje za trajnostni razvoj Slovenije

