

An aerial photograph showing a large, cleared area of land, likely a deforested site, surrounded by dense green forest. A dirt road or path leads into the cleared area from the bottom left. The sky is clear and blue.

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EUDR POSTPONEMENT AND LATEST COMPLIANCE GUIDELINES

6 November 2024

CONTENT

- Proposed postponement of the EUDR entry into application
- Guidelines and FAQs : Key Issues
- Next Steps



PROPOSED POSTPONEMENT

NEW DEADLINES

30 JUNE 2025

Classification of the countries or parts thereof into low risk or high-risk categories

30 DECEMBER 2025

Entry into application and repeal of the EUTR

30 JUNE 2026

Entry into application for small and micro undertakings established as such by 31 December 2020

DEADLINES NOT AFFECTED

30 JUNE 2025

Impact assessment deadlines:

- extension of the list of relevant products, inclusion of biofuels (HS code 382600)
- extension of the scope to further commodities, including maize
- extension to other natural ecosystems (grasslands, peatlands and wetlands)
- obligations for financial institutions

STATUS OF CONSIDERATION OF THE COMMISSION'S EUDR AMENDMENT

2 October 2024	Commission published a legislative proposal to amend the EUDR.
16 October 2024	The Permanent Representative Committee of the Council agreed the Commission's proposal without amendments.
21 October 2024	Environment Committee of the European Parliament requested an urgent procedure.
23 October 2024	European Parliament approved the use of the urgency procedure.
14 November 2024	European Parliament will vote on the proposed amendment.

Thursday 14

09:00 - 10:50

- Address by Sauli Niinistö - Presentation of the report on how to enhance Europe's civilian and defence preparedness and readiness
- Parliament's statements - Enhancing Europe's civilian and defence preparedness and readiness

11:00 - 13:00 VOTES followed by explanations of votes

- ***I
Deforestation Regulation: provisions relating to the date of application

ENV

COMMISSION'S GUIDELINES AND FAQs – IMPORTANT CAVEATS

Guidance:

This guidance document is not legally binding; its sole purpose is to provide information on certain aspects of the EUDR. It does not replace, add to or amend the provisions of the EUDR, which establishes the legal obligations. This guidance document should not be considered in isolation; it must be used in conjunction with the legislation and not as a 'stand-alone' reference. This guidance document is, however, useful reference material for anyone who must comply with the EUDR as it further clarifies dedicated parts of the legislative text, meaning it can guide operators and traders. It can also guide national competent authorities and enforcement bodies as well as national courts in the process of implementing and enforcing the EUDR.

FAQs:

This document is a working document drafted by the Commission services intending to provide information to national authorities, EU operators and other stakeholders for the implementation of [EDUR]. This document only reflects the views of the Commission services. It is not legally binding and does not engage the Commission's liability.



NEW IMPLEMENTATION GUIDELINES (OCTOBER 2024)

- EUDR draft Guidance Document
- Updated version of the EUDR Frequently Asked Questions

GENERAL PRINCIPLES ON THE BENCHMARKING METHODOLOGY

Most countries are expected to be classified as low risk (no risk assessment or risk mitigation)

KEY CLARIFICATIONS



DATE OR TIME RANGE OF PRODUCTION

Crop year and/or harvesting season could be used as a time range of production of the relevant commodities if more precise information is not available due to the specificities of production



NON-EU OPERATOR

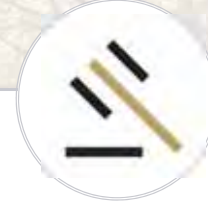
Non-EU operator placing a relevant product on the Union market may submit a DDS
“Second” operator concept: the first natural or legal person to make the relevant products available on the market is also deemed to be an operator



DDS

DDS may cover multiple physical batches / shipments

- supply within 1 year
- *in principle*, should cover commodities that have already been produced/harvested
- should be possible to link a DDS to existing commodities



LEGALITY

Operators must be aware of relevant legislation existing in each of the commodities' source countries

Documents and data showing compliance with applicable legislation in the country of production must be collected as part of the due diligence obligation

KEY CLARIFICATIONS



VERTICALLY INTEGRATED BUSINESSES

Clarifications contained in FAQ do not converge with those contained in Draft Guidance

- FAQ: DDS for the final relevant product
- Guidance: DDS for RM prior to processing



DUE DILIGENCE ON CATTLE FEED

For relevant products derived from cattle, due diligence needs to ensure that feed is deforestation-free (recital 39)



CATTLE BORN BEFORE 29 JUNE 2023

EUDR does not apply to cattle and cattle derived products if the cattle was born before the EUDR's entry into force, i.e., before 29 June 2023



COMMODITES HARVESTED BEFORE 29 JUNE 2023

Expected clarification:

- Commodities harvested before 29 June 2023 are not in scope, regardless of the date of processing
- Derived products made entirely from such commodities are not in scope, regardless of the date of placement on the market

KEY CLARIFICATIONS

'making available on the market' means any supply of a relevant product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge

'placing on the market' means the first making available of a relevant commodity or relevant product on the Union market



SUPPLY

Presupposes an *agreement* (written or verbal) between two or more legal or natural persons for the transfer of ownership or any other property right concerning the product in question *after* the product has been manufactured



IMPORTED PRODUCTS

Relevant products placed under customs procedure "release for free circulation" in the course of a commercial activity are assumed to be intended to the placed on the Union market irrespective of the "supply"



OPERATOR FOR DOMESTIC PRODUCTS

The operator is normally the person that owns the commodity or product at the point of selling, however this may depend on the individual circumstances of the contractual agreement



OPERATOR FOR IMPORTED PRODUCTS

The operator is the person acting as the importer and the definition of "operator" is independent of the change of ownership of the product and of other contractual arrangements

KEY CLARIFICATIONS



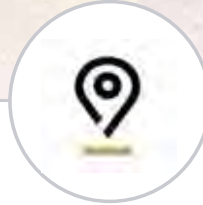
CONTINUES MANUFACTURING CYCLES

Operators may declare the source plots of land of relevant commodities used in the production process during a certain period of time that ensures that finished products contain only compliant commodities (200% capacity)



DECLARATION "IN EXCESS"

May be used for bulk commodity mixed up during logistical or production process (silos, onboard ships, in mills) and only a part of the whole is placed on the market. Declaring an excessive number of plots of land is generally not in line with the EUDR



VISIBILITY OF GEOLOCATIONS

Upstream operators may choose to make geolocation data contained in their DDS not accessible and not visible to downstream operators / traders



CERTIFICATION AND THIRD- PARTY VERIFIED SCHEMES

Gap assessment between schemes' standards and EUDR requirements
Availability of summaries of farm level audit reports
Analysis of known shortcomings
Corrective actions and sanctioning in case of infractions

WAY FORWARD AND KEY TAKEAWAYS

- 4th version of FAQs is in the pipeline → engage and contribute to the Commission's work.
- Engage with DG TAXUD on the TARIC codes, especially on exempted products → TARIC codes will be key EUDR implementation instruments.
- Finalize and implement the EUDR Due Diligence Systems → highly unlikely there will be any further postponements

EUDR DUE DILIGENCE SYSTEM



Setting up due diligence system, screening suppliers, and implementation of IT solutions requires time and resources. Due diligence system should be set up as we speak and implemented in the course of 2024 (2025, if postponement is adopted);



Due diligence system for relevant products must eliminate the risk of non-compliant products being placed on the EU market;



Information gathering must result in the geolocation data being available for all plots of land where the relevant commodities used to produce the relevant products were sourced;



Information gathering must result in adequately conclusive and verifiable information being available that the relevant products are deforestation-free and comply with legality requirement;



Risk assessment and risk mitigation measures should be implemented.



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- [EU Deforestation Regulation: Postponement of EUDR's entry into application and other latest developments | Insights | Mayer Brown](#)
- [The UK Forest Risk Commodity Regulation \("UKFRC"\) | One to Watch in the coming Year | Insights | Mayer Brown](#)
- [Deforestation Regulation: Impacts of a Possible Delay in Risk Classification of Countries and Other Recent Developments | Insights | Mayer Brown](#)
- [European Union Publishes Deforestation Regulation | Insights | Mayer Brown](#)

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