



MEMBER STATES OF THE EUROPEAN UNION: Your obligations to implement the new EU Deforestation Regulation start today

The new EU Regulation on deforestation-free products, known as the EU Deforestation Regulation, **enters into force today**. This ground-breaking law is intended to tackle global deforestation and forest degradation driven by EU consumption. However, this can only be achieved if all 27 EU Member States implement and enforce the Regulation properly, thoroughly and consistently. To deliver on your legal obligations, you need to take the following actions now.

First and foremost, you must designate one or more “competent authorities” responsible for implementing and enforcing the Regulation **by 30 December 2023**. These authorities must have “adequate powers, functional independence and the resources” necessary to properly perform their functions under the Regulation.

This means you must guarantee that your competent authorities:

- have secure and stable access to all the resources they need to properly implement and enforce the Regulation;
- have the powers necessary to enforce the Regulation, including investigating and sanctioning non-compliance; and
- are functionally independent and that national legal and institutional frameworks guarantee they are not subject to any formal or informal influence that may undermine the enforcement of the Regulation or the performance of their functions.

Within 18 months, when the Regulation will become binding on commercial actors, you must also ensure that your national regulatory and institutional frameworks enable proper implementation and enforcement. This means that **by 30 December 2024 at the latest** you must:

- Adopt national rules that establish “effective, proportionate and dissuasive” penalties for non-compliance that include: confiscation of non-compliant products and revenues from transactions concerning non-compliant products; fines up to at least 4% of total EU-wide turnover; temporary exclusion from public procurement processes and access to public funding; prohibition from exercising the ‘simplified due diligence’ procedure; and temporary prohibition from importing, trading or exporting relevant products. You must take “all measures necessary” to ensure that these rules are implemented;

- Have national administrative and judicial procedures in place that ensure prosecution of non-compliance, guarantee the right of natural and legal persons to submit “substantiated concerns” about potential non-compliance, including measures to protect their identity, and provide any sufficiently interested person with access to administrative or judicial procedures to review the legality of your competent authorities’ decisions and actions;
- Develop an annual plan to ensure that checks are carried out from 30 December 2024 that meet the relevant requirements in both quantitative and qualitative terms and continuously monitor patterns of trade to identify any potential circumvention of the Regulation and exchange this information with other Member States and the Commission;
- Authorise your customs authorities to control declarations concerning relevant products, exchange information and cooperate with competent authorities regarding shipments of relevant products, and to suspend the release of such shipments until appropriate checks are completed;
- Ensure law enforcement procedures allow your competent authorities to independently carry out checks on operators and traders and take immediate action where products present a high risk of non-compliance and prevent their circulation on the internal market or export until checks are completed and compliance is verified, and require records of checks and reports of their results to be disclosed to third parties upon request; and
- Establish procedural arrangements to allow information exchange, cooperation and coordination between your competent authorities and customs authorities within your territory and in other Member States and with the Commission.

Your legal obligations to start implementing and preparing to enforce the new EU Deforestation Regulation begin today.

We count on you to take the necessary steps to fulfil your obligations and ensure that the Regulation’s goals are achieved.

Signed

A ROCHA
PORTUGAL

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ASSOCIAÇÃO DOS ASSISTENTES SOCIAIS
E FISCALIZADOS DO TRIBUNAL DE JUSTIÇA
DE SÃO PAULO

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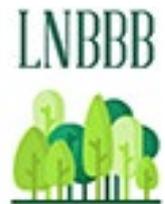
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 Friends of the Earth (England, Wales, Northern Ireland)
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 Global Youth Biodiversity Network European Chapter
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MODrzew - Civic Monitoring of Trees
Mouvement Ecologique
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Natural Resources Defense Council (NRDC)
Nature Canada
Nature et développement
Nature Nova Scotia
Naturefriends Greece
Non-Timber Forest Products Exchange Programme (NTFP-EP)
NTFP-EP Philippines
Nyt Europa
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