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

(Text with EEA relevance)

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 Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) Forests provide a broad variety of environmental, economic and social benefits, including timber and non-wood forest products and environmental services essential for humankind, as they harbour most of the Earth's terrestrial biodiversity. They maintain ecosystem functions, help protect the climate system, provide clean air and play a vital role for the purification of waters and soils as well as for water retention and recharge. Large forest areas act as a moisture source and help prevent desertification of continental regions. In addition, forests provide subsistence and income to approximately one third of the world's population and the destruction of forests has serious consequences for the livelihoods of the most vulnerable people, including indigenous peoples and local communities who depend heavily on forest ecosystems. Furthermore, deforestation and forest degradation reduce essential carbon sinks. Deforestation and forest degradation also increase the likelihood of contact between wild animals, farmed animals and humans, thereby increasing the risk of spreading new diseases and the risks of new epidemics and pandemics.

(2) Deforestation and forest degradation are taking place at an alarming rate. The Food and Agriculture Organization of the United Nations (FAO) estimates that 420 million hectares of forest – about 10 % of the world's remaining forests, equalling an area larger than the European Union – have been lost worldwide between 1990 and 2020. Deforestation and forest degradation are, in turn, important drivers of global warming and biodiversity loss – the two most important environmental challenges of our time. Yet, every year the world continues to lose 10 million hectares of forest. Forests are also heavily impacted by climate change and many challenges will need to be addressed to ensure the adaptability and resilience of forests in the coming decades.

(3) Deforestation and forest degradation contribute to the global climate crisis in multiple ways. Most importantly, they increase greenhouse gas emissions through associated forest fires, permanently removing carbon sink capacities, decreasing the climate change resilience of the affected area and substantially reducing its biodiversity and resilience to diseases and pests. Deforestation alone accounts for 11 % of greenhouse gas emissions as stated in the Intergovernmental Panel on Climate Change (IPCC) special report on climate change and land of 2019.

(4) Climate breakdown induces the loss of biodiversity globally and biodiversity loss aggravates climate change, they are thus inextricably linked, as recent studies have confirmed. Biodiversity and healthy ecosystems are fundamental to climate-resilient development. Insects, birds and mammals act as pollinators and seed dispersers and can help store carbon more efficiently, directly or indirectly. Forests also ensure the continuous replenishment of water resources and the prevention of droughts and their deleterious effects on local communities, including indigenous peoples. Drastically reducing deforestation and forest degradation and systemically restoring forests and other ecosystems is the single largest nature-based opportunity for climate mitigation.

([1]) OJ C 275, 18.7.2022, p. 88.
([2]) Position of the European Parliament of 19 April 2023 (not yet published in the Official Journal) and decision of the Council of 16 May 2023.

欧洲议会和欧盟理事会《第 2023/1115 号条例》(EU)

2023年5月31日

关于在欧盟市场上提供及从欧盟出口与毁林和森林退化相关的特定商品和产品并废止第 995/2010 号条例(欧盟)

(与欧洲经济区相关的文本)

欧洲议会和欧盟理事会，

考虑到《欧洲联盟运行条约》，特别是其第 192(1) 条，

考虑到欧洲联盟委员会提出的提案，

在将立法法案草案转交各国议会后，

考虑到欧洲经济和社会委员会的意见(1)，

经征询地区委员会意见后，

按照普通立法程序(2)行事，

鉴于：

(1) 森林提供广泛的环境、经济和社会效益，包括木材和非木材

森林产品和环境服务对人类至关重要，因为森林承载了地球大部分的陆地生物多样性。它们维持生态系统功能，帮助保护气候系统，提供清洁空气，并在水和土壤的净化以及水的保持和补给方面发挥着至关重要的作用。大片森林区域作为水分来源，有助于防止大陆地区的荒漠化。此外，森林为世界上约三分之一的人口提供生计和收入，森林的破坏对最脆弱人群的生计产生严重后果，包括严重依赖森林生态系统的原住民和当地社区。此外，毁林和森林退化减少了重要的碳汇。毁林和森林退化还增加了野生动物、养殖动物和人类之间接触的可能性，从而增加了新疾病传播的风险以及新流行病和大流行病的风险。

(2) 毁林和森林退化正以惊人的速度发生。联合国粮食及农业组织

联合国(FAO)估计，1990年至2020年间，全球共有4.2亿公顷森林消失--约占世界剩余森林的10%，面积超过欧盟--而毁林和森林退化又是全球变暖和生物多样性丧失的重要驱动因素，这两者是我们时代最重要的环境挑战。然而，世界每年仍在继续失去1000万公顷森林。森林也受到气候变化的严重影响，未来几十年将需要应对许多挑战，以确保森林的适应性和韧性。

(3) 毁林和森林退化以多种方式加剧全球气候危机。最重要的是，

它们通过相关的森林火灾增加温室气体排放，永久性地消除碳汇能力，降低受影响地区的气候变化韧性，并大幅减少其生物多样性及对病虫害的韧性。正如政府间气候变化专门委员会(IPCC)2019 年关于气候变化与土地的特别报告所述，仅毁林一项就占温室气体排放的 11%。

(4) 气候崩溃导致全球生物多样性丧失，而生物多样性丧失又加剧气候变化，它们

因此密不可分，正如近期研究已证实的那样。生物多样性和健康的生态系统是气候韧性发展的基础。昆虫、鸟类和哺乳动物充当传粉者和种子传播者，可以直接或间接地帮助更高效地储存碳。森林还确保水资源的持续补给以及防止干旱及其对当地社区(包括原住民)的有害影响。大幅减少毁林和森林退化并系统性恢复森林和其他生态系统，是气候减缓方面最大的单一基于自然的机遇。

(1) OJ C 275, 18.7.2022, p. 88.
(2) 欧洲议会2023年4月19日的立场(尚未在官方公报上公布)以及欧盟理事会的决定2023年5月16日。

本译本由机器翻译生成，供快速理解条文与内部培训使用；
涉及合规判断或法律适用时，请咨询专业顾问，并以官方英文文本为准。
翻译您自己的文件，请选择桐鸾译馆 · https://www.ivyivy.com.cn
扫码关注服务号

(5) Biodiversity is essential for the resilience of ecosystems and their services both at local and at global level. Over half of the global gross domestic product depends on nature and the services it provides. Three major economic sectors – construction, agriculture, and food and drink – all highly depend on nature. Biodiversity loss threatens sustainable water cycles and food systems, putting food security and nutrition at risk. More than 75 % of global food crop types rely on animal pollination. Furthermore, several industrial sectors rely on genetic diversity and ecosystem services as critical inputs for production, in particular for medicines, including antimicrobials.

(6) Climate change, biodiversity loss and deforestation are concerns of the highest global importance, affecting the survival of humanity and sustained living conditions on Earth. The acceleration of climate change, biodiversity loss and environmental degradation, paired with tangible examples of their devastating effects on nature, human living conditions and local economies, have led to the recognition of the green transition as the defining objective of our time and a matter of gender equality and of intergenerational equity.

(7) Environmental human rights defenders, who strive to protect and promote human rights relating to the environment, including access to clean water, air, and land are often the target of persecution and lethal attacks. Those attacks disproportionately affect indigenous peoples. According to 2020 reports, more than two thirds of victims of those attacks were working to defend the world's forests from deforestation and industrial development.

(8) Union consumption is a considerable driver of deforestation and forest degradation on a global scale. The impact assessment of this Regulation estimated that without appropriate regulatory intervention, the Union's consumption and production of six commodities (cattle, cocoa, coffee, oil palm, soya and wood) alone would rise to approximately 248 000 hectares of deforestation annually by 2030.

(9) As regards the situation of forests within the Union, the State of Europe's Forests 2020 report states that, between 1990 and 2020, the area of forests in Europe has increased by 9 %, carbon stored in the biomass has grown by 50 % and wood supply has risen by 40 %. Primary and naturally regenerating forests are at risk, *inter alia*, from intensive management, and their unique biodiversity and structural features are in danger. Furthermore, the European Environment Agency has noted that less than 5 % of European forest areas are now considered to be undisturbed or natural, whereas 10 % of European forest areas have been classified as intensively managed. Forest ecosystems have to cope with multiple pressures caused by climate change, ranging from extreme weather patterns to pests, and with human-related activities that negatively affect ecosystems and habitats. In particular, intensively managed even-aged forests through clear-cutting and deadwood removal can have a severe impact on whole habitats.

(10) In 2019, the Commission adopted several initiatives to address the global environmental crises, including specific actions on deforestation. In its communication of 23 July 2019 on Stepping up EU Action to Protect and Restore the World's Forests ('Communication on Stepping up EU Action to Protect and Restore the World's Forests'), the Commission identified as a priority the reduction of the Union consumption footprint on land and encouraged the consumption of products from deforestation-free supply chains in the Union. In its communication of 11 December 2019 on the European Green Deal, the Commission set out a new growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy built on sustainable and rule-based free trade, where there are no net emissions of greenhouse gases in 2050, where economic growth is decoupled from resource use and no person or place is left behind. It aims to protect, conserve and enhance the Union's natural capital, and protect the health and well-being of citizens and future generations from environment-related risks and impacts. Furthermore, the European Green Deal aims to provide citizens and future generations with, *inter alia*, fresh air, clean water, healthy soil and biodiversity. To that end, the communication of the Commission of 20 May 2020 on a EU Biodiversity Strategy for 2030: Bringing nature back into our lives (the 'EU Biodiversity Strategy for 2030') the communication of the Commission of 20 May 2020 on a Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system (the 'Farm to Fork' strategy), the communication of the Commission of 16 July 2021 on a new EU Forest Strategy for 2030, the communication of the Commission of 12 May 2021 on the Pathway to a Healthy Planet for All, EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' and other relevant strategies, such as the communication of the Commission of 30 June 2021 on a long-term Vision for the EU's Rural Areas – Towards stronger, connected, resilient and prosperous rural areas by 2040, developed under the European Green Deal, further highlight the importance of action on forest protection and resilience. In particular, the EU Biodiversity Strategy for 2030 aims to protect nature and reverse the degradation of ecosystems. Finally, the communication of the Commission of

(5) 生物多样性对于生态系统及其服务在地方和全球层面的韧性至关重要。超过

全球国内生产总值的一半依赖于自然及其提供的服务。三个主要经济部门--建筑业、农业以及食品和饮料业--都高度依赖自然。生物多样性丧失威胁着可持续的水循环和粮食系统，使粮食安全和营养面临风险。全球超过75%的粮食作物类型依赖动物授粉。此外，若干工业部门依赖遗传多样性和生态系统服务作为生产的关键投入，特别是药品，包括抗微生物药物。

(6) 气候变化、生物多样性丧失和毁林是全球最高关注度的问题，影响着人类的生存和地球上持续的生活条件。气候变化、生物多样性丧失和环境退化的加速，加上其对自然、人类生活条件和地方经济毁灭性影响的具体例证，使绿色转型被公认为我们时代的决定性目标，也是性别平等和代际公平的问题。

(7) 致力于保护和促进与环境相关的人权(包括获得清洁水、空气和土地的权利)的环境人权捍卫者，往往成为迫害和致命攻击的目标。这些攻击对原住民的影响尤为严重。根据 2020 年的报告，这些攻击的受害者中有超过三分之二是在为保护世界森林免遭毁林和工业开发而工作。

(8) 欧盟的消费是全球范围内毁林和森林退化的重要驱动因素。本条例的影响

评估估计，若无适当的监管干预，仅欧盟对六种商品(牛、可可、咖啡、油棕、大豆和木材)的消费和生产，到 2030 年将导致每年约 248 000 公顷的毁林。

(9) 关于欧盟内部的森林状况，《2020 年欧洲森林状况》报告指出，在

1990年至2020年间，欧洲森林面积增加了9%，生物质中储存的碳增加了50%，木材供应量增长了40%。原始林和自然再生林正面临风险，除其他因素外，还受到集约化经营的威胁，其独特的生物多样性和结构特征正处于危险之中。此外，欧洲环境署指出，目前欧洲森林面积中不到5%被视为未受干扰或天然状态，而10%的欧洲森林面积被归类为集约化经营。森林生态系统必须应对气候变化带来的多重压力，从极端天气模式到病虫害，以及对人类相关活动对生态系统和栖息地造成的不利影响。特别是，通过皆伐和清除枯木进行集约化经营的同龄林可能对整个栖息地造成严重影响。

(10) 2019 年，欧盟委员会采取了多项举措以应对全球环境危机，包括具体的

关于毁林的行动。欧盟委员会在其2019年7月23日题为《加大欧盟行动力度以保护和恢复世界森林》的通讯("《加大欧盟行动力度以保护和恢复世界森林》通讯")中，将减少联盟的土地消费足迹确定为优先事项，并鼓励在联盟内消费来自无毁林供应链的产品。欧盟委员会在其2019年12月11日关于《欧洲绿色协议》的通讯中提出了一项新的增长战略，旨在将联盟转变为一个公平繁荣的社会，建立在可持续和基于规则的自由贸易之上的现代化、资源高效型和具有竞争力的经济，到2050年实现温室气体净零排放，经济增长与资源使用脱钩，不让任何人或任何地方掉队。该战略旨在保护、养护和增强联盟的自然资本，并保护公民和子孙后代的健康与福祉免受与环境相关的风险和影响。此外，《欧洲绿色协议》旨在为公民和子孙后代提供，除其他外，新鲜的空气、清洁的水、健康的土壤和生物多样性。为此，欧盟委员会2020年5月20日关于《2030年欧盟生物多样性战略：让自然回归我们的生活》的通讯("《2030年欧盟生物多样性战略》")、欧盟委员会2020年5月20日关于《从农场到餐桌战略：为公平、健康和环境友好的食品体系》的通讯("《从农场到餐桌》战略")、欧盟委员会2021年7月16日关于《2030年欧盟新森林战略》的通讯、欧盟委员会2021年5月12日关于《为所有人通往健康地球之路，欧盟行动计划："迈向空气、水和土壤零污染"》的通讯以及其他相关战略，例如欧盟委员会2021年6月30日关于《欧盟农村地区长期愿景--到2040年实现更强大、互联、有韧性和繁荣的农村地区》的通讯，这些在《欧洲绿色协议》下制定的文件进一步强调了森林保护和韧性行动的重要性。特别是，《2030年欧盟生物多样性战略》旨在保护自然并扭转生态系统的退化。最后，欧盟委员会

11 October 2018 on a sustainable Bioeconomy for Europe: Strengthening the connection between economy, society and the environment enhances the protection of the environment and ecosystems while addressing the growing demand for food, feed, energy, materials and products by seeking new ways to produce and consume.

(11) Member States have repeatedly expressed their concern about persistent deforestation and forest degradation. They have emphasised that since current policies and action at global level on conservation, restoration and sustainable management of forests do not suffice to halt deforestation, forest degradation and biodiversity loss, enhanced Union action is needed in order to contribute more effectively to the achievement of the Sustainable Development Goals (SDGs) under the 2030 Agenda for Sustainable Development, which was adopted by all United Nations (UN) Member States in 2015. The Council has specifically supported the Commission announcement in its communication on Stepping up EU Action to Protect and Restore the World's Forests that it would assess additional regulatory and non-regulatory measures and that it would present proposals for both types of measures. The Union and Member States have also endorsed the UN Decade of Action for the SDGs, the UN Decade on Ecosystem Restoration and the UN Decade of Family Farming.

(12) The European Parliament has highlighted that ongoing destruction, degradation and conversion of the world's forests and natural ecosystems, as well as human rights violations, are linked, to a large extent, to the expansion of agricultural production – in particular by converting forests to agricultural land dedicated to producing a number of high-demand commodities and products. On 22 October 2020, the European Parliament adopted a resolution, in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), requesting the Commission to submit, on the basis of Article 192(1) TFEU, a proposal for an 'EU legal framework to halt and reverse EU-driven global deforestation' based on mandatory due diligence.

(13) Combating deforestation and forest degradation constitutes an important part of the package of measures needed to reduce greenhouse gas emissions and to comply with the Union's commitments under the European Green Deal as well as with the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ([3]) (the 'Paris Agreement'), and the Eighth Environment Action Programme adopted by Decision (EU) 2022/591 of the European Parliament and of the Council ([4]), and with the legally binding commitment under Regulation (EU) 2021/1119 of the European Parliament and of the Council ([5]) to reach climate neutrality at the latest by 2050 and reduce greenhouse gas emissions by at least 55 % compared to 1990 levels by 2030.

(14) Combating deforestation and forest degradation constitutes also an important part of the package of measures needed to combat biodiversity loss and to comply with the Union's commitments under the UN Convention on Biological Diversity (CBD) ([6]), the European Green Deal, the EU Biodiversity Strategy for 2030 and the accompanying Union nature restoration objectives.

(15) Primary forests are unique and irreplaceable. Plantation forests and planted forests have a different biodiversity composition and provide different ecosystem services compared to primary and naturally regenerating forests.

(16) Agricultural expansion drives almost 90 % of global deforestation, with more than half of forest loss being due to conversion of forest into cropland, whereas livestock grazing is responsible for almost 40 % of forest loss.

(17) Production of feed for livestock can contribute to deforestation and forest degradation. Promoting alternative, sustainable agricultural practices can address environmental and climate challenges, and prevent deforestation and forest degradation worldwide. Incentives to adopt more balanced, healthier and more nutritious diets and a more sustainable lifestyle can decrease the pressure on land and resources.

([3]) OJ L 282, 19.10.2016, p. 4.
([4]) Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030 (OJ L 114, 12.4.2022, p. 22).
([5]) Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) No 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).
([6]) Council Decision 93/626/EEC of 25 October 1993 concerning the conclusion of the Convention on Biological Diversity (OJ L 309, 13.12.1993, p. 1).

2018年10月11日《欧洲可持续生物经济：加强经济、社会与环境之间的联系》通过寻求新的生产与消费方式，在满足日益增长的粮食、饲料、能源、材料和产品需求的同时，加强了对环境和生态系统的保护。

(11) 成员国一再对持续存在的毁林和森林退化表示关切。

他们强调，由于当前全球层面关于森林保护、恢复和可持续管理的政策和行动不足以制止毁林、森林退化和生物多样性丧失，需要加强联盟行动，以更有效地促进实现2015年所有联合国成员国通过的《2030年可持续发展议程》下的可持续发展目标(SDGs)。欧盟理事会特别支持欧盟委员会在其关于加大欧盟保护与恢复世界森林行动力度的通函中的公告，即它将评估额外的监管和非监管措施，并将就这两类措施提出提案。联盟和成员国还核准了联合国可持续发展目标行动十年、联合国生态系统恢复十年和联合国家庭农业十年。

(12) 欧洲议会强调，世界森林持续遭受的破坏、退化和转化

森林和自然生态系统的退化以及侵犯人权行为，在很大程度上与农业生产的扩张有关，特别是通过将森林转变为专门用于生产若干高需求商品和产品的农业用地。2020年10月22日，欧洲议会根据《欧洲联盟运行条约》(TFEU)第225条通过了一项决议，要求欧盟委员会根据TFEU第192(1)条，基于强制性尽职调查，提交一份关于"阻止和扭转欧盟驱动的全球毁林行为的欧盟法律框架"的提案。

(13) 打击毁林和森林退化构成所需一揽子措施的重要组成部分

减少温室气体排放并遵守联盟在《欧洲绿色协议》以及根据《联合国气候变化框架公约》(3)通过的《巴黎协定》("《巴黎协定》")下的承诺，以及欧洲议会和欧盟理事会第(EU) 2022/591号决定(4)通过的第八个环境行动计划，以及欧洲议会和欧盟理事会第(EU) 2021/1119号条例(5)下的具有法律约束力的承诺，即最迟在2050年实现气候中和，并在2030年前将温室气体排放量相比1990年水平至少减少55%。

(14) 打击毁林和森林退化也构成一揽子措施的重要组成部分

该一揽子措施是打击生物多样性丧失和履行欧盟在《联合国生物多样性公约》(CBD)(6)、《欧洲绿色协议》、《2030年欧盟生物多样性战略》及 accom panying 欧盟自然恢复目标下所作承诺所必需的。

(15) 原始森林是独特且不可替代的。人工林和种植林与原始林和自然再生林相比，具有不同的生物多样性

组成并提供与原始林和自然再生林不同的生态系统服务。

(16) 农业扩张驱动了全球近 90% 的毁林，其中超过一半的森林丧失是由于

将森林转化为耕地，而牲畜放牧则造成近 40% 的森林丧失。

(17) 牲畜饲料的生产可能导致毁林和森林退化。推广替代性的、

可持续农业实践可以应对环境和气候挑战，并防止全球范围内的毁林和森林退化。鼓励采取更均衡、更健康和更有营养的饮食以及更可持续的生活方式，可以减轻对土地和资源的压力。

(3) OJ L 282, 19.10.2016， 第 4 页。
(4) 欧洲议会和欧盟理事会2022年4月6日关于联盟环境总体行动计划的第(EU) 2022/591号决定到2030年计划(OJ L 114, 12.4.2022, p.22)。
(5) 欧洲议会和欧盟理事会 2021 年 6 月 30 日第 (EU) 2021/1119 号条例，建立.....框架
实现气候中和并修订第 401/2009 号条例(EC)和第 2018/1999 号条例(EU)("欧洲气候法")(OJ L 243,2021 年 7 月 9 日，第 1 页)。(6) 1993 年 10 月 25 日关于缔结《生物多样性公约》的欧盟理事会第 93/626/EEC 号决定(OJ L 309,

13.12.1993 ，第1页

(18) The Union imported and consumed one third of the globally traded agricultural products associated with deforestation between 1990 and 2008. Over that period, Union consumption was responsible for 10 % of worldwide deforestation associated with the production of goods or the provision of services. Even if the relative share of Union consumption is decreasing, Union consumption is a disproportionally large driver of deforestation. The Union should therefore take action to minimise global deforestation and forest degradation driven by its consumption of certain commodities and products and thereby seek to reduce its contribution to greenhouse gas emissions and global biodiversity loss as well as promote sustainable production and consumption patterns in the Union and globally. To have the greatest impact, Union policy should aim at influencing the global market, not only supply chains to the Union. Partnerships and efficient international cooperation, including free trade agreements, with producer and consumer countries are fundamental in that respect.

(19) The Union is committed to promoting and implementing ambitious environment and climate policies across the world, in accordance with the Charter of Fundamental Rights of the European Union, in particular Article 37 thereof which provides that a high level of environmental protection and the improvement of the quality of the environment is to be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development. As part of the external dimension of the European Green Deal, action under this Regulation should take into account the importance of existing global agreements, commitments and frameworks contributing to the reduction of deforestation and forest degradation such as the UN Strategic Plan for Forests 2017-2030 and its Global Forest Goals, the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, the CBD and its Post-2020 Global Biodiversity Framework, the global Strategic Plan for Biodiversity 2011-2020 and its Aichi Biodiversity Targets, and the UN Convention to Combat Desertification, as well as the multilateral framework in support of tackling the root causes of deforestation and forest degradation, such as the SDGs and the UN Declaration on the Rights of Indigenous Peoples.

(20) Halting deforestation and restoring degraded forests is an essential part of the SDGs. This Regulation should contribute in particular to meeting the goals regarding life on land (SDG 15), climate action (SDG 13), responsible consumption and production (SDG 12), zero hunger (SDG 2) and good health and well-being (SDG 3). The relevant target 15.2 to halt deforestation by 2020 has not been met, underlining the urgency of ambitious and effective action.

(21) This Regulation should also respond to the New York Declaration on Forests, a non-legally binding political declaration that endorses a global timeline to cut natural forest loss in half by 2020 and to strive to end it by 2030. The Declaration was endorsed by dozens of governments, many of the world's biggest companies, and influential civil society and indigenous peoples' organisations. It also called on the private sector to meet the goal of eliminating deforestation from the production of agricultural commodities such as palm oil, soy, paper and beef products by no later than 2020, a goal that was not achieved. In addition, this Regulation should contribute to the UN Strategic Plan for Forests 2017-2030 whose Global Forest Goal 1 is to reverse the loss of forest cover worldwide through sustainable forest management, including protection, restoration, afforestation and reforestation, and increase efforts to prevent forest degradation and contribute to the global effort of addressing climate change.

(22) This Regulation should also respond to the Glasgow Leaders' Declaration on Forests and Land Use issued at the November 2021 UN Climate Change Conference, which recognises that 'to meet our land use, climate, biodiversity and Sustainable Development Goals, both globally and nationally, will require transformative further action in the interconnected areas of sustainable production and consumption; infrastructure development; trade, finance and investment; and support for smallholders, indigenous peoples, and local communities'. The signatories committed to working collectively to halt and reverse forest loss and land degradation by 2030 and stressed that they would strengthen their shared efforts to facilitate trade and development policies, internationally and domestically, that promote sustainable development and sustainable commodity production and consumption, and that work to countries' mutual benefit.

(23) As a member of World Trade Organization (WTO), the Union is committed to promoting a universal, rule-based, open, transparent, predictable, inclusive, non-discriminatory and equitable multilateral trading system under the WTO, as well as an open, sustainable, and assertive trade policy. The scope of this Regulation should therefore include commodities and products produced within the Union as well as commodities and products imported to the Union.

(18) 欧盟进口和消费了全球贸易中与毁林相关的农产品三分之一。

1990年至2008年间的毁林。在此期间，欧盟消费对与商品生产或服务提供相关的全球毁林负有10%的责任。即使欧盟消费的相对份额正在下降，欧盟消费仍是毁林的不成比例的巨大驱动因素。因此，欧盟应采取行动，最大限度地减少因其消费某些商品和产品而驱动的全球毁林和森林退化，从而寻求减少其对温室气体排放和全球生物多样性丧失的贡献，并在欧盟和全球促进可持续的生产和消费模式。为产生最大影响，欧盟政策应着眼于影响全球市场，而不仅仅是通往欧盟的供应链。在这方面，与生产国和消费国建立伙伴关系和有效的国际合作，包括自由贸易协定，至关重要。

(19) 欧盟致力于在……范围内促进和实施雄心勃勃的环境和气候政策。

世界，依照《欧盟基本权利宪章》，特别是其第37条，该条规定高水平的环境保护和环境质量的改善应纳入欧盟政策，并依照可持续发展原则予以确保。作为欧洲绿色协议对外维度的一部分，本条例下的行动应考虑现有全球协议、承诺和框架的重要性，这些协议、承诺和框架有助于减少毁林和森林退化，如《2017-2030年联合国森林战略计划》及其全球森林目标、《联合国气候变化框架公约》(UNFCCC)和《巴黎协定》、《生物多样性公约》及其2020年后全球生物多样性框架、《2011-2020年全球生物多样性战略计划》及其爱知生物多样性目标，以及《联合国防治荒漠化公约》，还有支持解决毁林和森林退化根本原因的多边框架，如可持续发展目标和《联合国原住民权利宣言》。

(20) 制止毁林和恢复退化森林是可持续发展目标的重要组成部分。本条例应特别有助于实现以下目标：陆地生物(SDG 15)、气候行动(SDG 13)、负责任消费和生产(SDG 12)、零饥饿(SDG 2)以及良好健康与福祉(SDG 3)。关于到2020年制止毁林的相关具体目标15.2尚未实现，这凸显了采取雄心勃勃且有效行动的紧迫性。

(21) 本条例还应响应《纽约森林宣言》，这是一项不具法律约束力的政治宣言，核可了一项全球时间表，即到2020年将自然森林丧失减半，并努力到2030年终止自然森林丧失。该宣言得到了数十个政府、许多世界最大公司以及有影响力的民间社会组织和原住民组织的核可。它还呼吁私营部门实现到2020年不迟于消除棕榈油、大豆、纸和牛肉产品等农产品生产中的毁林的目标，但该目标未能实现。此外，本条例应有助于《2017-2030年联合国森林战略计划》，其全球森林目标1是通过可持续森林管理，包括保护、恢复、造林和再造林，扭转全球森林覆盖丧失，并加大力度防止森林退化，为应对气候变化的全球努力作出贡献。

(22) 本条例还应响应在……发布的《关于森林和土地利用的格拉斯哥领导人宣言》。

2021年11月联合国气候变化大会，该会议认识到"为在全球和国家层面实现我们的土地利用、气候、生物多样性和可持续发展目标，将需要在可持续生产和消费、基础设施建设、贸易、金融和投资以及对小农、原住民和地方社区的支持等相互关联的领域采取变革性的进一步行动"。签署方承诺共同努力，到2030年制止并扭转森林丧失和土地退化，并强调他们将加强共同努力，在国际和国内促进贸易和发展政策，以推动可持续发展和可持续商品生产与消费，并致力于实现各国的互利共赢。

(23) 作为世界贸易组织(WTO)成员，欧盟致力于在WTO框架下促进普遍、基于规则、

开放、透明、可预测、包容、非歧视和公平的多边贸易体系，以及开放、可持续和进取的贸易政策。因此，本条例的范围应包括在欧盟内生产的商品和产品以及进口到欧盟的商品和产品。

(24) The challenges the world is facing in climate change and biodiversity loss can only be dealt with by global action. The Union should be a strong global actor, leading both by example as well as by taking the lead in international cooperation to create an open and fair multilateral system where sustainable trade acts as a key enabler of the green transition to fight climate change and reverse biodiversity loss.

(25) This Regulation also follows the communications of the Commission of 22 June 2022 on the power of trade partnerships: together for green and just economic growth and of 18 February 2021 on Trade Policy Review – An Open, Sustainable and Assertive Trade Policy, which stated that with new internal and external challenges and more particularly a new, more sustainable growth model as defined by the European Green Deal and the European Digital Strategy, contained in the communication of the Commission of 19 February 2020 on Shaping Europe's digital future, the Union needs a new trade policy strategy – one that will support achieving its domestic and external policy objectives and promote greater sustainability in line with its commitment to fully implement the SDGs. Trade policy needs to play a full role in the Union's recovery from the COVID-19 pandemic and in the green and digital transformations of the economy and towards building a more resilient Union in the world.

(26) In line with its communication of 22 June 2022 on the power of trade partnerships: together for green and just economic growth, the Commission is stepping up engagement with trade partners to foster compliance with international labour and environmental standards. The communication envisages robust chapters on sustainable development, containing clauses on deforestation and forest degradation. Ensuring enforcement of current and the conclusion of new trade agreements with such chapters will complement the objectives of this Regulation.

(27) This Regulation should be complementary to other measures proposed in the communication on Stepping up EU Action to Protect and Restore the World's Forests, in particular working in partnership with producer countries, to support them in addressing root causes of deforestation, such as weak governance, ineffective law enforcement and corruption, and strengthening international cooperation with major consumer countries by, *inter alia*, encouraging trade in deforestation-free products and the adoption of similar measures, to avoid products coming from supply chains associated with deforestation and forest degradation being placed on their markets.

(28) This Regulation should take into account the principle of policy coherence for development and serve to promote and facilitate cooperation with developing countries, particularly with the least developed countries (LDCs), *inter alia* through the provision of technical and financial assistance, where possible and relevant.

(29) In coordination with Member States, the Commission should continue to work in partnership with producer countries, and more generally in cooperation with international organisations and bodies as well as with relevant stakeholders active on the ground through multi-stakeholder dialogues. The Commission should reinforce its support and incentives with regard to protecting forests and the transition to deforestation-free production, acknowledging and strengthening the role and rights of indigenous peoples, local communities, smallholders and micro, small and medium-sized enterprises (SMEs), improving governance and land tenure, increasing law enforcement and promoting sustainable forest management, with an emphasis on closer-to-nature forestry practices, based on science-based indicators and thresholds, ecotourism, climate-resilient agriculture, diversification, agro-ecology and agroforestry. In doing so, the Commission should fully recognise the role and rights of indigenous peoples and local communities in protecting forests, taking into account the principle of free, prior and informed consent (FPIC). Building upon the experience and lessons learned in the context of existing initiatives, the Union and the Member States should work towards partnerships with producer countries, at their request, and address global challenges while meeting local needs and paying attention to the challenges faced by smallholders, in line with the communication on Stepping up EU Action to Protect and Restore the World's Forests. The partnership approach should help producer countries and parts thereof in protecting, restoring and sustainably using forest, hence contributing to the objective of this Regulation to reduce deforestation and forest degradation, including through the use of digital technologies, geospatial information and capacity building.

(24) 世界在气候变化和生物多样性丧失方面面临的挑战只能通过全球行动来应对。

欧盟应成为强大的全球行为体，既以身作则，又带头开展国际合作，创建一个开放和公平的多边体系，使可持续贸易成为应对气候变化和扭转生物多样性丧失的绿色转型的关键推动力。

(25) 本条例还遵循欧盟委员会2022年6月22日关于贸易力量的通讯

伙伴关系：共同促进绿色和公正的经济增长，以及2021年2月18日关于贸易政策审查--开放、可持续和自信的贸易政策的通报，其中指出，面对新的内外挑战，特别是欧洲绿色协议和欧洲数字战略所定义的新的、更可持续的增长模式(该战略载于欧盟委员会2020年2月19日关于塑造欧洲数字未来的通报)，欧盟需要一项新的贸易政策战略--一项将支持实现其国内和外部政策目标、并根据其全面实施可持续发展目标的承诺促进更大可持续性的战略。贸易政策需要在欧盟从COVID-19大流行中复苏、经济的绿色和数字转型以及在世界中建设一个更具韧性的欧盟方面发挥充分作用。

(26) 根据其2022年6月22日关于贸易伙伴关系力量的通报：携手共建绿色和公正

经济增长，欧盟委员会正在加强与贸易伙伴的接触，以促进对国际劳工和环境标准的遵守。该通讯设想设立关于可持续发展的有力章节，包含关于毁林和森林退化的条款。确保现行贸易协定的执行以及缔结包含此类章节的新贸易协定将补充本条例的目标。

(27) 本条例应补充关于加大欧盟……行动的通讯中提出的其他措施。

保护和恢复世界森林的行动，特别是与生产国建立伙伴关系，支持其解决毁林的根源问题，如治理薄弱、执法不力和腐败，并通过除其他外鼓励无毁林产品的贸易和采取类似措施，加强与主要消费国的国际合作，以避免来自与毁林和森林退化相关的供应链的产品投放其市场。

(28) 本条例应考虑发展政策一致性原则，并应促进和便利与发展中国家，特别是最不发达国家(LDCs)的合作，除其他外在可能和相关的情况下提供技术和财政援助。

(29) 欧盟委员会应与成员国协调，继续与生产国建立伙伴关系。

各国，更广泛而言，应与国际组织和机构以及通过多利益相关方对话与实地活跃的相关利益相关方合作。欧盟委员会应加强对保护森林和向无毁林生产过渡的支持和激励，承认并加强原住民、当地社区、小农和微型、小型和中型企业的作用和权利，改善治理和土地权属，加强执法并促进可持续森林管理，重点是基于科学指标和阈值的更贴近自然的林业实践、生态旅游、气候韧性农业、多样化、农业生态和农林业。在此过程中，欧盟委员会应充分承认原住民和当地社区在保护森林方面的作用和权利，考虑到自由、事先和知情同意原则。基于现有举措的经验和教训，欧盟和成员国应应生产国请求与其建立伙伴关系，应对全球挑战同时满足当地需求并关注小农面临的挑战，符合关于加大欧盟行动力度保护和恢复世界森林的通讯。伙伴关系方法应帮助生产国及其部分地区保护、恢复和可持续利用森林，从而促进本条例减少毁林和森林退化的目标，包括通过使用数字技术、地理空间信息和能力建设。

(30) Operators and traders should be bound by the obligations under this Regulation regardless of whether the making available on the market takes place through traditional or online means. This Regulation should therefore ensure that in every supply chain there is an operator within the meaning of this Regulation who is established in the Union and can be held accountable in the event of non-fulfilment of the obligations under this Regulation. The Commission and the Member States should monitor the implementation of this Regulation and identify whether digital and technological developments require further specifications or initiatives, as appropriate, in the future.

(31) Another important action announced in the communication on Stepping up EU Action to Protect and Restore the World's Forests is the establishment of the EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers ('EU Observatory') launched by the Commission in order to better monitor changes in the world's forest cover and related drivers. Building on existing monitoring tools, including Copernicus products and other publicly or privately available sources, the EU Observatory should facilitate access to information on supply chains for public entities, consumers and business, providing easy-to-understand data and information linking deforestation, forest degradation and changes in the world's forest cover to Union demand for, and trade in, commodities and products. The EU Observatory should thus support the implementation of this Regulation by providing scientific evidence with regard to global deforestation and forest degradation and related trade. The EU Observatory should provide for land cover maps, including with time series since the cut-off date defined in this Regulation, and a range of classes allowing landscape composition to be examined. The EU Observatory should participate in the development of an early warning system combining research and monitoring capacity. As regards this Regulation, when technically feasible, the objective of the early warning system should be to be part of a platform that can assist the competent authorities, operators, traders and other relevant stakeholders and that can provide continuous monitoring and early notification of possible deforestation or forest degradation activities. That platform should be operational as soon as possible. The EU Observatory should cooperate with the competent authorities, relevant international organisations and bodies, research institutes, non-governmental organisations, operators, traders, third countries and other relevant stakeholders.

(32) The existing Union legal framework focuses on tackling illegal logging and associated trade and does not address deforestation directly. It consists of Regulation (EU) No 995/2010 of the European Parliament and of the Council ([7]) and Council Regulation (EC) No 2173/2005 ([8]). Both Regulations were evaluated in a Fitness Check which determined that, while the legislation has had a positive impact on forest governance, the objectives of the two Regulations – namely to curb illegal logging and related trade, and to reduce the consumption of illegally harvested timber in the Union – have not been met and it was concluded that focusing solely on the legality of timber was not sufficient to meet the set objectives.

(33) Available reports confirm that a sizeable part of ongoing deforestation is legal in accordance with the laws of the country of production. A report by the Forest Policy Trade and Finance Initiative published in May 2021 estimates that between 2013 and 2019, around 30 % of deforestation destined to commercial agriculture in tropical countries was legal. Available data tend to focus on countries with weak governance – the global share of deforestation that is illegal might be lower, but already provide clear data signalling that leaving out deforestation that is legal in the country of production undermines the effectiveness of policy measures.

(34) The impact assessment of possible policy measures to address Union-driven deforestation and forest degradation, the Council conclusions of 16 December 2019 and the resolution of the European Parliament of 22 October 2020 clearly identify the need to establish deforestation and forest degradation as the guiding criteria for future Union measures. A focus only on legality could potentially entail a risk of lowered environmental standards with a view to obtaining market access. Therefore, the new Union legal framework should address both legality and whether the production of relevant commodities and relevant products is deforestation-free.

(35) The definition of 'deforestation-free' should be sufficiently broad to cover deforestation and forest degradation, should provide legal clarity, and should be measurable based on quantitative, objective and internationally recognised data.

([7]) Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (OJ L 295, 12.11.2010, p. 23).

([8]) Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (OJ L 347, 30.12.2005, p. 1).

(30) 经营者和贸易商应受本条例规定的义务约束，无论其.....

在市场上提供通过传统或在线方式进行。因此，本条例应确保在每条供应链中都有一个本条例意义上的、设立在欧盟的经营者，在本条例义务未履行时可被追究责任。欧盟委员会和成员国应监督本条例的实施，并酌情确定数字和技术发展是否需要进一步的规范或举措。

(31) 关于加大欧盟保护和恢复.....行动的通讯中宣布的另一项重要行动。

世界森林的是建立欧盟毁林、森林退化、世界森林覆盖变化及相关驱动因素观测站("欧盟观测站")，由欧盟委员会启动，以更好地监测世界森林覆盖变化及相关驱动因素。在现有监测工具的基础上，包括哥白尼产品和其他公开或私人可获得的来源，欧盟观测站应促进公共实体、消费者和企业获取供应链信息，提供易于理解的数据和信息，将毁林、森林退化和世界森林覆盖变化与欧盟对商品和产品的需求及贸易联系起来。因此，欧盟观测站应通过提供关于全球毁林和森林退化及相关贸易的科学证据，支持本条例的实施。欧盟观测站应提供土地覆盖图，包括自本条例规定的截止日期以来的时间序列，以及一系列类别，以便审查景观组成。欧盟观测站应参与开发结合研究和监测能力的预警系统。关于本条例，在技术可行的情况下，预警系统的目标应是成为一个平台的一部分，该平台可协助主管当局、经营者、贸易商和其他相关利益相关方，并可对可能的毁林或森林退化活动提供持续监测和早期通知。该平台应尽快投入运行。欧盟观测站应与主管当局、相关国际组织和机构、研究机构、非政府组织、经营者、贸易商、第三国和其他相关利益相关方合作。

(32) 现有欧盟法律框架侧重于解决非法采伐及相关贸易，并未涉及.....

直接毁林。它由欧洲议会和欧盟理事会第(EU) No 995/2010 号条例(7)和欧盟理事会第(EC) No 2173/2005 号条例(8)组成。两项条例均在一项适用性检查中进行了评估，该检查确定，虽然立法对森林治理产生了积极影响，但两项条例的目标--即遏制非法采伐和相关贸易，以及减少欧盟对非法采伐木材的消费--尚未实现，并得出结论，仅关注木材的合法性不足以实现既定目标。

(33) 现有报告证实，正在发生的毁林中有相当一部分根据.....法律是合法的。

生产国。森林政策贸易与金融倡议于2021年5月发布的一份报告估计，2013年至2019年间，热带国家用于商业农业的毁林中约30%是合法的。现有数据往往集中于治理薄弱的国家--全球非法毁林的比例可能更低，但已有明确数据表明，将生产国合法的毁林排除在外会削弱政策措施的效力。

(34) 关于应对欧盟驱动的毁林和森林退化可能政策措施的影响评估、2019年12月16日欧盟理事会结论以及2020年10月22日欧洲议会决议，均明确认定有必要将毁林和森林退化确立为欧盟未来措施的指导标准。仅关注合法性可能带来为获取市场准入而降低环境标准的风险。因此，新的欧盟法律框架应同时处理合法性问题以及相关商品和相关产品的生产是否无毁林的问题。

(35) "无毁林"的定义应足够宽泛，以涵盖毁林和森林退化，

应提供法律确定性，并应基于定量、客观和国际公认的数据进行衡量。

(7) 欧洲议会和欧盟理事会2010年10月20日规定.....义务的第995/2010号条例(EU)将木材和木制品投放市场的经营者 (OJ L 295, 12.11.2010, p. 23) 。

(8) 2005年12月20日关于建立进口FLEGT许可证制度的欧盟理事会第2173/2005号条例(EC)将木材投放欧洲共同体市场(OJ L 347, 30.12.2005, p.1)。

(36) For the purposes of this Regulation, agricultural use should be defined as the use of land for the purpose of agriculture. In this regard, the Commission should develop guidelines in order to clarify the interpretation of this definition, in particular in relation to the conversion of forest to land the purpose of which is not agricultural use.

(37) In line with FAO definitions, agroforestry systems, including where crops are grown under tree cover, as well as agrisilvicultural, silvopastoral and agrosilvopastoral systems, should not be considered forests, but as constituting agricultural use.

(38) This Regulation should cover commodities the Union consumption of which is the most relevant in terms of driving global deforestation and forest degradation and for which a Union policy intervention could bring the highest benefits per unit value of trade. An extensive review of relevant scientific literature, namely of primary sources estimating the impact of Union consumption on global deforestation and linking that environmental footprint to specific commodities, was carried out as a part of the study supporting the impact assessment for this Regulation and cross-checked by means of extensive consultation with stakeholders. That process delivered a first list of eight commodities. Wood was directly included in the scope as it was already covered by Regulation (EU) No 995/2010. According to a recent research paper ([9]) used for the efficiency analysis, seven commodities represent the largest share of Union-driven deforestation of the eight commodities analysed in that research paper: oil palm (34,0 %), soya (32,8 %), wood (8,6 %), cocoa (7,5 %), coffee (7,0 %), cattle (5,0 %) and rubber (3,4 %).

(39) To ensure that this Regulation achieves its objectives, it is important to ensure that feed used for livestock falling within the scope of this Regulation does not lead to deforestation. Therefore, operators placing on the market or exporting relevant products that contain or have been made using cattle which have been fed with relevant products that contain or have been made using other relevant commodities or relevant products, should ensure, as part of their due diligence system, that the feed is deforestation-free. In that case, geolocation requirements under this Regulation should be limited to referring to the geographical location of each of the establishments where the cattle were raised, and no geolocation information should be required for the feed itself. If the competent authority obtains or is made aware of relevant information, including information based on substantiated concerns submitted by third parties, that there is a risk of the feed not being in compliance with this Regulation, the competent authority should immediately request detailed information on such feed. If the feed has already been subject to due diligence in a previous step of the supply chain, operators should use as evidence the relevant invoices, reference numbers of relevant due diligence statements or any other relevant documentation indicating that the feed is deforestation-free and they could be required to make that evidence available to competent authorities upon request. The evidence should cover the lifetime of the animals, up to a maximum of five years.

(40) Bearing in mind that the use of recycled relevant commodities and relevant products should be encouraged, and that including such commodities and products in the scope of this Regulation would place a disproportionate burden on operators, used commodities and products that have completed their lifecycle, and would otherwise be disposed of as waste, as defined in Article 3, point (1), of Directive 2008/98/EC of the European Parliament and of the Council ([10]) should be excluded from the scope of this Regulation. However, this should not apply to certain by-products of the manufacturing process.

(41) This Regulation should lay down obligations concerning relevant commodities and relevant products in order to effectively combat deforestation and forest degradation, and to promote deforestation-free supply chains, while taking into account the protection of human rights and the rights of indigenous peoples and local communities, both in the Union and in third countries.

(42) When assessing the risk of non-compliance of relevant commodities and relevant products intended to be placed on the market or exported, violations of human rights that are associated with deforestation or forest degradation, including rights of indigenous peoples, local communities and customary tenure rights holders, should be taken into account.

([9]) Pendrill F., Persson U. M., Kastner, T. 2020. Deforestation risk embodied in production and consumption of agricultural and forestry commodities 2005-2017 (Version 1.0). Zenodo.

([10]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

(36) 为本条例之目的，农业用途应定义为将土地用于农业目的。在此方面，欧盟委员会应制定指南，以澄清该定义的解释，特别是关于将森林转为非农业用途土地的情况。

农业。在这方面，欧盟委员会应制定指南，以澄清该定义的解释，特别是关于将森林转为非农业用途土地的情况。

(37) 农林间作、林牧和农林牧系统，不应被视为森林，而应构成农业用途。

农林复合、林牧复合和农林牧复合系统不应被视为森林，而应构成农业用途。

(38) 为确保本条例实现其目标，重要的是确保用于饲养牲畜的饲料……

驱动全球毁林和森林退化，且欧盟政策干预可在单位贸易价值上带来最高效益。作为支持本条例影响评估的研究的一部分，对相关科学文献进行了广泛审查，即审查估算欧盟消费对全球毁林影响并将该环境足迹与特定商品相关联的原始来源，并通过与利益相关方的广泛磋商进行了交叉核对。该过程产生了八种商品的首份清单。木材因已被第995/2010号条例(EU)涵盖而直接纳入范围。根据用于效率分析的一份近期研究论文(9)，在该研究论文分析的八种商品中，七种商品占欧盟驱动毁林的最大份额：油棕(34.0%)、大豆(32.8%)、木材(8.6%)、可可(7.5%)、咖啡(7.0%)、牛(5.0%)和橡胶(3.4%)。

(39) 本条例应规定关于相关商品和相关产品的义务，以有效打击毁林和森林退化，并促进无毁林供应链，同时考虑到在欧盟和第三国保护人权以及原住民和地方社区的权利。

在本条例范围内不会导致毁林。因此，将含有或使用以含有或使用其他相关商品或相关产品制成的相关产品喂养的牛所制成或含有该牛的相关产品投放市场或出口的经营者，应作为其尽职调查系统的一部分，确保饲料无毁林。在此情况下，本条例下的地理位置要求应仅限于提及饲养牛的每个场所的地理位置，不应要求提供饲料本身的地理位置信息。如主管机关获得或知悉相关信息，包括基于第三方提交的合理关切的信息，表明饲料存在不符合本条例的风险，主管机关应立即要求提供该饲料的详细信息。如饲料已在供应链前一环节经过尽职调查，经营者应使用相关发票、相关尽职调查声明的参考编号或任何其他表明饲料无毁林的相关文件作为证据，并可能被要求应请求向主管机关提供该证据。证据应涵盖动物的整个生命周期，最长不超过五年。

(40) 考虑到应鼓励使用再生相关商品和相关产品，且将此类商品和产品纳入本条例范围将对经营者造成不成比例的负担，已完成生命周期且否则将作为废物处置的旧商品和产品，如欧洲议会和欧盟理事会第2008/98/EC号指令(10)第3条第(1)点所定义，应排除在本条例范围之外。但是，这不应适用于制造过程的某些副产品。

(41) 本条例应规定关于相关商品和相关产品的义务，以有效打击毁林和森林退化，并促进无毁林供应链，同时兼顾在欧盟和第三国保护人权以及原住民和地方社区的权利。

(42) 在评估拟投放的相关商品和相关产品的不合规风险时

市场或出口的相关商品和相关产品的不合规风险时，应考虑与毁林或森林退化相关的侵犯人权行为，包括原住民、当地社区和习惯权属持有人的权利。

(9) Pendrill F., Persson U.M., Kastner, T.2020. 农业生产和消费中所体现的毁林风险及林业商品 2005-2017(版本 1.0)。Zenodo。

(10) 欧洲议会和欧盟理事会2008年11月19日关于废物及废止某些指令的第2008/98/EC号指令指令(OJ L 312, 22.11.2008， 第 3 页)。

(43) Many international organisations and bodies, such as the FAO, the IPCC, the UN Environment Programme, and the International Union for the Conservation of Nature, have been active, and international agreements, such as the Paris Agreement and the CBD, have been concluded in the field of deforestation and forest degradation, and the definitions in this Regulation build on that work.

(44) It is essential that this Regulation also address the issue of forest degradation. The definition of forest degradation should be based on internationally agreed concepts and ensure that the associated obligations can be easily fulfilled by operators and competent authorities. Those obligations should be operationally measurable and verifiable, as well as clear and unambiguous, to provide legal certainty. In that context, this Regulation should focus on key elements of forest degradation that are measurable and verifiable, and that are particularly relevant to avoid environmental impacts, based on the most up-to-date scientific data. For that purpose, the definition of forest degradation should build on internationally agreed concepts that are defined by the FAO. The definition of forest degradation should be reviewed, in accordance with this Regulation, to assess whether it should be extended to cover a broader scope of forest degradation drivers and of forest ecosystems worldwide to further support the environmental objectives of this Regulation, taking into account progress made in international discussions on the matter, as well as the diversity of forest ecosystems and practices around the world. The review should be conducted on the basis of an in-depth analysis, in close cooperation with the Member States, and in consultation with relevant stakeholders, international organisations and bodies and the scientific community.

(45) This Regulation should ensure a proper balance between the protection of the legitimate expectations of operators and traders placing relevant commodities and relevant products on the market or exporting them, while minimising sudden disruption to supply chains, and the fundamental right to protection of the environment as established in Article 37 of the Charter of Fundamental Rights of the European Union. To that end, a cut-off date should be set to provide a basis for the evaluation of whether land concerned has been subject to deforestation or forest degradation, so that no commodities and products falling within the scope of this Regulation can be placed on the market or exported, if they were produced on land subject to deforestation or forest degradation after that date.

(46) The cut-off date should correspond to existing international commitments set out in the SDGs and the New York Declaration on Forests, which pursue the ambitions of halting deforestation, restoring degraded forests and substantially increasing afforestation and reforestation globally by 2020, and thus should be set on 31 December 2020. That date is also consistent with the Commission's announcement of its intention to combat deforestation in the communication on Stepping up EU Action to Protect and Restore the World's Forests, the European Green Deal, the EU Biodiversity Strategy for 2030 as well as in the Farm to Fork strategy. In line with the precautionary principle, the cut-off date indicated in the Commission proposal for this Regulation precedes the date of entry into force of this Regulation. The cut-off date was chosen in order to prevent an anticipated acceleration of activities leading to deforestation and forest degradation between the announcement in the Commission proposal and the date of entry into force of this Regulation. This Regulation should acknowledge the environmental objective pursued and confirm the proposed cut-off date to ensure that the producers and operators which have caused deforestation and forest degradation during the period of negotiation of this Regulation are not allowed to place the relevant commodities and relevant products concerned on the market or to export them.

(47) The limitations on the exercise of the fundamental rights and the protection of the legitimate expectations of operators and traders resulting from the choice of the cut-off date should be proportionate to, and strictly necessary for, pursuing the general interest objective of environmental protection. To contribute to that objective, this Regulation should not apply to relevant commodities and relevant products produced before the date of entry into force of this Regulation. The deferred application of provisions of this Regulation governing obligations for operators and traders who intend to place relevant commodities and relevant products on the market or to export them also provides them a reasonable period of time to adapt to the new requirements of this Regulation.

(48) To strengthen the Union's contribution to halting deforestation and forest degradation, and to ensure that relevant products from supply chains related to deforestation and forest degradation are not placed on the market or exported, relevant products should not be placed or made available on the market or exported unless they are deforestation-free and have been produced in accordance with the relevant legislation of the country of production. To confirm that this is the case, they should always be accompanied by a due diligence statement.

(43) 许多国际组织和机构，如FAO、IPCC、联合国环境规划署以及

国际自然保护联盟，一直积极开展工作，在毁林和森林退化领域已缔结《巴黎协定》和《生物多样性公约》等国际协定，本法规中的定义即建立在这些工作的基础之上。

(44) 本法规还必须处理森林退化问题，这一点至关重要。森林退化的定义

应当以国际商定的概念为基础，并确保相关义务能够由经营者和主管机关便捷履行。这些义务应当具有操作上的可衡量性和可核查性，并且清晰明确，以提供法律确定性。在此背景下，本条例应当基于最新科学数据，聚焦于森林退化中可衡量、可核查且对避免环境影响尤为相关的关键要素。为此，森林退化的定义应当建立在由联合国粮农组织(FAO)界定的国际商定概念之上。森林退化的定义应当依照本条例进行审查，以评估是否应将其扩展至涵盖更广泛的森林退化驱动因素和全球森林生态系统，从而进一步支持本条例的环境目标，同时考虑该事项国际讨论的进展以及全球森林生态系统和做法的多样性。审查应当在与成员国密切合作、并与相关利益相关方、国际组织和机构及科学界协商的基础上，经过深入分析后进行。

(45) 本条例应确保在保护合法预期之间取得适当平衡

将相关商品和相关产品投放市场或出口的经营者 and 贸易商，同时尽量减少对供应链的突然中断，以及《欧盟基本权利宪章》第 37 条所确立的保护环境的基本权利。为此，应当设定一个截止日期，为评估有关土地是否遭受毁林或森林退化提供依据，从而使属于本条例适用范围且在该日期之后于遭受毁林或森林退化的土地上生产的商品和产品不得投放市场或出口。

(46) 截止日期应与可持续发展目标和《纽约》中规定的现有国际承诺相对应

《森林宣言》力求实现到 2020 年全球遏制毁林、恢复退化森林并大幅增加造林和再造林的目标，因此截止日期应定为 2020 年 12 月 31 日。该日期也与欧盟委员会在《加强欧盟行动以保护和恢复世界森林》通函、《欧洲绿色协议》、《2030 年欧盟生物多样性战略》以及《从农场到餐桌战略》中宣布的打击毁林意向相一致。按照预防原则，本法规提案中规定的截止日期早于本法规的生效日期。选择该截止日期是为了防止在委员会提案公布与本法规生效日期之间出现导致毁林和森林退化的活动预期加速。本法规应确认所追求的环境目标并确认拟议的截止日期，以确保在本法规谈判期间造成毁林和森林退化的生产者和经营者不得将有关相关商品和相关产品投放市场或出口。

(47) 对行使基本权利的限制以及对合法预期的保护

因选择截止日期而对经营者和贸易商产生的影响应当与追求环境保护这一公共利益目标相称，且为该目标所严格必需。为促进该目标，本条例不应当适用于在本条例生效日期之前生产的相关商品和相关产品。本条例中管辖拟将相关商品和相关产品投放市场或出口的经营者和贸易商义务的条款的延迟适用，也为他们提供了合理的时间以适应本条例的新要求。

(48) 为加强欧盟对遏制毁林和森林退化的贡献，并确保

与毁林和森林退化相关的供应链中的相关产品不被投放市场或出口，相关产品不得投放或提供于市场或出口，除非其为无毁林产品且系按照生产国的相关法律生产。为确认符合上述条件，相关产品应始终附有尽职调查声明。

(49) On the basis of a systemic approach, operators should take the appropriate steps in order to ensure that the relevant products that they intend to place on the market comply with the deforestation-free and legality requirements of this Regulation. To that end, operators should establish and implement due diligence systems. Those due diligence systems should include three elements, namely information requirements, risk assessment and risk mitigation measures, complemented by reporting obligations. The due diligence systems should be designed to provide access to information about the sources and suppliers of the commodities and products being placed on the market, including information demonstrating that the absence of deforestation and forest degradation and legality requirements are fulfilled, *inter alia*, by identifying the country of production or parts thereof and including the geolocation coordinates of relevant plots of land. Those geolocation coordinates that rely on timing, positioning and/or Earth observation could make use of space data and services delivered under the Union's Space programme (EGNOS/Galileo and Copernicus). On the basis of that information, operators should carry out a risk assessment. Where a risk is identified, operators should mitigate that risk to achieve no or only a negligible risk. The operator should only be allowed to place relevant products on the market or export them if the operator concludes, after exercising due diligence, that there is no or only a negligible risk that the relevant products do not comply with this Regulation.

(50) When sourcing products, reasonable efforts should be undertaken to ensure that a fair price is paid to producers, in particular smallholders, so as to enable a living income and effectively address poverty as a root cause of deforestation.

(51) Operators should formally take responsibility for the compliance of the relevant products that they intend to place on the market or export by making available due diligence statements. This Regulation should provide a template for such statements. Such due diligence statements are expected to facilitate enforcement of this Regulation by the competent authorities and courts as well as increase compliance by operators.

(52) In order to recognise good practice, certification or other third-party verified schemes could be used in the risk assessment procedure. They should not, however, substitute the operator's responsibility as regards due diligence.

(53) Traders should be responsible for collecting and keeping information to ensure the transparency of the supply chain of relevant products which they make available on the market. Non-SME traders have a significant influence on supply chains and play an important role in ensuring that supply chains are deforestation-free. They should therefore have the same obligations as operators, take responsibility for the compliance of the relevant products with this Regulation and ensure, prior to making the relevant products available on the market, that they have exercised due diligence in accordance with this Regulation and have concluded that there is no or only a negligible risk that the relevant products do not comply with this Regulation.

(54) In order to foster transparency and facilitate enforcement, operators which do not fall under the categories of SMEs, including microenterprises, or natural persons should, on an annual basis, publicly report on their due diligence system, including on the steps taken to fulfil their obligations.

(55) Operators should be able to receive substantiated concerns from interested parties, including by electronic means, and should thoroughly investigate all substantiated concerns received.

(56) Other Union legal acts that provide for due diligence requirements in the value chain with regard to adverse impacts on human rights or on the environment should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which can be adapted in the light of future amendments to Union legal acts. The existence of this Regulation should not exclude the application of other Union legal acts that lay down requirements regarding value chain due diligence. Where such other Union legal acts provide for more specific provisions or add requirements to the provisions laid down in this Regulation, such provisions should be applied in conjunction with this Regulation. Furthermore, where this Regulation contains more specific provisions, they should not be interpreted in a way that undermines the effective application of other Union legal acts on due diligence or the achievement of their general aim. It should be possible for the Commission to issue clear and easy to understand guidelines for the compliance of operators and traders, in particular SMEs, with this Regulation.

(57) Respecting the rights of indigenous peoples with regard to forests and the principle of FPIC, including as set out in the UN Declaration on the rights of indigenous peoples, contributes towards protecting biodiversity, mitigating climate change and addressing the related public interest concerns. Indigenous peoples possess traditional knowledge of ecological and medical value, and very often offer a model of sustainable use of forest resources.

(49) 基于系统性方法，经营者应采取适当步骤，以确保

其拟投放市场的相关产品符合本条例的无毁林和合法性要求。为此，经营者应当建立并实施尽职调查体系。这些尽职调查体系应当包括三个要素，即信息要求、风险评估和风险缓解措施，并辅以报告义务。尽职调查体系的设计应当能够提供有关投放市场的商品和产品的来源和供应商的信息，包括证明符合无毁林和森林退化以及合法性要求的信息，除其他外，通过确定生产国或其部分区域并包括相关地块的地理位置坐标。那些依赖授时、定位和/或地球观测的地理位置坐标可以利用欧盟空间计划(EGNOS/Galileo 和 Copernicus)下提供的数据和服务。在此基础上，经营者应当进行风险评估。如识别出风险，经营者应当缓解该风险，以实现无风险或仅有可忽略风险。只有在经营者经过尽职调查后认定相关产品不符合本条例的风险不存在或仅为可忽略风险时，方可允许该经营者将相关产品投放市场或出口。

(50) 在采购产品时，应作出合理努力，确保向生产者支付公平价格，

特别是小农，以便使其能够获得维持生活的收入，并有效解决作为毁林根源的贫困问题。

(51) 经营者应通过提供尽职调查声明，对其拟投放市场或出口的相关产品的合规性正式承担责任。本法规应为此类声明提供模板。此类尽职调查声明预期将便利主管当局和法院执行本法规，并提高经营者的合规水平。

(52) 为认可良好实践，可在风险中使用认证或其他第三方验证方案

评估程序中使用认证或其他经第三方验证的方案。但此类方案不应替代经营者在尽职调查方面的责任。

(53) 贸易商应负责收集和保存信息，以确保供应链的透明度

非中小型贸易商对供应链具有重大影响，并在确保供应链无毁林方面发挥重要作用。因此，它们应承担与经营者相同的义务，对相关产品符合本条例承担责任，并确保在将相关产品投放市场之前，已依照本条例开展尽职调查，并得出结论认为相关产品不符合本条例的风险不存在或仅为可忽略风险。

(54) 为促进透明度和便利执法，不属于以下类别的经营者

中小企业(包括微型企业)或自然人类别的经营者应每年公开报告其尽职调查体系，包括为履行义务所采取的步骤。

(55) 经营者应能够接收利益相关方提出的有根据的关切，包括通过电子方式，

并应彻底调查所收到的所有有事实依据的关切。

(56) 其他规定了价值链中关于不利影响尽职调查要求的欧盟法律文件

只要本条例中不存在具有相同目标、性质和效果且可随欧盟法律文件未来修订而调整的具体规定，即应适用。本条例的存在不应排除其他规定价值链尽职调查要求的欧盟法律文件的适用。如此类其他欧盟法律文件规定了更具体的规定或对本条例所载规定增加了要求，则此类规定应与本条例结合适用。此外，本条例载有更具体规定的，其解释不得损害其他欧盟尽职调查法律文件的有效适用或其总体目标的实现。欧盟委员会应能够就经营者与贸易商，特别是中小企业，遵守本条例发布清晰易懂的指南。

(57) 尊重原住民在森林方面的权利以及FPIC原则，包括

《联合国原住民权利宣言》中所规定的，有助于保护生物多样性、减缓气候变化并解决相关的公共利益关切。原住民拥有具有生态和医学价值的传统知识，并且常常提供可持续利用森林资源的典范。

This can contribute to in-situ conservation, in line with the CBD. Furthermore, studies suggest that forest-dwelling indigenous peoples play a dual role in combating climate change: first, they normally resist the occupation and deforestation of the lands they have inhabited for generations; and second, some indigenous communities consider it their responsibility to protect the forests in order to mitigate climate change.

(58) The principles set out in the 1992 Rio Declaration on Environment and Development of the UN, in particular, Principle 10 concerning the importance of public awareness and participation in environmental issues and Principle 22 concerning the vital role of indigenous people in environmental management and development, are important in the context of securing sustainable forest management.

(59) The concept of FPIC of indigenous peoples has been developed over the years following the approval of the International Labour Organisation Indigenous and Tribal Peoples Convention, 1989 (No 169), and it is reflected in the UN Declaration on the Protection of the Rights of Indigenous Peoples. It aims to be a safeguard to ensure that potential impacts on indigenous peoples will be considered in the decision-making process of projects affecting them.

(60) Operators falling within the scope of other Union legal acts that set out due diligence requirements in the value chain with regard to adverse impacts on human rights or on the environment should be in a position to fulfil the reporting obligations under this Regulation by including the required information when reporting under the other Union legal acts.

(61) The responsibility for enforcing this Regulation should lie with the Member States, and the competent authorities of the Member States should ensure full compliance with this Regulation. A uniform enforcement of this Regulation as regards relevant products entering or leaving the market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission.

(62) The effective and efficient implementation and enforcement of this Regulation are essential to achieving its goals. To that end, the Commission should set up and manage an information system to support the operators and the competent authorities in presenting and accessing the necessary information on relevant products placed on the market. The operators should submit the due diligence statements through the information system. The information system should be accessible to competent authorities and customs authorities to facilitate the fulfilment of their obligations under this Regulation and should facilitate the transfer of information between Member States, competent authorities and customs authorities. The non-commercially sensitive data should also be accessible to a wider public, subject to the data being anonymised, apart from information concerning the list of final judgments against legal persons for infringements of this Regulation and the penalties imposed on them, and should be provided in an open and machine-readable format in line with the Union's Open Data Policy as set out in Directive (EU) 2019/1024 of the European Parliament and of the Council ([11]).

(63) For the relevant products entering or leaving the market, competent authorities should be tasked with checking compliance of relevant products with this Regulation based, *inter alia*, on the due diligence statements submitted by the operators. The role of customs authorities should be to ensure that a reference to the due diligence statement is made available to them where applicable. In addition, as from the moment the electronic interface is in place to exchange information between customs authorities and competent authorities, customs authorities should examine the status of the due diligence statement after an initial risk analysis has been carried out by competent authorities in the information system. Customs authorities should take appropriate action, such as to suspend or refuse a relevant commodity or relevant product if requested to do so on the basis of the status of the due diligence statement in the information system. That specific organisation of controls renders Chapter VII of Regulation (EU) 2019/1020 of the European Parliament and of the Council ([12]) inapplicable in so far as the application and enforcement of this Regulation is concerned.

(64) Member States should ensure that adequate financial resources are always available for the appropriate staffing and equipping of the competent authorities. A high level of resources is needed in order to carry out checks efficiently and stable resources should be provided at a level appropriate to the enforcement needs at any given

([11]) Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

([12]) Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

这有助于按照《生物多样性公约》进行就地保护。此外，研究表明，居住在森林中的原住民在应对气候变化方面发挥双重作用：第一，他们通常抵制对其世代居住土地的占用和毁林；第二，一些原住民社区认为保护森林以减缓气候变化是其责任。

(58) 联合国1992年《关于环境与发展的里约宣言》所载原则，特别是

关于公众意识和参与环境问题重要性的原则10以及关于原住民在环境管理和发展中重要作用的原则22，在确保可持续森林管理方面具有重要意义。

(59) 原住民自由、事先和知情同意（FPIC）的概念多年来在批准

国际劳工组织1989年《原住民和部落人民公约》(第169号)获得批准后逐步发展，并体现在《联合国原住民权利宣言》中。其旨在作为一项保障措施，确保在影响原住民的项目的决策过程中考虑对原住民的潜在影响。

(60) 属于其他规定了价值链尽职调查要求的欧盟法律文件范围内的经营者

价值链中关于对人权或环境不利影响的尽职调查要求，应当能够通过在其他欧盟法律文件下报告时纳入所需信息，履行本条例下的报告义务。

(61) 本条例的执行责任应由成员国承担，成员国的主管部门

应确保本条例得到充分遵守。只有通过主管部门、海关和欧盟委员会之间的系统性信息交流与合作，才能实现对进入或离开市场的相关产品的统一执法。

(62) 本条例的有效和高效实施与执行对于实现其目标至关重要。

为此，欧盟委员会应建立并管理一个信息系统，以支持经营者和主管当局提交和获取关于投放市场的相关产品的必要信息。经营者应通过信息系统提交尽职调查声明。信息系统应向主管当局和海关开放，以便利其履行本条例规定的义务，并应便利成员国、主管当局和海关之间的信息传递。非商业敏感数据也应向更广泛的公众开放，但须对数据进行匿名化处理，涉及因违反本条例而对法人作出的终审判决清单及对其所处处罚的信息除外，并应按照欧洲议会和欧盟理事会第(EU) 2019/1024号指令(11)所规定的欧盟开放数据政策，以开放和机器可读的格式提供。

(63) 对于进入或离开市场的相关产品，主管机构应负责检查相关产品是否符合本条例，依据包括经营者提交的尽职调查声明。海关的作用应是确保在适用情况下向其提供尽职调查声明的引用信息。此外，自海关与主管机构之间交换信息所需的电子接口建立之时起，海关应在主管机构于信息系统中完成初步风险分析后审查尽职调查声明的状态。海关应采取适当行动，例如在根据信息系统中尽职调查声明的状态被要求时，暂停或拒绝相关商品或相关产品。此种特定的管控安排使得欧洲议会和欧盟理事会第 2019/1020 号条例(12)第七章在本条例的适用和执行方面不适用。

(64) 成员国应确保始终有充足的财政资源用于主管部门的适当人员配备

和装备。需要高水平的资源才能高效开展检查，并应在任何特定时期提供与执法需求相适应的稳定资源

(11) 欧洲议会和欧盟理事会2019年6月20日关于开放数据和公共数据再利用的第(EU) 2019/1024号指令部门信息(OJ L 172, 26.6.2019， 第 56 页)。

(12) 欧洲议会和欧盟理事会2019年6月20日关于市场监管和并修订第2004/42/EC号指令和第(EC) No 765/2008号及(EU) No 305/2011号条例(OJ L 169, 25.6.2019， 第1页)。

moment. Member States should have the possibility to supplement public financing by recovering from the relevant economic operators the costs incurred when carrying out checks in relation to relevant commodities and relevant products that were found to be non-compliant.

(65) This Regulation is without prejudice to other Union legal acts on goods and products entering or leaving the market, in particular Regulation (EU) No 952/2013 of the European Parliament and of the Council ([13]) as regards the powers of customs authorities and customs controls. Importers should be reminded that Articles 220, 254, 256, 257 and 258 of that Regulation provide that products entering the market that require further processing are to be placed under the appropriate customs procedure allowing such processing. Generally, the release for free circulation or export should not be deemed to be proof of compliance with Union law, since such a release or export does not necessarily include a complete control of compliance.

(66) In order to optimise the control process, including by minimising the administrative burden, for relevant products entering or leaving the market, it is necessary to set up an interoperable electronic interface that enables the automatic transfer of data between customs systems and the information systems of competent authorities. The European Union Single Window Environment for Customs is the natural candidate to enable such data transfer. The interface should be highly automated and easy-to-use, and should facilitate processes for customs authorities and operators. Moreover, in view of the limited differences between the data that are to be made available to customs authorities and that are to be included in the due diligence statement, it is appropriate to propose also a 'business-to-government' approach whereby traders and economic operators make available the due diligence statement of a relevant product through the national single window environment for customs and that statement is automatically transmitted to the information system under this Regulation used by competent authorities. Customs authorities and competent authorities should contribute to the determination of the data to be transmitted and any other technical requirement.

(67) The risk of non-compliant products being placed on the market or exported varies depending on the commodity and product as well as on its country of origin and production or parts thereof. Operators sourcing commodities and products from countries or parts thereof that present a low risk of growing, harvesting or producing relevant commodities in violation of this Regulation should be subject to fewer obligations, thereby reducing compliance costs and administrative burden, unless the operator knows or has reason to believe that there is a risk of non-compliance with this Regulation. Where a competent authority becomes aware of a risk that this Regulation is being circumvented, for example where a relevant commodity or relevant product produced in a high-risk country is subsequently processed in a low risk country or parts thereof from where it is placed on or enters or leaves the market and the due diligence statement or the customs declaration indicates that the relevant commodity or relevant product was produced in a low-risk country, the competent authority should verify by means of further checks whether there is any non-compliance and, if necessary, take appropriate action, such as the seizure of the relevant commodity or relevant product and the suspension of the placing on the market or of the export of the relevant commodity or relevant product, as well as carry out further checks. The competent authorities should be required to apply enhanced scrutiny to relevant commodities and relevant products from high-risk countries or parts thereof.

(68) Furthermore, the Commission should assess the deforestation and forest degradation risk at the level of a country or parts thereof based on a range of criteria that reflect quantitative, objective and internationally recognised data, and indications that the countries are actively engaged in fighting deforestation and forest degradation. Such benchmarking information should make it easier for operators in the Union to exercise due diligence and for competent authorities to monitor and enforce compliance, while also providing an incentive for producer countries to increase the sustainability of their agricultural production systems and reduce their deforestation impact. This should help to make supply chains more transparent and sustainable. The benchmarking system should be based on a three-tier system for classification of countries as low, standard or high risk. In order to ensure appropriate transparency and clarity, the Commission should in particular make publicly available the data being used for benchmarking, the reasons for the proposed change of classification and the reply of the country concerned. For relevant products from low-risk countries or parts thereof operators should be allowed to exercise simplified due diligence. For relevant products from high-risk countries or parts thereof competent authorities should be required to apply enhanced scrutiny. The Commission should be empowered to adopt implementing acts to establish the list of countries or parts thereof that present a low or high risk.

([13]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

时期。成员国应有可能通过向相关经济经营者追回对被发现不合规的相关商品和相关产品进行检查时所产生的费用，来补充公共融资。

(65) 本条例不影响关于进入或离开欧盟的货物和产品的其他欧盟法律文件

市场，特别是欧洲议会和欧盟理事会第(EU) No 952/2013号条例(13)关于海关权力和海关管制的规定。应提醒进口商，该条例第220、254、256、257和258条规定，进入市场需要进一步加工的产品应置于允许此类加工的适当海关程序之下。一般而言，放行自由流通或出口不应被视为符合欧盟法律的证明，因为此种放行或出口不一定包括对合规性的完整管制。

(66) 为优化监管流程，包括尽可能减轻相关产品进入或离开市场时的行政负担，有必要建立一个可互操作的电子接口，使海关系统与主管机关的信息系统之间能够自动传输数据。欧盟海关单一窗口环境是实现此类数据传输的天然选择。该接口应高度自动化且易于使用，并应为海关和经营者提供便利。此外，鉴于向海关提供的数据与尽职调查声明中应包含的数据之间差异有限，宜同时提出一种"企业到政府"方式，即贸易商和经济经营者通过国家海关单一窗口环境提供相关产品的尽职调查声明，该声明自动传输至主管机关使用的本条例项下信息系统。海关和主管机关应协助确定需传输的数据及任何其他技术要求。

(67) 不合规产品投放市场或出口的风险因商品而异

以及产品及其原产国和生产或其中部分。从生长、采伐或生产相关商品违反本条例风险较低的国家或其中部分采购商品和产品的经营者应承担较少义务，从而降低合规成本和行政负担，除非经营者知道或有理由相信存在不遵守本条例的风险。主管机关如获悉存在规避本条例的风险，例如在高风险国家生产的相关商品或相关产品随后在低风险国家或其中部分加工，并从该处投放市场、进入或离开市场，而尽职调查声明或报关单表明相关商品或相关产品在低风险国家生产，则主管机关应通过进一步检查核实是否存在任何不合规情形，并在必要时采取适当行动，例如扣押相关商品或相关产品、暂停相关商品或相关产品的投放市场或出口，并开展进一步检查。主管机关应被要求对来自高风险国家或其中部分的相关商品和相关产品实施强化审查。

(68) 此外，欧盟委员会应基于一系列反映定量、客观和国际公认数据的标准，以及各国积极参与打击毁林和森林退化的迹象，在國家或其中部分层面评估毁林和森林退化风险。此类基准信息应便于欧盟经营者开展尽职调查，便于主管机关监测和执行合规，同时为生产国提供激励，以提高其农业生产系统的可持续性并减少其毁林影响。这应有助于使供应链更加透明和可持续。基准体系应基于将国家分为低风险、标准风险或高风险的三级分类制度。为确保适当的透明度和清晰度，欧盟委员会尤其应公开用于基准评定的数据、拟变更分类的理由以及有关国家的答复。对于来自低风险国家或其中部分的相关产品，应允许经营者开展简化尽职调查。对于来自高风险国家或其中部分的相关产品，应要求主管机关实施强化审查。应授权欧盟委员会通过实施法案，制定低风险或高风险国家或其中部分清单。

(13) 欧洲议会和欧盟理事会 2013 年 10 月 9 日第 (EU) 第 952/2013 号条例，规定欧盟海关法规（OJ L 269，2013年10月10日，第1页）。

(69) The Commission should cooperate with countries which are classified or could be classified as high risk, and with relevant stakeholders in those countries, in order to work towards reducing the level of risk.

(70) Competent authorities should carry out checks at regular intervals on operators and traders to verify that they effectively fulfil the obligations laid down in this Regulation. Moreover, competent authorities should carry out checks on the basis of relevant information in their possession, including substantiated concerns submitted by third parties. Competent authorities should use a risk-based approach to identify the checks to be carried out. In respect of relevant products from countries or parts thereof classified as high risk, the respective operators and traders and the volumes of their share of relevant commodities and relevant products, a twofold approach that provides comprehensive coverage should apply. Competent authorities should thus be required to check on a certain percentage of operators and traders, whilst also covering a specific percentage of relevant products. In respect of relevant products from countries or parts thereof classified as low or standard risk, competent authorities should be required to check at least a certain percentage of operators and traders. The level of checks should be higher for relevant products from high-risk countries or parts thereof whereas it could be lower for standard or low-risk countries or parts thereof. In its review of this Regulation, the Commission should evaluate and identify quantified objectives for the annual checks to be carried out by competent authorities that are appropriate to ensure the enforcement of this Regulation and a harmonised approach across the Union.

(71) The checks carried out on operators and traders by competent authorities should cover the due diligence systems and the compliance of the relevant products with this Regulation. The checks should be based on a risk-based plan which contains risk criteria to enable competent authorities to carry out a risk analysis of the due diligence statements submitted by operators and traders. The risk criteria should take into account the risk of deforestation associated to relevant commodities in the country of production, the history of non-compliance of operators and traders with the obligations of this Regulation and any other relevant information available to competent authorities. The risk analysis of due diligence statements should enable the competent authorities to identify those operators, traders and relevant products that need to be checked. That risk analysis should be carried out using electronic data processing techniques in the information system through which the due diligence statements are submitted. Where necessary and technically possible, competent authorities, after consultation and in close cooperation with authorities of third countries, should also be able to carry out checks in situ.

(72) In cases where the risk analysis of the due diligence statements reveals a high risk of non-compliance of specific relevant products, the competent authorities should be able to take immediate interim measures to prevent the placing or making available on the market or the export of those products. In cases where such relevant products were entering or leaving the market, the competent authorities should request from the customs authorities the suspension of the release for free circulation or of export, to enable competent authorities to carry out the necessary checks. Such requests should be communicated by means of the interface system between customs authorities and competent authorities. The suspension of the placing or making available on the market, of the release for free circulation or of export should be limited to three working days, or 72 hours in the case of perishable relevant products, except where the competent authorities require additional time to assess the compliance of the relevant commodities and relevant products with this Regulation. In such cases, the competent authorities should take additional interim measures to extend the suspension period or, in the case of relevant products entering or leaving the market, request an extension from the customs authorities.

(73) The competent authorities should regularly update their plans of checks on the basis of the results of implementing those checks. Those operators showing a consistent track record of compliance could be subject to less frequent checks.

(74) In order to ensure implementation and effective enforcement of this Regulation, Member States should have the power to withdraw and recall non-compliant products and take appropriate corrective actions. They should also ensure that infringements of this Regulation by operators and traders are subject to effective, proportionate and dissuasive penalties.

(75) In order to increase the accountability of operators and traders, the Commission should publish on its website the list of final judgments against legal persons for infringements of this Regulation and the penalties imposed on them. That information could help competent authorities, other operators and traders carry out their risk assessments and increase the awareness of consumers and civil society as regards operators and traders who infringe this Regulation.

(69) 欧盟委员会应与被归类为或可能被归类为高风险的国家以及这些国家的相关利益相关方合作，以努力降低风险水平。

(70) 主管机关应定期对经营者和贸易商进行检查，以核实其有效履行本条例规定的义务。此外，主管机关应基于其掌握的相关信息进行检查，包括第三方提交的有确凿依据的关切。主管机关应采用基于风险的方法确定应开展的检查。对于来自被归类为高风险的国家或其中部分的相关产品、相应的经营者和贸易商及其相关商品和相关产品份额的数量，应采用提供全面覆盖的双重方法。因此，应要求主管机关检查一定比例的经营者和贸易商，同时覆盖特定比例的相关产品。对于来自被归类为低风险或标准风险的国家或其中部分的相关产品，应要求主管机关至少检查一定比例的经营者和贸易商。对来自高风险国家或其中部分的相关产品，检查水平应较高，而对标准风险或低风险国家或其中部分，检查水平可较低。欧盟委员会在审议本条例时，应评估并确定主管机关年度检查的量化目标，该目标应适合确保本条例的执行以及整个欧盟的协调一致方法。

(71) 主管部门对经营者和贸易商开展的检查应涵盖尽职调查系统以及相关产品与本条例的合规性。检查应基于包含风险标准的风险计划，使主管机关能够对经营者和贸易商提交的尽职调查声明进行风险分析。风险标准应考虑生产国相关商品相关的毁林风险、经营者和贸易商不遵守本条例义务的历史以及主管机关可获得的任何其他相关信息。对尽职调查声明的风险分析应使主管机关能够识别需要检查的经营者、贸易商和相关产品。该风险分析应通过提交尽职调查声明的信息系统中的电子数据处理技术进行。在必要且技术可行的情况下，主管机关经与第三国主管机关协商并密切合作，也应能够进行现场检查。

(72) 在尽职调查声明的风险分析显示特定产品存在高风险不合规情况时相关产品，主管当局应能够立即采取临时措施，防止这些产品投放市场、在市场上提供或出口。在此类相关产品正进入或离开市场的情况下，主管当局应向海关请求暂停放行自由流通或暂停出口，以便主管当局能够开展必要的检查。此类请求应通过海关与主管当局之间的接口系统传达。暂停投放市场、在市场上提供、放行自由流通或出口的期限应限于三个工作日，易腐相关产品则为72小时，但主管当局需要额外时间评估相关商品和相关产品是否符合本条例的情况除外。在此类情况下，主管当局应采取额外临时措施延长暂停期限，或在相关产品进入或离开市场的情况下，向海关请求延期。

(73) 主管部门应根据实施这些检查的结果定期更新其检查计划。那些表现出持续合规记录的经营者可以接受较低频率的检查。

(74) 为确保本条例的实施和有效执行，成员国应拥有撤回和召回不合规产品并采取适当的纠正措施。它们还应确保经营者和贸易商违反本条例的行为受到有效、相称和具有威慑力的处罚。

(75) 为增强经营者和贸易商的责任感，欧盟委员会应在其网站上公布针对法人违反本条例的最终判决清单及对其处以的处罚。该信息可帮助主管部门、其他经营者和贸易商开展风险评估，并提高消费者和公民社会对违反本条例的经营者和贸易商的认识。

(76) The implementation of this Regulation will require sufficient resources and capacity. In that context, in addition to national resources, Member States should, as much as possible, use the opportunities and possibilities for support that are available at Union level and other means, including cohesion funds and capacity-building instruments, in particular in the context of the Technical Support Instrument, established by Regulation (EU) 2021/240 of the European Parliament and of the Council ([14]).

(77) Taking into account the international character of deforestation and forest degradation and related trade, competent authorities should cooperate with each other, with customs authorities of the Member States, with the Commission and with the administrative authorities of third countries. Competent authorities should also cooperate with the competent authorities for the supervision and enforcement of other Union legal acts that set out due diligence requirements in the value chain with regard to adverse impacts on human rights or on the environment.

(78) According to settled case law of the Court of Justice of the European Union, it is for the courts of the Member States to ensure judicial protection of a person's rights under Union law. Furthermore, Article 19(1) of the Treaty on European Union (TEU) requires Member States to provide remedies that are sufficient to ensure effective judicial protection in the fields covered by Union law. In this respect, Member States should ensure that the public, including natural or legal persons submitting substantiated concerns in accordance with this Regulation, has access to justice in line with the obligations that Member States have agreed to as parties to the UN Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the 'Aarhus Convention').

(79) In order to ensure that this Regulation remain relevant and in line with trade, scientific and technological developments, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of the list of CN codes of relevant products set out in Annex I to this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([15]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(80) Regulation (EU) No 995/2010 prohibits the placing of illegally harvested timber and timber products on the Union market. It lays down obligations for operators placing timber on the market for the first time to exercise due diligence and for traders to keep a traceable record of their suppliers and customers. This Regulation should maintain the obligation to ensure the legality of relevant products, including wood and wood products, placed on the market and should complement that obligation with a requirement on sustainability. Regulation (EU) No 995/2010 and the related Commission Implementing Regulation (EU) No 607/2012 ([16]) are therefore rendered redundant by this Regulation and should be repealed. Timber and timber products as defined in Article 2, point (a), of Regulation (EU) No 995/2010 are the equivalent of wood and wood products that are listed in Annex I to this Regulation and that contain or have been made using wood.

(81) Regulation (EC) No 2173/2005 establishes a Forest Law Enforcement, Governance and Trade (FLEGT) licensing scheme for imports of timber into the Union. The licensing scheme is implemented through voluntary partnership agreements (VPAs) with timber producing countries, intended to halt illegal logging and to enhance forest governance and related trade. This Regulation should build upon the positive results achieved under FLEGT, especially in terms of enhanced stakeholders' participation and improved forest governance. In specific cases, VPAs could complement this Regulation with regard to the legality of timber products. To respect ongoing bilateral commitments and to preserve the progress achieved with partner countries that have an operating

([14]) Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).
([15]) OJ L 123, 12.5.2016, p. 1.
([16]) Commission Implementing Regulation (EU) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation (EU) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (OJ L 177, 7.7.2012, p. 16).

(76) 本条例的实施将需要充足的资源和能力。在此背景下，除

国家资源外，成员国应尽可能利用欧盟层面可获得的支助机会和可能性以及其他手段，包括凝聚基金和能力建设工具，特别是在欧洲议会和欧盟理事会第(EU) 2021/240号条例(14)所设立的技术支助工具框架内。

(77) 考虑到毁林和森林退化及相关贸易的国际性，

主管当局应相互合作，与成员国海关、欧盟委员会以及第三国行政当局合作。主管当局还应与负责监督和执行其他欧盟法律行为的主管当局合作，这些法律行为规定了价值链中关于对人权或环境不利影响的尽职调查要求。

(78) 根据欧盟法院的既定判例法，应由成员国的法院

成员国确保个人在欧盟法律下的权利获得司法保护。此外，《欧洲联盟条约》(TEU)第19条第1款要求成员国提供足以在欧盟法律所涵盖领域确保有效司法保护的救济。在这方面，成员国应确保公众，包括依照本条例提交有确凿理由关切事项的自然人或法人，能够按照成员国作为1998年6月25日《联合国欧洲经济委员会(UNECE)在环境事项上获取信息、公众参与决策和诉诸司法的公约》("《奥胡斯公约》")缔约方所同意的义务诉诸司法。

(79) 为确保本法规保持相关性并与贸易、科学和技术

鉴于事态发展，应根据《欧盟运行条约》第290条授权欧盟委员会通过授权法案，就本条例附件一所列相关产品的CN编码清单作出规定。欧盟委员会在筹备工作中进行适当磋商(包括专家层面的磋商)并依照2016年4月13日《关于改进立法的机构间协议》(15)所确立的原则开展上述磋商，尤为重要。特别是，为确保平等参与授权法案的筹备工作，欧洲议会和欧盟理事会应与成员国专家同时收到所有文件，且其专家应系统性地有权参加欧盟委员会处理授权法案筹备工作的专家小组会议。

(80) 第(EU) No 995/2010号条例禁止将非法采伐的木材和木材产品投放

欧盟市场。该条例规定，首次将木材投放市场的经营者有义务行使尽职调查，贸易商有义务保存其供应商和客户的可追溯记录。本条例应维持确保投放市场的相关产品(包括木材和木制品)合法性的义务，并应以可持续性要求补充该义务。因此，欧洲议会和欧盟理事会第995/2010号条例及相关欧盟委员会第607/2012号实施条例(16)因本条例而变得多余，应予废止。第995/2010号条例第2条第(a)点所定义的木材和木制品等同于本条例附件一所列且含有或使用木材制成的木材和木制品。

(81) 第(EC) No 2173/2005号条例建立了森林执法、治理和贸易(FLEGT)许可

木材进口欧盟的许可制度。该许可制度通过与木材生产国签订自愿伙伴协议(VPA)实施，旨在制止非法采伐并加强森林治理及相关贸易。本条例应在FLEGT下取得的积极成果基础上进一步发展，特别是在加强利益相关方参与和改善森林治理方面。在特定情况下，VPA可就木材产品的合法性补充本条例。为尊重正在进行的双边承诺并保持与已运行

(14) 欧洲议会和欧盟理事会 2021 年 2 月 10 日第 (EU) 2021/240 号条例，设立技术支持文书(OJ L 57, 18.2.2021, p.1)。
(15) OJ L 123, 12.5.2016， 第1页。
(16) 2012年7月6日关于尽职调查制度详细规则的欧盟委员会第607/2012号实施条例以及欧洲议会和欧盟理事会第(EU) No 995/2010号条例所规定的对监测组织进行检查的频率和性质，该条例规定了将木材和木材产品投放市场的经营者的义务(OJ L 177, 7.7.2012， 第16页)。

system in place (FLEGT licensing stage) and work, where relevant and agreed, with current VPA partners towards them reaching that stage, this Regulation should include a provision declaring that wood and wood products that are covered by a valid FLEGT license are deemed to comply with the legality requirement of Regulation (EC) No 2173/2005.

(82) While this Regulation addresses deforestation and forest degradation, as envisaged in the communication on Stepping up EU Action to Protect and Restore the World's Forests, protecting forests should not lead to the conversion or degradation of other natural ecosystems. Ecosystems, including managed ecosystems, such as wetlands, savannahs and peatlands are highly significant to global efforts to combat climate change and the biodiversity crisis, as well as other SDGs and their conversion or degradation require particular urgent action and need to be prevented. In light of the Union's footprint on non-forest natural ecosystems, the Commission should evaluate and, where appropriate, present a legislative proposal on extending the scope of this Regulation to other wooded land at the latest one year after the date of entry into force of this Regulation. Moreover, no later than two years after that date of entry into force, the Commission should evaluate and, where appropriate, present a legislative proposal on, extending the scope of this Regulation to other natural ecosystems, including other land with high carbon stocks and with a high biodiversity value such as grasslands, peatlands and wetlands. Ecosystems are also increasingly under pressure from conversion and degradation due to commodity production for the Union market. The Commission should also assess the need and feasibility of extending the scope to further commodities at the latest two years after the date of entry into force of this Regulation. At the same time, the Commission should also undertake a review of the list of CN codes of relevant products set out in Annex I to this Regulation.

(83) Taking into account the request made by the European Parliament in its resolution 'An EU legal framework to halt and reverse EU-driven global deforestation' of 22 October 2020 and that made by the vast majority of the almost 1,2 million participants in the Commission's public consultation, the Commission should focus its evaluation and any future legislative proposal on an extension of the scope of this Regulation to non-forest ecosystems and their conversion and degradation.

(84) Where, for the purposes of this Regulation, it is necessary to process personal data, those data are to be handled in accordance with Union law on the protection of personal data. Any processing of personal data under this Regulation is subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ([17]) and Regulation (EU) 2018/1725 of the European Parliament and of the Council ([18]), as applicable.

(85) Since the objective of this Regulation, namely fighting against deforestation and forest degradation by reducing the contribution of consumption in the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(86) Operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation,

HAVE ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation 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 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, with a view to:

(a) minimising the Union's contribution to deforestation and forest degradation worldwide, and thereby contributing to a reduction in global deforestation;

([17]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

([18]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

已建立的系统(FLEGT许可阶段)，并在相关且已达成一致的情况下，与现有VPA伙伴合作使其达到该阶段，本条例应包含一项条款，声明持有有效FLEGT许可证的木材和木材产品被视为符合第(EC) No 2173/2005号条例的合法性要求。

(82) 尽管本条例针对毁林和森林退化，正如关于加大欧盟保护与恢复世界森林行动的通函所设想的那样，但保护森林不应导致其他自然生态系统的转化或退化。生态系统，包括受管理的生态系统，如湿地、稀树草原和泥炭地，对全球应对气候变化和生物多样性危机以及其他可持续发展目标的努力极为重要，其转化或退化需要采取特别紧急的行动并需要加以防止。鉴于欧盟对非森林自然生态系统的足迹，欧盟委员会应评估并在适当情况下提出立法提案，最迟在本条例生效之日起一年后，将本条例的适用范围扩展至其他林地。此外，最迟在该生效之日起两年后，欧盟委员会应评估并在适当情况下提出立法提案，将本条例的适用范围扩展至其他自然生态系统，包括其他高碳储量和高度生物多样性价值的土地，如草地、泥炭地和湿地。生态系统也日益面临因欧盟市场商品生产而导致的转化和退化压力。欧盟委员会还应评估最迟在本条例生效之日起两年后将适用范围扩展至更多商品的需要和可行性。同时，欧盟委员会还应审查本条例附件一所列相关产品的CN编码清单。

(83) 考虑到欧洲议会在其决议"An EU legal framework to"中提出的请求

2020年10月22日"制止并扭转欧盟驱动的全球毁林"以及欧盟委员会公开咨询近120万参与者中绝大多数所表达的意见，欧盟委员会应将其评估及任何未来立法提案的重点放在将本条例的适用范围扩展至非森林生态系统及其转化和退化。

(84) 为实施本条例需要处理个人数据时，这些数据应按照

欧盟个人数据保护法处理。本条例下的任何个人数据处理均适用欧洲议会和欧盟理事会第(EU) 2016/679号条例(17)和欧洲议会和欧盟理事会第(EU) 2018/1725号条例(18)。

(85) 由于本条例的目标，即通过减少欧盟消费的贡献来打击毁林和森林退化，

欧盟内消费的贡献，无法由成员国充分实现，而是因其规模，可以在欧盟层面更好地实现，欧盟可根据《欧盟条约》第5条规定的辅助性原则采取措施。根据该条规定的比例性原则，本法规不超出实现该目标所必需的范围。

(86) 应给予经营者、贸易商和主管当局合理的期限以做好准备

为满足本条例的要求，

通过本条例：

第一章

一般规定

第1条

主题事项和范围

1. 本条例规定了关于附件一所列相关产品在欧盟市场上投放和提供以及从欧盟出口的规则，这些产品含有、已被喂养或以相关商品制成，即牛、可可、咖啡、油棕、橡胶、大豆和木材，以期：

(a) 最大限度地减少欧盟对全球毁林和森林退化的贡献，从而有助于减少全球毁林；

(17) 欧洲议会和欧盟理事会2016年4月27日《第2016/679号条例》(EU)关于自然人保护以及此类数据的自由流动，并废除第95/46/EC号指令(通用数据保护条例)(OJ L 119, 4.5.2016， 第1页)。

(18) 欧洲议会和欧盟理事会2018年10月23日关于保护自然人的第(EU) 2018/1725号条例人以及此类数据的自由流动，并废除第(EC) No 45/2001号条例和第1247/2002/EC号决定(OJ L 295, 21.11.2018, p. 39).

(b) reducing the Union's contribution to greenhouse gas emissions and global biodiversity loss.

2. Except as provided for in Article 37(3), this Regulation does not apply to relevant products listed in Annex I produced before the date indicated in Article 38(1).

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'relevant commodities' means cattle, cocoa, coffee, oil palm, rubber, soya and wood;

(2) 'relevant products' means products listed in Annex I that contain, have been fed with or have been made using relevant commodities;

(3) 'deforestation' means the conversion of forest to agricultural use, whether human-induced or not;

(4) 'forest' means land spanning more than 0,5 hectares with trees higher than 5 metres and a canopy cover of more than 10 %, or trees able to reach those thresholds in situ, excluding land that is predominantly under agricultural or urban land use;

(5) 'agricultural use' means the use of land for the purpose of agriculture, including for agricultural plantations and set-aside agricultural areas, and for rearing livestock;

(6) 'agricultural plantation' means land with tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems where crops are grown under tree cover; it includes all plantations of relevant commodities other than wood; agricultural plantations are excluded from the definition of 'forest';

(7) 'forest degradation' means structural changes to forest cover, taking the form of the conversion of:

(a) primary forests or naturally regenerating forests into plantation forests or into other wooded land; or

(b) primary forests into planted forests;

(8) 'primary forest' means naturally regenerated forest of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed;

(9) 'naturally regenerating forest' means forest predominantly composed of trees established through natural regeneration; it includes any of the following:

(a) forests for which it is not possible to distinguish whether planted or naturally regenerated;

(b) forests with a mix of naturally regenerated native tree species and planted or seeded trees, and where the naturally regenerated trees are expected to constitute the major part of the growing stock at stand maturity;

(c) coppice from trees originally established through natural regeneration;

(d) naturally regenerated trees of introduced species;

(10) 'planted forest' means forest predominantly composed of trees established through planting and/or deliberate seeding, provided that the planted or seeded trees are expected to constitute more than 50 % of the growing stock at maturity; it includes coppice from trees that were originally planted or seeded;

(11) 'plantation forest' means a planted forest that is intensively managed and meets, at planting and stand maturity, all the following criteria: one or two species, even age class, and regular spacing; it includes short rotation plantations for wood, fibre and energy, and excludes forests planted for protection or ecosystem restoration, as well as forests established through planting or seeding, which at stand maturity resemble or will resemble naturally regenerating forests;

(b) 减少欧盟对温室气体排放和全球生物多样性丧失的贡献。

2. 除第37(3)条规定外，本条例不适用于在第38(1)条所示日期之前生产的附件一所列相关产品。

第2条

定义

就本条例而言，适用以下定义：

(1) "相关商品"指牛、可可、咖啡、油棕、橡胶、大豆和木材；

(2) "相关产品"指附件一所列含有、已被喂养或以相关商品制成的产品；

(3) "毁林"指无论是否由人为引起，将森林转为农业用途；

(4) "森林"指面积超过0.5公顷、树木高度超过5米且树冠覆盖率超过10%的土地，或原地能够达到上述阈值的树木，不包括主要用于农业或城市用途的土地；

(5) "农业用途"指将土地用于农业目的，包括农业种植园和休耕农业区域，以及饲养牲畜；

(6) "农业种植园"指农业生产体系中带有林木的土地，如果树种植园、油棕种植园、橄榄园以及作物在树冠下生长的农林复合系统；它包括除木材以外所有相关商品的种植园；农业种植园不属于"森林"的定义范围；

(7) "森林退化"指森林覆盖的结构性变化，表现为以下转换形式：

(a) 原始林或自然再生林转为人工林或其他林地；或(b) 原始林转为种植林；

(8) "原始林"指由本地树种自然再生形成的森林，其中没有明显可见的人类活动迹象，且生态过程未受到显著干扰；

(9) "自然再生林"指主要由通过自然再生形成的树木组成的森林；它包括以下任一情形：

(a) 无法区分是人工种植还是自然再生的森林；

(b) 混合有自然再生的本地树种与人工种植或播种树木的森林，且自然再生树木预计在林分成熟时构成蓄积的主要部分；

(c) 源自天然更新最初形成的树木的萌生林；

(d) 自然再生的引进种树木；

(10) "种植林"指主要由通过种植和/或 deliberate seeding 形成的树木组成的森林，前提是种植或播种的树木预计在成熟时构成蓄积的50%以上；它包括最初通过种植或播种的树木形成的萌生林；

(11) "人工林"指集约经营且在种植时和林分成熟时均满足以下全部标准的种植林：一个或两个树种、同龄级、规则间距；它包括用于木材、纤维和能源的短轮伐期种植园，不包括为保护或生态系统恢复而种植的森林，以及通过种植或播种建立、在林分成熟时类似或将会类似自然再生林的森林；

(12) ‘other wooded land’ means land not classified as ‘forest’ spanning more than 0,5 hectares, with trees higher than 5 metres and a canopy cover of 5 to 10 %, or trees able to reach those thresholds in situ, or with a combined cover of shrubs, bushes and trees above 10 %, excluding land that is predominantly under agricultural or urban land use;

(13) ‘deforestation-free’ means:

(a) that the relevant products contain, have been fed with or have been made using, relevant commodities that were produced on land that has not been subject to deforestation after 31 December, 2020; and

(b) in the case of relevant products that contain or have been made using wood, that the wood has been harvested from the forest without inducing forest degradation after 31 December, 2020;

(14) ‘produced’ means grown, harvested, obtained from or raised on relevant plots of land or, as regards cattle, on establishments;

(15) ‘operator’ means any natural or legal person who, in the course of a commercial activity, places relevant products on the market or exports them;

(16) ‘placing on the market’ means the first making available of a relevant commodity or relevant product on the Union market;

(17) ‘trader’ means any person in the supply chain other than the operator who, in the course of a commercial activity, makes relevant products available on the market;

(18) ‘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;

(19) ‘in the course of a commercial activity’ means for the purpose of processing, for distribution to commercial or non-commercial consumers, or for use in the business of the operator or trader itself;

(20) ‘person’ means a natural person, a legal person or any association of persons which is not a legal person, but which is recognised under Union or national law as having the capacity to perform legal acts;

(21) ‘person established in the Union’ means:

(a) in the case of a natural person, any person whose place of residence is in the Union;

(b) in the case of a legal person or an association of persons, any person whose registered office, central head-quarters or a permanent business establishment is in the Union;

(22) ‘authorised representative’ means any natural or legal person established in the Union who, in accordance with Article 6, has received a written mandate from an operator or from a trader to act on its behalf in relation to specified tasks with regard to the operator’s or the trader’s obligations under this Regulation;

(23) ‘country of origin’ means a country or territory as referred to in Article 60 of Regulation (EU) No 952/2013;

(24) ‘country of production’ means the country or territory where the relevant commodity or the relevant commodity used in the production of, or contained in, a relevant product was produced;

(25) ‘non-compliant products’ means relevant products that do not comply with Article 3;

(26) ‘negligible risk’ means the level of risk that applies to relevant commodities and relevant products, where, on the basis of a full assessment of product-specific and general information, and, where necessary, of the application of the appropriate mitigation measures, those commodities or products show no cause for concern as being not in compliance with Article 3, point (a) or (b);

(27) ‘plot of land’ means land within a single real-estate property, as recognised by the law of the country of production, which enjoys sufficiently homogeneous conditions to allow an evaluation of the aggregate level of risk of deforestation and forest degradation associated with relevant commodities produced on that land;

(28) ‘geolocation’ means the geographical location of a plot of land described by means of latitude and longitude coordinates corresponding to at least one latitude and one longitude point and using at least six decimal digits; for plots of land of more than four hectares used for the production of the relevant commodities other than cattle, this shall be provided using polygons with sufficient latitude and longitude points to describe the perimeter of each plot of land;

(29) ‘establishment’ means any premises, structure, or, in the case of open-air farming, any environment or place, where livestock are kept, on a temporary or permanent basis;

(12) “其他林地”指未被归类为“森林”、面积超过0.5公顷、树木高度超过5米且树冠覆盖率为5%至10%的土地，或原地能够达到上述阈值的树木，或灌木、灌丛和树木合计覆盖率超过10%的土地，不包括主要用于农业或城市用途的土地；

(13) “无毁林”是指：

(a) 相关产品所含、所喂养或以之制成的相关商品，系在2020年12月31日之后未遭受毁林的土地上生产；以及

(b) 对于含有木材或使用木材制成的相关产品，该木材是在2020年12月31日之后从森林中采伐的，且未引发森林退化；

(14) “生产”指在相关地块上种植、采伐、获取或饲养，或就牛而言，在养殖场所饲养；

(15) “经营者”指在商业活动过程中将相关产品投放市场或出口的任何自然人或法人；

(16) “投放市场”指相关商品或相关产品首次在欧盟市场上提供；

(17) “贸易商”指供应链中除经营者以外的、在商业活动过程中在市场上提供相关产品的任何人；

(18) “在市场上提供”指在商业活动过程中，为在欧盟市场上分销、消费或使用而供应相关产品的任何行为，无论是否以付费或免费方式进行；

(19) “在商业活动过程中”指为加工目的、为向商业或非商业消费者分销目的，或为经营者或贸易商自身业务使用目的；

(20) “人”指自然人、法人或任何非法人但根据欧盟或国家法律被认可具有实施法律行为能力的团体；

(21) “在欧盟境内设立的人”是指：

(a) 就自然人而言，指居住地在欧盟境内的任何人；

(b) 就法人或团体而言，指注册办公地、中央总部或常设营业机构在欧盟境内的任何人；

(22) “授权代表”指在欧盟境内设立、根据第6条已收到经营者或贸易商书面授权、就经营者或贸易商在本条例下的义务代表其执行特定任务的任何自然人或法人；

(23) “原产国”指第952/2013号条例(EU)第60条所指的国家或地区；

(24) “生产国”是指相关商品或用于生产相关产品或包含在相关产品中的相关商品的生产所在的国家或领土；

(25) “不合规产品”指不符合第3条的相关产品；

(26) “可忽略风险”指适用于相关商品和相关产品的风险水平，即在对产品特定信息和一般信息进行全面评估后，并在必要时采取适当的缓解措施后，这些商品或产品不存在不符合第3条第(a)项或第(b)项的关切理由；

(27) “地块”指生产国法律所承认的单一不动产内的土地，该土地具有足够一致的条件，以便评估与该土地上生产的相关商品相关的毁林和森林退化的总体风险水平；

(28) “地理位置”指通过纬度和经度坐标描述的地块地理位置，该坐标至少对应一个纬度和一个经度点，并使用至少六位小数；对于用于生产除牛以外的相关商品的面积超过四公顷的地块，应使用具有足够纬度和经度点的多边形来提供，以描述每个地块的周边；

(29) “场所”指任何用于临时或永久饲养牲畜的房舍、结构，或在露天养殖情况下的任何环境或地点；

(30) 'micro, small and medium-sized enterprises' or 'SMEs' means micro, small and medium-sized undertakings as defined in Article 3 of Directive 2013/34/EU of the European Parliament and of the Council [19];

(31) 'substantiated concern' means a duly reasoned claim based on objective and verifiable information regarding non-compliance with this Regulation and which could require the intervention of competent authorities;

(32) 'competent authorities' means the authorities designated under Article 14(1);

(33) 'customs authorities' means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013;

(34) 'customs territory' means territory as defined in Article 4 of Regulation (EU) No 952/2013;

(35) 'third country' means a country or territory outside the customs territory of the Union;

(36) 'release for free circulation' means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;

(37) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;

(38) 'relevant products entering the market' means relevant products from third countries placed under the customs procedure 'release for free circulation' that are intended to be placed on the Union market and are not intended for private use or consumption within the customs territory of the Union;

(39) 'relevant products leaving the market' means relevant products placed under the customs procedure 'export';

(40) 'relevant legislation of the country of production' means the laws applicable in the country of production concerning the legal status of the area of production in terms of:

(a) land use rights;

(b) environmental protection;

(c) forest-related rules, including forest management and biodiversity conservation, where directly related to wood harvesting;

(d) third parties' rights;

(e) labour rights;

(f) human rights protected under international law;

(g) the principle of free, prior and informed consent (FPIC), including as set out in the UN Declaration on the Rights of Indigenous Peoples;

(h) tax, anti-corruption, trade and customs regulations.

Article 3

Prohibition

Relevant commodities and relevant products shall not be placed or made available on the market or exported, unless all the following conditions are fulfilled:

(a) they are deforestation-free;

(b) they have been produced in accordance with the relevant legislation of the country of production; and

(c) they are covered by a due diligence statement.

CHAPTER 2

OBLIGATIONS OF OPERATORS AND TRADERS

Article 4

Obligations of operators

1. Operators shall exercise due diligence in accordance with Article 8 prior to placing relevant products on the market or exporting them in order to prove that the relevant products comply with Article 3.

[19] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).

(30) "微型、小型和中型企业"或"中小企业"指欧洲议会和欧盟理事会第 2013/34/EU 号指令(19)第 3 条所定义的微型、小型和中型企业；

(31) "有确凿理由的关切"指基于客观和可核实的信息，就本法规的不遵守情况提出的有适当理由的主张，且该主张可能要求主管当局介入；

(32) "主管机关"指根据第14(1)条指定的机关；(33)"海关"指欧洲议会和欧盟理事会第952/2013号条例第5条第(1)点所定义的海关；(34)"关税领土"指第952/2013号条例第4条所定义的领土；(35)"第三国"指欧盟关税领土以外的国家或领土；(36)"放行自由流通"指第952/2013号条例第201条规定的程序；(37)"出口"指第952/2013号条例第269条规定的程序；(38)"进入市场的相关产品"指来自第三国、置于"放行自由流通"海关程序之下、拟投放欧盟市场且不拟在欧盟关税领土内供私人使用或消费的相关产品；

(39) "离开市场的相关产品"指置于"出口"海关程序下的相关产品；

(40) "生产国的相关立法"是指生产国适用的关于生产区域法律地位的法律，涉及：

(a) 土地使用权；

(b) 环境保护；

(c) 与森林相关的规则，包括森林管理和生物多样性保护，且与木材采伐直接相关；

(d) 第三方的权利；

(e) 劳动权利；

(f) 受国际法保护的人权；

(g) 自由、事先和知情同意(FPIC)原则，包括《联合国原住民权利宣言》所规定的原则；

(h) 税收、反腐败、贸易和海关法规。

第3条

禁止

相关商品和相关产品不得投放市场、在市场上提供或出口，除非满足以下所有条件：

(a) 它们不涉及毁林；

(b) 它们是根据生产国的相关立法生产的；以及

(c) 它们已被尽职调查声明所涵盖。

第二章

经营者和贸易商的义务

第4条

经营者的义务

1.经营者在将相关产品投放市场或出口之前，应按照第 8 条行使尽职调查，以证明相关产品符合第 3 条。

(19) 欧洲议会和欧盟理事会2013年6月26日关于年度财务报表的第2013/34/EU号指令，合并财务报表及相关报告，修订欧洲议会和欧盟理事会第2006/43/EC号指令并废止欧盟理事会第78/660/EEC号和第83/349/EEC号指令的指令(OJ L 182, 29.6.2013, p. 19).

2. Operators shall not place relevant products on the market or export them without prior submission of a due diligence statement. Operators who, on the basis of the due diligence exercised in accordance with Article 8, conclude that the relevant products comply with Article 3 shall, before placing the relevant products on the market or exporting them, make available a due diligence statement to the competent authorities through the information system referred to in Article 33. Such electronically available and transmittable due diligence statement shall contain the information set out in Annex II for the relevant products and a declaration by the operator that the operator exercised due diligence and that no or only a negligible risk was found.

3. By making available the due diligence statement to competent authorities, the operator shall assume responsibility for the compliance of the relevant product with Article 3. Operators shall keep a record of the due diligence statements for five years from the date the statement is submitted through the information system referred to in Article 33.

4. Operators shall not place relevant products on the market or export them where one or more of the following cases apply:

(a) the relevant products are non-compliant;

(b) the exercise of due diligence has revealed a non-negligible risk that the relevant products are non-compliant;

(c) the operator was unable to fulfil the obligations referred to in paragraphs 1 and 2.

5. Operators that obtain or are made aware of relevant new information, including substantiated concerns, indicating that a relevant product that they have placed on the market is at risk of not complying with this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant product on the market, as well as traders to whom they supplied the relevant product. In the case of exports, the operators shall inform the competent authority of the Member State which is the country of production.

6. Operators shall offer all necessary assistance to the competent authorities to facilitate the carrying out of the checks under Article 18, including access to premises and the making available of documentation and records.

7. Operators shall communicate to operators and to traders further down the supply chain of the relevant products they placed on the market or exported all information necessary to demonstrate that due diligence was exercised and that no or only a negligible risk was found, including the reference numbers of the due diligence statements associated to those products.

8. By way of derogation from paragraph 1 of this Article, operators that are SMEs ('SME operators') shall not be required to exercise due diligence for relevant products contained in or made from relevant products that have already been subject to due diligence in accordance with paragraph 1 of this Article and for which a due diligence statement has already been submitted in accordance with Article 33. In such cases, SME operators shall provide the competent authorities with the reference number of the due diligence statement upon request. For parts of relevant products that have not been subject to due diligence, the SME operators shall exercise due diligence in accordance with paragraph 1 of this Article.

9. Operators that are not SMEs ('non-SME operators') may refer to due diligence statements that have already been submitted in accordance with Article 33 only after having ascertained that the due diligence relating to the relevant products contained in or made from the relevant products was exercised in accordance with paragraph 1 of this Article. They shall include the reference numbers of such due diligence statements that have already been submitted in accordance with Article 33 in the due diligence statements that they submit under paragraph 2 of this Article. For parts of relevant products that have not been subject to due diligence, non-SME operators shall exercise due diligence in accordance with paragraph 1 of this Article.

10. Any operator referring to a due diligence statement that has already been submitted in accordance with Article 33 shall retain responsibility for the compliance of the relevant products with Article 3, including that no or only a negligible risk was found, prior to placing such relevant products on the market or exporting them.

Article 5

Obligations of traders

1. Traders that are not SMEs ('non-SME traders') shall be considered as non-SME operators and shall be subject to obligations and provisions in Articles 3, 4 and 6, Articles 8 to 13, Article 16(8) to (11) and Article 18 with regard to the relevant commodities and relevant products that they make available on the market.

2. 经营者未事先提交尽职调查声明，不得将相关产品投放市场或出口。经营者根据第8条开展的尽职调查认定相关产品符合第3条的，应当在将相关产品投放市场或出口之前，通过第33条所述信息系统向主管机关提供尽职调查声明。该等可通过电子方式获取和传输的尽职调查声明应当包含附件II就相关产品所列信息，以及经营者关于其已开展尽职调查且未发现风险或仅发现可忽略风险的声明。

3.通过向主管当局提供尽职调查声明，经营者应承担相关产品符合第 3 条的责任。经营者应自声明通过第 33 条所述信息系统提交之日起，将尽职调查声明记录保存五年。

4.在适用以下一种或多种情形时，经营者不得将相关产品投放市场或出口：

(a) 相关产品不合规；

(b) 尽职调查的行使已揭示相关产品不合规的风险并非可忽略风险；

(c) 经营者未能履行第 1 款和第 2 款所述义务。

5. 经营者获得或知悉相关新信息(包括有确凿证据的关切)，表明其已投放市场的相关产品存在不符合本条例的风险的，应当立即通知其投放该相关产品所在成员国的主管机关，以及向其供应相关产品的贸易商。涉及出口的，经营者应当通知作为生产国的成员国的主管机关。

6.经营者应向主管当局提供一切必要协助，以便利开展第 18 条下的检查，包括进入场所和提供文件与记录。

7.经营者应向其投放市场或出口的相关产品供应链下游的经营者和贸易商传达一切必要信息，以证明已行使尽职调查且未发现风险或仅发现可忽略风险，包括与这些产品相关的尽职调查声明的参考编号。

8. 作为对本条第1款的减损，属于中小企业的经营者("中小企业经营者")，对于已依照本条第1款开展尽职调查、且已依照第33条提交尽职调查声明的相关产品中所含或由其制成的相关产品，无须开展尽职调查。在此情况下，中小企业经营者应当应请求向主管机关提供尽职调查声明的参考编号。对于相关产品中未开展尽职调查的部分，中小企业经营者应当依照本条第1款开展尽职调查。

9. 不属于中小企业的经营者("非中小企业经营者")，只有在已查明相关产品中所含或由其制成的相关产品所涉尽职调查系依照本条第1款开展之后，方可援引已依照第33条提交的尽职调查声明。其应当在其依照本条第2款提交的尽职调查声明中列入已依照第33条提交的该等尽职调查声明的参考编号。对于相关产品中未开展尽职调查的部分，非中小企业经营者应当依照本条第1款开展尽职调查。

10.任何援引已按照第 33 条提交的尽职调查声明的经营者，在将这些相关产品投放市场或出口之前，应继续对相关产品符合第 3 条承担责任，包括未发现风险或仅发现可忽略风险。

第5条

经营者的义务

1.非中小企业的贸易商("非中小企业贸易商")应被视为非中小企业经营者，并应就其投放市场的相关商品和相关产品遵守第 3 条、第 4 条和第 6 条、第 8 条至第 13 条、第 16 条第 8 款至第 11 款以及第 18 条中的义务和规定。

2. Traders that are SMEs ('SME traders') shall make available relevant products on the market only if they are in possession of the information required under paragraph 3.

3. SME traders shall collect and keep the following information relating to the relevant products they intend to make available on the market:

(a) the name, registered trade name or registered trade mark, the postal address, the email address and, if available, a web address of the operators or the traders who have supplied the relevant products to them, as well as the reference numbers of the due diligence statements associated to those products;

(b) the name, registered trade name or registered trade mark, the postal address, the email address and, if available, a web address of the operators or the traders to whom they have supplied the relevant products.

4. SME traders shall keep the information referred to in paragraph 3 for at least five years from the date of the making available on the market and shall provide that information to the competent authorities upon request.

5. SME traders that obtain or are made aware of relevant new information, including substantiated concerns, indicating that a relevant product that they have made available on the market is at risk of not complying with this Regulation shall immediately inform the competent authorities of the Member States in which they made the relevant product available on the market as well as traders to whom they supplied the relevant product.

6. Traders, whether or not they are SMEs, shall offer all necessary assistance to the competent authorities to facilitate the carrying out of the checks under Articles 18 and 19, including access to premises and the making available of documentation and records.

Article 6

Authorised representatives

1. Operators or traders may mandate an authorised representative to submit the due diligence statement pursuant to Article 4(2) on their behalf. In such cases, the operator or trader shall retain responsibility for the compliance of the relevant product with Article 3.

2. The authorised representative shall, upon request, provide a copy of the mandate in an official language of the Union to the competent authorities and a copy in an official language of the Member State in which the due diligence statement is handled or, where that is not possible, in English.

3. An operator that is a natural person or a microenterprise may mandate the next operator or trader further down the supply chain that is not a natural person or a microenterprise to act as an authorised representative. Such next operator or trader further down the supply chain shall not place or make available relevant products on the market or export them without submitting the due diligence statement pursuant to Article 4(2) on behalf of that operator. In such cases, the operator that is a natural person or a microenterprise shall retain responsibility for compliance of the relevant product with Article 3, and shall communicate to that next operator or trader further down the supply chain all information necessary to confirm that due diligence was exercised and that no or only a negligible risk was found.

Article 7

Placing on the market by operators established in third countries

Where a natural or legal person established outside the Union places relevant products on the market, the first natural or legal person established in the Union who makes such relevant products available on the market shall be deemed to be an operator within the meaning of this Regulation.

Article 8

Due diligence

1. Prior to placing relevant products on the market or exporting them, operators shall exercise due diligence with regard to all relevant products supplied by each particular supplier.

2. The due diligence shall include:

(a) the collection of information, data and documents needed to fulfil the requirements set out in Article 9;

(b) risk assessment measures as referred to in Article 10;

2.属于中小企业的贸易商("中小企业贸易商")只有在拥有第 3 款所要求的信息时，方可在市场上提供相关产品。

3.中小企业贸易商应收集并保存与其拟在市场上提供的相关产品有关的以下信息：

(a) 向其供应相关产品的经营者或贸易商的名称、注册商号或注册商标、邮政地址、电子邮件地址以及(如可用)网址，以及与这些产品相关的尽职调查声明的参考编号；

(b) 向其供应相关产品的经营者或贸易商的名称、注册商号或注册商标、邮政地址、电子邮件地址以及(如可用)网址。

4.中小企业贸易商应自相关产品在市场上提供之日起，将第 3 款所述信息保存至少五年，并应主管当局要求提供该信息。

5.中小企业贸易商如获得或知悉相关新信息(包括有确凿理由的关切)，表明其已在市场上提供的相关产品存在不符合本法规的风险，应立即通知其在该成员国提供相关产品所在成员国的主管当局，以及向其供应相关产品的贸易商。

6.贸易商，无论是否为中小企业，均应向主管当局提供一切必要协助，以便利开展第 18 条和第 19 条下的检查，包括进入场所和提供文件与记录。

第条 6

授权代表

1. 经营者或贸易商可授权一名授权代表，代表其依据第4(2)条提交尽职调查声明。在此类情形下，经营者或贸易商仍应对相关产品符合第3条承担责任。

2. 授权代表应根据请求，向主管机关提供以欧盟官方语言书写的授权书副本，以及以处理该尽职调查声明的成员国官方语言书写的副本；如无法提供，则提供英文副本。

3. 属于自然人或者微型企业的经营者，可以委托供应链下游的、不属于自然人或者微型企业的下一经营者或者贸易商作为授权代表。该供应链下游的下一经营者或者贸易商，未依据第4(2)条代表该经营者提交尽职调查声明的，不得将相关产品投放市场、在市场上提供或者出口。在此种情形下，属于自然人或者微型企业的经营者应当保留相关产品符合第3条的责任，并应当向该供应链下游的下一经营者或者贸易商传达确认已实施尽职调查且未发现风险或者仅发现可忽略风险所需的全部信息。

第条 7

第三国设立经营者投放市场

设在欧盟以外的自然人或法人将相关产品投放市场的，第一个在欧盟境内设立并将该等相关产品在市场上提供的自然人或法人，应被视为本 Regulation 意义上的经营者。

第条 8

尽职调查

1. 在将相关产品投放市场或出口之前，经营者应对每一特定供应商供应的所有相关产品开展尽职调查。

2. 尽职调查应包括：

(a) 收集为满足第9条所列要求所需的信息、数据和文件；

(b) 第10条所指的风险评估措施；

(c) risk mitigation measures as referred to in Article 11.

Article 9

Information requirements

1. Operators shall collect information, documents and data which demonstrate that the relevant products comply with Article 3. For this purpose, the operator shall collect, organise and keep for five years from the date of the placing on the market or of the export of the relevant products the following information, accompanied by evidence, relating to each relevant product:

(a) a description, including the trade name and type of the relevant products as well as, in the case of relevant products that contain or have been made using wood, the common name of the species and their full scientific name; the product description shall include the list of relevant commodities or relevant products contained therein or used to make those products;

(b) the quantity of the relevant products; for relevant products entering or leaving the market, the quantity is to be expressed in kilograms of net mass and, where applicable, in the supplementary unit set out in Annex I to Council Regulation (EEC) No 2658/87 ([20]) against the indicated Harmonised System code, or, in all other cases, the quantity is to be expressed in net mass or, where applicable, volume or number of items; a supplementary unit is applicable where it is defined consistently for all possible subheadings under the Harmonised System code referred to in the due diligence statement;

(c) the country of production and, where relevant, parts thereof;

(d) the geolocation of all plots of land where the relevant commodities that the relevant product contains, or has been made using, were produced, as well as the date or time range of production; where a relevant product contains or has been made with relevant commodities produced on different plots of land, the geolocation of all different plots of land shall be included; any deforestation or forest degradation on the given plots of land shall automatically disqualify all relevant commodities and relevant products from those plots of land from being placed or made available on the market or exported; for relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the geolocation shall refer to all the establishments where the cattle were kept; for all other relevant products of Annex I, the geolocation shall refer to the plots of land;

(e) the name, postal address and email address of any business or person from whom they have been supplied with the relevant products;

(f) the name, postal address and email address of any business, operator or trader to whom the relevant products have been supplied;

(g) adequately conclusive and verifiable information that the relevant products are deforestation-free;

(h) adequately conclusive and verifiable information that the relevant commodities have been produced in accordance with the relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity.

2. The operator shall make available to the competent authorities upon request the information, documents and data collected under this Article.

Article 10

Risk assessment

1. Operators shall verify and analyse the information collected in accordance with Article 9 and any other relevant documentation. On the basis of that information and documentation, the operators shall carry out a risk assessment to establish whether there is a risk that the relevant products intended to be placed on the market or exported are non-compliant. Operators shall not place the relevant products on the market or export them, except where the risk assessment reveals no or only a negligible risk that the relevant products are non-compliant.

([20]) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

(c) 第11条所指的风险缓解措施。

第9条

信息要求

1. 经营者应收集能够证明相关产品符合第3条的信息、文件和数据。为此，经营者应收集、整理并自相关产品投放市场或出口之日起保存五年以下与每一相关产品有关的信息，并附有证据：

(a) 描述，包括相关产品的商品名称和类型，以及对于含有木材或使用木材制成的相关产品，物种的通用名称及其完整学名；产品描述应包括其中所含或用于制造该等产品的相关商品或相关产品清单；

(b) 相关产品的数量；对于进入或者离开市场的相关产品，数量应当以净质量的千克数表示，并在适用时以欧盟理事会第2658/87号条例(20)附件一所规定的、针对所示协调制度编码的补充单位表示，或者在所有其他情形下，数量应当以净质量表示，并在适用时以体积或者件数表示；补充单位在尽职调查声明中所引用的协调制度编码下的所有可能子目均有一致定义时适用；

(c) 生产国，以及在相关情况下，其部分领土；

(d) 生产相关产品所含或者用于制造相关产品的相关商品的所有地块的地理位置，以及生产日期或者时间范围；相关产品所含或者用于制造相关产品的相关商品在不同地块上生产的，应当包括所有不同地块的地理位置；特定地块上的任何毁林或者森林退化，应当自动使来自这些地块的所有相关商品和相关产品丧失投放市场、在市场上提供或者出口的资格；对于含有或者使用牛生产的相关产品，以及对于以相关产品喂养的此类相关产品，地理位置应当指饲养牛的所有场所；对于附件一的所有其他相关产品，地理位置应当指地块；

(e) 向经营者供应相关产品的任何企业或人员的名称、邮政地址和电子邮件地址；

(f) 相关产品被供应给的任何企业、经营者或贸易商的名称、邮政地址和电子邮件地址；

(g) 充分确凿且可核实的信息，证明相关产品为无毁林；

(h) 充分确凿和可核实的信息，证明相关商品是根据生产国的相关立法生产的，包括授予使用相应区域用于生产相关商品目的的任何安排。

2. 经营者应根据请求向主管机关提供根据本条收集的信息、文件和数据。

第10条

风险评估

1. 经营者应当核实和分析依据第9条收集的信息以及任何其他相关文件。在此基础上，经营者应当开展风险评估，以确定拟投放市场或者出口的相关产品是否存在不合规的风险。除非风险评估显示相关产品不合规的风险不存在或者仅为可忽略风险，否则经营者不得将相关产品投放市场或者出口。

(20) 1987年7月23日关于关税和统计术语及共同海关税则的欧盟理事会《第 2658/87 号条例》(EEC) 关税(OJ L 256, 7.9.1987, p.1)。

2. The risk assessment shall take into account, in particular, the following criteria:

(a) the assignment of risk to the relevant country of production or parts thereof in accordance with Article 29;

(b) the presence of forests in the country of production or parts thereof;

(c) the presence of indigenous peoples in the country of production or parts thereof;

(d) the consultation and cooperation in good faith with indigenous peoples in the country of production or parts thereof;

(e) the existence of duly reasoned claims by indigenous peoples based on objective and verifiable information regarding the use or ownership of the area used for the purpose of producing the relevant commodity;

(f) prevalence of deforestation or forest degradation in the country of production or parts thereof;

(g) the source, reliability, validity, and links to other available documentation of the information referred to in Article 9(1);

(h) concerns in relation to the country of production and origin or parts thereof, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, violations of international human rights, armed conflict or presence of sanctions imposed by the UN Security Council or the Council of the European Union;

(i) the complexity of the relevant supply chain and the stage of processing of the relevant products, in particular difficulties in connecting relevant products to the plot of land where the relevant commodities were produced;

(j) the risk of circumvention of this Regulation or of mixing with relevant products of unknown origin or produced in areas where deforestation or forest degradation has occurred or is occurring;

(k) conclusions of the meetings of the Commission expert groups supporting the implementation of this Regulation, as published in the Commission's expert group register;

(l) substantiated concerns submitted under Article 31, and information on the history of non-compliance of operators or traders along the relevant supply chain with this Regulation;

(m) any information that would point to a risk that the relevant products are non-compliant;

(n) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive(EU) 2018/2001 of the European Parliament and of the Council ([21]), provided that the information meets the requirements set out in Article 9 of this Regulation.

3. Wood products which fall within the scope of Regulation (EC) No 2173/2005 that are covered by a valid FLEGT license from an operational licensing scheme shall be deemed to comply with Article 3, point (b), of this Regulation.

4. The operators shall document and review the risk assessments at least on an annual basis and make them available to the competent authorities upon request. Operators shall be able to demonstrate how the information gathered was checked against the risk assessment criteria set out in paragraph 2 and how they determined the degree of risk.

Article 11

Risk mitigation

1. Except where a risk assessment carried out in accordance with Article 10 reveals that there is no or only a negligible risk that the relevant products are non-compliant, the operator shall, prior to placing the relevant products on the market or exporting them, adopt risk mitigation procedures and measures that are adequate to achieve no or only a negligible risk. Such procedures and measures may include any of the following:

(a) requiring additional information, data or documents;

([21]) Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).

2. 风险评估应特别考虑以下标准：

(a) 根据第29条对相关生产国或其部分地区的风险认定；(b) 生产国或其部分地区存在森林；

(c) 生产国或其部分地区存在原住民；(d) 与生产国或其部分地区的原住民进行善意协商与合作；

(e) 原住民基于客观且可核实的信息，就用于生产相关商品的区域的使用或所有权提出的有正当理由的主张的存在；

(f) 生产国或其部分地区毁林或森林退化的普遍程度；

(g) 第9(1)条所述信息的来源、可靠性、有效性及其与其他现有文件的关联；

(h) 与生产国和原产国或其部分地区有关的关切，例如腐败程度、文件和数据伪造的普遍程度、执法缺失、侵犯国际人权、武装冲突或联合国安全理事会或欧盟理事会实施的制裁的存在；

(i) 相关供应链的复杂性和相关产品的加工阶段，特别是将相关产品与生产相关商品的地块相关联方面的困难；

(j) 规避本 Regulation 或与来源不明或在已发生或正在发生毁林或森林退化的地区生产的相关产品混合的风险；

(k) 支持本 Regulation 实施的欧盟委员会专家组会议的结论，该等结论已在欧盟委员会专家组登记册中公布；

(l) 根据第31条提交的有正当理由的关切，以及有关相关供应链上经营者或贸易商违反本 Regulation 的历史信息；

(m) 任何指向相关产品不合规风险的信息；

(n) 关于遵守本条例的补充信息，其中可包括由认证或其他第三方验证方案提供的信息，包括欧盟委员会根据欧洲议会和欧盟理事会《第 2018/2001 号指令》(EU)第 30(5) 条认可的志愿方案(21)，前提是该信息符合本条例第 9 条规定的要求。

3. 属于第(EC) No 2173/2005号条例适用范围、且持有来自运行中的许可计划的有效的FLEGT许可证的木材产品，应被视为符合本 Regulation 第3条(b)点。

4. 经营者应至少每年记录和审查风险评估，并应根据请求向主管机关提供。经营者应能够证明如何依据第2款所列风险评估标准对收集的信息进行核查，以及如何确定风险程度。

第11条

风险缓释

1. 除根据第10条开展的风险评估显示相关产品不合规的风险不存在或仅为可忽略风险的情形外，经营者应在将相关产品投放市场或出口之前，采取足以实现不存在风险或仅为可忽略风险的风险缓解程序和措施。该等程序和措施可包括以下任何一项：

(a) 要求提供补充信息、数据或文件；

(21) 欧洲议会和欧盟理事会2018年12月11日关于促进使用.....的第(EU)2018/2001号指令来自可再生能源的能源(OJ L 328, 21.12.2018, p.82)。

(b) carrying out independent surveys or audits;

(c) taking other measures pertaining to information requirements set out in Article 9.

Such procedures and measures may also include supporting compliance with this Regulation by that operator's suppliers, in particular smallholders, through capacity building and investments.

2. Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant products identified. Those policies, controls and procedures shall include:

(a) model risk management practices, reporting, record-keeping, internal control and compliance management, including the appointment of a compliance officer at management level for non-SME operators;

(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all non-SME operators.

3. The decisions on risk mitigation procedures and measures shall be documented, reviewed at least on an annual basis and made available by the operators to the competent authorities upon request. Operators shall be able to demonstrate how decisions on risk mitigation procedures and measures were taken.

Article 12

Establishment and maintenance of due diligence systems, reporting and record keeping

1. In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a framework of procedures and measures to ensure that the relevant products they place on the market or export comply with Article 3 ('due diligence system').

2. Operators shall review the due diligence system at least once a year. Where operators become aware of new developments which could influence the due diligence system, they shall update the due diligence system to take account of those developments. Operators shall keep a record of such updates in their due diligence systems for five years

3. Operators who do not fall within the categories of SMEs, including microenterprises, or natural persons shall, on an annual basis, publicly report as widely as possible, including via the internet, on their due diligence system, including on the steps taken by them to fulfil their obligations as set out in Article 8. Operators who fall also within the scope of other Union legal acts that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of those other Union legal acts.

4. Without prejudice to Union data protection legislation, the reporting as referred to in paragraph 3 shall include the following information concerning relevant commodities and relevant products:

(a) a summary of the information referred to in Article 9(1), points (a), (b) and (c);

(b) the conclusions of the risk assessment carried out pursuant to Article 10 and measures undertaken pursuant to Article 11 and a description of the information and evidence obtained and used to assess the risk;

(c) where applicable, a description of the process of consultation of indigenous peoples, local communities and other customary tenure rights holders or of the civil society organisations that are present in the area of production of the relevant commodities and relevant products.

5. Operators shall keep for at least five years all documentation related to due diligence, such as all records, measures and procedures pursuant to Article 8. They shall make that documentation available to the competent authorities upon request.

(b) 开展独立调查或审计；

(c) 采取与第9条规定的信息要求有关的其他措施。

此类程序和措施还可包括通过能力建设和投资，支持该经营者的供应商，特别是小农，遵守本条例。

2. 经营者应制定适当且相称的政策、控制和程序，以有效缓解和管理已识别的相关产品不合规风险。这些政策、控制和程序应包括：

(a) 风险管理实践模式、报告、记录保存、内部控制和合规管理，包括为非中小企业经营者任命管理层合规官；

(b) 对所有非中小企业经营者，设立独立审计职能，以检查第(a)项所述内部政策、控制和程序。

3. 关于风险缓解程序和措施的决定应予以记录，至少每年审查一次，并应由经营者在主管当局要求时提供。经营者应能够证明关于风险缓解程序和措施的决定是如何作出的。

第12条

尽职调查系统的建立和维护、报告和记录保存

1. 为依照第8条开展尽职调查，经营者应建立并保持一套最新的程序和措施框架，以确保其投放市场或出口的相关产品符合第3条("尽职调查系统")。

2. 经营者应至少每年审查一次尽职调查系统。当经营者获悉可能影响尽职调查系统的新情况时，应更新尽职调查系统以考虑这些情况。经营者应在其尽职调查系统中保存此类更新的记录五年。

3. 不属于中小企业(包括微型企业)或者自然人范畴的经营者，应当每年尽可能广泛地公开报告，包括通过互联网报告，说明其尽职调查体系，包括其为履行第8条所规定义务而采取的措施。同时属于其他规定价值链尽职调查要求的欧盟法律文件适用范围的经营者，可以在依据这些其他欧盟法律文件进行报告时纳入所需信息，以履行本款项下的报告义务。

4. 在不影响欧盟数据保护立法的情况下，第3段所述报告应包括以下关于相关商品和相关产品的信息：

(a) 第9条第1款(a)、(b)和(c)项所述信息的摘要；

(b) 依据第10条开展的风险评估的结论和依据第11条采取的措施，以及用于评估风险所获得和使用的信息和证据的说明；

(c) 在适用情况下，说明与相关商品和相关产品生产地区内的原住民、当地社区及其他习惯权属持有者或民间社会组织进行磋商的过程。

5. 经营者应至少保存五年与尽职调查相关的所有文件，例如依据第8条的所有记录、措施和程序。他们应在主管当局要求时提供该文件。

Article 13

Simplified due diligence

1. When placing relevant products on the market or exporting them, operators shall not be required to fulfil the obligations under Articles 10 and 11 where, after having assessed the complexity of the relevant supply chain and the risk of circumvention of this Regulation or the risk of mixing with products of unknown origin or origin in high-risk or standard-risk countries or parts thereof, they have ascertained that all relevant commodities and relevant products have been produced in countries or parts thereof that were classified as low risk in accordance with Article 29. In such cases, the operator shall make available to the competent authority upon request relevant documentation demonstrating that there is a negligible risk of circumvention of this Regulation or of mixing with products of unknown origin or origin in high-risk or standard-risk countries or parts thereof.

2. Notwithstanding paragraph 1 of this Article, if the operator obtains or is made aware of any relevant information, including as a result of the assessment carried out under paragraph 1 of this Article, and including substantiated concerns submitted under Article 31, that would point to a risk that the relevant products do not comply with this Regulation or that this Regulation is circumvented, the operator shall fulfil all of the obligations under Articles 10 and 11 and shall immediately communicate any relevant information to the competent authority.

3. Where a competent authority is made aware of any information that would point to a risk of circumvention of this Regulation, including in cases in which relevant commodities or relevant products produced in a standard-risk or high-risk country or a part thereof are subsequently processed in a low-risk country or a part thereof from where they are placed on or leave the market, the competent authority shall take immediate action in accordance with Article 17(1) and, where necessary, adopt interim measures in accordance with Article 23.

CHAPTER 3

OBLIGATIONS OF MEMBER STATES AND THEIR COMPETENT AUTHORITIES

Article 14

Competent authorities

1. Member States shall designate one or more competent authorities responsible for fulfilling the obligations arising from this Regulation.

2. By 30 December 2023 at the latest, Member States shall inform the Commission of the names, addresses and contact details of the competent authorities referred to in paragraph 1. Member States shall inform the Commission without undue delay of any changes to that information.

3. The Commission shall make the list of the competent authorities publicly available on its website without undue delay. The Commission shall regularly update the list, based on updates received from Member States.

4. Member States shall ensure that the competent authorities have adequate powers, functional independence and the resources to fulfil the obligations set out in this Chapter.

Article 15

Technical assistance, guidance and exchange of information

1. Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators. The Commission, in collaboration with Member States, may also provide, where necessary, guidance to operators and competent authorities. Technical and other assistance and guidance shall take into account the situation of SMEs, including microenterprises, and natural persons, in order to facilitate compliance with this Regulation, including as regards the conversion of data from relevant systems to identify the geolocation in the information system as referred to in Article 33. It shall also take into account relevant current and future Union legal acts containing due diligence obligations.

2. Member States shall facilitate the exchange and dissemination of relevant information, in particular with a view to assisting operators in risk assessment as set out in Article 10, and on best practices regarding the implementation of this Regulation.

3. The competent authorities and the Commission shall continuously monitor and exchange information on any significant change in the pattern of trade of relevant products that can lead to the circumvention of this Regulation.

第13条

简化尽职调查

1. 在将相关产品投放市场或出口时，若经营者已评估相关供应链的复杂性、规避本条例的风险或与来源不明或来源于高风险或标准风险国家或其部分地区的产品混合的风险，并据此确定所有相关商品和相关产品均产自依照第29条被归类为低风险的国家或其部分地区，则不应要求经营者履行第10条和第11条规定的义务。在此情况下，经营者应应主管机关要求提供相关文件，证明规避本条例或与来源不明或来源于高风险或标准风险国家或其部分地区的产品混合的风险可忽略。

2. 尽管有本条第1款的规定，若经营者获得或知悉任何相关信息，包括因本条第1款所开展的评估而获得的信息，以及包括根据第31条提交的经证实关切，该信息表明相关产品存在不符合本条例或本条例被规避的风险，经营者应履行第10条和第11条规定的全部义务，并应立即向主管机关通报任何相关信息。

3. 若主管机关知悉任何表明存在规避本条例风险的信息，包括在标准风险或高风险国家或其部分地区生产的相关商品或相关产品随后在低风险国家或其部分地区进行加工并自该低风险国家或其部分地区投放市场或离开市场的情形，主管机关应根据第17条第1款立即采取行动，并在必要时根据第23条采取临时措施。

章 3

成员国及其主管当局的义务

第条 14

主管机构

1. 成员国应指定一个或多个主管机构，负责履行本条例产生的义务。

2. 成员国至迟应于2023年12月30日向欧盟委员会通报第1款所述主管当局的名称、地址和联系方式。成员国应及时向欧盟委员会通报该信息的任何变更。

3. 欧盟委员会应及时在其网站上公开主管机构名单。欧盟委员会应根据成员国提供的更新信息定期更新该名单。

4. 成员国应确保主管机构拥有履行本章规定义务所需的充分权力、职能独立性和资源。

第条 15

技术援助、指导与信息交流

1. 在不影响第8条规定的经营者开展尽职调查义务的前提下，成员国可向经营者提供技术和其他协助及指导。欧盟委员会可与成员国合作，在必要时向经营者和主管机关提供指导。技术和其他协助及指导应顾及中小企业(包括微型企业)和自然人的情况，以便利遵守本条例，包括在将相关系统的数据转换以识别第33条所述信息系统中的地理位置方面。还应顾及包含尽职调查义务的相关现行和未来欧盟法律文件。

2. 成员国应促进相关信息的交流与传播，特别是为协助经营者进行第10条所述风险评估，以及促进本条例实施最佳实践的交流。

3. 主管机构和欧盟委员会应持续监测并交流关于相关产品贸易模式中可能导致规避本条例的任何重大变化的信息。

4. Assistance shall be provided in a manner which does not compromise the independence, legal obligations or responsibilities of competent authorities in enforcing this Regulation.

5. The Commission may facilitate the harmonised implementation of this Regulation, by issuing relevant guidelines and by promoting adequate exchange of information, coordination and cooperation between competent authorities, between competent authorities and customs authorities, and between competent authorities and the Commission.

Article 16

Obligation to carry out checks

1. The competent authorities shall carry out checks within their territory to establish whether operators and traders established in the Union comply with this Regulation. The competent authorities shall carry out checks within their territory to establish whether the relevant products that the operator or trader has placed or intends to place on the market, has made available or intends to make available on the market or has exported or intends to export comply with this Regulation.

2. The checks referred to in paragraph 1 of this Article shall be carried out in accordance with Articles 18 and 19.

3. The competent authorities shall use a risk-based approach to identify the checks to be carried out. Risk criteria shall be identified based on an analysis of risks of non-compliance with this Regulation, taking into account in particular the relevant commodities, the complexity and the length of supply chains, including whether mixing of relevant products is involved, and the stage of processing of the relevant product, whether the plots of land concerned are adjacent to forests, the assignment of risk to countries or parts thereof in accordance with Article 29, paying special attention to the situation of countries or parts thereof classified as high risk, the history of non-compliance of operators or traders with this Regulation, risks of circumvention, and any other relevant information. The analysis of risks shall build on the information referred to in Articles 9 and 10 and may build on the information contained in the information system referred to in Article 33, and may be supported by other relevant sources such as monitoring data, risk profiles from international organisations, substantiated concerns submitted under Article 31, or the conclusions of Commission expert group meetings.

4. The Commission shall, where appropriate, establish and regularly review and update indicative risk criteria at Union level, in accordance with paragraph 3, and communicate them to competent authorities.

5. For the purposes of carrying out the checks referred to in paragraph 1, the competent authorities shall establish annual plans containing at least the following:

(a) national risk criteria, established in accordance with paragraph 3, for the purpose of determining the checks that are necessary, which build upon any indicative risk criteria at Union level established by the Commission in accordance with paragraph 4, and systematically include risk criteria in relation to countries or parts thereof classified as high risk;

(b) the selection of operators and traders to be checked; that selection is to be based on the national risk criteria referred to in point (a), using, *inter alia*, information contained in the information system referred to in Article 33 and electronic data-processing techniques; for each operator or trader to be checked, competent authorities may identify specific due diligence statements to be checked.

6. The annual review of the plans by the competent authorities shall systematically build upon the results of the checks and the experience on implementation of the plans referred to in paragraph 5 in order to improve their effectiveness.

7. Competent authorities shall communicate their plans of checks, as well as updates thereto, to other competent authorities and the Commission. Competent authorities shall exchange information on and coordinate the development and application of the risk criteria referred to in paragraph 5 with competent authorities of other Member States and with the Commission, in order to improve the effectiveness of the enforcement of this Regulation.

8. Each Member State shall ensure that the annual checks carried out by its competent authorities pursuant to paragraph 1 of this Article cover at least 3 % of the operators placing or making available on the market or exporting relevant products that contain or have been made using relevant commodities produced in a country of production or parts thereof classified as standard risk in accordance with Article 29.

4. 提供协助的方式不得损害主管机构执行本条例的独立性、法律义务或职责。

5. 欧盟委员会可通过发布相关指南以及促进主管机构之间、主管机构与海关之间、主管机构与欧盟委员会之间的充分信息交流、协调与合作，推动本条例的统一实施。

第16条

开展检查的义务

1. 主管机构应在其领土内进行检查，以确定在欧盟境内设立的经营者和贸易商是否遵守本条例。主管机构应在其领土内进行检查，以确定经营者或贸易商已投放或拟投放、已提供或拟提供、已出口或拟出口的相关产品是否符合本条例。

2. 本条第1款所述检查应按照第18条和第19条进行。

3. 主管机关应采用基于风险的方法确定应开展的检查。风险标准应基于对本条例不合规风险的分析予以确定，尤其应考虑相关商品、供应链的复杂性和长度(包括是否涉及相关产品的混合)以及相关产品的加工阶段、有关地块是否与森林相邻、依照第29条对国家或其部分地区的风险分级(特别关注被归类为高风险的国家或其部分地区的情况)、经营者或贸易商违反本条例的历史记录、规避风险以及任何其他相关信息。风险分析应建立在第9条和第10条所述信息的基础上，并可建立在第33条所述信息系统中包含的信息的基础上，还可由其他相关来源予以支持，例如监测数据、国际组织的风险概况、根据第31条提交的经证实关切或欧盟委员会专家组会议的结论。

4. 欧盟委员会应酌情按照第3款制定并定期审查和更新欧盟层面的指示性风险标准，并将其传达给主管机构。

5. 为进行第1款所述检查，主管机构应制定年度计划，其中至少包括以下内容：

(a) 按照第3款制定的国家风险标准，用于确定必要的检查，该标准以欧盟委员会按照第4款制定的欧盟层面指示性风险标准为基础，并系统性地纳入与被列为高风险的国家或其部分地区相关的风险标准；

(b) 应受检查的经营者和贸易商的选择；该选择应基于第(a)点所述的国家风险标准，除其他外，利用第33条所述信息系统中包含的信息和电子数据处理技术；对于每个应受检查的经营者或贸易商，主管当局可确定应受检查的具体尽职调查声明。

6. 主管机构对计划的年度审查应系统性地以检查结果和第5款所述计划的实施经验为基础，以提高其有效性。

7. 主管机构应将其检查计划及其更新情况传达给其他主管机构和欧盟委员会。主管机构应与其他成员国的主管机构及欧盟委员会就第5款所述风险标准的制定和适用进行信息交流和协调，以提高本条例执行的有效性。

8. 各成员国应确保其主管机构依照本条第1款进行的年度检查至少覆盖3%的经营者，这些经营者投放、在市场上提供或出口含有或使用按照第29条被列为标准风险的生产国或其部分地区生产的相关商品的相关产品。

9. Each Member State shall ensure that the annual checks carried out by its competent authorities pursuant to paragraph 1 of this Article cover at least 9 % of the operators placing or making available on the market or exporting relevant products that contain or have been made using relevant commodities as well as 9 % of the quantity of each of the relevant products that contain or have been made using relevant commodities produced in a country or parts thereof classified as high risk in accordance with Article 29.

10. Each Member State shall ensure that the annual checks carried out by its competent authorities pursuant to paragraph 1 of this Article cover at least 1 % of the operators placing or making available on the market or exporting relevant products that contain or have been made using relevant commodities produced in a country or parts thereof classified as low risk in accordance with Article 29.

11. The quantified objectives of checks to be carried out by competent authorities shall be met separately for each of the relevant commodities. The quantified objectives shall be calculated by reference to the total number of operators who placed or made available on the market or exported relevant products in the previous year, and to quantity, where applicable. Operators shall be considered as having been checked where the competent authority has checked the elements referred to in Article 18(1), points (a) and (b).

12. Without prejudice to checks planned in advance pursuant to paragraph 5 of this Article, competent authorities shall carry out checks referred to in paragraph 1 of this Article when they obtain or are made aware of relevant information, including based on substantiated concerns submitted by third parties under Article 31, concerning a potential case of non-compliance with this Regulation.

13. Checks shall be carried out without prior warning of the operator or trader, except where prior notification of the operator or trader is necessary in order to ensure the effectiveness of the checks.

14. The competent authorities shall keep records of the checks, indicating in particular their nature and results, as well as on the measures taken in the event of non-compliance. Records of all checks shall be kept for at least 10 years.

15. Records of checks carried out under this Regulation and reports of their results shall constitute environmental information for the purposes of Directive 2003/4/EC of the European Parliament and of the Council ([22]) and shall be made available upon request.

Article 17

Relevant products requiring immediate action

1. Competent authorities shall identify situations where relevant products present such high risk of non-compliance with Article 3 that they require immediate action by competent authorities before those relevant products are placed or made available on the market or exported. Competent authorities shall register such identified situations in the information system referred to in Article 33.

2. When competent authorities identify the situations referred to in paragraph 1 of this Article, including when a due diligence statement relating to the relevant products concerned is submitted by an operator, the information system referred to in Article 33 shall identify the high risk of non-compliance with Article 3 and inform competent authorities, which shall:

(a) take immediate interim measures under Article 23 to suspend the placing or making available of those relevant products on the market; or

(b) once the electronic interface referred to in Article 28(1) is in place, in the case of relevant products entering or leaving the market, require customs authorities to suspend the release for free circulation or export of those relevant products under Article 26(7).

3. The suspensions referred to in paragraph 2 of this Article shall end within three working days or within 72 hours in the case of perishable relevant products, starting from the moment when the high risk of non-compliance is identified in the information system referred to in Article 33. Where the competent authorities, based on the result of the checks carried out within that period, conclude that they require additional time in which to establish whether the relevant products comply with Article 3, they shall extend the period of suspension, by additional periods of three working days, by means of additional interim measures taken under Article 23 or, in the case of relevant products entering or leaving the market, by notifying the customs authorities of the need to maintain the suspension under Article 26(7).

([22]) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

9. 各成员国应确保其主管机关依照本条第1款开展的年度检查至少覆盖9%的在市场上提供或出口含有或使用相关商品制成的相关产品的经营者，以及至少覆盖9%的在依照第29条被归类为高风险的国家或其部分地区生产的含有或使用相关商品制成的每类相关产品的数量。

10. 各成员国应确保其主管机关依据本条第1款开展的年度检查至少覆盖1%的经营者，这些经营者投放市场、在市场上提供或出口含有或使用根据第29条被归类为低风险的国家或其部分地区生产的相关商品的相关产品。

11. 主管机关应针对每类相关商品分别达到量化检查目标。量化目标应参照上一年度在市场上提供或出口相关产品的经营者总数计算，并在适用时参照数量计算。主管机关已检查第18条第1款(a)项和(b)项所述要素的，经营者应被视为已被检查。

12. 在不影响依据本条第5款事先计划的检查的情况下，主管机关在获得或获悉相关信息时，包括基于第三方根据第31条提交的经证实的关切，涉及可能违反本法规的情形，应开展本条第1款所述的检查。

13. 检查应在不事先通知经营者或贸易商的情况下进行，除非为确保检查的有效性有必要事先通知经营者或贸易商。

14. 主管机关应保存检查记录，特别注明检查的性质和结果，以及在发生不合规情况下采取的措施。所有检查记录应至少保存10年。

15. 根据本法规开展的检查记录及其结果报告，就欧洲议会和欧盟理事会第2003/4/EC号指令(22)而言，应构成环境信息，并应要求予以提供。

第17条

需要立即采取行动的相关产品

1. 主管机关应识别相关产品存在如此高的违反第3条风险以致需要主管机关在这些相关产品投放市场、在市场上提供或出口之前立即采取行动的情形。主管机关应将此类已识别的情形登记在第33条所述的信息系统中。

2. 当主管机关识别出本条第1款所述情形时，包括当经营者提交与相关产品有关的尽职调查声明时，第33条所述的信息系统应识别出违反第3条的高风险并通知主管机关，主管机关应：

(a) 根据第23条采取立即临时措施，暂停这些相关产品在市场上的投放或在市场上提供；或

(b) 一旦第28条第1款所述的电子接口建立，对于进入或离开市场的相关产品，根据第26条第7款要求海关暂停这些相关产品的放行自由流通或出口。

3. 本条第2款所述暂停应自第33条所述信息系统识别出高风险不合规情形之时起三个工作日内结束，易腐相关产品则为72小时内结束。主管机关根据该期间内所开展检查的结果认为需要额外时间以确定相关产品是否符合第3条的，应通过依照第23条采取的额外临时措施，或在相关产品进入或离开市场的情形下通过通知海关需要依照第26条第7款维持暂停，将暂停期延长三个工作日。

(22) 欧洲议会和欧盟理事会2003年1月28日关于公众获取环境信息的第2003/4/EC号指令并废止欧盟理事会 Directive 90/313/EEC(OJ L 41, 14.2.2003, p.26)。

Article 18

Checks on operators and non-SME traders

1. The checks on operators and non-SME traders shall include:

(a) examination of their due diligence system, including risk assessment and risk mitigation procedures, and of documentation and records that demonstrate the proper functioning of the due diligence system;

(b) examination of documentation and records that demonstrate that a specific relevant product that the operator has placed or intends to place on the market or intends to export or that the non-SME trader has made available or intends to make available on the market complies with this Regulation, including, when applicable, through risk mitigation measures, as well as examination of the relevant due diligence statements.

2. The checks on operators and non-SME traders may also include, where appropriate, in particular where the examinations referred to in paragraph 1 have raised questions:

(a) on-the-ground examination of relevant commodities or of the relevant products with a view to ascertaining their correspondence with the documentation used for exercising due diligence;

(b) examination of corrective measures taken under Article 24;

(c) any technical and scientific means adequate to determine the species or the exact place where the relevant commodity or relevant product was produced, including anatomical, chemical or DNA analysis;

(d) any technical and scientific means adequate to determine whether the relevant products are deforestation-free, including Earth observation data such as from the Copernicus programme and tools or from other publicly or privately available relevant sources; and

(e) spot checks, including field audits, including where appropriate in third countries, provided that such third countries agree, through cooperation with the administrative authorities of those third countries.

Article 19

Checks on SME traders

1. The checks on SME traders shall include the examination of documentation and records that demonstrate compliance with Article 5(2), (3) and (4).

2. The checks on SME traders may also include, where appropriate, in particular where the examinations referred to in paragraph 1 have raised questions, spot checks, including field audits.

Article 20

Recovery of costs by competent authorities

1. Member States may authorise their competent authorities to reclaim from the operators or traders the totality of the costs of their activities with respect to instances of non-compliance.

2. The costs referred to in paragraph 1 may include the costs of carrying out testing, of storage and of activities relating to the relevant products that are found to be non-compliant products and are subject to corrective action prior to the release of those relevant products for free circulation, their placing on the market or their export.

Article 21

Cooperation and exchange of information

1. Competent authorities shall cooperate with each other, the customs authorities from their Member State, the competent authorities and customs authorities from other Member States, the Commission and if necessary, with the administrative authorities of third countries in order to ensure compliance with this Regulation, including as regards the implementation of field audits.

2. Competent authorities shall establish administrative arrangements with the Commission concerning the transmission of information on investigations and the conduct of investigations.

第条 18

对经营者和非中小型贸易商的检查

1. 对经营者和非中小型贸易商的检查应包括：

(a) 审查其尽职调查制度，包括风险评估和风险缓解程序，以及证明尽职调查制度正常运作的文件和记录；

(b) 审查证明经营者已投放或拟投放市场或拟出口的特定相关产品，或非中小企业贸易商已在市场上提供或拟在市场上提供的特定相关产品符合本法规的文件和记录，包括在适用情况下通过风险缓解措施，以及对相关尽职调查声明的审查。

2. 对经营者和非中小企业贸易商的检查在适当情况下，特别是在第1款所述审查引起疑问时，还可包括：

(a) 对相关商品或相关产品进行实地检查，以确定其与用于开展尽职调查的文件的一致性；

(b) 对根据第24条采取的纠正措施的审查；

(c) 任何足以确定相关商品或相关产品生产物种或确切地点的技术和科学手段，包括解剖学、化学或DNA分析；

(d) 任何足以确定相关产品是否无毁林的技术和科学手段，包括地球观测数据，例如来自哥白尼计划的数据以及工具或其他公开或私人可获取的相关来源；以及

(e) 抽查，包括实地审计，在适当情况下包括在第三国进行，前提是该第三国通过与该第三国行政当局的合作同意。

第条 19

对中小企业经营者的检查

1. 对中小企业贸易商的检查应包括审查证明遵守第5条第2款、第3款和第4款的文件和记录。

2. 对中小企业贸易商的检查在适当情况下，特别是在第1款所述审查引起疑问时，还可包括抽查，包括实地审计。

第条 20

主管当局收回费用

1. 成员国可授权其主管机关就不合规情形向经营者或贸易商收回其活动的全部费用。

2. 第1款所述费用可包括开展检测、储存以及与相关产品有关的活动的费用，这些相关产品被认定为不合规产品，并在这些相关产品放行自由流通、投放市场或出口之前须采取纠正措施。

第条 21

合作与信息交流

1. 主管机关应相互合作，与其成员国的海关、其他成员国的主管机关和海关、欧盟委员会以及必要时的第三国行政当局合作，以确保遵守本法规，包括在实地审计的实施方面。

2. 主管当局应与欧盟委员会就调查信息的传递和调查的开展建立行政安排。

3. Competent authorities shall exchange information necessary for the enforcement of this Regulation, including through the information system referred to in Article 33. That shall include giving access to and exchanging information on operators and traders, including due diligence statements, and on the nature and results of the checks carried out, with other Member States' competent authorities to facilitate the enforcement of this Regulation.

4. Competent authorities shall immediately alert competent authorities of other Member States and the Commission when they detect any potential non-compliance with this Regulation and serious shortcomings that could affect more than one Member State. Competent authorities shall, in particular, inform competent authorities of other Member States when they detect a relevant product on the market that they consider to be a non-compliant product, to enable the withdrawal or recall of such product from sales in all Member States.

5. At the request of a competent authority, Member States shall provide it with the information necessary to ensure compliance with this Regulation.

Article 22

Reporting

1. By 30 April of each year, Member States shall make available to the public and to the Commission information on the application of this Regulation during the previous calendar year. That information shall include:

(a) the plans of checks and the risk criteria on which those plans were based;

(b) the number and the results of the checks carried out on operators, non-SME traders and other traders in relation to the total number of operators, non-SME traders and other traders, including the types of non-compliance identified;

(c) the quantity of relevant products checked in relation to the total quantity of relevant products placed on the market or exported and the countries of production; for relevant products entering or leaving the market, the quantity is to be expressed in kilograms of net mass and, where applicable, in the supplementary unit set out in Annex I to Regulation (EEC) No 2658/87 against the indicated Harmonised System code, or, in all other cases, the quantity is to be expressed in net mass or, where applicable, volume or number of items; a supplementary unit is applicable where it is defined consistently for all possible subheadings under the Harmonised System code referred to in the due diligence statement;

(d) in cases of non-compliance, the corrective action taken in accordance with Article 24 and penalties imposed in accordance with Article 25;

(e) the percentage of checks carried out with prior warnings pursuant to Article 16(13), the use of which shall be justified by the competent authorities in their check reports.

2. By 30 October of each year, the Commission services shall make publicly available a Union-wide overview of the application of this Regulation based on the data submitted by the Member States under paragraph 1.

Article 23

Interim measures

Member States shall provide for the possibility for their competent authorities to take immediate interim measures, including the seizure of the relevant commodities or relevant products, or the suspension of the placing or making available on the market or the export of the relevant commodities or relevant products, when potential non-compliance with this Regulation has been detected on the basis of any of the following:

(a) the examination of evidence or other relevant information, including information exchanged under Article 21 or substantiated concerns submitted under Article 31;

(b) the checks referred to in Articles 18 and 19;

3. 主管机关应交换执行本法规所需的信息，包括通过第33条所述的信息系统。这应包括与其他成员国的主管机关共享获取和交换关于经营者和贸易商的信息，包括尽职调查声明，以及关于所开展检查的性质和结果的信息，以促进本法规的执行。

4. 主管机关发现任何潜在违反本条例的情形以及可能影响一个以上成员国的严重缺陷时，应立即通知其他成员国的主管机关和欧盟委员会。主管机关尤其应在发现其认为属于不合规产品的相关产品已在市场上时通知其他成员国的主管机关，以便在所有成员国将该产品撤出销售或召回。

5. 应主管机关的请求，成员国应向其提供确保遵守本法规所需的信息。

第22条

报告

1. 成员国应于每年4月30日前向公众和欧盟委员会提供上一日历年本条例适用情况的信息。该信息应包括：

(a) 检查计划及这些计划所依据的风险标准；

(b) 对经营者、非中小企业贸易商和其他贸易商开展的检查的数量和结果，相对于经营者、非中小企业贸易商和其他贸易商的总数，包括所识别的不合规类型；

(c) 受检查相关产品的数量相对于在市场上提供或出口的相关产品总量及生产国；对于进入或离开市场的相关产品，数量应以净重千克表示，并在适用时以条例(EEC)第2658/87号附件I中针对所示协调制度编码规定的补充单位表示，或在所有其他情形下以净重表示，或在适用时以体积或件数表示；补充单位在尽职调查声明中所述协调制度编码下所有可能子目均一致界定时适用；

(d) 在发生不合规的情况下，根据第24条采取的纠正措施和根据第25条施加的处罚；

(e) 依据第16(13)条在有事先警告的情况下实施的检查的百分比，主管机关应在检查报告中说明采用此种检查的理由。

2. 每年10月30日前，欧盟委员会各服务部门应根据成员国依据第1款提交的数据，公开发布本法规适用情况的欧盟范围概览。

第23条

临时措施

成员国应规定其主管机关有可能采取立即临时措施，包括扣押相关商品或相关产品，或暂停相关商品或相关产品的投放市场、在市场上提供或出口，前提是依据以下任一情形发现可能存在不遵守本法规的情况：

(a) 对证据或其他相关信息的审查，包括依据第21条交换的信息或依据第31条提交的有合理依据的关切；

(b) 第18条和第19条所述的检查；

(c) the identification of risks by the information system referred to in Article 33.

Where necessary, Member States shall immediately inform the Commission and the competent authorities of other Member States about such measures.

Article 24

Corrective action in the event of non-compliance

1. Without prejudice to Article 25, where competent authorities establish that an operator or trader has not complied with this Regulation or that a relevant product placed or made available on the market or exported is non-compliant, they shall without delay require the operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end within a specified and reasonable period of time.

2. For the purposes of paragraph 1, the corrective action required to be taken by the operator or trader shall include at least one of the following, as applicable:

(a) rectifying any formal non-compliance, in particular with the requirements of Chapter 2;

(b) preventing the relevant product from being placed or made available on the market or exported;

(c) withdrawing or recalling the relevant product immediately;

(d) donating the relevant product to charitable or public interest purposes or, if that is not possible, disposing of it in accordance with Union law on waste management.

3. Irrespective of the corrective action taken under paragraph 2, the operator or trader shall address any shortcomings in the due diligence system with a view to preventing the risk of further non-compliance with this Regulation.

4. If the operator or trader fails to take corrective action as referred to in paragraph 2 within the period of time specified by the competent authority under paragraph 1, or where non-compliance as referred to in paragraph 1 persists, after that period of time competent authorities shall secure application of the required corrective action referred to in paragraph 2 by all means available to them under the law of the Member State concerned.

Article 25

Penalties

1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council ([23]), Member States shall lay down rules on penalties applicable to infringements of this Regulation by operators and traders and shall take all measures necessary to ensure that they are implemented. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

2. The penalties provided for in paragraph 1 shall be effective, proportionate and dissuasive. Those penalties shall include:

(a) fines proportionate to the environmental damage and the value of the relevant commodities or relevant products concerned, calculating the level of such fines in such way as to ensure that they effectively deprive those responsible of the economic benefits derived from their infringements, and gradually increasing the level of such fines for repeated infringements; in the case of a legal person, the maximum amount of such a fine shall be at least 4 % of the operator's or trader's total annual Union-wide turnover in the financial year preceding the fining decision, calculated in accordance with the calculation of aggregate turnover for undertakings laid down in Article 5(1) of Council Regulation (EC) No 139/2004 ([24]), and shall be increased, where necessary, to exceed the potential economic benefit gained;

(b) confiscation of the relevant products concerned from the operator and/or trader;

(c) confiscation of revenues gained by the operator and/or trader from a transaction with the relevant products concerned;

([23]) Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

([24]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

(c) 第33条所述信息系统对风险的识别。

必要时，成员国应立即就此种措施通知欧盟委员会和其他成员国的主管机关。

第24条

发生不合规情况时的纠正措施

1. 在不影响第25条的情况下，主管机关如认定经营者或贸易商未遵守本法规，或认定已投放市场、在市场上提供或出口的相关产品不合规，应毫不迟延地要求该经营者或贸易商采取适当且相称的纠正措施，在规定的合理期限内终止不合规状态。

2. 为第1款之目的，要求经营者或贸易商采取的纠正措施应至少包括以下各项中的一项(视情况适用):

(a) 纠正任何形式上的不合规，特别是对第2章要求的违反；

(b) 防止相关产品被投放市场、在市场上提供或出口；

(c) 立即撤回或召回相关产品；(d) 将相关产品捐赠用于慈善或公共利益目的，如无法做到，则依照欧盟废物管理法律予以处置。

3. 无论依据第2款采取何种纠正措施，经营者或贸易商均应解决尽职调查体系中的任何缺陷，以防止进一步不遵守本法规的风险。

4. 如经营者或贸易商未在主管机关依据第1款规定的期限内采取第2款所述的纠正措施，或第1款所述的不合规情况在该期限后仍然存在，主管机关应通过相关成员国法律赋予其的一切手段确保第2款所述必要纠正措施得到执行。

第25条

处罚

1. 在不影响成员国在欧洲议会和欧盟理事会第2008/99/EC号指令(23)下所承担义务的情况下，成员国应制定适用于经营者或贸易商违反本法规行为的处罚规则，并应采取一切必要措施确保其得到执行。成员国应将上述规则和措施通知欧盟委员会，并应毫不迟延地将影响上述规则和措施的任何后续修订通知欧盟委员会。

2. 第1款规定的处罚应有效、相称且具有威慑力。上述处罚应包括：

(a) 与所造成的环境损害以及相关商品或相关产品的价值相称的罚款，计算该等罚款数额的方式应确保其有效剥夺责任人从其违法行为中获得的经济利益，并对屡次违法行为逐步提高罚款数额；对于法人，该等罚款的最高数额应至少为经营者在罚款决定作出前上一财政年度全欧盟总营业额的4%，该营业额依照欧盟理事会第139/2004号条例(24)第5(1)条规定的企业总营业额计算方法计算，并在必要时予以提高以超过所获得的潜在经济利益；

(b) 没收经营者和/或贸易商的相关产品；

(c) 没收经营者或贸易商从相关产品交易中获得的收入；

(23) 欧洲议会和欧盟理事会2008年11月19日关于保护环境的第2008/99/EC号指令通过刑法(OJ L 328, 6.12.2008, p.28)。

(24) 2004年1月20日关于控制企业间集中的欧盟理事会第139/2004号条例(欧共体合并)(条例)(OJ L 24, 29.1.2004， 第1页)。

(d) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;

(e) temporary prohibition from placing or making available on the market or exporting relevant commodities and relevant products, in the event of a serious infringement or of repeated infringements;

(f) prohibition from exercising the simplified due diligence set out in Article 13 in the event of a serious infringement or of repeated infringements.

3. Member States shall notify the Commission of final judgments against legal persons for infringements of this Regulation and the penalties imposed on them, within 30 days from the date on which the judgments become final, taking into account the relevant data protection rules. The Commission shall publish on its website a list of such judgments, which shall contain the following elements:

(a) the name of the legal person;

(b) the date of the final judgment;

(c) a summary of the activities for which the legal person was found to have infringed this Regulation; and

(d) the nature and, where financial, the amount of the penalty imposed.

CHAPTER 4

PROCEDURES FOR RELEVANT PRODUCTS ENTERING OR LEAVING THE MARKET

Article 26

Controls

1. Relevant products placed under the customs procedure 'release for free circulation' or 'export' shall be subject to the controls and measures laid down in this Chapter. The application of this Chapter is without prejudice to any other provisions of this Regulation as well as to other Union legal acts governing the release for free circulation or export of goods, in particular Regulation (EU) No 952/2013 and its Articles 46, 47, 134 and 267. Chapter VII of Regulation (EU) 2019/1020 shall however not apply to controls on relevant products entering the market in so far as the application and enforcement of this Regulation is concerned.

2. Competent authorities shall be responsible for the overall enforcement of this Regulation with regard to a relevant product entering or leaving the market. In particular, competent authorities shall be responsible, in accordance with Article 16, for identifying checks to be carried out based on a risk-based approach and for establishing, through the checks referred to in Article 16, whether any such relevant product complies with Article 3. The competent authorities shall carry out those responsibilities in accordance with the relevant provisions of Chapter 3.

3. Without prejudice to paragraph 2 of this Article, customs authorities shall carry out controls on the customs declarations lodged in relation to relevant products entering or leaving the market in accordance with Articles 46 and 48 of Regulation (EU) No 952/2013. Such controls shall primarily be based on risk analysis, as established in Article 46(2) of Regulation (EU) No 952/2013.

4. The reference number of the due diligence statement shall be made available to customs authorities before the release for free circulation or export of a relevant product entering or leaving the market. For that purpose, except where the due diligence statement is made available through the electronic interface referred to in Article 28(2), the person lodging the customs declaration for release for free circulation or export of a relevant product shall make available to customs authorities the reference number of the due diligence statement assigned to that relevant product by the information system referred to in Article 33.

5. For the purpose of taking into account compliance with this Regulation on allowing a relevant product to be released for free circulation or exported:

(a) until the electronic interface referred to in Article 28(1) is in place, paragraphs 6 to 9 of this Article shall not apply, and customs authorities shall exchange information and cooperate with competent authorities in accordance with Article 27, and, where necessary, shall take into account such exchange of information and cooperation on allowing relevant products to be released for free circulation or exported;

(b) once the electronic interface referred to in Article 28(1) is in place, paragraphs 6 to 9 of this Article shall apply, and notifications and requests under paragraphs 6 to 9 of this Article shall take place by means of that electronic interface.

(d) 在最长12个月内临时排除于公共采购程序及公共资金获取之外，包括招标程序、赠款和特许权；

(e) 在发生严重违规或多次违规的情况下，临时禁止投放市场、在市场上提供或出口相关商品和相关产品；

(f) 在发生严重违规或多次违规的情况下，禁止适用第13条规定的简化尽职调查。

3. 成员国应在判决生效之日起30日内，将针对法人违反本法规的终审判决及对其判处的处罚通知欧盟委员会，同时考虑相关数据保护规则。欧盟委员会应在其网站上公布此类判决清单，清单应包含以下要素：

(a) 法人名称；

(b) 终局判决的日期；

(c) 对法人被认定违反本法规所涉活动的摘要；以及

(d) 处罚的性质以及在属财务性质时处罚的金额。

第4章

相关产品进入或离开市场的程序

第26条

检查

1. 置于"放行进入自由流通"或"出口"海关程序下的相关产品应接受本章规定的管制和措施。本章的适用不影响本条例的任何其他规定以及规范货物放行进入自由流通或出口的其他欧盟法律文件，特别是欧盟第952/2013号条例及其第46、47、134和267条。但就本条例的适用和执行而言，欧盟第2019/1020号条例第七章不适用于对进入市场的相关产品的管制。

2. 主管当局应负责对相关产品进入或离开市场时本法规的总体执行。特别是，主管当局应根据第16条负责基于风险的方法确定要进行的检查，并通过第16条所述的检查确定任何此类相关产品是否符合第3条。主管当局应按照第3章的相关规定履行这些职责。

3. 在不影响本条第2款的情况下，海关应依照第952/2013号条例(EU)第46条和第48条，对就进入或离开市场的相关产品提交的报关单实施检查。此种检查应主要基于第952/2013号条例(EU)第46(2)条所规定的风险分析。

4. 在进入或离开市场的相关产品放行进入自由流通或出口之前，应向海关提供尽职调查声明的参考编号。为此，除尽职调查声明通过第28(2)条所述电子接口提供的情形外，为相关产品放行进入自由流通或出口而提交报关单的人，应向海关提供由第33条所述信息系统为该相关产品分配的尽职调查声明参考编号。

5. 为在允许相关产品放行进入自由流通或出口时考虑对本法规的遵守情况：

(a) 在第28(1)条所述电子接口建立之前，本条第6款至第9款不适用，海关应依照第27条与主管机关交换信息并合作，并在必要时在允许相关产品放行进入自由流通或出口时考虑此种信息交换与合作；

(b) 一旦第28(1)条所述电子接口建立，本条第6款至第9款即适用，本条第6款至第9款项下的通知和请求应通过该电子接口进行。

6. When carrying out controls on customs declarations for release for free circulation or export of a relevant product entering or leaving the market, customs authorities shall examine, using the electronic interface referred to in Article 28(1), the status assigned to the corresponding due diligence statement by competent authorities in the information system referred to in Article 33.

7. Where the status referred to in paragraph 6 of this Article indicates that the relevant product entering or leaving the market has been identified, pursuant to Article 17(2), as requiring to be checked before it is placed or made available on the market or exported, customs authorities shall suspend the release for free circulation or export of that relevant product.

8. Where all other requirements and formalities under Union or national law relating to the release for free circulation or export have been fulfilled, customs authorities shall allow a relevant product entering or leaving the market to be released for free circulation or exported in any of the following circumstances:

(a) the status referred to in paragraph 6 of this Article does not indicate that the relevant product has been identified, pursuant to Article 17(2), as requiring to be checked before it is placed or made available on the market or exported;

(b) the release for free circulation or export has been suspended in accordance with paragraph 7 of this Article, and the competent authorities have not requested to maintain the suspension in accordance with Article 17(3);

(c) the release for free circulation or export has been suspended in accordance with paragraph 7 and the competent authorities have notified customs authorities that the suspension of the release for free circulation or export of the relevant products can be lifted.

9. Where the competent authorities conclude that a relevant product entering or leaving the market is non-compliant, they shall notify the customs authorities accordingly and the customs authorities shall not allow the release for free circulation or export of that relevant product.

10. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.

Article 27

Cooperation and exchange of information among authorities

1. To enable the risk-based approach referred to in Article 16(5) for relevant products entering or leaving the market and to ensure that checks are effective and carried out in accordance with this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange information.

2. Customs authorities and competent authorities shall cooperate in accordance with Article 47(2) of Regulation (EU) No 952/2013 and exchange information necessary for the fulfilment of their functions under this Regulation, including through electronic means.

3. The customs authorities may communicate, in accordance with Article 12(1) of Regulation (EU) No 952/2013, confidential information acquired by the customs authorities in the course of performing their duties, or provided to the customs authorities on a confidential basis, to the competent authority of the Member State in which the operator, trader or authorised representative is established.

4. Where the competent authorities have received information in accordance with this Article, those competent authorities may communicate that information to competent authorities of other Member States in accordance with Article 21(3).

5. Risk-related information shall be exchanged as follows:

(a) between customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013;

(b) between customs authorities and the Commission in accordance with Article 47(2) of Regulation (EU) No 952/2013;

(c) between customs authorities and competent authorities, including competent authorities of other Member States, in accordance with Article 47(2) of Regulation (EU) No 952/2013.

6. 在对进入或离开市场的相关产品放行进入自由流通或出口的报关单实施检查时，海关应使用第28(1)条所述电子接口，审查主管机关在第33条所述信息系统中对相应尽职调查声明所指定的状态。

7. 如本条第6款所述状态表明，进入或离开市场的相关产品已依据第17(2)条被认定需要在投放市场、在市场上提供或出口之前接受检查，海关应暂停该相关产品的放行进入自由流通或出口。

8. 在欧盟或国家法律有关放行自由流通或出口的所有其他要求和手续均已履行的情况下，海关应在下列任一情形下允许进入或离开市场的相关产品放行自由流通或出口：

(a) 本条第6款所述状态未表明相关产品已依据第17条第2款被认定需要在投放市场、在市场上提供或出口前接受检查；

(b) 自由流通或出口已根据本条第7款被暂停，且主管当局未根据第17条第3款要求维持暂停；

(c) 自由流通或出口已根据第7款被暂停，且主管当局已通知海关，相关产品的自由流通或出口暂停可以解除。

9. 主管当局认定进入或离开市场的相关产品不合规时，应相应通知海关，海关不得允许该相关产品的自由流通或出口。

10. 放行自由流通或出口不应被视为符合欧盟法律、特别是符合本条例的证明。

第27条

当局之间的合作与信息交流

1. 为使第16条第5款所述针对进入或离开市场的相关产品的基于风险的方法得以实施，并确保检查有效且依照本条例进行，欧盟委员会、主管机关和海关应密切合作并交换信息。

2. 海关和主管机关应依照第952/2013号条例(EU)第47条第2款进行合作，并交换履行本条例项下职能所需的信息，包括通过电子方式。

3. 海关可依照第952/2013号条例(EU)第12条第1款，将海关在履行职责过程中获得的保密信息，或基于保密方式向海关提供的信息，告知经营者、贸易商或授权代表所在成员国的主管机关。

4. 主管机关依照本条收到信息的，该主管机关可依照第21条第3款将该信息告知其他成员国的主管机关。

5. 风险相关信息应按下列方式交换：

(a) 海关之间依照第952/2013号条例(EU)第46条第5款进行；

(b) 海关与欧盟委员会之间依照第952/2013号条例(EU)第47条第2款进行；

(c) 海关与主管机关(包括其他成员国的主管机关)之间依照第952/2013号条例(EU)第47条第2款进行。

Article 28

Electronic interface

1. The Commission shall develop an electronic interface based on the European Union Single Window Environment for Customs, established by Regulation (EU) 2022/2399 of the European Parliament and of the Council ([25]), to enable the transmission of data, in particular the notifications and requests referred to in Article 26(6) to (9) of this Regulation, between national customs systems and the information system referred to in Article 33 of this Regulation. This electronic interface shall be in place by 30 June 2028.

2. The Commission shall develop an electronic interface in accordance with Article 12 of Regulation (EU) 2022/2399 to enable:

(a) operators and traders to comply with the obligation to submit the due diligence statement of a relevant commodity or relevant product pursuant to Article 4 of this Regulation, by making it available through the national single window environment for customs referred to in Article 8 of Regulation (EU) 2022/2399 and receive feedback thereon from competent authorities; and

(b) the transmission of that due diligence statement to the information system referred to in Article 33.

3. The Commission shall adopt implementing acts specifying the details of implementation arrangements for paragraphs 1 and 2 of this Article and, in particular, defining the data, including their format, to be transmitted in accordance with paragraphs 1 and 2 of this Article. The implementing acts shall also clarify how any changes in the status assigned by competent authorities to due diligence statements in the information system referred to in Article 33 shall be notified immediately and automatically to the relevant customs authorities through the electronic interface referred to in paragraph 1 of this Article. The implementing acts may also determine that certain specific data available in the due diligence statement and necessary for activities of customs authorities, including surveillance and fight against fraud, are transmitted and registered in Union and national customs systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 36(2).

CHAPTER 5

COUNTRY BENCHMARKING SYSTEM AND COOPERATION WITH THIRD COUNTRIES

Article 29

Assessment of countries

1. This Regulation establishes a three-tier system for the assessment of countries or parts thereof. For that purpose, Member States and third countries, or parts thereof, shall be classified into one of the following risk categories:

(a) 'high risk' refers to countries or parts thereof, for which the assessment referred to in paragraph 3 results in the identification of a high risk of producing in such countries or in parts thereof, relevant commodities for which the relevant products do not comply with Article 3, point (a);

(b) 'low risk' refers to countries or parts thereof, for which the assessment referred to in paragraph 3 concludes that there is sufficient assurance that instances of producing in such countries or in parts thereof, relevant commodities for which the relevant products do not comply with Article 3, point (a), are exceptional;

(c) 'standard risk' refers to countries or parts thereof which do not fall in either the category 'high risk' or the category 'low risk'.

2. On 29 June 2023, all countries shall be assigned a standard level of risk. The Commission shall classify countries or parts thereof, that present a low or high risk in accordance with paragraph 1. 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 December 2024. That list shall be reviewed, and updated if appropriate, as often as necessary in light of new evidence.

([25]) Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 (OJ L 317, 9.12.2022, p. 1).

第28条

电子接口

1. 欧盟委员会应基于欧洲议会和欧盟理事会第2022/2399号条例(25)所建立的欧盟海关单一窗口环境，开发一个电子接口，以便在国家海关系统与本条例第33条所述信息系统之间传输数据，特别是本条例第26(6)至(9)条所述的通报和请求。该电子接口应于2028年6月30日前建成。

2. 欧盟委员会应依照第2022/2399号条例(EU)第12条开发电子接口，以实现：

(a) 经营者和贸易商通过第2022/2399号条例(EU)第8条所述海关国家单一窗口环境提交相关商品或相关产品的尽职调查声明，以履行依照本条例第4条提交该声明的义务，并就此接收主管机关的反馈；以及

(b) 将该尽职调查声明传输至第33条所述信息系统。

3. 欧盟委员会应通过实施法案，规定本条第1款和第2款实施安排的细节，特别是界定应根据本条第1款和第2款传输的数据，包括其格式。实施法案还应明确，主管当局在信息系统(第33条所指)中对尽职调查声明所赋予状态的任何变更，应如何通过本条第1款所指的电子接口立即自动通知相关海关。实施法案还可规定，尽职调查声明中可获得的、海关活动(包括监督和打击欺诈)所必需的某些特定数据，应传输并登记在欧盟和国家海关系统中。上述实施法案应根据第36条第2款所指的审查程序通过。

第5章

国家基准评估体系与第三国合作

第29条

国家评估

1. 本条例建立对国家或其部分地区的三级评估体系。为此，成员国和第三国或其部分地区应被归入下列风险类别之一：

(a) “高风险”指经第3款所述评估认定在该国或其部分地区生产的相关商品所对应的相关产品不符合第3条第(a)项的风险较高的国家或其部分地区；

(b) “低风险”指经第3款所述评估认定有充分保证表明在该国或其部分地区生产的相关商品所对应的相关产品不符合第3条第(a)项的情形属例外的国家或其部分地区；

(c) “标准风险”指不属于“高风险”类别或“低风险”类别的国家或其部分地区。

2. 2023年6月29日，所有国家均应被赋予标准风险等级。欧盟委员会应依照第1款对呈现低风险或高风险的国家或其部分地区进行分类。呈现低风险或高风险的国家或其部分地区的清单，应通过依照第36条第2款所述审查程序通过的实施法案，至迟于2024年12月30日公布。该清单应根据新证据视必要随时审查并在适当时更新。

(25) 欧洲议会和欧盟理事会 2022 年 11 月 23 日第 (EU) 2022/2399 号条例，建立欧洲联盟海关单一窗口环境并修订第(EU) No 952/2013号条例(OJ L 317, 9.12.2022, p.1)。

3. The classification of low-risk and high-risk countries or parts thereof, pursuant to paragraph 1 shall be based on an objective and transparent assessment by the Commission, taking into account the latest scientific evidence and internationally recognised sources. The classification shall be based primarily on the following assessment criteria:

(a) rate of deforestation and forest degradation;

(b) rate of expansion of agriculture land for relevant commodities;

(c) production trends of relevant commodities and of relevant products.

4. The assessment referred to in paragraph 3 may also take into account:

(a) information submitted by the country concerned, regional authorities concerned, operators, NGOs and third parties, including indigenous peoples, local communities and civil society organisations, with regard to the effective covering of emissions and removals from agriculture, forestry and land use in the nationally determined contribution to the UNFCCC;

(b) agreements and other instruments between the country concerned and the Union and/or its Member States that address deforestation and forest degradation and facilitate compliance of relevant commodities and relevant products with Article 3 and their effective implementation;

(c) whether the country concerned has national or subnational laws in place, including in accordance with Article 5 of the Paris Agreement, and takes effective enforcement measures to tackle deforestation and forest degradation, and to avoid and penalise activities leading to deforestation and forest degradation and in particular whether it applies penalties of sufficient severity to deprive of the benefits accruing from deforestation or forest degradation;

(d) whether the country concerned makes relevant data available transparently; and, if applicable, the existence, compliance with, or effective enforcement of laws protecting human rights, the rights of indigenous peoples, local communities and other customary tenure rights holders;

(e) sanctions imposed by the UN Security Council or the Council of the European Union on imports or exports of the relevant commodities and relevant products.

5. The Commission shall engage in a specific dialogue with all countries that are, or risk to be classified as, high risk, with the objective to reduce their level of risk.

6. Without prejudice to paragraph 5, the Commission shall formally notify the country concerned of its intention to classify that country or a part thereof to a different risk category and invite it to provide any information deemed useful in that regard. The Commission shall also inform the competent authorities of such intention.

The Commission shall include the following information in the notification:

(a) the reason or reasons for the intention to change the risk classification of the country or parts thereof;

(b) the invitation to respond to the Commission in writing with regard to the intention to changing the risk classification of the country or parts thereof;

(c) the consequences of its classification as a high or low risk country.

7. The Commission shall allow the country concerned sufficient time to reply to the notification. Where the notification concerns an intention on the part of the Commission to classify the country or a part thereof to a higher risk, in its reply, the country concerned may provide the Commission with information on measures taken by it to remedy the situation.

8. The Commission shall, without delay, notify the country concerned and the competent authorities of inclusion or removal of a country, or parts thereof, from the list referred to in paragraph 2.

3. 依照第1款对低风险和高风险国家或其部分地区进行分类，应基于欧盟委员会客观且透明的评估，并考虑最新科学证据和国际公认来源。分类应主要基于下列评估标准：

(a) 毁林和森林退化率；

(b) 相关商品农业用地的扩张速度；

(c) 相关商品及相关产品的生产趋势。

4. 第3款所述的评估还可考虑：

(a) 有关国家、有关地区当局、经营者、非政府组织和第三方(包括原住民、当地社区和民间社会组织)就国家自主贡献中对UNFCCC农业、林业和土地利用排放与清除的有效覆盖所提交的信息；

(b) 有关国家与欧盟和/或其成员国之间达成的涉及毁林和森林退化、并促进相关商品和相关产品符合第3条及其有效实施的协定和其他文书；

(c) 有关国家是否已制定国家或国家以下各级法律(包括依照《巴黎协定》第5条)，并采取有效执法措施应对毁林和森林退化，避免并处罚导致毁林和森林退化的活动，特别是是否适用足以剥夺毁林或森林退化所获利益的严厉处罚；

(d) 有关国家是否透明地提供相关数据；以及在适用情况下，保护人权、原住民权利、当地社区和其他习惯权属持有者权利的法律是否存在、是否得到遵守或有效执行；

(e) 联合国安全理事会或欧盟理事会对相关商品和相关产品进出口实施的制裁。

5. 欧盟委员会应与所有被归类为或面临被归类为高风险的国家开展专门对话，以降低其风险水平。

6. 在不影响第5款的情况下，欧盟委员会应正式通知有关国家其拟将该国或其部分地区归入不同风险类别的意向，并邀请其提供在这方面认为有用的任何信息。欧盟委员会还应将该意向告知主管机关。

委员会应在通知中列入以下信息：

(a) 改变该国或其部分地区的风险分类的意图的理由；

(b) 邀请就改变该国或其部分地区的风险分类的意图以书面形式向欧盟委员会作出答复；

(c) 将其归类为高风险或低风险国家的后果。

7. 欧盟委员会应给予有关国家足够的时间对通知作出答复。如通知涉及欧盟委员会意图将该国或其部分地区归类为更高风险，有关国家可在其答复中向欧盟委员会提供其已采取措施补救该情况的资料。

8. 欧盟委员会应毫不迟延地将一国或其部分地区被列入或移出第2款所述名单的情况通知有关国家和主管机关。

Article 30

Cooperation with third countries

1. Within their respective spheres of competence, the Commission, on behalf of the Union, and interested Member States shall engage in a coordinated approach with producer countries and parts thereof that are concerned by this Regulation, in particular those classified as high risk in accordance with Article 29 through existing and future partnerships, and other relevant cooperation mechanisms to jointly address the root causes of deforestation and forest degradation. The Commission shall develop a comprehensive Union strategic framework for such engagement and shall consider mobilising relevant Union instruments. Such partnerships and cooperation mechanisms shall focus on the conservation, restoration and sustainable use of forests, deforestation, forest degradation, and the transition to sustainable commodity production, consumption, processing, and trade methods. Partnerships and cooperation mechanisms may include structured dialogues, administrative arrangements, and existing agreements or provisions thereof, as well as joint roadmaps that enable the transition to an agricultural production that facilitates the compliance with this Regulation, paying particular attention to the needs of indigenous peoples, local communities and smallholders and ensuring the participation of all interested actors.

2. Partnerships and cooperation shall allow the full participation of all stakeholders, including civil society, indigenous peoples, local communities, women, the private sector including microenterprises and other SMEs, and smallholders. Partnerships and cooperation shall also support or initiate inclusive and participatory dialogue towards national legal and governance reform processes to enhance forest governance and address domestic factors contributing to deforestation.

3. Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislation of producer countries, multi-stakeholder processes, fiscal or commercial incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, and the transparency of supply chains, strengthen the rights of forest-dependent communities, including smallholders, local communities, and indigenous peoples, whose rights are set out in the UN Declaration on the Rights of Indigenous Peoples, and ensure public access to forest management documents and other relevant information.

4. Within their respective spheres of competence, the Commission, on behalf of the Union, or Member States, or both, shall engage in international bilateral and multilateral discussion on policies and actions to halt deforestation and forest degradation, including in multilateral fora such as CBD, FAO, UN Convention to Combat Desertification, UN Environment Assembly, UN Forum on Forests, UNFCCC, WTO, G7 and G20. Such engagement shall include the promotion of the transition to sustainable agricultural production and sustainable forest management as well as the development of transparent and sustainable supply chains as well as continued efforts towards identifying and agreeing robust standards and definitions that ensure a high level of protection of forests and other natural ecosystems and related human rights.

5. Within their respective spheres of competence, the Commission, on behalf of the Union, and interested Member States shall engage in dialogue and cooperation with other major consuming countries, to promote the adoption of ambitious requirements to minimise such countries' contribution to deforestation and forest degradation, and a global level playing field.

CHAPTER 6

SUBSTANTIATED CONCERNS

Article 31

Natural or legal persons' substantiated concerns

1. Natural or legal persons may submit substantiated concerns to competent authorities when they consider that one or more operators or traders are not complying with this Regulation.

2. Competent authorities shall, without undue delay, diligently and impartially assess the substantiated concerns, including whether the claims are well-founded, and take the necessary steps, including carrying out checks and conducting hearings of operators and traders, with a view to detecting potential non-compliance with this Regulation and, where appropriate, taking interim measures under Article 23 to prevent the placing or making available on the market and export of relevant products under investigation.

第30条

与第三国的合作

1. 欧盟委员会代表欧盟，与相关成员国在各自职权范围内，应与受本条例影响的生产国及其部分地区，特别是根据第29条被归类为高风险的国家，通过现有和未来的伙伴关系及其他相关合作机制，采取协调一致的方式，共同解决毁林和森林退化的根本原因。欧盟委员会应为此类合作制定全面的欧盟战略框架，并应考虑动员相关欧盟工具。此类伙伴关系和合作机制应侧重于森林的保护、恢复和可持续利用、毁林、森林退化以及向可持续商品生产、消费、加工和贸易方式的转型。伙伴关系和合作机制可包括结构化对话、行政安排及现有协议或其条款，以及联合路线图，以实现向有助于遵守本条例的农业生产的转型，特别关注原住民、当地社区和小农的需求，并确保所有相关方的参与。

2. 伙伴关系与合作应允许所有利益相关方充分参与，包括民间社会、原住民、当地社区、妇女、包括微型企业和其他中小企业在内的私营部门以及小农。伙伴关系与合作还应支持或发起包容性和参与性对话，以推动国家法律和治理改革进程，加强森林治理，并解决导致毁林的国内因素。

3. 伙伴关系与合作应促进综合土地利用规划进程的发展、生产国的相关立法、多方利益相关者进程、财政或商业激励及其他相关工具，以改善森林和生物多样性保护、森林的可持续管理和恢复，应对森林和脆弱生态系统向其他土地用途的转化，优化景观收益、权属保障、农业生产力和竞争力以及供应链的透明度，加强依赖森林的社区(包括小农、当地社区和原住民，其权利载于《联合国原住民权利宣言》)的权利，并确保公众获取森林管理文件和其他相关信息。

4. 欧盟委员会代表欧盟，或成员国，或两者兼有，应在各自职权范围内参与关于制止毁林和森林退化的政策和行动的国际双边和多边讨论，包括在CBD、FAO、联合国防治荒漠化公约、联合国环境大会、联合国森林论坛、UNFCCC、WTO、G7和G20等多边论坛中。此类参与应包括促进向可持续农业生产和可持续森林管理的转型，以及发展透明和可持续的供应链，并继续努力确定和商定确保高水平保护森林和其他自然生态系统及相关人权的稳健标准和定义。

5. 欧盟委员会代表欧盟，以及有关成员国，应在各自职权范围内与其他主要消费国开展对话与合作，以推动采用高标准要求，最大限度地减少此类国家对毁林和森林退化的影响，并营造全球公平竞争环境。

第6章

有充分理由的关切

第31条

自然人或法人的合理关切

1. 自然人或法人认为一个或多个经营者或贸易商未遵守本条例时，可向主管机关提交有确凿证据的关切。

2. 主管当局应当不无故拖延，勤勉、公正地评估有确凿依据的关切，包括相关主张是否具有充分理由，并采取必要步骤，包括开展检查和举行经营者与贸易商的听证，以查明可能存在的违反本条例的情形，并在适当情况下根据第23条采取临时措施，防止正在调查的相关产品被投放市场、在市场上提供和出口。

3. Within 30 days of receiving a substantiated concern, if not otherwise stated in national law, the competent authority shall inform the persons referred to in paragraph 1, who submitted the substantiated concerns, of the follow-up given to the submission and shall provide the reasons for it.

4. Without prejudice to the obligations pursuant to Directive (EU) 2019/1937 of the European Parliament and of the Council ([26]), Member States shall provide for measures to protect the identity of the natural or legal persons who submit substantiated concerns or who conduct investigations with the aim of verifying compliance by operators or traders with this Regulation.

Article 32

Access to justice

1. Any natural or legal person having a sufficient interest, as determined in accordance with the existing national systems of legal remedies, including where such persons meet the criteria, if any, laid down in the national law, including persons who have submitted a substantiated concern in accordance with Article 31, shall have access to administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities under this Regulation.

2. This Regulation shall be without prejudice to any provisions of national law which regulate access to justice and those which require that administrative review procedures be exhausted prior to recourse to judicial proceedings.

CHAPTER 7

INFORMATION SYSTEM

Article 33

Information system

1. By 30 December 2024, the Commission shall establish and subsequently shall maintain an information system which shall contain the due diligence statements made available pursuant to Article 4(2).

2. Without prejudice to the fulfilment of obligations established in Chapters 2 and 3, the information system shall provide at least the following functionalities:

(a) registration of operators and traders and their authorised representatives in the Union; for operators placing relevant products under the customs procedure 'release for free circulation' or 'export', the Economic Operators Registration and Identification (EORI) number established pursuant to Article 9 of Regulation (EU) No 952/2013, shall be included in their registration profile;

(b) registration of due diligence statements including the communication to the operator or trader concerned of a reference number for each due diligence statement submitted through the information system;

(c) making available the reference number of existing due diligence statements pursuant to Article 4(8) and (9);

(d) where possible, the conversion of data from relevant systems to identify the geolocation;

(e) registration of the outcome of checks on due diligence statements;

(f) interconnection with customs through the European Union Single Window Environment for Customs, in accordance with Article 28, including to allow the notifications and requests referred to in Article 26(6) to (9);

(g) provision of relevant information to support the risk-profiling for the plan of checks referred to in Article 16(5), including results of checks, the risk-profiling of operators, traders and relevant commodities and relevant products for the purpose of identifying, based on electronic data-processing techniques, operators and traders to be checked as referred to in Article 16(5), and relevant products to be checked by competent authorities;

(h) facilitation of administrative assistance and cooperation between competent authorities, and between competent authorities and the Commission, to exchange information and data;

([26]) Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

3. 在收到有确凿证据的关切后30天内，除非国内法另有规定，主管机关应将对该提交材料的后续处理情况告知第1款所述提交有确凿证据的关切的自然人或法人，并应说明理由。

4. 在不影响欧洲议会和欧盟理事会第(EU)2019/1937号指令(26)所规定义务的情况下，成员国应规定措施，保护提交有确凿证据的关切或为核实经营者或贸易商遵守本条例情况而进行调查的自然人或法人的身份。

第32条

获得司法救济

1. 任何根据现行国内法律救济制度被认定具有充分利益的自然人或者法人，包括此类人员符合国内法(如有)所规定标准的情形，包括根据第31条提交有确凿依据关切的人员，应当有权诉诸行政或者司法程序，对本条例项下主管当局的决定、行为或者不作为的合法性进行审查。

2. 本条例不影响国内法中关于诉诸司法途径的规定，以及要求在诉诸司法程序之前用尽行政复审程序的规定。

第7章

信息系统

第33条

信息系统

1. 欧盟委员会应于2024年12月30日前建立并随后维护一个信息系统，该系统应包含依据第4(2)条提供的尽职调查声明。

2. 在不影响履行第2章和第3章所规定义务的情况下，信息系统至少应提供以下功能：

(a) 经营者和贸易商及其在欧盟的授权代表的注册；对于将相关产品置于"放行进入自由流通"或"出口"海关程序下的经营者，其注册档案中应包含根据第(EU)第952/2013号条例第9条建立的经济经营者注册和识别(EORI)号；

(b) 尽职调查声明的注册，包括向有关经营者或贸易商告知通过信息系统提交的每份尽职调查声明的参考号；

(c) 根据第4(8)条和第(9)条提供现有尽职调查声明的参考号；(d) 在可能的情况下，转换相关系统的数据以识别地理位置；

(e) 登记对尽职调查声明的检查结果；(f) 根据第28条通过欧盟海关单一窗口环境与海关互联，包括允许进行第26(6)条至第(9)条所述的通知和请求；

(g) 提供相关信息以支持第16(5)条所述检查计划的风险画像，包括检查结果、经营者、贸易商、相关商品和相关产品的风险画像，以便基于电子数据处理技术识别第16(5)条所述须接受检查的经营者和贸易商，以及主管机关须检查的相关产品；

(h) 促进主管机关之间以及主管机关与欧盟委员会之间的行政协助与合作，以交换信息和数据；

(26) 欧洲议会和欧盟理事会2019年10月23日关于保护报告违反联盟法行为者的指令(EU) 2019/1937报告违反联盟法律的行为(OJ L 305, 26.11.2019, p.17)。

(i) support communication between competent authorities and operators and traders for the purposes of implementation of this Regulation, including, where appropriate, through the use of digital supply management tools.

3. The Commission shall, by means of implementing acts, establish rules for the functioning of the information system under this Article, including rules for the protection of personal data and exchange of data with other IT systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 36(2).

4. The Commission shall provide access to that information system to customs authorities, competent authorities, operators and traders and, if applicable, their authorised representatives, in accordance with their respective obligations under this Regulation.

5. In line with the Union's Open Data Policy, the Commission shall provide access to the wider public to the complete anonymised datasets of the information system in an open format that can be machine-readable and that ensures interoperability, re-use and accessibility.

CHAPTER 8

REVIEW

Article 34

Review

1. No later than 30 June 2024, the Commission shall present an impact assessment accompanied, if appropriate, by a legislative proposal to extend the scope of this Regulation to include other wooded land. The assessment shall include, *inter alia*, the cut-off date referred to in Article 2, with a view to minimising the Union's contribution to natural ecosystems' conversion and degradation. The review shall include an assessment of the impact of the relevant commodities on deforestation and forest degradation.

2. No later than 30 June 2025, the Commission shall present an impact assessment accompanied, if appropriate, by a legislative proposal to extend the scope of this Regulation to other natural ecosystems, including other land with high carbon stocks and with a high biodiversity value such as grasslands, peatlands and wetlands. The assessment shall cover a potential ecosystem expansion, including on the basis of the cut-off date referred to in Article 2, with a view to minimising the Union's contribution to natural ecosystems' conversion and degradation. The review shall also address the need and the feasibility of extending the scope of this Regulation to further commodities, including maize. The review shall include an assessment of the impact of the relevant commodities on deforestation and forest degradation, as indicated by scientific evidence, and take into account changes in consumption.

3. The impact assessment referred to in paragraph 2 shall also include an assessment of whether it is appropriate to amend or extend the list of relevant products in Annex I in order to ensure that the most relevant products that contain, have been fed with, or have been made using, relevant commodities are included in that list. That assessment shall pay specific attention to the potential inclusion of biofuels (HS code 382600) in Annex I.

4. The impact assessment referred to in paragraph 2 shall also evaluate the role of financial institutions in preventing financial flows that contribute directly or indirectly to deforestation and forest degradation and assess the need to provide for any specific obligations for financial institutions in Union legal acts in that regard, taking into account any relevant existing horizontal and sectoral legislation.

5. The Commission may adopt delegated acts in accordance with Article 35 to amend Annex I with regard to the relevant CN codes of relevant products that contain, have been fed with or have been made using relevant commodities.

6. By 30 June 2028 and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of:

(a) the need for and feasibility of additional trade facilitation tools – and in particular for LDCs highly impacted by this Regulation and countries or parts thereof classified as standard or high risk – to support the achievement of the objectives of this Regulation;

(i) 支持主管机关与经营者和贸易商之间的沟通，以实施本条例，包括在适当情况下通过使用数字化供应链管理工具。

3. 欧盟委员会应通过实施法案制定本条例下信息系统运行的规则，包括保护个人数据和与其他IT系统交换数据的规则。该等实施法案应根据第36(2)条所述审查程序通过。

4. 欧盟委员会应根据海关、主管机关、经营者和贸易商及其授权代表(如适用)在本条例下各自的义务，向其提供对该信息系统的访问权限。

5. 根据欧盟开放数据政策，欧盟委员会应以可机器读取并确保互操作性、再利用和可访问性的开放格式，向更广泛的公众提供信息系统的完整匿名化数据集。

第8章

审查

第34条

审查

1. 欧盟委员会应不迟于 2024 年 6 月 30 日提交一份影响评估，并酌情附上一项立法提案，以将本条例的适用范围扩大至其他林地。该评估应尤其包括第 2 条所指的截止日期，以期尽量减少联盟对自然生态系统转化和退化的影响。该审查应包括评估相关商品对毁林和森林退化的影响。

2. 欧盟委员会应至迟于2025年6月30日提交一份影响评估，并酌情附上一项立法提案，以将本条例的适用范围扩展至其他自然生态系统，包括其他具有高碳储量和高度生物多样性价值的土地，如草地、泥炭地和湿地。该评估应涵盖潜在的生态系统扩展，包括基于第2条所述截止日期的扩展，以期尽量减少欧盟对自然生态系统转化和退化的贡献。该审查还应处理将本条例的适用范围扩展至更多商品(包括玉米)的必要性和可行性。该审查应包括评估相关商品对毁林和森林退化的影响(以科学证据为依据)，并考虑消费变化。

3. 第2款所述影响评估还应包括评估是否适宜修订或扩大附件一中的相关产品清单，以确保含有、曾以相关商品喂养或曾使用相关商品制成的最相关产品被列入该清单。该评估应特别关注将生物燃料(HS编码382600)纳入附件一的可能性。

4. 第2款所述影响评估还应评估金融机构在防止直接或间接导致毁林和森林退化的资金流动方面的作用，并评估是否有必要在欧盟法律文件中为此对金融机构规定任何具体义务，同时考虑任何相关的现有横向和部门立法。

5. 欧盟委员会可根据第35条通过授权法案，修订附件一中关于含有、曾以相关商品喂养或曾使用相关商品制成的相关产品的相关CN编码。

6. 欧盟委员会应于2028年6月30日前且此后至少每五年对本条例进行一次全面审查，并向欧洲议会和欧盟理事会提交报告，适当时附上立法提案。首份报告应特别基于专项研究评估以下内容：

(a) 额外贸易便利化工具的必要性和可行性--特别是对受本条例高度影响的最不发达国家以及被归类为标准或高风险的国家或其部分地区--以支持实现本条例的目标；

(b) the impact of this Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition towards sustainable supply chains and for smallholders to meet the requirements of this Regulation;

(c) the further extension of the definition of forest degradation, on the basis of an in-depth analysis, and taking into account progress made in international discussions on the matter;

(d) the threshold for mandatory use of polygons as referred to in Article 2, point (28), taking into account its impact on tackling deforestation and forest degradation;

(e) changes in the trade patterns of the relevant commodities and relevant products included in the scope of this Regulation when those changes could be an indication of a practice of circumvention;

(f) an assessment of whether the checks carried out have been effective to ensure that relevant commodities and relevant products made available on the market or exported comply with Article 3.

CHAPTER 9

FINAL PROVISIONS

Article 35

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 34(5) shall be conferred on the Commission for a period of five years from 29 June 2023. The Commission shall draw up a report in respect of the delegation of power at the latest six months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 34(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 34(5) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 36

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council ([27]).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply, having regard to the provisions of Article 11 thereof.

([27]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(b) 本条例对农民，特别是小农、原住民和当地社区的影响，以及为向可持续供应链过渡和帮助小农满足本条例要求而可能需要额外支持的情况；

(c) 在深入分析的基础上，并考虑到该事项国际讨论的进展，进一步扩展森林退化的定义；

(d) 第2条第(28)点所指的多边形强制使用阈值，同时考虑其对应对毁林和森林退化的影响；

(e) 本法规范围内相关商品和相关产品的贸易模式变化，当该等变化可能构成规避行为的迹象时；

(f) 对已实施的检查是否有效确保投放市场或出口的相关商品和相关产品符合第3条进行评估。

章 9

最终条款

第条 35

授权的行使

1. 授予欧盟委员会通过授权法案的权力须遵守本条规定的条件。

2. 第34条第5款所述通过授权法案的权力应授予欧盟委员会，期限为自2023年6月29日起五年。欧盟委员会应在该五年期结束前至少六个月就权力授予起草一份报告。除非欧洲议会或欧盟理事会在每段期限结束前不迟于三个月内反对该延期，否则该权力授予应默示延长相同期限。

3. 第34条第(5)条所指的权力授予可由欧洲议会或欧盟理事会随时撤销。撤销决定应终止该决定所指明的权力授予。该撤销应于决定在欧盟官方公报上公布之日的次日起生效，或于其中指明的较晚日期生效。撤销不影响已生效的授权法案的效力。

4. 在通过授权法案之前，欧盟委员会应依照2016年4月13日《关于改进立法的机构间协议》所确立的原则，与各成员国指定的专家进行磋商。

5. 欧盟委员会通过授权法案后，应同时通知欧洲议会和欧盟理事会。

6. 依据第34(5)条通过的授权法案，只有在向欧洲议会和欧盟理事会提交通知后的两个月内，欧洲议会或欧盟理事会均未提出反对，或者在该期限届满前，欧洲议会和欧盟理事会均已告知欧盟委员会其不会反对的情况下，方可生效。该期限应根据欧洲议会或欧盟理事会的提议延长两个月。

第条 36

委员会程序

1. 欧盟委员会应由一个委员会协助。该委员会应为欧洲议会和欧盟理事会第182/2011号条例(27)所指的委员会。

2. 凡提及本款，应适用第182/2011号条例第5条，并顾及该条例第11条的规定。

(27) 欧洲议会和欧盟理事会 2011 年 2 月 16 日第 (EU) No 182/2011 号条例，规定.....的规则和一般原则(OJ L 55, 28.2.2011， 第13页)。

Article 37

Repeal

1. Regulation (EU) No 995/2010 is repealed with effect from 30 December 2024.

2. However, Regulation (EU) No 995/2010 shall continue to apply until 31 December 2027 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 2024.

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 2027 shall comply with Article 3 of this Regulation.

Article 38

Entry into force and date of application

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

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 2024.

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 2025.

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

Done at Brussels, 31 May 2023.

For the European Parliament
The President
R. METSOLA

For the Council
The President
P. KULLGREN

第37条

废止

1. 第 995/2010 号条例(EU)自 2024 年 12 月 30 日起废止。

2. 然而，对于在 2023 年 6 月 29 日之前生产、并自 2024 年 12 月 30 日起投放市场的、属于《第 995/2010 号条例》(EU)第 2 条第(a)点所定义的木材和木材产品，《第 995/2010 号条例》(EU)应继续适用至 2027 年 12 月 31 日。

3. 作为对本条例第 1 条第 2 款的减损，凡在 2023 年 6 月 29 日之前生产、并自 2027 年 12 月 31 日起投放市场的、属于第 995/2010 号条例(EU)第 2 条(a)点所定义木材及木材产品，应当符合本条例第 3 条。

第38条

生效与适用日期

1. 本条例自其在《欧盟官方公报》上公布之日起第二十天生效。

2. 除本条第 3 款另有规定外，第 3 条至第 13 条、第 16 条至第 24 条以及第 26 条、第 31 条和第 32 条自 2024 年 12 月 30 日起适用。

3. 除第 995/2010 号条例(EU)附件所涵盖的产品外，对于截至 2020 年 12 月 31 日依据指令 2013/34/EU 第 3 条第(1)款或第(2)款分别设立为微型企业或小型企业的经营者，本条第 2 款所提及的各项条款自 2025 年 6 月 30 日起适用。

本条例整体具有约束力，并直接适用于所有成员国。

2023 年 5 月 31 日订于布鲁塞尔。

欧洲议会
总统
R. 梅措拉

代表理事会
总统
P. 库尔格伦

ANNEX I

Relevant commodities and relevant products as referred to in Article 1

The following table lists goods as classified in the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87 that are referred to in Article 1 of this Regulation.

Except for by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3, point (1), of Directive 2008/98/EC, this Regulation does not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste as defined in Article 3, point (1), of that Directive.

Relevant commodity	Relevant products
Cattle	0102 21, 0102 29 Live cattle ex 0201 Meat of cattle, fresh or chilled ex 0202 Meat of cattle, frozen ex 0206 10 Edible offal of cattle, fresh or chilled ex 0206 22 Edible cattle livers, frozen ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen ex 1602 50 Other prepared or preserved meat, meat offal, blood, of cattle ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split, other than leather of heading 4114
Cocoa	1801 Cocoa beans, whole or broken, raw or roasted 1802 Cocoa shells, husks, skins and other cocoa waste 1803 Cocoa paste, whether or not defatted 1804 Cocoa butter, fat and oil 1805 Cocoa powder, not containing added sugar or other sweetening matter 1806 Chocolate and other food preparations containing cocoa
Coffee	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion

附件一

第1条所指的相关商品和相关产品

下表列出了本条例第 1 条所提及的、按第 2658/87 号条例(EEC)附件一所载综合 Nomenclature 分类的货物。

除制造过程的副产品外(若该过程涉及的材料不属于第 2008/98/EC 号指令第 3 条第(1)点所定义的废物)，本条例不适用于完全由已完成其生命周期且原本会作为该指令第 3 条第(1)点所定义的废物被丢弃的材料生产的货物。

相关商品	相关产品
牛	0102 21、0102 29 活牛 ex 0201 鲜或冷藏的牛肉 ex 0202 冷冻牛肉 ex 0206 10 鲜或冷藏的牛食用杂碎 ex 0206 22 冷冻食用牛肝 ex 0206 29 冷冻食用牛杂碎(不包括舌和肝) ex 1602 50 其他制作或保藏的牛肉、食用杂碎、血 ex 4101 牛的生成皮和生皮(鲜的、盐腌的、干的、石灰浸渍的、浸酸的或以其他方法保藏，但未鞣制、未制成羊皮纸状或进一步加工的)，不论是否去毛或剖层 ex 4104 鞣制或坯革的牛皮和牛革，不带毛，不论是否剖层，但未经进一步加工 ex 4107 经鞣制或坯革后进一步加工的牛皮革，包括羊皮纸状皮革，不带毛，不论是否剖层，但品目 4114 的皮革除外
可可	1801 可可豆，整颗或破碎的，生的或烘焙的 1802 可可壳、皮、外皮及其他可可废料 1803 可可膏，不论是否脱脂 1804 可可脂、可可油 1805 可可粉，未加糖或其他甜物质 1806 巧克力及其他含可可的食品
咖啡	0901 咖啡，不论是否焙炒或去除咖啡因；咖啡壳和咖啡皮；含任何比例咖啡的咖啡代用品

Relevant commodity	Relevant products
Oil palm	1207 10 Palm nuts and kernels 1511 Palm oil and its fractions, whether or not refined, but not chemically modified 1513 21 Crude palm kernel and babassu oil and fractions thereof, whether or not refined, but not chemically modified 1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding crude oil) 2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nut or kernel fats or oils ex 2905 45 Glycerol, with a purity of 95 % or more (calculated on the weight of the dry product) 2915 70 Palmitic acid, stearic acid, their salts and esters 2915 90 Saturated acyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives (excluding formic acid, acetic acid, mono-, di- or trichloroacetic acids, propionic acid, butanoic acids, pentanoic acids, palmitic acid, stearic acid, their salts and esters, and acetic anhydride) 3823 11 Stearic acid, industrial 3823 12 Oleic acid, industrial 3823 19 Industrial monocarboxylic fatty acids; acid oils from refining (excluding stearic acid, oleic acid and tall oil fatty acids) 3823 70 Industrial fatty alcohols
Rubber	4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar natural gums, in primary forms or in plates, sheets or strip ex 4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip ex 4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings) ex 4007 Vulcanised rubber thread and cord ex 4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber ex 4010 Conveyer or transmission belts or belting, of vulcanised rubber ex 4011 New pneumatic tyres, of rubber ex 4012 Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber

相关商品	相关产品
油棕	1207 10 棕榈坚果和棕榈仁 1511 棕榈油及其分离品，不论是否精制，但未经化学改性 1513 21 初榨棕榈仁油和巴巴苏油及其分离品，不论是否精制，但未经化学改性 1513 29 棕榈仁油和巴巴苏油及其分离品，不论是否精制，但未经化学改性(初榨油除外) 2306 60 棕榈坚果或棕榈仁提取棕榈坚果或棕榈仁脂肪或油所产生的油饼及其他固体残渣，不论是否碾磨或制成团粒 ex 2905 45 甘油，纯度在 95% 或以上(按干产品重量计算) 2915 70 棕榈酸、硬脂酸及其盐和酯 2915 90 饱和无环一元羧酸及其酸酐、酰卤化物、过氧化物和过氧酸；它们的卤化、磺化、硝化或亚硝化衍生物(甲酸、乙酸、一氯乙酸、二氯乙酸或三氯乙酸、丙酸、丁酸、戊酸、棕榈酸、硬脂酸、它们的盐和酯以及乙酸酐除外) 3823 11 工业硬脂酸 3823 12 油酸，工业用 3823 19 工业用一元脂肪酸；精炼所得的酸性油(硬脂酸、油酸和妥尔油脂肪酸除外) 3823 70 工业用脂肪醇
橡胶	4001 天然橡胶、巴拉塔胶、古塔波胶、银胶菊胶、糖胶树胶及类似的天然树胶，初级形状或板、片、带 ex 4005 未硫化的复合橡胶，初级形状或板、片、带 ex 4006 其他形状(例如，杆、管和型材)的未硫化橡胶及制品(例如，圆盘和环) ex 4007 硫化橡胶线及绳 ex 4008 硫化橡胶(硬质橡胶除外)的板、片、带、杆和型材 橡胶 ex 4010 硫化橡胶制的输送带或传动带或带料 ex 4011 新的充气橡胶轮胎 ex 4012 橡胶翻新或旧充气轮胎；橡胶实心或半实心轮胎、轮胎胎面及轮胎衬带

Relevant commodity	Relevant products
	ex 4013 Inner tubes, of rubber ex 4015 Articles of apparel and clothing accessories (including gloves, mittens and mitts), for all purposes, of vulcanised rubber other than hard rubber ex 4016 Other articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40 ex 4017 Hard rubber (e.g. ebonite) in all forms including waste and scrap; articles of hard rubber
Soya	1201 Soya beans, whether or not broken 1208 10 Soya bean flour and meal 1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified 2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil
Wood	4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms 4402 Wood charcoal (including shell or nut charcoal), whether or not agglomerated 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared 4404 Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like 4405 Wood wool; wood flour 4406 Railway or tramway sleepers (cross-ties) of wood 4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm 4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm 4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed 4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances 4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances

相关商品	相关产品
	ex 4013 橡胶内胎 ex 4015 硫化橡胶(硬质橡胶除外)制的各种用途衣着用品和衣着附件(包括手套、连指手套和露指手套) ex 4016 硫化橡胶(硬质橡胶除外)的其他制品，第 40 章未列名的 ex 4017 各种形状的硬质橡胶(例如，硬橡胶)，包括废碎料；硬质橡胶制品 橡胶
大豆	1201 大豆，不论是否破碎 1208 10 大豆粉及豆粕 1507 大豆油及其分离品，不论是否精制，但未经化学改性 2304 提取大豆油所产生的油饼及其他固体残渣，不论是否碾磨或制成团粒
木材	4401 薪柴，呈原木、木段、枝杈、成捆或类似形状；木片或木粒；锯末及木材废料和碎料，不论是否凝结成原木、压块、团粒或类似形状 4402 木炭(包括果壳炭或坚果炭)，不论是否凝结 4403 原木，不论是否去皮、去边材或粗锯成方 4404 箍木；劈开的木杆；木桩、木橛和木条，经削尖但未经纵向锯开；经粗修但未经车削、弯曲或其它加工的木棍，适于制造手杖、雨伞、工具柄或类似品；片木及类似品 4405 木丝；木粉 4406 木制铁路或电车轨道枕木(横枕) 4407 经纵向锯开、切片或剥皮的木材，不论是否刨平、砂光或端接，厚度超过 6 毫米 4408 饰面用薄板(包括切片层压木材制成的薄板)、胶合板或其它类似层压木材用薄板及其它木材，经纵向锯开、切片或剥皮，不论是否刨平、砂光、拼接或端接，厚度不超过 6 毫米 4409 木材(包括未组装的拼花地板用条板和镶边条)，沿其任何边缘、端部或表面连续成型(舌榫、槽榫、企口、斜角、V 形接合、珠饰、成型、圆角或类似加工)，不论是否刨平、砂光或端接 4410 木质或其它木质材料的刨花板、定向刨花板(OSB)及类似板(例如华夫板)，不论是否用树脂或其它有机粘结物质胶合 4411 木质或其它木质材料的纤维板，不论是否用树脂或其它有机物质粘合

Relevant commodity	Relevant products
	4412 Plywood, veneered panels and similar laminated wood 4413 Densified wood, in blocks, plates, strips or profile shapes 4414 Wooden frames for paintings, photographs, mirrors or similar objects 4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood (not including packing material used exclusively as packing material to support, protect or carry another product placed on the market) 4416 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves 4417 Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood 4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes 4419 Tableware and kitchenware, of wood 4420 Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94 4421 Other articles of wood Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products ex 49 Printed books, newspapers, pictures and other products of the printing industry, manuscripts, typescripts and plans, of paper ex 9401 Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof, of wood 9403 30, 9403 40, 9403 50, 9403 60 and 9403 91 Wooden furniture, and parts thereof 9406 10 Prefabricated buildings of wood

相关商品	相关产品
	4412 胶合板、饰面板及类似层压材 4413 成块、板、条或异型材的强化木 4414 用于绘画、照片、镜子或类似物品的木框 4415 木制包装箱、盒、板条箱、桶及类似包装容器；木制电缆盘；木制托盘、箱式托盘及其它装载板； 木质托盘围板 (不包括专用于支撑、保护或承载投放市场另一产品的包装材料) 4416 木制桶、大桶、缸、盆及其它制桶产品及其零件，包括桶板 4417 木制工具、工具主体、工具柄、扫帚或刷子主体及柄；木制鞋楦和鞋型 4418 木制建筑用细木工和木工制品，包括蜂窝木板、组装地板板、木瓦和木片 4419 木制餐具和厨房用具 4420 木制镶嵌木和镶木；木制首饰盒或餐具盒及类似物品；木制小雕像及其它装饰品；不属于第 94 章的木制家具物品 4421 其他木制品 合并 Nomenclature 第 47 章和第 48 章的纸浆和纸，但竹基产品和回收(废料和碎屑)产品除外 ex 49 纸制印刷书籍、报纸、图片及其它印刷工业产品、手稿、打字稿和图纸 ex 9401 木制座椅(品目 9402 的座椅除外)，不论是否可转换为床，及其零件 9403 30、9403 40、9403 50、9403 60 和 9403 91 木制家具及其零件 9406 10 木制活动房屋

ANNEX II

Due diligence statement

Information to be contained in the due diligence statement in accordance with Article 4(2):

1. Operator's name, address and, in the event of relevant commodities and relevant products entering or leaving the market, the Economic Operators Registration and Identification (EORI) number in accordance with Article 9 of Regulation (EU) No 952/2013.

2. Harmonised System code, free-text description, including the trade name as well as, where applicable, the full scientific name, and quantity of the relevant product that the operator intends to place on the market or export. For relevant products entering or leaving the market, the quantity is to be expressed in kilograms of net mass and, where applicable, in the supplementary unit set out in Annex I to Regulation (EEC) No 2658/87 against the indicated Harmonised System code or, in all other cases, expressed in net mass specifying a percentage estimate or deviation or, where applicable, volume or number of items. A supplementary unit is applicable where it is defined consistently for all possible subheadings under the Harmonised System code referred to in the due diligence statement.

3. Country of production and the geolocation of all plots of land where the relevant commodities were produced. For relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the geolocation shall refer to all the establishments where the cattle were kept. Where the relevant product contains or has been made using commodities produced in different plots of land, the geolocation of all plots of land shall be included in accordance with Article 9(1), point (d).

4. For operators referring to an existing due diligence statement pursuant to Article 4(8) and (9), the reference number of such due diligence statement.

5. The text: 'By submitting this due diligence statement the operator confirms that due diligence in accordance with Regulation (EU) 2023/1115 was carried out and that no or only a negligible risk was found that the relevant products do not comply with Article 3, point (a) or (b), of that Regulation.'.

6. Signature in the following format:

'Signed for and on behalf of:

Date:

Name and function: Signature:'.

附件二

尽职调查声明

根据第 4(2) 条应载入尽职调查声明的信息：

1. 经营者的名称、地址，以及在相关商品和相关产品进出市场的情况下，根据第 952/2013 号条例(EU)第 9 条的经济经营者注册和识别(EORI)号。

2. 协调制度编码、自由文本描述，包括商品名称以及(如适用)完整科学名称，以及经营者拟投放市场或出口的相关产品的数量。对于进入或离开市场的相关产品，数量应以净重千克表示，并在适用时以法规(EEC) No 2658/87附件I中针对所示协调制度编码规定的补充单位表示；或在所有其他情况下，以净重表示并注明百分比估计或偏差，或在适用时以体积或件数表示。如果补充单位在尽职调查声明中提及的协调制度编码下的所有可能子目中被一致定义，则该补充单位适用。

3. 生产国以及生产相关商品的所有地块的地理位置。对于含有或使用牛只制成的相关产品，以及对于使用相关产品喂养的此类相关产品，地理位置应指饲养牛只的所有场所。如果相关产品含有或使用在不同地块生产的商品制成，则应根据第9(1)条第(d)点包含所有地块的地理位置。

4. 对于根据第 4(8) 条和第(9)条援引现有尽职调查声明的经营者，该尽职调查声明的参考编号。

5. 文本："通过提交本尽职调查声明，经营者确认已根据第 2023/1115 号条例(EU)开展尽职调查，并发现相关产品不符合该条例第 3 条(a)项或(b)项的风险不存在或仅为可忽略风险。"。

6. 按以下格式签名：

'代表以下各方签署：

日期：

名称与职能：签名：

How this file was made

This is a complete Chinese translation of Regulation (EU) 2023/1115 on deforestation-free products (EUDR). Tables, captions, headers, footers and numbering all keep their original positions. Nothing has been cut.

If you have documents of your own

- Contracts, tenders, standards, patents, reports: original layout kept, CNY 0.15/page
- PDF to Word: free up to 100 pages, CNY 0.10/page beyond that
- Scanned or image-only PDFs: OCR to Word, free
- No sign-up, no login: upload and download

Open the address below and try it with your own file:

https://www.ivyivy.com.cn/

On-premise deployment available (subject to model and compliance review)

Machine translation, provided for reading reference only. For professional judgement and compliance citation, please refer to the original English source.

This page is a translator's note; it is not part of the original document.

这份文件是怎么做出来的

本译本是欧盟《零毁林产品条例（EUDR，2023/1115）》的中文全译本，共 42 页。表格、图注、页眉页脚、编号层级都按原文位置一一还原，未做任何删节。

你手上如果也有英文文件要处理

- 合同、标书、标准、专利、报告：翻译后保留原版式，0.15 元/页
- PDF 转 Word：100 页内免费，超出 0.1 元/页
- 扫描件、图片版 PDF：先 OCR 再转 Word，免费
- 不用注册、不用登录，传上去直接下载

打开下面这个地址，把你自己的文件传上去试试：

https://www.ivyivy.com.cn/

支持私有化部署（需按贵方模型与合规要求评估）

本译本由机器翻译生成，仅供阅读参考；专业技术判断与合规引用，请以英文原文为准。

本页为译制说明，不属于原文件内容。