

10 July 2023

On behalf of the undersigned organisations

To:

Ministers of the Environment of all EU Member States

Ministers of Agriculture of all EU Member States

Ministers of Finance of all EU Member States

(See Annex A. for the full list of recipients)

Call for EU Member States to take urgent steps to properly implement and enforce the EU Regulation on Deforestation-Free Products (EUDR)

Dear Ministers,

We, the undersigned organisations, congratulate the EU and its Member States on the historic passing of the EU Regulation on Deforestation-Free Products (EUDR).¹ As you know, the EUDR prohibits certain products linked to deforestation or forest degradation worldwide from being placed on or exported from the EU market, and requires importers and big retailers to take steps to minimise any risks that their products are linked to such destruction.

When the law came into force on 29 June 2023, more than 150 civil society organisations signed a [statement](#) outlining obligations on Member States in the first 18 months of the law.

We, the undersigned organisations, are now writing to emphasise once again that the proper implementation and enforcement of the EUDR in every EU Member State is a major priority. Without it, the EUDR will fail.

We therefore call on you to establish a competent and functionally independent enforcement agency, allocate sufficient resources, enact strong national penalties, ensure consistent enforcement of the law, provide training and raise awareness, and cooperate with third countries.

The regulation acknowledges that the expansion of agricultural land, particularly as it relates to the commodities listed in Annex I, is occurring at an alarming rate, aggravating climate change and the loss of biodiversity. Succeeding in meeting the regulation's objective of curbing deforestation and forest degradation that is provoked by EU consumption and production is absolutely critical to reversing these trends.

The EUDR is the first law of its kind globally. It will serve as an important international benchmark for other major consumers of so-called 'forest-risk commodities'.

There will be no time for trial and error. The world's climate and biodiversity are on the brink, and scientists have issued a "final warning" on the climate crisis.² The President of the European

¹ Official Journal of the European Union. "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." EUR-Lex, 2023. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2023:150:TOC>.

² The Guardian. "IPCC Climate Crisis Report Delivers Final Warning on 1.5°C." The Guardian, March 20, 2023. <https://www.theguardian.com/environment/2023/mar/20/ipcc-climate-crisis-report-delivers-final-warning-on-15c>.

Commission, Ursula von der Leyen, has called addressing climate change “the greatest responsibility and opportunity of our times.”³

Past experience shows it is essential that, from day one, Member States do all they can to properly implement and enforce the EUDR. The EU Timber Regulation (EUTR), which inspired the EUDR and is set to be replaced by it, sought to halt imports of wood into Europe which had been illegally harvested. It came into effect a decade ago, but according to the EU’s own 2021 study, it had “no significant effect on the volume of timber imported from known high-risk sources.”⁴ NGOs and journalists too have exposed cases of imported illegal wood time and time again since the EUTR’s enactment.⁵

In short, the EUTR has failed to achieve its aim. We cannot afford for the EUDR to follow the same path.

One of the key causes of this failure identified in the 2021 EU study was the inconsistency between Member States over compliance checks and penalties issued for rule breaking. Many of the staff of the relevant EUTR Competent Authorities are trying their hardest. But they are operating in an impossible environment. They are given insufficient resources, discouraged from applying the most serious penalties, hamstrung by prosecutors and judges who are insufficiently trained on the issue at hand, and undermined by the failure of other parts of government to share information.

If the EUDR is to have an actual impact – which is so urgently needed – each Member State ought to learn from the lessons of the EUTR.

The Commission, European Parliament and the Council have already laid the groundwork for this. They have ensured that the EUDR includes a raft of measures meant to improve how EU countries enforce it. The regulation sets mandatory minimum numbers for the compliance checks that authorities in Member States must carry out, gives specific guidance on what constitutes a sufficiently dissuasive penalty, and formalises cooperation with customs authorities. It also includes detailed demands for what information national enforcement agencies need to collect, provide to the Commission and publish. Transgressors will now be named in a public list of final judgments. In addition, third parties can have the performance of national enforcement authorities reviewed in court if they fail in their duties.

While these improvements are welcome, on their own they will be insufficient to ensure a different outcome to that of the EUTR. What is needed most, is the will of each and every Member State to

³ European Commission. "Opening Statement in the European Parliament Plenary Session by Ursula von der Leyen, Candidate for President of the European Commission." European Commission - Press Corner, 16 July 2019. https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_19_4230.

⁴ European Commission. "THE FITNESS CHECK on 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 (the EU Timber Regulation)." EUR-Lex, March 31, 2021. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021SC0329&qid=1649327454094>.

⁵ For instance, see: Earthsight. "Timber Linked to Wagner Group." <https://www.earthsight.org.uk/news/timber-linked-to-wagner-group>; Earthsight. "Complicit in Corruption: How Top Global Brands Import Violent Crime, Environmental Destruction and Corruption." <https://www.earthsight.org.uk/investigations/complicit-in-corruption>; Earthsight. "The Fixers: Exposing the Shadows of Global Deforestation." Earthsight, n.d. <https://www.earthsight.org.uk/news/thefixers>; Earthsight. "Rubber-stamping Repression: How EU governments and a global green label made European furniture buyers complicit in torture." <https://www.earthsight.org.uk/news/rubberstampingrepression>.

properly implement and strictly enforce the law. It is essential that this commitment is visible from the very beginning and comes from the most senior leaders of Member States.

Another key aspect of the regulation is Article 30, on the cooperation with third countries. It is essential that this cooperation supports the development and implementation of producer countries' public traceability systems of agriculture and forestry goods, as well as sound forest governance. Without that, goods driving deforestation may simply be diverted to other markets, undermining the effectiveness of the law.

To ensure the effective enforcement of the EU Deforestation Regulation, we urge you to take the following immediate actions:

- 1. Send a clear message: Provide a clear, high-level message to relevant authorities involved in enforcement that a firm and rigorous approach is expected and will be supported. The message should also highlight that it is to be expected that in some cases compliance will be impossible to demonstrate and that in such cases such goods must be blocked from the EU market until further steps are taken.**
- 2. Allocate sufficient resources: Provide the necessary funding and staffing to enforcement authorities to conduct rigorous compliance checks and conduct investigations.**
- 3. Establish strong penalties: Lay down strict national rules to establish penalties for non-compliance that are effective, proportionate and dissuasive. Strict penalties should deter companies from violating the regulation.**
- 4. Ensure consistent application: Ensure that there is consistency in the application of the Regulation within each Member State and good alignment among Member States.**
- 5. Provide training and raise awareness: Ensure that staff tasked with the implementation and enforcement of the regulation are well trained in technical and legal aspects of the law. This includes Competent Authority staff as well as the judiciary and prosecutors. Mobilise campaigns to raise awareness and create pressure for compliance.**
- 6. Cooperate with third countries: Support the development and implementation of producer countries' public traceability systems of agriculture and forestry goods, as well as sound forest governance to ensure the law will deliver its aim to contribute to halt deforestation, forest degradation and human rights violations of the mentioned supply chains.**

A detailed legal analysis on the key obligations for EU Member States under the EUDR is available⁶ and would support authorities' efforts to deliver their mandate.

We urge you to take decisive action. The consequences of inaction are dire, not only for forests and biodiversity but also for the climate and the well-being of communities that depend on these ecosystems.

⁶ ClientEarth. "The New EU Deforestation-Free Products Regulation: Key Obligations for EU Member States." ClientEarth, n.d. <https://www.clientearth.org/latest/documents/the-new-eu-deforestation-free-products-regulation-key-obligations-for-eu-member-states/>.

We stand ready to collaborate with you in the implementation and enforcement of the EU Deforestation-Free Products Regulation to help fulfil its transformative potential.

Undersigned organisations:



- BirdLife Sweden, Sweden
- Canopée, France
- Comité Schone Lucht, Netherlands
- Deutsche Umwelthilfe e.V., Germany
- Earthsight, United Kingdom
- Ecologistas en Acción, Spain
- Ecumenical academy (Ekumenická akademie), Czech Republic
- Environmental Investigation Agency (EIA), United Kingdom
- Fern, Belgium
- Focus Association for Sustainable Development, Slovenia
- Forests of the World, Denmark
- Forum Ökologie & Papier, Germany
- Green Transition Denmark, Denmark
- Harvest, Norway
- Imafloora, Brazil
- Latvian Ornithological Society, Latvia
- Leafmilieu, Netherlands
- Mighty Earth, USA
- NGO ForestCom, Ukraine
- Nyt Europa, Denmark
- One tree one nose, Uganda

Palm oil watch, Czech Republic

Polski Klub Ekologiczny w Krakowie Koło Miejskie w Gliwicach, Poland

Protect the Forest, Sweden

Rainforest Foundation Norway, Norway

ROBIN WOOD e.V., Germany

Save Estonia's Forests, Estonia

Save-Elephants, z.s., Czech Republic

Südwind, Austria

ZERO - Associação Sistema Terrestre Sustentável, Portugal

Annex A.

Full list of recipients to whom the letter will be sent throughout the summer:

Austria: Ms Leonore Gewessler, Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology; Mr Norbert Totschnig, Federal Minister for Agriculture, Forestry, Regions and Water Management; and Mr Magnus Brunner, Federal Minister of Finance.

Belgium: Ms Zakia Khattabi, Minister for Climate, Environment, Sustainable Development and the Green Deal; and Mr David Clarinval, Minister of the Middle Class, SMEs, Self-employed, Agriculture, Social Integration and Urban Policy; and Vincent Van Peteghem, Minister of Finance.

Bulgaria: Mr Julian Popov, Minister for the Environment and Water; Mr Kiril Vatev, Minister of Agriculture and Food; and Mr Assen Vassilev, Minister for Finance.

Croatia: Mr Davor Filipović, Minister of Economy and Sustainable Development; Ms Marija Vučković, Minister of Agriculture; and Mr Marko Primorac, Minister of Finance.

Cyprus: Mr Petros Xenophontos, Minister for Agriculture, Rural Development and Environment; and Mr Makis Keravnos, Minister of Finance.

Czechia: Mr Petr Hladík, Minister of the Environment; Mr Marek Výborný, Minister of Agriculture; and Mr Zbyněk Stanjura, Minister of Finance.

Denmark: Mr Magnus Heunicke, Minister of the Environment; Mr Jacob Jensen, Minister for Food, Agriculture and Fisheries; and Mr Nicolai Wammen, Minister of Finance.

Estonia: Mr Kristen Michal, Minister for Climate; Mr Madis Kallas, Minister of Regional Affairs; and Mr Mart Võrklaev, Minister of Finance.

Finland: Mr Kai Mykkänen, Minister for the Environment and Climate Change; Ms Sari Essayah, Minister of Agriculture and Forestry; and Ms Riikka Purra, Minister of Finance.

France: Mr Christophe Béchu, Minister for the Ecological Transition and Territorial Cohesion; Mr Marc Fesneau, Minister of Agriculture and Food; and Mr Bruno Le Maire, Minister of Finance.

Germany: Ms Steffi Lemke, Federal Minister for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection; Mr Cem Özdemir, Minister of Food and Agriculture; and Mr Christian Lindner, Minister of Finance.

Greece: Mr Thodoros Skylakakis, Minister of Environment and Energy; Mr Eleftherios Avgenakis, Minister of Rural Development and Food; and Mr Kostis Hatzidakis, Minister of National Economy and Finance of Greece.

Hungary: Ms Anikó Raisz, Minister of State for Environmental Affairs and the Circular Economy, Ministry of Technology and Industry; Dr István Nagy, Minister of Agriculture; and Mr Mihály Varga, Minister of Finance.

Ireland: Mr Eamon Ryan, Minister for the Environment, Climate, Communications and Transport; Mr Charlie McConalogue, Minister for Agriculture, Food and the Marine; and Mr Michael McGrath, Minister of Finance.

Italy: Mr Gilberto Pichetto Fratin, Minister for the Environment and Energy Security; Mr Francesco Lollobrigida, Minister of Agriculture; and Mr Giancarlo Giorgetti, Minister for Economic Affairs and Finance.

Latvia: Mr Māris Sprindžuks, Minister for Environmental Protection and Regional Development; Mr Didzis Šmits, Minister for Agriculture; and Mr Arvils Ašeradens, Minister of Finance.

Lithuania: Mr Simonas Gentvilas, Minister for the Environment; Mr Kęstutis Navickas, Minister of Agriculture; and Ms Gintarė Skaistė, Minister of Finance.

Luxembourg: Ms Joëlle Welfring, Minister for the Environment, Climate and Sustainable Development; Mr Claude Haagen, Minister of Agriculture, Viticulture and Rural Development; and Ms Yuriko Backes, Minister of Finance.

Malta: Ms Miriam Dalli, Minister for the Environment, Energy and Enterprise; Mr Sharlo Camilleri, Minister for Agriculture, Fisheries, and Animal Rights; and Ms Clyde Caruana, Minister for Finance & Employment.

Netherlands: Ms Vivianne Heijnen, State Secretary Infrastructure and Water; Mr Piet Adema, Minister of Agriculture, Nature and Food Quality; and Ms Sigrid Kaag, Minister of Finance.

Poland: Ms Anna Moskwa, Minister of Climate and Environment; Mr Robert Telus, Minister of Agriculture and Rural Development; and Ms Magdalena Rzeczkowska, Minister of Finance.

Portugal: Mr Duarte Cordeiro, Minister of Environment and Climate Action; Ms Maria do Céu, Antunes, Minister for Agriculture and Food; and Mr Fernando Medina, Minister of Finance.

Romania: Mr Barna Tánczos, Minister for the Environment, Water and Forestry; Mr Florin-Ionuț Barbu, Minister of Agriculture and Rural Development; and Mr Marcel Ioan Boloș, Minister of Finance.

Slovakia: Mr Milan Chrenko, Minister of the Environment, Climate and Energy; Prof. Jozef Bireš, Minister of Agriculture and Rural Development; and Mr Michal Horváth, Minister of Finance.

Slovenia: Mr Uroš Brežan, Minister of Natural Resources and Spatial Planning; Ms Irena Šinko, Minister of Agriculture, Forestry and Food; and Mr Klemen Boštjančič, Minister of Finance.

Spain: Ms Teresa Ribera Rodríguez, Minister for Ecological Transition and Demographic Challenge; Mr Luis Planas, Minister for Agriculture, Fisheries and Food; and Ms María Jesús Montero Cuadrado, Minister of Finance and Civil Service.

Sweden: Ms Romina Pourmokhtari, Minister for Climate and the Environment; Mr Peter Kullgren, Minister for Rural Affairs; and Ms Elisabeth Svantesson, Minister of Finance.