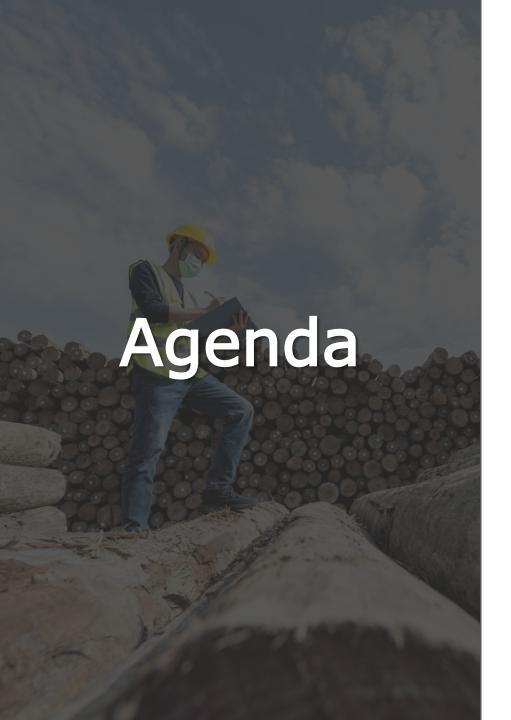
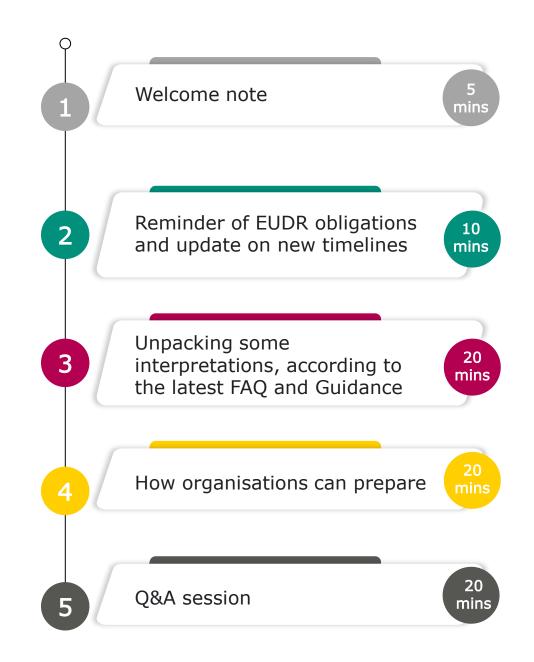


EU Deforestation Regulation: Exploring the latest interpretations and updates

30 January 2025









Housekeeping





Presentations will be shared



Recordings will be shared (excluding Q&A session)



Ask your questions within the Q&A function of Teams



Any issues, contact Monika: mk@pbn.org

Our team today





Sandra Razanamandranto Regional Engagement & Communications Director



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Support to questions...





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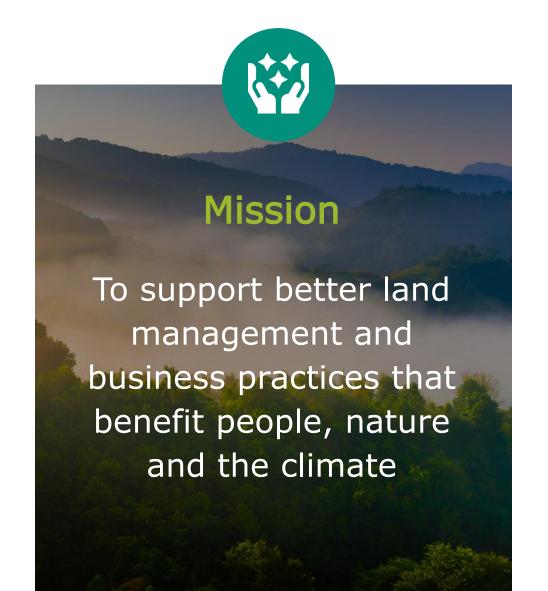
Carmen Iturriaga Senior Sustainability Specialist



Sebastián Arrieta
Bolaños
Coffee Commodity
Lead

Mission and vision







About us



What we do



CertificationServices



Sustainability **Advisory** Services



CapacityBuilding



Mission-Driven **Projects**



Our experience in EUDR (**)









EU objectives fully in line with Preferred by Nature's mission and vision

10+ years of experience with the EU Timber Regulation (EUTR)





Nearly 30 years working on responsible supply chains

Due Diligence toolkit developed





100+ countries we work in

25+ seminars/webinars on the **EUDR** worldwide





Official EUTR Monitoring **Organisation**

We supported more than **200+** organisations in their **EUDR** journey





Objectives of the EUDR



Aims to:

- minimise consumption of products coming from supply chains associated with deforestation or forest degradation
- increase EU demand for and trade in legal and 'deforestation free' commodities and products





What is 'deforestation-free'?



'Deforestation-free' means that the relevant products contain, have been fed with or have been made using commodities:

- That were produced on land that has not been subject to deforestation after December 31, 2020 and
- For wood-products, that forest has been harvested without inducing forest degradation after December 31, 2020

What are the legality requirements?



Legality is defined as compliance with "relevant legislation" in the country of production, in terms of:



land use rights



environmental protection



forest-related regulations



labour rights



human rights protected under international law



third parties' rights



principle of FPIC, including as per UNDRIP



tax, anti-corruption, trade and customs regulations

Timeline for implementation





24 (+12) months: Operators that are small or microenterprises enterprises established before 30/12/2020 – except wood products included in the EUTR

EU Deforestation Regulation commodity scope



Wood Coffee Cocoa Oil palm Soy Rubber Cattle

Exceptions:

- Material made from waste/residue
- Packaging (solid wood paper/cardboard) used to support, protect or carry another product placed on the market

Products are within scope if listed in Annex I of the Regulation AND are made from at least one of the included commodities.

Detailed scope based on the EU "Combined Nomenclature" (customs codes) in <u>Annex to the Regulation</u>

Defining Operator and Trader



Operator

Any entity which, in the course of a commercial activity, places relevant commodities and products on the EU market

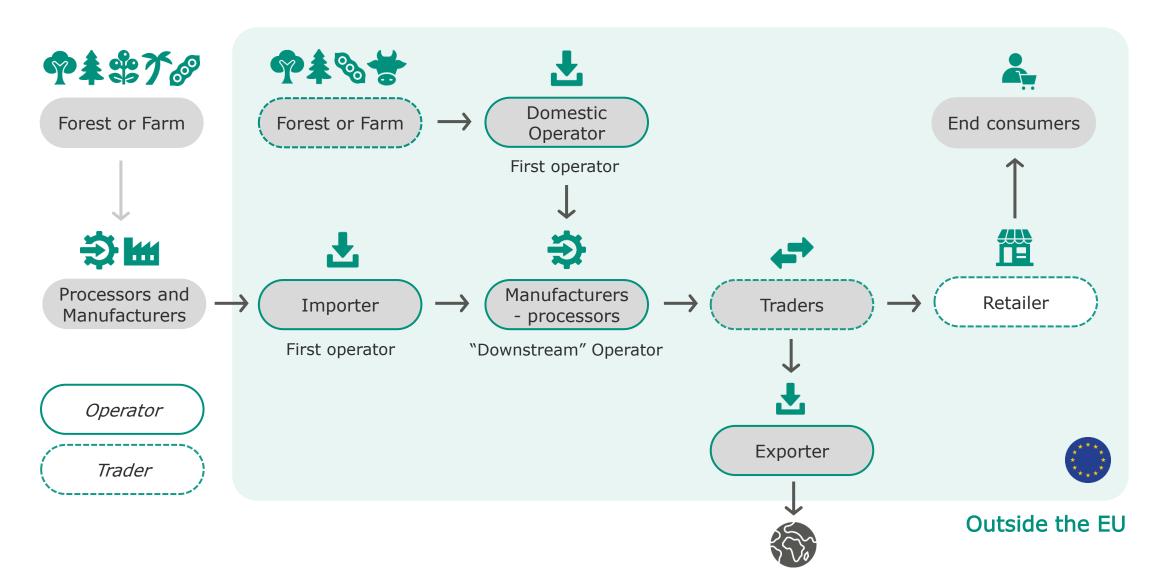
OR exports them from the EU market

Trader

Any natural or legal person in the supply chain other than the Operator who, in the course of a commercial activity, makes available on the European Union market relevant commodities and products

Operators and Traders





Obligations: First Operators







Exercise due diligence

Submit a due diligence statement

Due diligence:

- Collect and store information (5 years)
- Assess risks
- Mitigate risks

Implement a due diligence system

Other obligations:

- Share information with Competent Authorities
- Annual reporting (only non-SMEs)

Obligations: Downstream Operators



Article 4

Downstream SME-operators

- Not required to conduct due diligence if:
 - due diligence was already conducted
 - a due diligence statement was already submitted

- Collect and maintain due diligence statement reference numbers
 - make them available on demand

Downstream non-SME Operators (including exporters)

May reduce their due diligence obligations.

They can reference previous due diligence statements:

 only after having <u>ascertained</u> that due diligence was exercised properly

All other obligations the same as the first operators

Obligations: Traders



Article 5

SME Traders

- Must collect and maintain:
 - Information on buyers and suppliers
 - Reference numbers of the Due Diligence Statements associated with products
- Keep information for at least 5 years
- Provide information to competent authorities

Non-SME Traders

Must meet the obligations of Non-SME Downstream Operators

'SMEs' means micro, small and medium-sized enterprises as defined in Directive 2013/34/EU

Information requirements





Description of product (trade name/scientific name)



Quantity



Country of production



Geolocation of all plots of land where the relevant commodities were produced, as well as date or time range of production



Supplier name



Buyer name



Verifiable evidence that product is "deforestation free"



Verifiable evidence that product is produced in compliance with relevant legislation



Introduction to the EUDR Guidance document



Commission Notice C/2024/6789

	Official Journal of the European Union	E! C serie
	C/2024/6789	13.11.202
	COMMISSION NOTICE	
	GUIDANCE DOCUMENT (*)	
	for Regulation (EU) 2023/1115 on deforestation-free products (*)	
	(C/2024/6789)	
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- Draft first published: 02Oct24
- Approved as a Commission Notice: 13Nov24.
- Guidance available in all EU languages

Guidance is:



not legally binding



Its sole purpose is to provide information on certain aspects of the EUDR



It does not replace, add to or amend the provisions of the EUDR.



not to be considered in isolation

Introduction to the EUDR FAQ



Working document by European Commission



Frequently Asked Questions

Implementation of the EU Deforestation Regulation

Version 3 – October 2024

- Version 3 of the FAQ published: 02Oct24
- Translations now available in French & German

Total of 129 questions in version 3

- 44 new responses
- 56 responses with some changes from version 2 (22Dec23)
- 29 responses stayed the same

Document states it only reflects the views of the Commission services and is not legally binding.

1. Clarifications on Operators in the EU

Understanding the term 'supply'



FAQ 2.10

Relevant product **imported** via the customs procedure **"release for free circulation"**

Entity is an operator irrespective of whether this is for the purpose of:

- processing or own consumption.
- supply or distribution to commercial or non-commercial customers

Placing on the EU market a product manufactured or produced in the EU

Entity is an operator only when this involves supply to other commercial or
non-commercial customers

Supply = an agreement (written or verbal) between two or more legal or natural persons for the transfer of ownership or any other property right concerning the product in question.

1. Clarifications on Operators in the EU

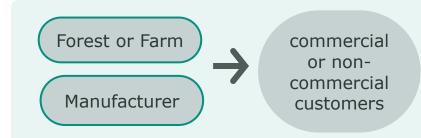
Preferred by Nature " YEARS OF POSITIVE IMPACTS FOR PEOPLE, NATURE AND CLIMATE

Understanding the term 'supply'



Entity is an **Operator** regardless of whether for the purpose of processing, own consumption, or supply or distribution to others.





Forest/Farm is an **Operator** if producing and **supplying relevant products** to others.

Manufacturer is a downstream **Operator** if **supplying NEW relevant products** to others



Forest or Farm

Manufacturer

Forest/Farm is **not subject to the EUDR** if **producing relevant products** for own use only (no supply)

Manufacturer is **not subject to the EUDR** if making **new relevant products** but for own use or consumption (no supply)





2. Operators outside the EU



Entities in third countries placing products on the EU market

Obligations for non-EU actors if they are customs clearing from outside the EU and placing products on the EU market.



If a company outside of the EU is placing on the EU market, they must have an EORI number and must exercise due diligence and submit a DDS.



First natural or legal person established in the Union who makes such relevant products available on the market is **ALSO** deemed to be an operator (Art.7 of regulation)

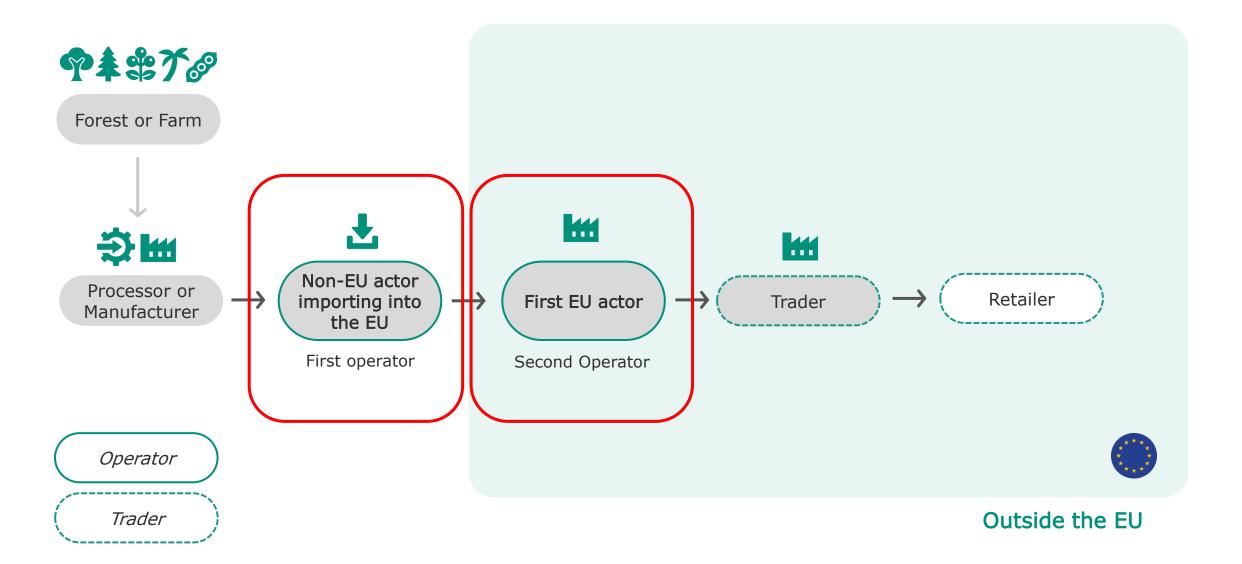
FAQ: 3.7

Guidance: Chapter 2

2. Operators outside the EU



Entities in third countries placing products on the EU market



3. Entity size class thresholds

Size category thresholds are changing

FAQ: 3.10

The EUDR cites **Directive 2013/34/EU** for setting the thresholds for entity sizes.

However, Commission Delegated Directive (EU) 2023/2775 of 17 October 2023 changes various thresholds.



Directive 2013/34/EU

Relevant to the 6month extension

extension for Operators that were established as micro-undertakings or small undertakings, as of 31 December 2020 - before the Amended size classes were adopted.



Amendment to Directive 2013/34/EU

Relevant to your obligations under the EUDR

EUDR provisions of Articles 4, 5 and elsewhere are determined according to how you are currently established according to Article 3 of Directive 2013/34/EU.

3. Entity size class thresholds



SME	Directive 2013/34/EU		Amendments to Directive 2013/34/EU		
Micro	Balance sheet: Net turnover: Avg. employees:	350.000€ 700.000€ 10	Balance sheet: Net turnover: Avg. employees:	450.000€ 900.000€ 10	
Small	Balance sheet: Net turnover: Avg. employees:	4.000.000 - 6.000.000€ 8.000.000 - 12.000.000€ 50	Balance sheet: Net turnover: Avg. employees:	5.000.000 - 7.500.000€ 10.000.000 - 15.000.000€ 50	
Medium	Balance sheet: Net turnover: Avg. employees:	20.000.000€ 40.000.000€ 250	Balance sheet: Net turnover: Avg. employees:	25.000.000€ 50.000.000€ 250	
Must not exceed the limits of at least two of the above criteria					

Must not exceed the limits of at least two of the above criteria

Non-SME

Large Balance Net turn Avg. em		Balance sheet: Net turnover: Avg. employees:	25.000.000€ 50.000.000€ 250
--------------------------------	--	--	------------------------------------

Must exceed the limits of at least two of the above criteria

4. Products outside the scope of the EUDR

Non wood products / Product scope

FAQ: 2.12 Guidance: Chapter 7 Products outside the scope of the EUDR, because they are made from non-relevant commodities



Babassu oil (Attalea speciosa)



Balata, gutta-percha, guayule, chicle and similar natural gums produced with species other than natural rubber (*Hevea brasiliensis*)



Synthetic rubber



Rattan products



Bamboo





5. Composite Products with multiple commodities



Guidance and FAQ differ on where due diligence is required

EUDR, Articles 3 and 2.13

All relevant commodities in relation to a relevant product need to have the status of being deforestation free.

EUDR Article 3 requires 'relevant products' listed in Annex I to be deforestation free.

Article 2(13): "deforestation-free" refers to "relevant products" containing, having been fed with or having been made using "relevant commodities" that were produced on land that has not been subject to deforestation after 31/12/20.

Guidance (Chapter 9, Composite Products)

Due diligence required on all relevant products which a relevant product contains or is made from.

Guidance (Chapter 9, Composite Products) states that for relevant products, if these "contain or are made from other relevant products (as listed in Annex I of the EUDR) that had not been subject to due diligence before, then the operator must conduct due diligence on those parts of the relevant product".

FAQ: 1.3

Due diligence required only on the main relevant commodity which the relevant product contains or is made from.

FAQ 1.3 states that due diligence needs to be applied 'only' on the main commodity and (derived) products deemed relevant under the EUDR.

In other words, for "relevant products listed in the right column of Annex I", only the main 'relevant commodity which the chocolate bar contains or has been made using', in the left column of Annex I, are subject to due diligence.

5. Composite Products with multiple commodities



Chocolate spread example (CN Code 1806)

EUDR, Articles 3 and 2 (13)	Guidance (Chapter 9, Composite Products)	FAQ: 1.3
Cocoa powder Cocoa butter	Cocoa powder Cocoa butter	Cocoa powder Cocoa butter
Palm Oil	Palm Oil	Palm Oil
Soy Lecithin	Soy Lecithin	Soy Lecithin

5. Composite Products with multiple commodities

Preferred by Nature"

YEARS OF POSITIVE IMPACTS FOR PEOPLE, NATURE AND CLIMATE

Preferred by Nature's viewpoint

While the Guidance/FAQ provide reasonable interpretations, they do not appear to align with each other, or with the text of the regulation.

Guidance and FAQ cannot legally "replace, add to or amend the provisions of the EUDR, which establishes the legal obligations."



Our position:

- Organisations with EUDR obligations will need to make their own analysis, justifying whichever approach they chose.
- While one approach may be taken to comply with the EUDR, consider that other laws may require due diligence for all commodities (e.g. CSDDD)



6. Relevant legislation



Guidance provides clarifications and some new questions

Guidance: Chapter 6

General guidance on relevant legislation, clarifies that the relevance of laws, under each category:



is determined by those laws which specifically impact or influence the legal status of the area in which the commodities were produced.



can also be read in the light of the **objectives of the EUDR**, including halting **deforestation and forest degradation**, reducing the EU's contribution to **climate change** and **biodiversity loss**.



6. Relevant legislation

Labour rights



No examples of laws specifically relating to Labour Rights are provided.



Guidance: Chapter 6



However, guidance appears to suggest that laws relating to Labour Rights should also align with the regulation's environmental goals.

Unclear how do rules governing labour rights relate to deforestation, climate change or biodiversity loss

6. Relevant legislation

Preferred by Nature's viewpoint

Language of the Guidance should not alter, nor generate ambiguities, in relation to how Labour Rights are defined.

Guidance itself states that it cannot "replace, add to or amend the provisions of" the EUDR.



Our position:

- Organisations with obligations under the EUDR will need to consider which laws relate to Labour Rights.
- We would caution against reducing the scope of this category of law at this stage.
- We have sought clarification and hope the EC will address this issue in the future.



Preferred by Nature considers that Labour Rights should include laws relevant to:

- child labour & employment of young workers
- forced labour & modern slavery
- freedom of association, rights to organise & collective bargaining
- working hours, overtime, rest time and time off.
- recruitment & employment of workers
- discrimination
- workers' wages & other payments, such as social insurance
- workplace health & safety
- employer-provided worker accommodation
- gender equality in the workplace
- maternity & paternity leave

7. Tax, anti-corruption, trade & customs

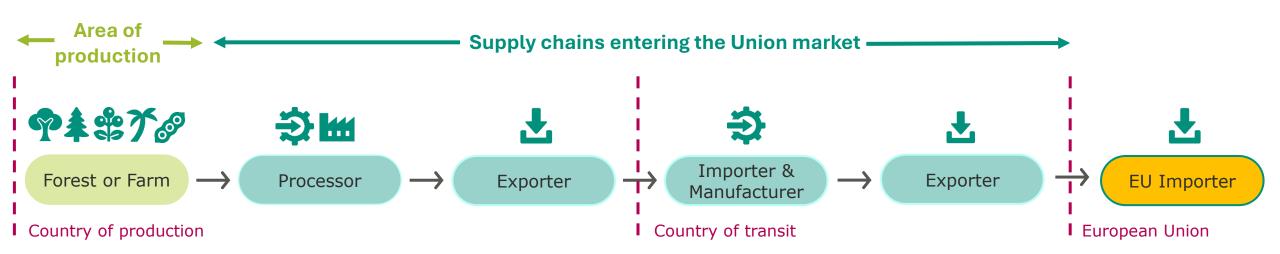


Area of production or entire supply-chain?

Guidance: Chapter 6 Guidance appears to extend Operator's risks assessments beyond the area of production and along the supply chains:

"Tax, anti-corruption, trade and customs regulations.

— Applicable laws concerning the relevant supply chains entering the Union market, or leaving it, if they have a specific link to the objectives of the Regulation...."





7. Tax, anti-corruption, trade & customs



Preferred by Nature's viewpoint

EUDR text and FAQ 3.3 confine applicable legislation to the **areas of production** and the entities responsible for these.

Guidance language expands this category to the supply chain, contrary to the language in the regulation itself.



Our position:

- Critical to have clarity on the EUDR's expectations. Organisations with obligations under the EUDR will need to make their own analysis.
- Independently of the EUDR, we would encourage organisations to consider risks of legal non-compliance along supply chains.

8. Clarifying the meaning of Ascertain

Downstream non-SME operator/traders' verification

of EU suppliers' due diligence

Not every upstream due diligence statement needs to be checked.

A more **systems-level approach** may be applied, checking that the upstream operator:

- has in place an operational and up-to-date due diligence system
- has developed adequate and proportionate policies, controls, and procedures to mitigate and manage effectively risks of non-compliance
- is properly and regularly exercising the due diligence system.

Approach could include the verification of a **sample of DDS**, **geolocations**, or **applying a risk-based approach** to check specific (higher risk) products or suppliers.



FAQ 3.4 Guidance: Chapter 4, part b)

2025 calendar

What's coming up in 2025

Preferred by Nature " YEARS OF POSITIVE IMPACTS FOR PEOPLE, NATURE AND CLIMATE

Early 2025

Implementing Act concerning standard datasets and notifications for use by the Electronic Interface (Article 28), which will transmit data and notifications between national customs systems and the Information System

First half of 2025 (deadline 30June2025)

Implementing Act for the Country Benchmarks presented to the EUDR Committee.

Q3/Q4 2025

JRC (Joint Research Centre) to:

- Release a third version of GFC2020
- Consolidated global forest types map



Q2

••••



Q1-Q4 2025

JRC (Joint Research Centre) to:

- publish reports on data accuracy and an update on map methodology,
- further engage with countries for feedback

Next meeting March 2025

Multi-Stakeholder Platform meetings

Dates TBC:

- Updated FAQs
- Updated Guidance
- Publication of reviews of the EUDR (Article 34) to consider:
 - Other Wooded Land
 - Other natural landscape beyond forests



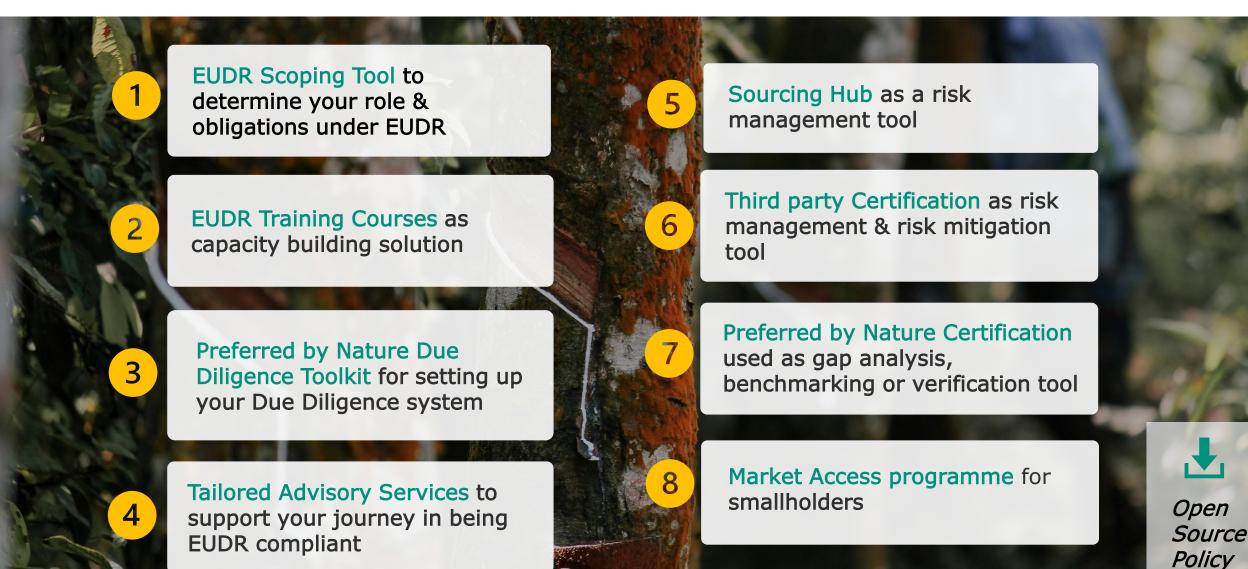
What do you need to do for the next 12 month?



1 Understand	2 Inve	estigate		3 P	lan		(4) Im	nplement	t	5	Ongoing compliance
 Learn and understand the regulation and determine how/if it applies to you Determine your exposure to the risk of deforestation and legal noncompliance of commodities 	 Assess your level of readiness: Gap analysis Benchmark EUDR with your system Engage with Certification Schemes Map & engage with your Supply chains Engage with buyers Understand type of information you need to collect or need to provide to operators Determine your risk of deforestation & legal noncompliance 			 Set an action plan: Allocate enough human resources Allocate budget Make strategic decisions 			 Develop/upgrade your systems: Policy alignment Due diligence system development Procedure development Traceability system Desk-based risk assessment of specific supply chains Internal & external capacity building 		 Annual/Periodic evaluation of Performance Regular reporting Certification or verification of own operations as a demonstration of robust systems in-place Sustainability claims verification and reporting 		
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Preferred by Nature's tools & solutions to support organisations meeting EUDR







Preferred by Nature EUDR Scoping Tool



Self-assessment tool to determine your role and obligations under EUDR*.

SCAN THE QR CODE



or access through preferredbynature.org/ EUDR

What to expect:

- 1 Immediate results
 - Discover your role and obligations
 - 3 Clear next steps
 - 4 Access for free
- Results for companies inside and outside of the EU





Preferred by Nature Training Hub



Thousands of delegates from over 60 countries have joined our training events

Available in

5 languages in more
than 20 locations





Training courses on EUDR & due diligence





1 day course

Launch: Feb-March 2025

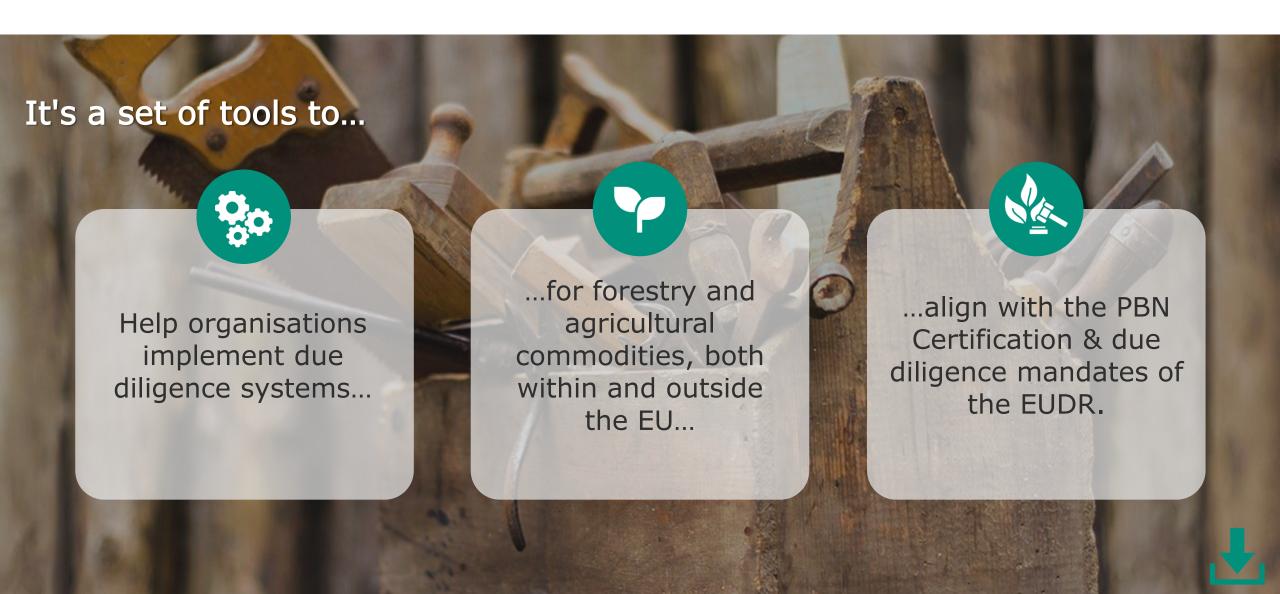
- EUDR Due Diligence system setting
- □ Traceability
- Supply chain identification & management
- ☐ Supply chain risk assessment

- ☐ Deforestation-free requirements
- ☐ Deforestation risk mitigation
- Reporting
- □ Case studies

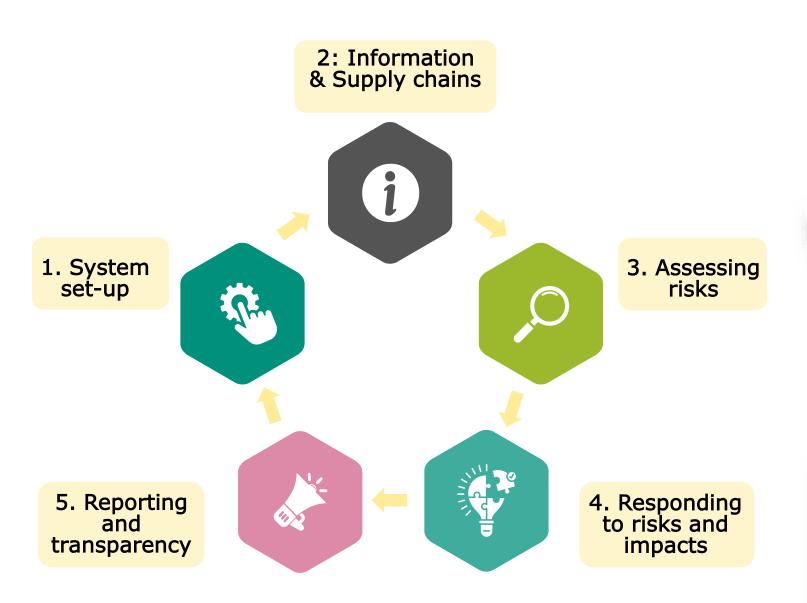


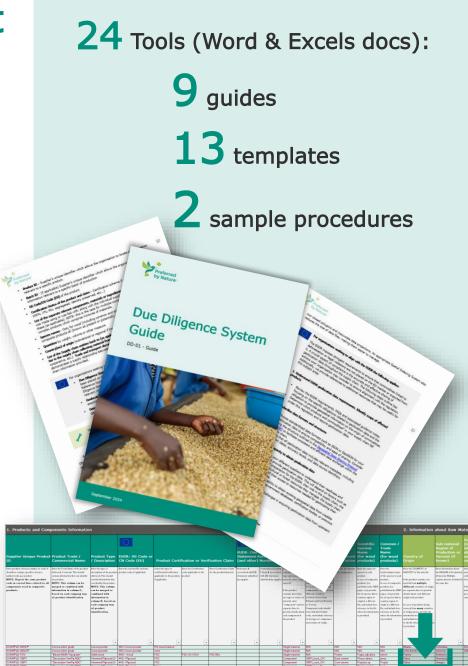
What is the Preferred by Nature Due Diligence Toolkit?





Preferred by Nature Due Diligence Toolkit





Accessing the toolkit





Visit the our webpage



Enter personal information

(name, email, organisation, country)



Download Zip File of latest versions of all

tools

AND access to Individual Tools



Sign up to receive:

- Updates on the Toolkit
- Promotion of related activities (webinars, services)
- Future survey opportunity for needs & improvements





Using the Due Diligence Toolkit



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However, please note



Please credit Preferred by Nature and include a visible link to our website www.preferredbynature.org



We are always interested to learn how our tools are being used. We would appreciate receiving a copy of any modified version





Which puzzle pieces do you need?





Public policy commitment



Due Diligence procedures



A qualified team in place



Map your supply chain



Traceable supply chain



Sufficient information for risk assessment



Assess risks on illegality & deforestation



Set risk mitigation measures



Performance evaluation



Report on your Due Diligence System



What is the Sourcing Hub?



The Sourcing Hub

A global resource for understanding sustainability risks in agricultural & forestry supply chains

To support decision-making from production, through to processing, transport and trade



Risk mitigation options

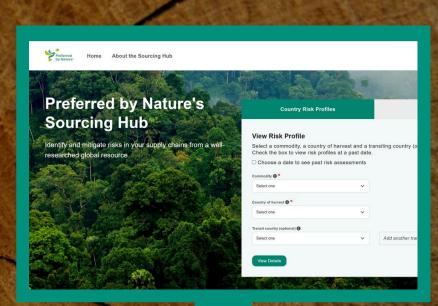




Key legislation



Sustainability tools & Resources



Founding member of the Risk Information Alliance





Global sustainability organisations form alliance to share risk information



A group of organisations, including the Forest Stewardship Council (FSC), Preferred by Nature, the Roundtable on Sustainable Biomaterials (RSB), and the Sustainable Biomass Program (SBP), are joining forces as the Risk Information Alliance (RIA).

Increasing regulatory requirements such as the EU Regulation on Deforestation-free Products (EUDR) and market pressure for responsibly produced products are posing a serious challenge to businesses, certification schemes and producers in agricultural and forest-based sectors. The RIA will develop and maintain credible risk assessments with a range of partners and across commodities offering value beyond the EUDR. Through an innovative and collaborative approach, the Alliance will encourage risk data sharing in a precompetitive sphere and cut through the complex and costly landscape facing companies and sustainability systems.



Alliance of organisations that wants to expand the development of credible risk assessments to meet the needs of stakeholders

Supported by the ISEAL Innovations Fund, which is funded by:



Schweizerische Eidgenossenschaft Confédération suisse Confederazione Svizzera Confederaziun svizra

Swiss Confederation

Federal Department of Economic Affairs, Education and Research EAER State Secretariat for Economic Affairs SECO







































Certified material



- Certified material remains an important tool for operators to meet due diligence requirements, compared to non-certified material
- Certified material could be a strong risk mitigation measure
- Risks will still have to be assessed on certified material (no green lane)

Benchmark the scheme against the EUDR

Identify if any gaps exist

Address gaps that are not covered by the scheme for the different types of certified material

RA, FSC, PEFC EUDR add on



FSC - Regulatory Module

A voluntary add-on for FSC Chain of Custody or Forest Management certified clients to assist in aligning practices with the EUDR

Enables certified companies to make regulatory claims



PEFC - EUDR Due Diligence System

A voluntary modular standard for PEFC Chain of Custody certified organisations

Rainforest Alliance - Deforestation Risk Assessment Tool

EUDR self-selected criteria for cocoa and coffee certificate holders







They support compliance with EUDR by implementing due diligence, risk assessment & mitigation, and providing information collection tools.



Preferred by Nature, one of the few CBs who is accredited to deliver the Regulatory module



EUDR-aligned standard

46

indicators to check compliance with the EUDR

Criterion 1.2 Management planning and operations are conducted responsibly. Management planning and operations are in accordance with legal requirements.

1.2.1 Legal requirements for land use and management planning are complied with.	*	 □\$∆
1.2.2 Legal requirements for management and operational activities are complied with.	8	
1.2.3 Legal harvesting or production requirements are complied with.	8	
1.2.4 Legal requirements related to the disclosure of information are complied with.	8	

Criterion 1.3 Taxes and fees are paid.

Applicable taxes and fees have been paid in a timely manner and according to legal requirements.

1.3.1 Legal requirements for payment of royalties, land/area taxes and fees are complied with.





Preferred by Nature Certification is aligned with the EU Deforestation Regulation – the Standard covers clear links to relevant **legality** and **sustainability** requirements



Preferred by Nature Certification and EUDR



Sustainability Framework

Includes
46 indicators aligned
with the EUDR



System Requirements

Includes quality
management
aspects to align with
the EUDR



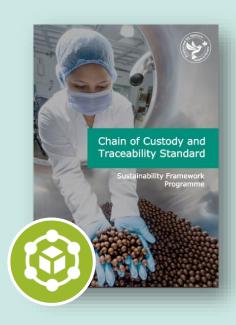
Due Diligence Requirements

Includes due diligence system & supplychain management to align with the EUDR



Chain of Custody and Traceability

Includes traceability requirements aligned with EUDR





Preferred by Nature Certification and EUDR







Traders, Manufacturers, Brands, Retailers















Facilitate **decision-making** for operators & all actors in the supply chain



Applied to any country/region



Adapted to any scale of operations



Can be used at all levels of the supply chain, in the **field** and/or **for due diligence**



Comes with a verification report



Linked with additional tools such as **Sourcing Hub**, **Due Diligence toolkit**

Different uses of the Preferred by Nature Certification





Benchmarking standards



Gap analysis or internal monitoring



Third party Verification















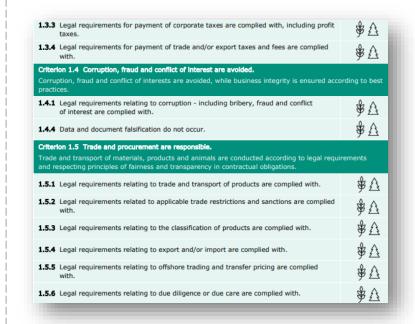








AST-ACC-066



EUDR-aligned requirements









Market access programme for smallholders



Collaboration with first-mile actors

Partner with funders, traders, mills and other first-mile actors to establish robust due diligence systems

Verification and training

Implement a verification system and develop a comprehensive training programme to comply with EUDR requirements

Outcome-focused requirements

Prioritise actual environmental and social impacts over bureaucratic processes

Risk identification and mitigation

Conduct farm and forest-level risk assessments, recommending tailored mitigation actions

Thank you















Stay updated and connected

Sandra Razanamandranto sr@pbn.org



Preferred by Nature Certification



EUDR



Preferred