

NOTE DE SYNTHÈSE - RÈGLEMENT EUROPÉEN CONTRE LA DEFORESTATION ET LA DEGRADATION DES FORÊTS (RDUE)

Les discussions institutionnelles sur l'adoption du RDUE viennent de connaître de nouveaux rebondissements. Cette note vise à présenter un récapitulatif des négociations en cours et détailler les prochaines étapes.

Contexte

- **17 novembre 2021** : [Proposition législative](#) de la Commission européenne.
- **31 mai 2023** : [Adoption](#) du règlement RDUE.
- **2 octobre 2024** : La Commission européenne [propose](#) de reporter d'un an la mise en application du RDUE.
 - **16 octobre 2024** : le Conseil de l'UE [approuve](#) la proposition de report de la commission.
 - **14 novembre 2024** : Le Parlement européen, réunit en séance plénière, [adopte](#) une série d'amendements allant au-delà de la simple proposition de report.

Éléments principaux

Face à la fronde de plusieurs Etats membres, de certains pays-tiers et d'un nombre important de parties prenantes, la Commission européenne a proposé le 2 octobre 2024 de **reporter d'une année supplémentaire** l'entrée en application du RDUE (30 septembre 2025 pour les grandes entreprises ; 30 juin 2026 pour les TPE/PME).

- Pour justifier son choix, la Commission a évoqué un **niveau de préparation** inégal des opérateurs. L'exécutif européen avait également pris un **certain retard** dans la publication de plusieurs documents clés.

La proposition de la Commission entre dans le cadre de la **procédure de codécision**. Elle doit donc être approuvée par le Conseil de l'UE et le Parlement européen pour être adoptée.

- Le 16 octobre, le **Conseil a adopté** sans amendement la proposition de la Commission.
- En revanche, au niveau du Parlement européen, le principal groupe politique, le Parti populaire européen (PPE) a décidé de déposer [15 amendements](#) visant à aller au-delà du texte de la Commission.
 - Les autres principaux groupes politiques, les Socialistes (S&D) et les Libéraux (Renew), s'étaient refusés à réouvrir davantage le texte.

Le 14 novembre, le Parlement européen, réuni en séance plénière, a examiné les amendements déposés par le PPE (voir l'annexe pour les résultats) :

- Les amendements 1, 2, 8, 13, 14 et 15 ont été retirés en amont du vote.
- Les **amendements 3, 4, 5, 6, 7, 9, 10 et 11** ont été adoptés. Ils :
 - Créent une 4^{ème} catégorie de risque (« no risk ») pour les pays sans risque de déforestation.
 - Simplifient les exigences administratives pour les produits et opérateurs de pays sans risque de déforestation.
- L'amendement 12 a été rejeté.

Dans la foulée, le Parlement s'est prononcé en faveur du **lancement de la procédure de trilogue** (négociations interinstitutionnelles entre la Commission, le Parlement et le Conseil).

Le **calendrier est serré** : les institutions doivent absolument parvenir à un accord avant la fin de l'année, sans quoi le texte originel, adopté en 2023, entrerait en application le 30 décembre 2024. Concrètement, les trois institutions vont aborder la nécessité de **conserver ou non** les amendements votés par le Parlement.

- Le PPE s'est dit confiant quant au déroulement des négociations. Celles-ci pourraient cependant prendre place dans un climat d'extrême tension, étant donné la polarisation des débats et la rupture de confiance entre le PPE et les autres groupes politiques.
- Selon le média spécialisé Contexte, le Conseil de l'UE doit également **lever des doutes sur la solidité juridique des amendements**.

Prochaines étapes

- **20 novembre** : Réunion des représentants permanents (ambassadeurs nationaux auprès de l'UE) pour évoquer la suite du processus.
- **Date inconnue** : Début des négociations en trilogue.
- **30 décembre 2024** : Entrée en application du texte voté en mai 2023.

ANNEXE - AMENDEMENTS DEPOSES PAR LE PPE DANS LE CADRE DE LA PROPOSITION DE REPORT DU RDUE

En vert : Adopté

En rouge : Rejeté

En gris : Retiré

AM	Texte de la Commission	Texte amendé	Commentaire
AM 1 Considérant 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.	Operators 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.'	Le PPE cherche à exclure les commerçant des exigences du RDUE. Pour rappel, un commerçant se réfère à « <i>toute personne faisant partie de la chaîne d'approvisionnement, autre que l'opérateur, qui, dans le cadre d'une activité commerciale, met des produits en cause à disposition sur le marché</i> ».
AM 2 Considérant 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. <i>They should therefore have the same obligations as operators, take responsibility for the compliance of the relevant products with this</i>	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.'	Même esprit quand l'AM 1.

	<p>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.</p>		
<p>AM 3 Considérant 68</p>	<p>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</p>	<p>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 four-tier system for classification of countries as low, standard, high or no 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. Relevant products from no-risk countries and parts thereof should not be the subject of those conditions. The Commission should be empowered to adopt</p>	<p>Le PPE cherche à créer un système de classification des pays à risque basé sur 4 niveaux plutôt que 3.</p> <p>Le nouveau niveau se réfère aux pays sans risque de déforestation. Les produits issus de ces pays sont exemptés des exigences du RDUE.</p>

	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.	implementing acts to establish the list of countries or parts thereof that present a low or high risk.'	
AM 4 Considérant 86	Operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation.	Operators, traders and competent authorities should be given a reasonable period in order to prepare themselves to meet the requirements of this Regulation. <i>In the period before the date of application, and in order to avoid any delays, the Commission should prioritise the optimisation of the platform for the exchange of information between the relevant stakeholders and the competent authorities. The Commission also undertakes to publish the risk classification so that the relevant stakeholders can prepare for the defined mandatory scope of this Regulation. Both the platform for the exchange of information and the risk classification should be available and fully functioning at least six months before the date of application. In the event of further delays, the date of application should be postponed accordingly.</i>	Le PPE indique la Commission doit avoir rempli ses obligations de mise en œuvre (classification des pays ; plateforme d'échange d'information) au moins 6 mois avec l'application du règlement. Si ce n'est pas le cas, l'application devra être reportée.
AM 5 Article 3	Relevant commodities and relevant products shall not be placed or made available on the market or exported, unless all the following conditions are fulfilled:	Relevant commodities and relevant products <i>from countries or parts thereof, that present a low, standard or high risk in accordance with Article 29</i> shall not be placed or made available on the market or exported, unless all the following conditions are fulfilled:'	Le PPE introduit des exigences spécifiques pour les 3 premiers niveaux de classification (les niveaux originels du texte).
AM 6 Article 3(1a) – new	/	<i>'Relevant commodities and relevant products from countries or parts thereof that present no risk in accordance with Article 29 shall not be placed or made available on the market or exported unless all the following conditions are fulfilled: (a) they have been produced in accordance with the relevant legislation of the country of production; and</i>	Le PPE introduit des exigences spécifiques pour le 4 ^{ème} niveau de classification, c'est-à-dire les pays sans risque de déforestation.

		(b) they fulfil the documentation requirements laid down in Article 5(1a).	
AM 7 Article 4(10a) - new	/	By way of derogation from paragraphs 1 to 10 of this Article, operators that place or make available on the market or export relevant commodities and relevant products produced in countries or parts thereof that present no risk in accordance with Article 29 shall only be required to fulfil the documentation requirements laid down in Article 5(1a). For relevant products and parts of relevant products that have been produced in countries or parts thereof that present no risk in accordance with Article 29, operators shall exercise due diligence in accordance with paragraph 1 of this Article.'	Le PPE introduit des exigences simplifiées pour les opérateurs/produits des pays sans risque de déforestation.
AM 8 Article 5	<p>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.</p> <p>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.</p> <p>3. SME traders shall collect and keep the following information relating to the relevant products they intend to make available on the market:</p> <p>(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</p>	<p>1. Traders shall not 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.</p> <p>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.'</p>	Le PPE cherche à exclure les commerçant des exigences du RDUE.

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.

AM 9
Article 5(1a) -
new

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Operators that place or make available on the market or export relevant commodities and relevant products produced in countries or parts thereof that present no risk in accordance with

Le PPE introduit des exigences simplifiées pour les

		<p>Article 29 shall fulfil the documentation requirements by making the following documents available to the competent authorities upon request:</p> <p>(a) trade name and type of the relevant products;</p> <p>(b) the quantity of the relevant products;</p> <p>(c) the country of production and, where relevant, parts thereof;</p> <p>(d) the name, postal address and email address of any business or person from whom they have been supplied with the relevant products;</p> <p>(e) the name, postal address and email address of any business, operator or trader to whom the relevant products have been supplied;</p> <p>(f) adequately conclusive and verifiable information that the relevant products are free of forest degradation;</p> <p>(g) adequately conclusive and verifiable information that the relevant commodities have been produced in accordance with the relevant legislation of the country of production.'</p>	<p>opérateurs/produits des pays sans risque de déforestation.</p> <p>Ceux-ci doivent seulement être prêt à fournir certains documents à la demande des autorités compétentes.</p>
AM 10 Article 16 (10a) - new	/	<p>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 0,1 % 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 no risk in accordance with Article 29.</p>	<p>Le PPE cherche à réduire le contrôle des autorités compétentes sur les opérateurs de pays issus de pays sans risque de déforestation.</p>
AM 11 Article 29 (1)	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:	<p>'1. This Regulation establishes a four-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:</p> <p>(a) 'high risk' refers to countries or parts thereof, for which the assessment referred to in paragraph 3 results in the identification</p>	<p>Le PPE cherche à créer un système de classification des pays à risque basé sur 4 niveaux plutôt que 3.</p> <p>Le 4^{ème} niveau se réfère au pays où :</p>

	<p>(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);</p> <p>(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;</p> <p>(c) 'standard risk' refers to countries or parts thereof which do not fall in either the category 'high risk' or the category 'low risk'.</p>	<p>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);</p> <p>(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;</p> <p>(c) 'standard risk' refers to countries or parts thereof which do not fall in either the category 'high risk', 'low risk' or the category 'no risk';</p> <p>(ca) 'no risk' refers to countries or parts thereof that meet the following assessment criteria:</p> <p>(i) forest area development has remained stable or has increased compared to 1990;</p> <p>(ii) the Paris Agreement and international conventions on human rights and on preventing deforestation have been signed by those countries and parts thereof;</p> <p>(iii) regulations on preventing deforestation and forest conservation at national level are strictly implemented and enforced in full transparency and monitored.'</p>	<p>- Les zones forestières ont augmenté/sont restés stables depuis 1990.</p> <p>- s'appliquent l'accord de Paris et les conventions sur les droits de l'Homme</p> <p>- les règles nationales sur la conservation des forêts s'appliquent et peuvent être vérifiées en toute transparence.</p>
<p>AM 12 Article 30(4)</p>	<p>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</p>	<p>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 regular dialogue with WTO members to facilitate implementation and enforcement of this Regulation, in a manner</p>	

	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	<i>that is compliant with the rules-based international multilateral trading system, in order to avoid retaliation and trade tensions.</i> 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.	
AM 13 Article 37(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 2025	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 2026	Le PPE cherche à encore repousser la date d'application d'une année supplémentaire.
AM 14 Article 38(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 2025	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 2026	
AM 15 Article 38(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 2026	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 2027	