

**Follow up to the European Parliament non-legislative resolution on Commission Implementing Regulation (EU) 2025/1093 of 22 May 2025 laying down rules for the application of Regulation (EU) 2023/1115 of the European Parliament and of the Council as regards a list of countries that present a low or high risk of producing relevant commodities for which the relevant products do not comply with Article 3, point (a)**

- 1. Resolution tabled pursuant to Rule 115 (2) and (3) of the European Parliament's Rules of procedure**
- 2. References:** 2025/2739(RSP) / B10-0321/2025 / P10\_TA(2025)0149
- 3. Date of adoption of the resolution:** 9 July 2025
- 4. Competent Parliamentary Committee:** Committee on Environment, Climate and Food Safety (ENVI)
- 5. Brief analysis/ assessment of the resolution and requests made in it:**

The resolution expresses concerns about the way in which the Commission exercised its implementing powers when adopting [Commission Implementing Regulation \(EU\) 2025/1093 of 22 May 2025](#) which establishes a list for the purpose of the country benchmarking foreseen in Article 29 of Regulation (EU) 2023/1115 ("EUDR"). The resolution covers four main concerns.

The concerns are, first, that the Commission exceeded its implementing powers when adopting Implementing Regulation (EU) 2025/1093; second, that the methodology was based on incomplete, imprecise, outdated and inflexible data and was developed in a non-transparent manner; third, a lack of consultation and engagement; and fourth, that the Commission should consider amendments to the basic act in a number of suggested ways (additional "negligible risk" category, regulated compensation mechanism).

The resolution therefore goes beyond scrutiny of whether the Commission has exceeded its implementing powers and covers instead points related to substance, to consultations prior to the adoption and to reopening of the legislation. It calls on the Commission to repeal the Implementing Regulation and to revise the country benchmarking system on the basis of various complementary measures, which would entail amending the Regulation.

### ***Background***

The Implementing Regulation - which pursuant to Article 29(2) of Regulation (EU) 2023/1115 had to be adopted "no later than 30 June 2025" - was adopted by the Commission on 22 May 2025 and entered into force on 26 May 2025. The Commission has the legal obligation

under Article 5(2) of Regulation (EC) No 182/2011 ('the Comitology Regulation') to proceed with the adoption of the Implementing Regulation after it has received a positive opinion of all Member States in the EUDR Committee, referred to in Article 36(1) of the EUDR. The European Parliament objection was tabled after the adoption and entry into force of the Implementing Regulation.

## **6. Response to the requests in the resolution and overview of the action taken, or intended to be taken, by the Commission:**

The Commission takes good note of the arguments and requests included in the resolution. It considers that the Implementing Regulation falls fully within the implementing powers provided for in the EUDR. The Commission envisages to amend the Implementing Regulation in 2026 to ensure that the country classification is updated and takes into account the latest available scientific evidence.

### ***Exercise of implementing powers and call for repeal***

#### Paragraphs 1-2 and Recitals

The Implementing Regulation has been carefully prepared in accordance with the implementing powers granted under the EUDR. Article 29(2) of the EUDR explicitly mandates the Commission to classify countries or parts thereof that present a low or high risk. The resolution does not specify where the Commission could have exceeded its implementing powers. The Commission therefore aims to uphold the Implementing Regulation until a review of the country classification takes place, which is envisaged for 2026.

### ***Data and Methodology used for the Classification of Countries***

#### Paragraphs 3-4 and Recitals

Pursuant to Article 29(3) EUDR, the Commission must base the classification of countries primarily on a number of quantitative assessment criteria (the qualitative criteria in Article 29(4) are a 'may', not a 'shall' clause), namely (a) the rate of deforestation and forest degradation; (b) the rate of expansion of agriculture land for relevant commodities; and (c) production trends of relevant commodities and of relevant products. Article 29(3) as well as Recital 68 of EUDR further elaborate on the data to be used by the Commission, requiring the data to be "quantitative, objective and internationally recognised" and on the methodology, which should take into account "the latest scientific evidence and internationally recognised sources".

The methodology is described in a [Staff Working Document](#) accompanying the Implementing Regulation to ensure transparency.

Nevertheless, the resolution considers that the methodology underlying the classification of countries is based on incomplete, imprecise, outdated and inflexible data and that it was developed in a

non-transparent manner. Detailed explanations on the Commission methodology can be found below.

- **On incomplete, imprecise and outdated data related to deforestation rate criteria:**

In order to define the deforestation rate set out in Article 29(3)(a) of EUDR, the source of data used is the Global Forest Resource Assessments (FRA) developed by the Food and Agriculture Organization of the United Nations (FAO), as the only internationally recognised global inventory of forests. It is based on reporting made by FAO Member States. The most recent available dataset is from 2020 (FAO FRA 2020). The next dataset of the FAO FRA is expected to be published in October 2025. Hence, to ensure the latest available scientific data is taken into account, a first review of the country classification is envisaged in 2026, after the publication of the upcoming FAO FRA dataset.

- **On 'rate of forest degradation' not assessed:**

FAO FRA data on forest types to map forest degradation is currently not sufficiently developed to ensure an adequate and non-discriminatory representation of countries and time periods. Country reporting for 'primary forest' and for other forest types (allowing to assess forest degradation under the definition in EUDR) is not fully comprehensive. As a consequence, there is currently not yet internationally recognized data on the basis of which this criterion can be assessed, making it impossible for the Commission to use its full implementing powers for the current Implementing Regulation. However, the criterion is planned to be integrated in the next review of the classification, taking into account that the next FAO FRA dataset is expected to be more comprehensive regarding country reporting data on primary forest, a key indicator regarding the EUDR definition of forest degradation.

- **On expansion of agricultural lands and production trends not assessed in a precise and comprehensive manner:**

These two other criteria listed in Article 29(3)(b) and (c) were assessed on the basis of the FAO Corporate Statistical Database (FAOSTAT). Land use statistics for crop commodities are the best indicator for agricultural land expansion of the relevant commodities, capturing land-use dynamics. It allows to identify countries with a certain level of deforestation that is caused by other factors than those covered by EUDR, such as urbanization. For cattle and wood, production data is used since there are no direct statistics on land use for these commodities.

- **On thresholds of annual forest area loss not sufficiently clear and justified:**

As regards the alleged lack of clarity on how the thresholds were established, the relative deforestation threshold is set at 0,2% annual

forest area loss, calculated as the rounded average of the FAO FRA statistics. The absolute threshold is set at 70 000 hectares of annual forest loss. Under these thresholds, a large number of countries in the world are classified as low risk, allowing to focus enforcement resources and cooperation efforts in geographic areas where deforestation challenges are more acute.

- **On qualitative criteria not sufficiently accounted for:**

The EUDR states that qualitative criteria set out in Article 29(4) “may be taken into account” by the Commission in its assessment. Thus, the EU legislators have granted the Commission a certain degree of discretion how to incorporate the non-mandatory qualitative criteria in the assessment of countries. As explained in the Commission’s Staff Working Document accompanying the Implementing Regulation, the benchmarking methodology allows to have a specific approach to the countries which are at the lower or higher end of the standard risk category. For the first implementing act, countries comprised within +25% of the low-risk absolute and relative thresholds are subject to a qualitative assessment, including through a consultative process with the Commission.

In line with Article 29(4)(e), countries were checked against relevant sanctions, and were automatically classified as high risk when subject to UN Security Council or EU Council sanctions on imports or exports of the relevant commodities and relevant products, as it is impossible to conduct due diligence along the value chains in these countries, meaning there is a high risk that operators cannot reliably ensure compliance with Article 3(a) EUDR of commodities and products produced in these countries and that accordingly, the risk of circumvention is high.

- **On “parts thereof” needed to be assessed:**

The EUDR requires to classify “countries or parts thereof” so the legal text is open about whether and when to assess the whole country and about the precise meaning of “parts thereof”. In the current benchmarking, the Commission decided not to include an assessment of “parts thereof” for several reasons, including the current lack of FAO FRA regional data. A subnational assessment may be included in future iterations of the benchmarking.

- **On the methodology not being sufficiently transparent:**

The methodology underlying the classification of countries was already outlined first in October 2024, in the Annex to the Communication on a [Strategic Framework on International Cooperation](#). It was then further described in detail in a dedicated [Staff Working Document](#) published on the Commission [website](#) alongside the Implementing Regulation. Hence, there is full transparency of the data used as well as comprehensible justifications for limitations of data due to their limited availability.

With respect to the **other provisions of the European Parliament resolution**, while the Commission considers that they fall outside the remit of the right of scrutiny; the Commission has carefully considered the positions expressed by the European Parliament and would like to make the following comments:

### ***Consultation and Engagement***

#### Paragraph 5 and Recitals

The resolution considers that the Commission failed to properly consult on the Implementing Regulation and to engage with producing countries, indigenous communities and local stakeholders.

Since 2024, the Commission has scaled up outreach and cooperation with partner countries and global stakeholders, notably business associations, producers and civil society, in line with the Strategic Framework for International Cooperation Engagement. The Commission held over 300 meetings on EUDR with private stakeholders, Member States authorities and third countries in 2024. Further meetings took place in the first half of 2025 and additional outreach meetings are being planned and will take place all throughout the second half of the year.

### ***Amendments to the EUDR and Additional Requests***

#### Paragraph 6 and Recitals

The resolution considers that the Commission should have used its implementing powers to amend the EUDR in a number of ways, suggesting the inclusion of a fourth risk category ("negligible risk") and the establishment of a "regulated compensation mechanism"<sup>1</sup>. However, the empowerment in Article 29(2) is clearly defined as allowing the Commission only to classify countries or parties thereof that present a low or high risk. Such requested measures would require amendments of the provisions of the EUDR, are not reflected in the empowerment granted to the Commission by the co-legislators and would clearly exceed the implementing powers granted to the Commission pursuant to Article 29(2) EUDR.

In conclusion, the Commission:

- Considers that it conducted the benchmarking assessment and published the Implementing Regulation in line with its implementing powers;
- Has based the benchmarking methodology on the internationally recognised sources currently available;

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<sup>1</sup> The resolution does not outline what the compensation mechanism should consist of.

- Has conducted the benchmarking assessment in full commitment to fairness, objectivity, and transparency;
- Has planned to review and update the list of countries in 2026, following the publication of new FAO FRA data in October 2025;
- Is continuing to engage intensively with third countries and stakeholders outside and inside the EU producing relevant commodities to support their preparation ahead of EUDR entry into application;
- Remains available for further exchanges with the co-legislators.