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# Implementation date for Deforestation Regulation extended

In response to requests from companies and Member States, the European Union has extended the implementation date for the Deforestation Regulation from December 30, 2024, to December 30, 2025.

## European Union - Legal Flash

December 27, 2024



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### Key aspects

- The [Corporate Sustainability Due Diligence Directive](#) (“**CS3D**”) introduces corporate human rights and environmental due diligence obligations.
- Although these obligations apply only to companies meeting high employee and turnover thresholds, other European Union (“**EU**”) legislation refers to this standard of business conduct.
- In this context, [Regulation \(EU\) 2023/1115 of the European Parliament and of the Council of 31 May 2023](#) (“**Regulation**” or “**Deforestation Regulation**”) extends the obligation to anyone who places or makes available on the EU market—or exports from the EU—certain products that cause or are likely to cause deforestation.
- The Regulation prohibits making certain commodities or products available on the EU market, such as cattle, cocoa, coffee, palm oil, rubber, soya and wood, unless they meet certain due diligence requirements.
- [Regulation \(EU\) 2024/3234 of the European Parliament and of the Council of 19 December 2024](#) extends the implementation date for the Deforestation Regulation from December 30, 2024, to **December 30, 2025**.



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## Introduction

The EU Deforestation Regulation requires companies to implement **due diligence systems** to prevent deforestation. This includes the collection of information, risk assessment measures and risk mitigation measures. Companies must ensure that products placed on the EU market are deforestation-free, comply with the legislation of the country of production and are covered by a due diligence statement.

Unlike the [CS3D](#), which has a **limited scope** and applies only to large companies (see [Legal Flash | The EU's corporate Sustainability Due Diligence has been published](#)), the Regulation will directly apply to **any natural or legal person** who, in carrying out a commercial activity, **places, makes available on or exports certain products from the EU market**, regardless of its size or turnover.

As explained in our [Legal Flash | Deforestation and forced labor due diligence](#), the due diligence obligation under the Deforestation Regulation is not identical to that under the CS3D. The Deforestation Regulation imposes absolute bans on certain products—similar to the Forced Labor Regulation (see [Legal Flash | EU bans products made with forced labor](#))—and includes specific obligations.

The [Deforestation Regulation](#) repeals [Regulation \(EU\) 995/2010](#) on timber and timber products effective from December 30, 2024 (except for timber, which will continue to apply until December 30, 2025).

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## Scope of Deforestation Regulation

### Prohibition

The Deforestation Regulation **prohibits** placing or making available on the EU market (or the export from the EU) **commodities and products** containing, fed with or made using **cattle, cocoa, coffee, palm oil, rubber, soya and wood (listed in Annex I)**, unless they meet the following **due diligence requirements**:

- (i) they are deforestation-free;
- (ii) they have been produced in accordance with the applicable legislation of the country of production; and
- (iii) they are covered by a due diligence statement.

### Scope of application

The prohibition applies to any **economic operator**, regardless of its size or turnover, that **imports, exports or trades** the commodities and products listed in Annex I of the Regulation.



## Main due diligence obligations

### ➤ Operators

- An operator is any natural or legal person who, in carrying out a commercial activity, places the specified products on the EU market or exports them from the EU internal market. This includes operators who first make available a specified product previously imported by an operator outside the EU, as well as those who transform a specified product already on the EU market into another product listed in Annex I of the Regulation.
- Operators must exercise **due diligence before placing specified products on the market or exporting them**. This includes the collection of information, risk assessment measures and risk mitigation measures.
- Operators must also retain the information for at least five years and inform downstream operators and traders in the supply chain.

### ➤ Traders

- Traders supply a specified product for distribution, consumption or use on the EU market.
- They have no due diligence obligations but must **collect and retain information** on products and due diligence statements from their suppliers for at least five years.

## Control and penalties

The competent authorities of each Member State, together with the European Commission, will have the power to carry out risk-based controls, take interim and corrective measures (including product recalls) and impose **penalties** for non-compliance.

## Classification of countries

The European Commission is required to classify countries or parts of countries as low, medium or high risk by **June 2025**. This classification will determine the level of checks and due diligence measures that companies must implement.

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## Entry into force and extension of implementation date

The Deforestation Regulation entered into force on December 30, 2024. However, [Regulation \(EU\) 2024/3234 of the European Parliament and of the Council of 19 December 2024](#) extended its implementation date to **December 30, 2025**. This extension gives companies an additional year to



adapt their reporting and due diligence systems. Small and micro enterprises will have an extra year—until June 30, 2026—to comply with the obligations under the Regulation.

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## Conclusion

The extension of the implementation date for the Deforestation Regulation to December 30, 2025, demonstrates the EU's commitment to **balancing environmental protection** with **practical business needs**. This provides companies with valuable time to adapt their due diligence systems and comply with the new requirements.

Companies must use this period to establish **robust due diligence systems** that not only meet legal obligations but also enhance their corporate reputation and sustainability profile. Effective implementation of these systems will help avoid sanctions and promote responsible business practices.

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For further information, please contact our *Knowledge and Innovation Group* lawyers or your regular contact person at Cuatrecasas.

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