

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5289 GIBRALTAR Thursday 19th March 2026

DEFORESTATION (MARKET ACCESS AND DUE DILIGENCE) BILL 2026

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THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5289 GIBRALTAR Thursday 19th March 2026

B. 08/26

BILL

FOR

AN ACT to make provision for the implementation in Gibraltar law of the Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023, for prohibiting the placing and making available on the market of certain commodities and products unless they are deforestation-free and produced in accordance with the laws of the country of production; to impose due diligence obligations on operators, downstream operators and traders; to designate a competent authority and confer enforcement powers; to create offences and provide for penalties; to establish a substantiated concerns mechanism; to recognise equivalent compliance under certain foreign regimes; to enable subsidiary legislation for implementation and dynamic alignment; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

PART I PRELIMINARY

Short title and commencement.

1.(1) This Act may be cited as the Deforestation (Market Access and Due Diligence) Act 2026.

(2) This Act comes into operation on such day or days as the Minister may appoint by Notice in the Gazette; and different days may be appointed for different purposes and provisions.

Interpretation.

2.(1) In this Act, unless the context otherwise requires-

“agricultural use” means the use of land for the purpose of agri-culture, including for agricultural plantations and set-aside agri-cultural areas, and for rearing livestock;

“agricultural plantation” means land with tree stands in agri-cultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems where crops are grown under tree cover; it includes all plantations of relevant products other than wood; agricultural plantations are excluded from the definition of ‘forest’;

“authorised representative” means any natural or legal person who has received a written mandate from an operator to act on its behalf in relation to specified tasks with regard to the operator's obligations under this Act;

“competent authority” has the meaning given in section 4;

“country of production” means the country or territory where the relevant commodity was produced or, in the case of products containing or made using relevant products, where those relevant products were produced;

“declaration identifier” means the unique identifier assigned to a micro or small operator following submission of a simplified declaration under section 9;

“deforestation” means the conversion of forest to agricultural use, whether human-induced or not;

“deforestation-free” means that the relevant product contains, has been fed with or has been made using relevant products that were produced on land that has not been subject to deforestation after 31 December 2020, and, in the case of products containing or made using wood, that the wood has been harvested from the forest without inducing forest degradation after that date;

“Deforestation Regulation” means Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 making available on the Union Market products associated with deforestation as amended from time to time;

“downstream operator” means any person who, in the course of a commercial activity, places on the Market or exports relevant products that have been manufactured using relevant products, all of which are covered by a due diligence statement or by a simplified declaration;

“due diligence” means the system of measures described in Part III for obtaining information, assessing risk and mitigating risk;

“due diligence statement” means the statement required by section 10;

“establishment” means any premises, structure, or, in the case of open-air farming, any environment or place, where livestock are kept, on a temporary or permanent basis;

“forest” means land spanning more than 0,5 hectares with trees higher than 5 metres and a canopy cover of more than 10 %, or trees able to reach those thresholds in situ, excluding land that is predominantly under agricultural or urban land use;

“forest degradation” means structural changes to forest cover, taking the form of-

- (a) the conversion of primary forests or naturally regenerating forests into plantation forests or into other wooded land; or

(b) the conversion of primary forests into planted forests.

“geolocation” means the geographical location of a plot of land described by means of latitude and longitude coordinates corresponding to at least one latitude and one longitude point and using at least six decimal digits; for plots of land of more than four hectares used for the production of relevant products other than cattle, this shall be provided using polygons with sufficient latitude and longitude points to describe the perimeter of each plot of land;

“high-risk country” means a country or part thereof classified as high risk by the EU Commission pursuant to Article 29 of the Deforestation Regulation;

“low-risk country” means a country or part thereof classified as low risk by the EU Commission pursuant to Article 29 of the Deforestation Regulation;

“make available on the market” means any supply of a relevant product for distribution, consumption or use in Gibraltar in the course of a commercial activity, whether in return for payment or free of charge;

“micro or small operator” means an operator who is a natural person or a micro-undertaking or small undertaking established in a low-risk country, and who, in the course of a commercial activity, places on the market or exports relevant products that such operator has itself grown, harvested, obtained from or raised on relevant plots of land, or, as regards cattle, on establishments located in that country;

“micro-undertaking” means an undertaking that meets the criteria for a micro company within the meaning of Schedule 9 of the Companies Act 2014;

“the Minister” means the Minister with responsibility for the environment;

“negligible risk” means the level of risk that applies to relevant products and relevant products where, on the basis of a full assessment of product-specific and general information and, where necessary, of the application of appropriate mitigation measures, those commodities or products show no cause for concern as being non-compliant with section 5;

“non-SME downstream operator” means a downstream operator that is not a small or medium-sized enterprise;

“non-SME trader” means a trader that is not a small or medium-sized enterprise;

“operator” means any natural or legal person who, in the course of a commercial activity, places relevant products on the market, excluding downstream operators;

“place on the market” means the making available of a relevant product on the market in Gibraltar;

“plot of land” means land within a single real-estate property, as recognised by the law of the country of production, which enjoys sufficiently homogeneous conditions to allow an evaluation of the aggregate level of risk of deforestation and forest degradation associated with relevant products produced on that land;

“reference number” means the unique identifier assigned to a due diligence statement following its submission under section 10;

“relevant products” means the products listed in the Schedule;

“simplified declaration” means the declaration submitted by a micro or small operator under section 9 on a single occasion;

“small and medium-sized enterprise” or “SME” means a small undertaking and an undertaking which meets the criteria for a medium company within the meaning of Schedule 9 of the Companies Act 2014;

“small undertaking” means an undertaking which meets the criteria for a small company within the meaning of Schedule 9 of the Companies Act 2014;

“standard-risk country” means a country or part thereof classified as standard risk by the EU Commission pursuant to Article 29 of the Deforestation Regulation;

“substantiated concern” means a duly reasoned claim based on objective and verifiable information regarding non-compliance with this Act and which could require the intervention of the competent authority;

“supply chain” includes the production, processing and trade of relevant products from origin to placing or making available on the Market;

“trader” means any person in the supply chain other than the operator or downstream operator who, in the course of a commercial activity, makes relevant products available on the market;

“turnover” has the meaning given in Schedule 9 of the Companies Act 2014 to “net turnover”; and

“undertaking” means any natural or legal person, public or private, carrying on an economic activity, regardless of legal form or the way in which it is financed.

(2) Unless the context otherwise requires, expressions in this Act, and which are also used in the EU Regulations shall have the meaning they bear in the EU Regulations.

Application.

3. This Act applies to any operator, downstream operator and trader who makes available on the market in Gibraltar a relevant product.

PART II COMPETENT AUTHORITY AND PROHIBITION

Competent authority.

4.(1) Subject to a notice made under subsection (2), the Collector of Customs is designated as the competent authority for Gibraltar for the purposes of Article 14 of the Deforestation Regulation.

(2) The Minister may, by notice in the Gazette, designate such other person as they consider suitable to be the competent authority for Gibraltar for the purposes of Article 14 of the Deforestation Regulation.

(3) The competent authority must-

- (a) monitor compliance with this Act;
- (b) conduct risk-based checks in accordance with Part IV;
- (c) take enforcement action in accordance with Parts IV and V;
- (d) maintain a register of operators, downstream operators and traders in accordance with section 20.

(4) The competent authority may, by writing under hand, delegate all or any powers under this Act to such officers as they may think fit for the purposes of exercising functions under this Act.

(5) The competent authority may cooperate with and share information with Government departments, foreign competent authorities, including competent authorities of EU Member States, for the purpose of verifying compliance, subject to any applicable data protection and confidentiality requirements.

Market access prohibition.

5.(1) An operator must not place a relevant product on the market in Gibraltar unless-

- (a) the product is deforestation-free;
- (b) it has been produced in accordance with the relevant legislation of the country of production; and
- (c) it is covered by a due diligence statement made in accordance with section 10 or, in the case of a micro or small operator, by a simplified declaration made in accordance with section 9.

(2) A downstream operator or a trader must not place or make available a relevant product on the market unless they-

- (a) have ascertained that there is a due diligence statement or simplified declaration in respect of the relevant product; and
- (b) have collected and retained the information required by section 13.

(3) In this section "relevant legislation of the country of production" means the laws applicable in the country of production concerning the legal status of the area of production in terms of-

- (a) land use rights;
- (b) environmental protection;
- (c) forest-related rules, including forest management and biodiversity conservation, where directly related to wood harvesting;
- (d) third parties' rights;
- (e) labour rights;
- (f) human rights protected under international law;
- (g) the principle of free, prior and informed consent (FPIC), including as set out in the UN Declaration on the Rights of Indigenous Peoples; and
- (h) tax, anti-corruption, trade and customs regulations.

PART III DUE DILIGENCE

Due diligence obligations: operators.

6.(1) An operator must carry out due diligence in relation to a relevant product before placing it on the market.

(2) The due diligence must comprise-

- (a) the collection of information, data and documents needed to fulfil the requirements set out in section 7;
- (b) the risk assessment measures contained in section 8; and
- (c) the risk mitigation measures contained in section 8.

(3) The operator must keep records of the due diligence, its application and all due diligence statements for a period of at least five years from the date of placing on the market and must make those records available to the competent authority upon request.

(4) Operators that are not SMEs or natural persons must, on an annual basis, publicly report on their due diligence system, including on the steps taken to fulfil their obligations under this Part.

Information requirements.

7. An operator shall collect the following information which demonstrates that the relevant products comply with section 5(1) –

- (a) a description, including the trade name and type of the relevant products or relevant products contained therein, as well as, in the case of relevant products that contain or have been made using wood, the common name of the species and their full scientific name;
- (b) the quantity of the relevant products, expressed in accordance with Article 9 of the Deforestation Regulation;
- (c) the country of production and, where relevant, parts thereof;
- (d) in relation to the plot or plots of land where the relevant products that the relevant product contains, or has been made using, were produced-
 - (i) the geolocation;
 - (ii) the date or time range of production;
 - (iii) for relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the establishments where the cattle were kept;
- (e) the name, postal address and email address of any business or person from whom the operator has been supplied with the relevant products;
- (f) the name, postal address and email address of any business, downstream operator or trader to whom the relevant products have been supplied;
- (g) adequately conclusive and verifiable information that the relevant products comply with section 5(1)(a) and (b).

Risk assessment and mitigation.

8.(1) An operator shall use the information collected pursuant to section 7 to assess whether there is a risk that the relevant products intended to be placed on the market or exported do not comply with section 5(1) taking into account the criteria listed in Article 10(2) of the Deforestation Regulation.

(2) Subject to subsection (5), an operator must, before placing the relevant products on the market, adopt adequate and proportionate risk-mitigation procedures and measures to achieve no risk or negligible risk of non-compliance.

(3) Operators that are not SMEs must have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of any relevant product with section 5(1).

(4) An operator must document the risk assessment and any mitigation steps and retain that documentation for at least five years.

(5) The requirements of subsection (2) shall not apply if –

(a) the risk assessment conducted under subsection (1) reveals there is no or only negligible risk that the relevant products do not comply with section 5(1); or

(b) the operator has –

(i) ascertained that all relevant products and relevant products have been produced in countries or parts thereof classified as low risk; and

(ii) made available to the competent authority documentation demonstrating that there is a negligible risk of circumvention of this Act or of mixing with products of unknown origin or origin in high-risk or standard-risk countries or parts thereof.

(6) Notwithstanding subsection (5), if the operator obtains or is made aware of any relevant information, including substantiated concerns submitted under section 31, that would point to a risk that the relevant products do not comply with section 5(1) or that this Act is circumvented, the operator must fulfil all of the obligations under this section and must communicate any relevant information to the competent authority.

Simplified regime for micro or small operators.

9.(1) The obligations in sections 6, 7, 8 and 10 do not apply to micro or small operators.

(2) A micro or small operator must, before placing relevant products on the market or exporting them, submit a simplified declaration on a single occasion, in the information system referred to in section 30.

(3) Following submission of a simplified declaration in accordance with this section, the micro or small operator shall be assigned a declaration identifier.

(4) The simplified declaration must contain the information described in Annex III of the Deforestation Regulation.

(5) By making the simplified declaration, the micro or small operator assumes responsibility for the compliance of the relevant product with section 5(1).

(6) A micro or small operator may update the information contained in the simplified declaration following any major changes to the information provided.

Due diligence statement: operators.

10.(1) Before placing a relevant product on the market, an operator (other than a micro or small operator complying with section 9) must submit a due diligence statement to the competent authority through the information system referred to in section 30.

(2) The due diligence statement must contain the information set out in Annex II of the Deforestation Regulation.

(3) Upon submission of the due diligence statement, the operator shall be assigned a reference number for that statement.

(4) By making the due diligence statement available to the competent authority, the operator assumes responsibility for the compliance of the relevant product with section 5(1).

(5) The operator must-

(a) keep a record of the due diligence statement for five years from the date of submission; and

(b) communicate the reference number to any downstream operator or trader to whom the product is supplied.

Authorised representatives.

11.(1) An operator may authorise any person to submit the due diligence statement pursuant to section 10 or the simplified declaration pursuant to section 9 on the operator's behalf.

(2) Where an authorised representative acts on behalf of an operator under subsection (1), the operator retains responsibility for the compliance of the relevant product with section 5(1).

(3) The authorised representative shall, upon request, provide a copy of any authorisation to the competent authority.

Notification of new information.

12.(1) Operators that obtain or are made aware of relevant new information, including substantiated concerns, indicating that a relevant product that they have placed on the market is at risk of not complying with this Act must immediately inform the competent authority as well as downstream operators and traders to whom they supplied the relevant product.

(2) Downstream operators and traders that obtain or are made aware of relevant new information, including substantiated concerns, indicating that a relevant product that they have placed or made available on the market is at risk of not complying with this Act must

immediately inform the competent authority as well as downstream operators and traders to whom they supplied the relevant product.

(3) If non-SME downstream operators and non-SME traders obtain or are made aware of relevant information indicating that a relevant product is not in compliance with the requirements set out in this Act, prior to placing or making available on the market relevant products, they must immediately inform the competent authority and must verify that due diligence was exercised and that no or only a negligible risk was found; they must not place or make available on the market relevant products unless the verification demonstrates no or only a negligible risk of non-compliance.

Obligations of downstream operators and traders.

13.(1) Non-SME downstream operators and non-SME traders must register in the information system referred to in section 30 prior to placing or making available on the market relevant products.

(2) A downstream operator or trader must collect and keep the following information relating to the relevant products they intend to place or make available on the market-

- (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, downstream operators, or the traders who have supplied the relevant products to them, as well as, only in the event that their supplier is an operator, the reference numbers of the due diligence statements or the declaration identifiers associated to those products; and
- (b) the name, registered trade name or registered trade mark, the postal address, the email address and, if available, a web address of the downstream operators, or the traders to whom they have supplied the relevant products.

(3) The information referred to in subsection (2) must be kept for at least five years from the date of the placing or making available on the market and must be provided to the competent authority upon request.

(4) A trader that is a small or micro enterprise is only required to keep and provide the information specified in this section and is not required to verify that due diligence was carried out under section 6 where a valid due diligence statement or simplified declaration has been obtained.

(5) A downstream operator or trader shall assist the competent authority to facilitate the carrying out of checks, including access to premises and the making available of documentation and records.

PART IV ENFORCEMENT AND POWERS

Obligation to carry out checks.

14.(1) The competent authority shall carry out checks to monitor compliance with this Act in accordance with the criteria in Article 16 of the Deforestation Regulation.

(2) The competent authority must establish annual plans containing-

- (a) national risk criteria established in accordance with Article 16 of the Deforestation Regulation; and
- (b) the selection of operators, downstream operators and traders to be checked, based on those risk criteria.

(3) The competent authority shall ensure that checks carried out under subsection (1) cover at least –

- (a) 1% of operators, non-SME downstream operators and non-SME traders placing or making available on the market relevant products that contain or have been made using relevant products produced in a country or parts thereof classified as low risk;
- (b) at least 3% of operators, non-SME downstream operators and non-SME traders placing or making available on the market relevant products that contain or have been made using relevant products produced in a country or parts thereof classified as standard risk;
- (c) at least 9% of operators, non-SME downstream operators and non-SME traders placing or making available on the market relevant products that contain or have been made using relevant products produced in a country or parts thereof classified as high risk; and
- (d) at least 9% of the quantity of each of the relevant products that contain or have been made using relevant products produced in a country or parts thereof classified as high risk in accordance with this Act;

calculated in accordance with Article 16 of the Deforestation Regulation.

(4) The competent authority shall carry out checks –

- (a) when it obtains or is made aware of relevant information, including substantiated concerns submitted under section 31, concerning a potential case of non-compliance with this Act; and
- (b) without prior warning of the operator, downstream operator or trader, except where prior notification is necessary in order to ensure the effectiveness of the checks and can be justified by the competent authority.

(5) The competent authority shall keep records of checks, indicating in particular their nature and results, as well as the measures taken in the event of non-compliance, and must retain such records for at least 10 years.

Powers of entry, inspection and seizure.

15.(1) An authorised officer of the competent authority may, on producing evidence of authority, enter at any reasonable time any premises (excluding a residential dwelling save in the case that a warrant is issued under subsection (3)) where the officer has reasonable grounds to believe that relevant products are kept or processed, or that records are held.

(2) An authorised officer may-

- (a) inspect products and take samples;
- (b) require the production of documents, information and data (including in electronic form) and take copies; and
- (c) seize and detain products reasonably suspected to be non-compliant.

(3) A Justice of the Peace may issue a warrant authorising entry to a dwelling if satisfied, on information on oath, that there are reasonable grounds for believing that evidence relating to a contravention of this Act is to be found there and that entry is necessary.

Checks on operators.

16.(1) When carrying out checks on operators the competent authority must include –

- (a) examination of their due diligence system, including risk assessment and risk mitigation procedures, and of documentation and records that demonstrate the proper functioning of the due diligence system; and
- (b) examination of documentation and records that demonstrate that a specific relevant product that the operator has placed or intends to place on the market complies with this Act, including, where applicable, through risk mitigation measures, as well as examination of the relevant due diligence statements or, for micro or small operators, examination of the relevant simplified declaration.

(2) The competent authority may also include, where appropriate-

- (a) on-the-ground examination of relevant products or of the relevant products;
- (b) examination of corrective measures taken under section 28;
- (c) any technical and scientific means adequate to determine the species or the exact place where the relevant commodity or relevant product was produced, including anatomical, chemical or DNA analysis;

- (d) any technical and scientific means adequate to determine whether the relevant products are deforestation-free, including Earth observation data; and
- (e) spot checks, including field audits.

Checks on downstream operators and traders.

17.(1) When carrying out checks on downstream operators and traders the competent authority must include an examination of documentation and records that demonstrate compliance with section 5(2) and section 13.

(2) Checks on downstream operators and traders may also include, where appropriate, spot checks, including field audits.

Customs controls.

18.(1) Where there are reasonable grounds to suspect that relevant products declared for release for free circulation are non-compliant with section 5(1), Customs may suspend their release and follow the procedures contained in Article 26 of the Deforestation Regulation.

(2) If the competent authority concludes that a relevant product does not comply with section 5(1) it shall notify Customs without delay so they may not allow the release for free circulation or export of the relevant product.

Interim measures.

19. The competent authority may take immediate interim measures, including the seizure of the relevant products or relevant products, or the suspension of the placing or making available on the market of the relevant products or relevant products, when potential non-compliance with this Act has been detected on the basis of any of the following-

- (a) the examination of evidence or other relevant information, including information exchanged under section 34 or substantiated concerns submitted under section 31;
- (b) the checks referred to in sections 16 and 17; or
- (c) the identification of risks by the information system referred to in section 30.

Corrective action in the event of non-compliance.

20.(1) Where the competent authority establishes that an operator, downstream operator or trader has not complied with this Act or that a relevant product placed or made available on the market is non-compliant, it must without delay require the operator, downstream operator or trader to take appropriate and proportionate corrective action to bring the non-compliance to an end within a specified and reasonable period of time.

(2) For the purposes of subsection (1), the corrective action required must include at least one of the following, as applicable-

- (a) rectifying any formal non-compliance, in particular with the requirements of Part III;
- (b) preventing the relevant product from being placed or made available on the market;
- (c) withdrawing or recalling the relevant product immediately; or
- (d) donating the relevant product to charitable or public interest purposes or, if that is not possible, disposing of it in accordance with applicable waste management law.

(3) Irrespective of the corrective action taken under subsection (2), the operator, downstream operator or trader must address any shortcomings in the due diligence system with a view to preventing the risk of further non-compliance with this Act.

(4) If the operator, downstream operator or trader fails to take corrective action within the period of time specified, or where non-compliance persists after that period, the competent authority may secure application of the required corrective action by all means available to it under law.

Appeals.

21.(1) A person aggrieved by a decision of the competent authority to seize or detain goods, or to take any other enforcement action under this Act may, within 28 days of notification, appeal to the Supreme Court.

(2) The lodging of an appeal does not of itself suspend the effect of the decision, but the Court may grant interim relief as it considers just.

Substantiated concerns.

22.(1) Any natural or legal person may submit substantiated concerns to the competent authority when they consider that one or more operators, downstream operators or traders are not complying with this Act.

(2) The competent authority shall, without undue delay, diligently and impartially assess the substantiated concerns, including whether the claims are well-founded, and take the necessary steps, including carrying out checks and conducting hearings of operators, downstream operators and traders, to detect potential non-compliance with this Act and, where appropriate, taking interim measures under section 19 to prevent the placing or making available on the market of relevant products under investigation.

(3) Within 30 days of receiving a substantiated concern, or such other period as may be prescribed, the competent authority must inform the persons who submitted the substantiated concerns of the follow-up given to the submission and must provide the reasons for it.

(4) The competent authority must take measures to protect the identity of natural or legal persons who submit substantiated concerns or who conduct investigations with the aim of verifying compliance by operators, downstream operators or traders with this Act.

Recovery of costs.

23.(1) The competent authority may recover as a civil debt from the operator, downstream operator or trader the totality of the costs of its activities with respect to instances of non-compliance and/or enforcement of this Act against that person.

(2) The costs referred to in subsection (1) may include the costs of carrying out testing, of storage, and of activities relating to the relevant products that are found to be non-compliant and are subject to corrective action prior to the release of those relevant products for free circulation or their placing on the market.

PART V OFFENCES AND PENALTIES

Placing or making available non-compliant products.

24.(1) An operator who places a relevant product on the market in contravention of section 5(1) commits an offence.

(2) A downstream operator who places or makes available a relevant product on the market in contravention of section 5(2) commits an offence.

(3) A trader who makes a relevant product available on the market in contravention of section 5(2) commits an offence.

Failure to conduct due diligence and to make or maintain statements.

25.(1) An operator who –

- (a) fails to establish, maintain or apply a due diligence system as required by section 6;
- (b) fails to obtain or retain information as required by section 7;
- (c) fails to assess and mitigate risk as required by section 8;
- (d) fails to draw up or submit a due diligence statement as required by section 10;

commits an offence.

(2) A micro or small operator who fails to submit a simplified declaration as required by section 9 commits an offence.

(3) A downstream operator or trader who fails to comply with section 13 commits an offence.

False or misleading statements and obstruction.

26.(1) A person who knowingly or recklessly makes a false or misleading statement in a due diligence statement, simplified declaration, or to the competent authority or Customs in purported compliance with this Act commits an offence.

(2) A person who intentionally obstructs, impedes or fails without reasonable excuse to comply with a lawful instruction or requirement of an authorised officer commits an offence.

Penalties.

27.(1) A person guilty of an offence under sections 24 to 26 is liable-

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 12 months, or to both; and
- (b) on conviction on indictment, to an unlimited fine or to imprisonment for a term not exceeding 5 years, or to both.

(2) In determining the amount of any fine under this section, the court shall have regard to –

- (a) any previous offences under this Act;
- (b) the environmental damage and the value of the relevant products or relevant products concerned;
- (c) the principle that the offender is to be deprived of the economic benefits derived from the commission of the offence;
- (d) any other matters contained in Article 25 of the Deforestation Regulation.

(3) The court may order the confiscation of-

- (a) the confiscation of relevant products from the operator, downstream operator or trader which do not comply with section 5(1);
- (b) the confiscation of any revenue derived from a transaction with the relevant products concerned;
- (c) temporary exclusion for a maximum period of 12 months from public procurement processes and from access to public funding, including tendering procedures, grants and concessions;
- (d) in the case of serious or repeated offences, temporary prohibition from placing or making available on the market relevant products and relevant products for a specified period by the court, having regard to the gravity of the offence and the risk of further non-compliance; and

- (e) in the case of serious or repeated offences, prohibition from exercising the simplified due diligence set out in section 8(5).

Liability of officers of bodies corporate.

28. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent, connivance or attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, they as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Enforcement of corrective action notice.

29.(1) A person who without reasonable excuse fails to comply with a notice for corrective action issued under section 20 commits an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale and, in the case of a continuing offence, to a further daily fine not exceeding one-tenth of level 5 for each day the failure continues after conviction.

**PART VI
INFORMATION SYSTEM AND REPORTING**

Information system.

30.(1) The Minister shall by regulations-

- (a) establish an information system for the submission, storage and retrieval of due diligence statements, simplified declarations and related information submitted under this Act; or
- (b) recognise the information system established under Article 33 of the Deforestation Regulation as the information system for the purposes of this Act.

(2) The information system must provide the functionalities required by Article 33 of the Deforestation Regulation.

(3) Operators, downstream operators and traders shall use any such system as prescribed by regulations under this section.

(4) Operators, non-SME downstream operators and non-SME traders must register in the information system prior to placing or making available on the market relevant products.

(5) The competent authority may require the use of specified data formats and standards, including for geolocation data.

Data handling and confidentiality.

31.(1) Personal data processed under this Act must be processed lawfully and fairly and only to the extent necessary for the performance of functions under this Act.

(2) A person who obtains information by virtue of this Act must not disclose it except where the disclosure is made-

- (a) for the purposes of this Act;
- (b) with the consent of the person to whom the information relates;
- (c) for the investigation or prosecution of an offence;
- (d) for the protection of the public interest; or
- (e) as otherwise required by law.

(3) Nothing in this section prevents the publication of anonymised information or statistics.

Annual report.

32.(1) The competent authority shall prepare and publish an annual report on the implementation and enforcement of this Act by 30 April of each year covering the previous calendar year.

(2) The annual report shall include-

- (a) the plans of checks and the risk criteria on which those plans were based;
- (b) the number and the results of the checks carried out on operators, downstream operators and traders and the total number of operators, non-SME downstream operators and non-SME traders, including the types of non-compliance identified;
- (c) the quantity of relevant products checked in relation to the total quantity of relevant products placed on the market covered by a due diligence statement in the information system, and the countries of production;
- (d) in cases of non-compliance, the corrective action taken in accordance with section 20 and penalties imposed in accordance with section 27;
- (e) the percentage of checks carried out with prior warnings pursuant to section 14(4)(b) , with justification;
- (f) statistics on cooperation with other authorities; and
- (g) such other matters as may be required by the Deforestation Regulations.

Power to make regulations.

33.(1) The Minister may make regulations for carrying into effect the purposes and provisions of this Act, including-

- (a) prescribing the form and content of due diligence statements and simplified declarations;
- (b) prescribing the manner and timing of their submission;
- (c) prescribing risk classification and check methodologies;
- (d) prescribing reporting obligations;
- (e) prescribing technical standards for geolocation and other data, including requirements for the precision of geolocation coordinates and the use of polygons;
- (f) prescribing procedures and time-limits for customs suspensions under section 18;
- (g) prescribing the operation and functionalities of the information system;
- (h) prescribing fees for services provided by the competent authority; and
- (i) prescribing any other matter necessary or expedient for the purposes of this Act.

(2) The Minister may by regulations amend the Schedules of this Act for the purpose of maintaining alignment with international standards or with the substance of the Deforestation Regulations.

SCHEDULE

Section 2(1)

Relevant products

The following table lists goods as classified in the Combined Nomenclature set out in the Deforestation Regulations.

Except for by-products of a manufacturing process, where that process involved material that was not waste as defined in Article 3, point (1), of Directive 2008/98/EC, this Act does not apply to goods if they are produced entirely from material that has completed its lifecycle and would otherwise have been discarded as waste as defined in Article 3, point (1), of that Directive.

Relevant commodity	Relevant products
Cattle	0102 21, 0102 29 Live cattle; ex 0201 Meat of cattle, fresh or chilled; ex 0202 Meat of cattle, frozen; ex 0206 10 Edible offal of cattle, fresh or chilled; ex 0206 22 Edible cattle livers, frozen; ex 0206 29 Edible cattle offal (excluding tongues and livers), frozen; ex 1602 50 Other prepared or preserved meat, meat offal, blood, of cattle; ex 4101 Raw hides and skins of cattle (fresh, or salted, dried, limed, pickled or otherwise preserved, but not tanned, parchment-dressed or further prepared), whether or not dehaired or split; ex 4104 Tanned or crust hides and skins of cattle, without hair on, whether or not split, but not further prepared; ex 4107 Leather of cattle, further prepared after tanning or crusting, including parchment-dressed leather, without hair on, whether or not split, other than leather of heading 4114
Cocoa	1801 Cocoa beans, whole or broken, raw or roasted; 1802 Cocoa shells, husks, skins and other cocoa waste; 1803 Cocoa paste, whether or not defatted; 1804 Cocoa butter, fat and oil; 1805 Cocoa powder, not containing added sugar or other sweetening matter;

	1806 Chocolate and other food preparations containing cocoa
Coffee	0901 Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
Oil palm	<p>1207 10 Palm nuts and kernels;</p> <p>1511 Palm oil and its fractions, whether or not refined, but not chemically modified;</p> <p>1513 21 Crude palm kernel and babassu oil and fractions thereof, whether or not refined, but not chemically modified;</p> <p>1513 29 Palm kernel and babassu oil and their fractions, whether or not refined, but not chemically modified (excluding crude oil);</p> <p>2306 60 Oilcake and other solid residues of palm nuts or kernels, whether or not ground or in the form of pellets, resulting from the extraction of palm nut or kernel fats or oils;</p> <p>ex 2905 45 Glycerol, with a purity of 95 % or more (calculated on the weight of the dry product);</p> <p>2915 70 Palmitic acid, stearic acid, their salts and esters;</p> <p>2915 90 Saturated acyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives (excluding formic acid, acetic acid, mono-, di- or trichloroacetic acids, propionic acid, butanoic acids, pentanoic acids, palmitic acid, stearic acid, their salts and esters, and acetic anhydride);</p> <p>3823 11 Stearic acid, industrial;</p> <p>3823 12 Oleic acid, industrial;</p> <p>3823 19 Industrial monocarboxylic fatty acids; acid oils from refining (excluding stearic acid, oleic acid and tall oil fatty acids);</p> <p>3823 70 Industrial fatty alcohols</p>
Rubber	4001 Natural rubber, balata, gutta-percha, guayule, chicle and similar natural gums,

	<p>in primary forms or in plates, sheets or strip; ex 4005 Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip; ex 4006 Unvulcanised rubber in other forms (e.g. rods, tubes and profile shapes) and articles (e.g. discs and rings); ex 4007 Vulcanised rubber thread and cord; ex 4008 Plates, sheets, strips, rods and profile shapes, of vulcanised rubber other than hard rubber; ex 4010 Conveyer or transmission belts or belting, of vulcanised rubber; ex 4011 New pneumatic tyres, of rubber; ex 4012 Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, tyre treads and tyre flaps, of rubber; ex 4013 Inner tubes, of rubber; ex 4015 Articles of apparel and clothing accessories (including gloves, mittens and mitts), for all purposes, of vulcanised rubber other than hard rubber; ex 4016 Other articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40; ex 4017 Hard rubber (e.g. ebonite) in all forms including waste and scrap; articles of hard rubber</p>
Soya	<p>1201 Soya beans, whether or not broken; 1208 10 Soya bean flour and meal; 1507 Soya-bean oil and its fractions, whether or not refined, but not chemically modified; 2304 Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil</p>
Wood	<p>4401 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms; 4402 Wood charcoal (including shell or nut charcoal), whether or not</p>

	<p>agglomerated; 4403 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared;</p> <p>4404 Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking sticks, umbrellas, tool handles or the like; chipwood and the like;</p> <p>4405 Wood wool; wood flour;</p> <p>4406 Railway or tramway sleepers (cross-ties) of wood;</p> <p>4407 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm;</p> <p>4408 Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for other similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm;</p> <p>4409 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed;</p> <p>4410 Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances;</p> <p>4411 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances;</p> <p>4412 Plywood, veneered panels and similar laminated wood;</p> <p>4413 Densified wood, in blocks, plates, strips or profile shapes;</p> <p>4414 Wooden frames for paintings, photographs, mirrors or similar objects;</p> <p>4415 Packing cases, boxes, crates, drums and similar packings, of wood; cable-</p>
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	<p>drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood (not including packing material used exclusively as packing material to support, protect or carry another product placed on the market);</p> <p>4416 Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves;</p> <p>4417 Tools, tool bodies, tool handles, broom or brush bodies and handles, of wood; boot or shoe lasts and trees, of wood;</p> <p>4418 Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes;</p> <p>4419 Tableware and kitchenware, of wood;</p> <p>4420 Wood marquetry and inlaid wood; caskets and cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling in Chapter 94;</p> <p>4421 Other articles of wood; Pulp and paper of Chapters 47 and 48 of the Combined Nomenclature, with the exception of bamboo-based and recovered (waste and scrap) products;</p> <p>ex 9401 Seats (other than those of heading 9402), whether or not convertible into beds, and parts thereof, of wood;</p> <p>9403 30, 9403 40, 9403 50, 9403 60 and 9403 91 Wooden furniture, and parts thereof;</p> <p>9406 10 Prefabricated buildings of wood</p>
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