Fair Trade
ADVOCACY OFFICE

EU Deforestation Regulation (EUDR)

The Fair Trade Movement's position on EUDR repositories for certification schemes and relevant legislation

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The Commission's May 2026 simplification review report introduces two new trade facilitation tools in the context of EUDR's implementation to support operators and competent authorities in the due diligence process. These tools are a repository on relevant legislation and a repository on certification schemes. The Fair Trade Movement welcomes these tools as means to support access to information and facilitate due diligence. At the same time, their design and use raise important questions regarding their scope, reliability and potential unintended effects.

The following note sets out the Fair Trade Movement's key recommendations and identified risks for each repository.

1. Repository on certification schemes

Under the EUDR, operators may take certification or other third-party-verified schemes into account as part of their risk assessment obligations (Art. 10(2)). The new repository is intended to provide a structured overview of such schemes and of the information they can offer in the context of EUDR due diligence.

The repository will be hosted on a dedicated Commission website and is planned to be launched before the EUDR enters into application in December 2026. The Commission will provide templates to ensure consistency with the legal text, while information on individual schemes will be provided by scheme owners themselves. Third countries and relevant stakeholders will also be invited to contribute, though no formal consultation on the repository's design and scope has been announced.

The Fair Trade Movement's vision for the repository on certification schemes

The Commission's announcement is well received as a useful tool that can facilitate EUDR compliance, provided that the repository remains a transparency tool, making clear that certification can provide supporting information rather than a guarantee of compliance. Several questions nevertheless remain unanswered, and the Fair Trade Movement wishes to address the remaining gaps by suggesting the following approaches for the repository on certification schemes:

- **A one-stop shop with verification**: A single access point for scheme information subject to some admissibility checks, not a repository of self-declarations where the information's reliability has not been verified by an official. These admissibility checks should remain proportionate and should not amount to an additional accreditation layer for certification schemes.

- **A transparency tool, not a green lane:** The repository should help clarify how/where certification standards align and misalign with the EUDR. Additionally, it should be made clear for users that even in case of alignment, compliance is not ensured and should not alleviate checks by competent authorities or reduce operator obligations. Operators should not use the repository to shift responsibility for risk assessment or mitigation. Where risks are identified, mitigation should include supportive measures for suppliers, particularly smallholders, such as capacity building and investment.

- **Stakeholder inclusive:** besides certification schemes, third-country stakeholders must have a role in shaping the templates and information submitted. National and regional schemes from producer countries supplying the EU market must be able to submit information about their own systems. The repository should also capture how schemes can support traceability, data availability and smallholder inclusion.

Foreseen risks

Should the Commission not clarify and delimit the objectives and scope of this tool, the following risks are preliminarily identified:

- **De facto green lane at operator level:** during dry runs carried out by the Dutch Competent Authority (CA), certification was wrongfully used by many companies as the only basis for meeting EUDR's due diligence requirements. With this repository, there is a risk that information published on an official Commission website will be read as a form of endorsement, giving operators a list they can point to instead of doing their own risk assessment. The Commission has informally said that there will be no endorsement for the information available in the repository. But that may create another risk or question the trustworthiness of the tool as a whole, as highlighted above.

- **De facto green lane at Competent Authority level:** The Dutch CA is assessing how certification schemes can be treated as "private control systems" to alleviate public supervision and help prioritise their monitoring tasks. This is based on the reasoning that if a credible entity has already carried out relevant checks, their supervision is duplicative. Currently, it has accepted 3 certifications (FSC, RSPO, MSPO) as private control systems in the EUDR context.

  In practice, this system supports the CA by ensuring that elements that the certification scheme already considers are not re-checked by the CA for EUDR compliance. Although formally this is not a green lane, considering the limited supervisory capacity of CAs, we can expect these certified supply chains not to be supervised to the same extent (if at all).

  In the case that this system is replicated across Member States' CAs, the repository risks becoming the first screening step for "private control system" eligibility (i.e. pseudo green lane eligibility). It is hence crucial to advocate against such a use and emphasise the risky connection between the repository and Member State-based public-private collaboration in EUDR compliance.

- **Burden shifting onto certification schemes:** Although the repository is intended to facilitate access to information and reduce duplication, certification scheme owners will be expected to provide and maintain much of that information. This may create a significant ongoing burden, particularly if schemes are increasingly expected to cover areas such as legality, which conventional sustainability audits were not designed to assess. Such expectations should not shift the compliance responsibilities of operators or public authorities onto certification schemes.

2. Repository on relevant legislation of the country of production

The repository on relevant legislation of the country of production will list the relevant national laws of countries of production (Article 2(40)). The information will be provided by third countries themselves. Operators can use the repository as a basis for their first-level assessment of legality risks. Content and scope are still to be determined through planned consultation processes, to which third countries and relevant stakeholders will be invited to contribute, with a launch planned before the end of 2026.

The recent Guidance and FAQ confirm a risk-proportionate approach to legality in which the repository plays a central role. Operators may rely on an initial examination of publicly available information, including the legality repository itself, EUDR's country risk classification, the World Bank's Worldwide Governance Indicators and public reports on the country or area of production. Where this initial examination indicates a negligible risk of non-compliance with the legality requirement (Article 3(b)), operators are not required to carry out in-depth collection: they should not be expected to systematically compile comprehensive legal documentation for each plot, obtain individual land titles, or produce exhaustive lists of applicable laws.

This repository also comes with a recent narrowed reading on the scope of legality. Whilst the previous Guidance referred to legislation whose contents "*can be linked*" to halting deforestation and forest degradation, the revised Guidance refers to legislation that "*can be directly linked*" to those objectives. This reinforces a focus on laws affecting the legal status of the production area and will likely concentrate legality assessments primarily on land-use, forest and environmental legislation. However, the Guidance does not exclude the other categories explicitly listed in Article 2(40), labour rights, human rights and FPIC. It therefore remains unclear under which circumstances operators may still be expected to look beyond land-use and forest legislation.

The Fair Trade Movement's vision for the repository on legality criteria

- **Reflect a context-sensitive and non-exclusionary approach to legality:** The repository should reflect the Commission Guidance that the legality assessment is focused on applicable laws that specifically affect the legal status of the production area or are directly linked to the objectives of the EUDR. Within this scope, the repository should at the same time clearly distinguish between the applicable legal requirements and the different forms of evidence through which compliance may be demonstrated. In line with the Commission FAQ and Guidance, producer countries should be able to identify recognised customary and historically established tenure arrangements, as well as acceptable alternative evidence such as producer declarations, cooperative records and other context-appropriate sources. Where formal documentation is not required or is not issued under national law, its absence should not in itself be treated as evidence of illegality. The repository should support a context-specific assessment based on credible information, rather than impose a universal documentary threshold that risks excluding compliant smallholders.

- **Be risk-proportionate and workable for smallholder supply chains:** The repository should reflect the Commission Guidance and FAQ's risk-proportionate approach to legality, designed so that, where a first-level screening indicates negligible risk, operators are not expected to carry out in-depth evidence collection or systematically gather plot-level legal documentation. More extensive evidence should be required only where specific country, regional, production-area or supply-chain risks justify further scrutiny.

  The repository should also consider possible unintended consequences of particular evidence requirements in national legal frameworks. For example, farmers should not be expected to change their legal or tax status only to generate documentation that is not otherwise required under national law, particularly where doing so could affect their access to simplified tax regimes or social benefits. An environmental regulation should not place otherwise compliant smallholders in a more vulnerable legal or socioeconomic position.

- **Complete and available before application:** It must be set up well before December 2026. A repository not finalised before the entry into application creates legal uncertainty and could set wrong precedents for what legal compliance means.

- **Producer country inclusive and centred:** Although contributions to the repository are voluntary and do not formally determine the scope of Article 2(40), the laws and forms of evidence included are likely to shape how the legality requirement is applied in practice. Producer-country authorities must be proactively and meaningfully involved in its development. A general "Have Your Say" webpage would not be sufficient. The Commission should establish structured consultation mechanisms, including dedicated dialogues facilitated by EU Delegations, and provide targeted support to enable producer countries to contribute. These consultations should include interest groups from producing countries such as smallholder farmers, cooperatives, producer organisations, and local communities. Such contributions should help ensure that the repository reflects national legal contexts, including customary and informal arrangements and context-appropriate forms of evidence. This would help avoid documentary requirements that go beyond what is required under national law or treating the absence of formal documentation as evidence of illegality.

  If submissions are channelled through producer-country embassies in Brussels, the Commission should establish a structured consultation process to help embassies coordinate with the relevant national authorities and understand how information should be submitted. Clear guidance, support and sufficient time should be provided to ensure that submissions are carried out in an inclusive and supportive manner.

  The repository should also be reviewed and updated periodically as producer-country legislation evolves, rather than treated as a static, one-off submission.

Foreseen risks

- **Exclusion of smallholders:** Disproportionate documentary expectations, particularly where formal evidence is not required or readily available under national law, risk excluding compliant smallholders who cannot easily document compliance.

- **Heterogeneous scope depending on third-country submissions:** Depending on which laws third countries choose to submit, the repository will likely reflect different levels of detail and coverage across countries. Voluntary contribution makes the outcome unpredictable and uneven between countries. Here, strong coordination and consultation must take place, in which smallholder farmers and producer voices are prioritised. While also accepting that a heterogeneous approach may match reality better than a 'one size fits all' approach.

- **Unresolved scope of Article 2(40):** It is still unclear when operators are expected to consider the other categories listed in Article 2(40), labour rights, human rights, FPIC. The Commission should further clarify how these categories apply in practice and engage with Competent Authorities to ensure a harmonised understanding across Member States on the scope of application.

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