USMEF's Draft Summary, EU Deforestation Regulation – Cattle Product Focus

5/13/2025

Introduction

The regulation intends for all responsibility to fall on importers, referred to as operators throughout the regulation. The operator assumes full responsibility for compliance of all batches/shipments and information in the due diligence statement, country of production and geolocation of all plots of land included. It is notable that though the EU has an information system, for sharing geolocations as related to the DDS, there is no legal obligation for geolocation information to be shared in the Information System. The information in the DDS can be shared through other means outside the system, if it is in compliance with the applicable EU and national legislation.

The Due Diligence Statements are required, beginning December 30, 2025, however, the verification of deforestation free will be required for products derived from cattle born on or after 29 June 2023, with a DDS when being exported to the EU.

The EU Deforestation Regulation entered into force on 29 June 2023 in accordance with Art. 38(2) EUDR, as amended by Regulation (EU) 2024/3234, the substantive provisions of the Regulation apply from 30 December 2025 (30 months transition). *For micro- and small enterprises those provisions apply from 30 June 2026 (36 months transition)*.

For cattle, the relevant date of production is the date on which the cattle are born, meaning that the Regulation does not apply to cattle and cattle products if the cattle was born before the entry into force [29 June 2023].

DDS will be required to accompany US beef entering the EU starting on 30 December 2025, but only for cattle born on or after 29 June 2023. In the case of imported products [US beef], the customs declaration of the relevant commodities or relevant products in question will be accepted as evidence of the cattle having been born before the date of application - 29 June 2023. There is no specified requirement, or guidance, this is up to the Operator to work out based on the regulations, with their U.S. suppliers. **T**he DDS will not be required on EU Letterhead Certificates for Export from the U.S. to the EU, but on the Customs declaration – since the onus falls on the Operator (importer).

The date of placing beef on the EU market can be supported by different resources, like contracts between the parties, product order documents, shipment accompanying documents about the delivery to the customer including CMRs (Convention on the Contract for the International Carriage of Goods by road), bill of lading, delivery notes, air-

way-bill, and any other documents showing evidence that goods are transferred between two parties which can be linked directly to the relevant product in question. Thus, showing without any competent authority verification, that the cattle's birthdates were prior to 29 June 2023.

Competent Authorities of the importing member state (EU member) can carry out checks on relevant products to establish whether the products were placed on the EU market during the transitional period, auditing the operators. In this case, the operator [importer] bears the burden of proof to provide evidence that the product is exempted from the Regulation Traceability. Cattle products/ beef, shall not be placed until the following points are verified/fulfilled: (a) they are deforestation-free; (b) they have been produced in accordance with the relevant legislation of the country of production (US); and (c) they are covered by a due diligence statement.

Competent Authorities may conduct field audits in third countries pursuant to Art. 18(2)(e) of the Regulation, provided that the third countries agree, through cooperation with the administrative authorities of those third countries. It should be noted that the Regulation does not require the EU Member States' Competent Authorities to consult producing countries if a product is assessed 'potentially non-compliant' or 'non- compliant'.

Special Note on Feed: Currently, soy is the only feed ingredient included in the EUDR regulation, but it is likely to expand to include other ingredients. Operators placing or making available on the market or exporting relevant products that have been made using cattle should ensure, as part of their due diligence system, that the feed used for livestock is deforestation-free. However, no geolocation information should be required for the feed itself. A DDS for the feed included in Annex I must be submitted only when it is placed or made available on the market or exported.

In case that the feed used for livestock has already been subject to due diligence in a previous step of the supply chain, exercising the due diligence on cattle and derived relevant products may include relevant invoices, reference numbers of relevant due diligence statements or any other relevant documentation as evidence of the feed is deforestation-free. The evidence can be requested by Competent Authorities during an investigation in case they obtain or are made aware of relevant information, including information based on substantiated concerns submitted by third parties that there is a risk of the feed not being in compliance with the EUDR. The evidence should cover the lifetime of the animals, up to a maximum of five years.

Definitions/Parameters:

· **Cattle Establishments -** Establishments where cattle are kept - can be described with a single point of geolocation coordinate.

· **Establishments**: Defined as any premises, structure, or environment where livestock are kept, either temporarily or permanently

· **Cattle Specifics:** For relevant products under the commodity "cattle", operators (or traders that are not SMEs) who place on the EU market cattle products must geolocate or refer to a DDS containing geolocations of all establishments associated with raising the cattle, encompassing the birthplace, farms where they were fed, grazing lands, and slaughterhouses in case the cattle is kept in this establishment.

- **Third Country Producers [non-EU countries]:** The Regulation does not impose direct obligations on producers in third countries unless they are directly placing products on the EU market as a "trader" or "operator".
- **Polygons:** No polygons needed; single geolocation points are required for all establishments where cattle are held

· **Geolocation Requirements**: Operators must collect geographic coordinates of plots where commodities are produced to ensure no deforestation.

· **Satellite Imagery:** While spatial imagery tools can help operators and traders and competent authorities, the Regulation does not impose the use of specific satellite imagery tools, or threshold on satellite imagery resolution, to document the absence of deforestation.

Special Notes related to Producers/Farmers:

- Can collect geolocation of their plots regardless of land registry status or lack of IDs/titles.
- Personal Information: Not required from farmers unless they are direct suppliers [exporters/traders] or operators themselves.
- Legality Requirement: Compliance with relevant national laws is necessary. If farmers are legally allowed to sell their products under national laws, operators (or traders that are not SMEs) meet the legality requirement when sourcing from those farmers.
- Verification: Operators [importers] must verify there is no risk of illegality in their supply chains, ensuring compliance with relevant laws of the country of production.

- Collection Methods: Collection of geolocation coordinates of a plot of land can be done via mobile phones, handheld Global Navigation Satellite System (GNSS) devices and widespread and free-to-use digital applications (e.g. Geographic Information Systems (GIS)). These do not require mobile network coverage, only a solid GNSS signal, like those provided by Galileo.
- Downstream non-SME operators and non-SME traders ascertain that due diligence was exercised upstream by collecting the reference numbers and verification numbers of DDS submitted upstream and verifying the validity of the reference numbers.
- Downstream non-SME operators and non-SME traders then submit their own DDS, referencing all previous DDS received from their direct suppliers.

Due Diligence Statement (DDS)

Scope: Applies to each batch of imported, exported, or traded relevant commodities.

Geolocation: Operators must trace every relevant commodity back to its plot of land before making it available or placing it on the EU market, or before exporting it.

Customs Procedures: Submission of DDS, including geolocation information, is required for products to be imported (release for free circulation) and exported (export procedure).

Format: The EU is states they will not provide a set of pre-determined lists or formats for operators to use to perform Due Diligence Statement verifications.

DDS Registration of Operators and Traders (and/or their authorized representatives): Operators and traders [Importers and exporters] will need to register in the Information system if they are subject to submitting a DDS. There are online trainings and guidance documents put out by the EC to help learn how to do this.

Frequency: A due diligence statement can cover multiple physical batches/shipments of multiple and different, relevant products. In these situations, the operator must confirm that due diligence was carried out for all relevant products intended to be placed on the EU market, and that no or only a negligible risk was found. Verifying full compliance with the Regulation.

Amendments or Withdrawals: The withdrawal or amendment of a submitted due diligence statement (DDS) is possible within 72 hours after the due diligence reference number has been made available to the user by the Information System. Withdrawal or amendment will not be possible if the DDS reference number has already been used in a

customs declaration, referenced in another DDS, if the corresponding product has already been placed or made available on the EU market or exported, or, if the operator or trader was notified about the intention to carry out a check on the DDS, for the period of the check.

L**egal requirements and practical considerations, DDS**:

1. All relevant products placed on, made available on the Union market must be covered by a due diligence statement.
2. The DDS statement must be submitted prior to any batches/shipments of relevant products being placed on the market.
3. Once the quantity of products covered by the due diligence statement has been fully placed on the market, a new statement must be filed for additional quantities by the same operator.
4. Operators shall review their due diligence system once a year.
    a. Therefore, a due diligence statement should not cover shipments/batches over a period longer than one year from the time of submission of the statement.
5. With a due diligence statement, the operator confirms that due diligence was carried out for all relevant products jointly or individually that are intended to be placed on the Union market and that there is no or negligible risks of non-compliance of the relevant products.
    a. Therefore, in principle a due diligence statement should cover cattle already born and located on the recorded establishments. In other words, in principle operators should be able to link a due diligence statement to existing commodities.
6. The quantities of the products declared in the due diligence statement must correspond to the quantities that have been subject to the due diligence exercise by the operator and are intended to be placed on the EU market.
7. Product must not be covered by multiple Due Diligence Statements submitted by the same person. If a person does not know which products will be sold on the EU market, and which will be exported at the time of DDS submission, it is possible to declare all products with an “export” DDS and keep documentation demonstrating the corresponding quantities.

a. Upon demand of the Competent Authority, operators should be able to provide evidence of such correspondence in their due diligence system established in accordance with Art. 12 EUDR.

b. Unless simplified due diligence applies (Art. 13 EUDR), the operator has to provide evidence that the risk of non-compliance (regarding the deforestation-free and the legality requirement) has been assessed in accordance with Art. 10(2) EUDR for all products, and that such risk is negligible for all declared products.

c. Appropriate records demonstrating the above-mentioned correspondence must be kept for 5 years from the date of (last) placing on the market, to be made available to the Competent Authority upon request (Art. 9 EUDR).

d. Where the quantity declared in the DDS has not been fully placed or made available on the EU market the operator should keep appropriate records explaining the difference between the declared and the actual quantity placed on the market, must be kept for 5 years, to be made available to the Competent Authority upon request (Art. 9 EUDR).

8. An individual due diligence statement with its geolocation data must be within the practical size limit established for upload into the Information System (25 MB).

9. Where a due diligence statement covers multiple batches/shipments, this additional complexity may increase the risk of non-compliance for the operator. The operator assumes full responsibility for compliance of all batches/shipments and information in the due diligence statement, country of production and geolocation of all plots of land included.

    a. The additional complexity may be of relevance to the risk-based approach used by Competent Authorities to identify the checks to be carried out (Art. 16 EUDR). Where relevant, interim measures or action for non-compliance may apply to all relevant products covered by a due diligence statement, including those contained in separate batches/shipments.

10. Products entering the Union market under customs procedure 'release for free circulation' the quantity must be expressed in kilograms of net mass and, where applicable, in the supplementary unit set out in Annex I to Regulation (EEC) No. 2658/87.

11. Supplementary units are also mandatory where they are defined consistently for all subheadings under the Harmonised System code referred to in the due diligence statement. These values are also part of the customs declaration.

12. To overcome language barriers, besides English, the Information system is available in all official EU languages.

    a. Many fields and options are provided in translated dropdown lists, allowing users to select information in their preferred language.

    b. Much of the information required can be entered using numerical or coded values, minimizing the need for translation.

    c. To ensure smooth procedures and efficient communication with the relevant authorities, it is recommended that users use the official language of the Member State that will handle the DDS. This will facilitate clear understanding and processing of the information provided.

13. When submitting a DDS for 'export' there is no need to enter the destination country. Therefore, there is no need to submit separate DDS in case of multiple destination countries.

14. The DDS reference number associated with the product which enters or leaves the Union market shall be made available to the customs authorities.

15. To comply with this requirement, importers or exporters of the product must include the associated DDS reference numbers on the customs declaration.

16. The DDS shall be submitted, and the reference number of the DDS shall be obtained prior to the lodging of the customs declaration.

17. Where a DDS covers multiple shipments/batches the same DDS reference number can be referred to in several customs declarations if the legal requirements of the EUDR, are respected. It is equally possible to include multiple DDS reference numbers in one customs declaration.

16. Regarding other shipment documents, including for intra-EU transport, there is no specific provision in the EUDR that requires the inclusion of DDS reference numbers or other information.

17. For the purpose of the DDS, net mass refers to the weight of the entire product itself, excluding any packaging materials (see question 2.5 about packaging). In other words, it is the weight of the product without considering the weight of the

container, wrapping, or other packaging materials used during the transport or storage.

18. The EUDR Information System does not have functions to share documentation in the supply chain in addition to the data elements set out in Annex II to the EUDR.
19. While users can submit additional information for the attention of Competent Authorities, this information is not visible to other supply chain members who may be referencing this DDS. This means that any extra information provided by users will only be accessible to the Competent Authorities and will not be shared with other parties in the supply chain.
20. GeoJSON is a general standard and the only non-proprietary system which allows submission of the extra properties needed, and where a very specific coordinate system is enforced. Using multiple formats in the Information System would increase the risk of erroneous or inaccurate information. The exclusive use of GeoJSON was announced in April 2024, allowing all stakeholders to prepare their respective systems accordingly.

Digital implementation (the EUDR Information System)

The Information System (IS) is the IT system which saves the DDS submitted by operators and traders to comply with the requirements of the EUDR. The Information System is already operational and will serve as a framework that enables interoperability between customs systems and non-customs systems for DDS. The central component of EU SWE-C, known as the EU Customs Single Window Certificates Exchange System (EU CSW-CERTEX), will interconnect the Information System with national customs systems and will enable sharing and processing of data submitted to customs and non-customs authorities by economic operators. The EU Customs Single Window will ensure information sharing in real-time and digital cooperation between customs authorities and competent authorities in charge of enforcing non-customs formalities, including in the field of environmental protection.

A DDS is composed of various data fields. The product related data elements are organised and grouped together under the relevant products which are identified by HS codes.

- A single DDS can contain a maximum of 200 lines of relevant products (orange box).

- In each line of relevant product has the following maximum allowed limitations are defined 500 lines to record the pairs of Scientific Name(s) / Common Name(s) (blue box), and 1.000 lines to record the 'Production place' (green box), which also contain all geolocation coordinates related to the plots of lands where the relevant product was produced in the relevant country of production.
- The 'Producer Name' and the 'Production Place Description' are optional fields where the user can enter information for internal reference. As an additional rule, a single DDS can contain 10.000 'Production Place' in total.
- Regarding reference numbers and verification numbers, each DDS can reference up to 2.000 other DDS.
- A registered natural or legal person in the Information System can maintain a maximum of 50 DDS in Draft status at any given time.
- The 25 MB file limitation allows for more than 1 million geolocation points.
- Users should aim at localising the origin of their products accurately, and at limiting declaration in excess to the minimum.
- Geolocation coordinates shall be provided by using at least 6 decimal digits both for latitude and longitude coordinates.
    - When the user uploads geolocation files into the Information System, the system automatically validates the number of digits.
    - To ensure a smooth data upload the system provides flexibility by automatically adjusting to six digits,
      If the number of the provided digits is less than 6 then fills the remaining digits with zeroes,
    - If the number of digits is more than 6 then cuts the irrelevant digits to reduce the file size of the uploaded file.

Safety and Protection: The Information System and, subsequently, its interconnection with the EU Single Window Environment for Customs, will be aligned with the relevant and applicable provisions in terms of data protection and cybersecurity safeguards of the EU. The EU's Open Data policy stipulates the Commission must provide access to the wider public to the complete anonymised datasets of the Information System in an open format that can be machine-readable and that ensures interoperability, re-use, and accessibility. These datasets will be properly aggregated and anonymised.

The responsible authorities that enforce the EUDR by checking the information submitted by operators and traders under this Regulation will have access to the geolocation data submitted by the operators and traders. In addition, those supply chain members that have access to the DDS via reference number and verification number will have access if the user that submitted the statement allowed to reveal the geolocation. Please note that it is possible to choose to anonymize geolocation, for broader review.

The storage of personal data is limited to 10 years by Art. 12(5) of Commission Implementing Regulation (EU) 2024/3084. This storage period can be further extended on the individual request of the Information system users or relevant authorities if this is necessary to comply with their responsibilities and obligations under the EUDR. In line with this, data that does not constitute personal data, as defined, is also stored and accessible in the Information System for a period of 10 years.

Users of the information system have the option to export the contents of a DDS into a PDF file, as well as extract geolocation coordinates into a separate file to support their internal record-keeping purposes.

Geolocations: Operators can provide geolocations in the Information System either by manual entry or by uploading them in a file. The format of the supported files in the Information System is GeoJson. The Information System supports currently WGS-84 coordinate format, with EPSG-4326 projection.

Art. 4(7) EUDR does not entail a legal obligation to share geolocation information along the supply chain, as ascertaining that due diligence was exercised upstream does not necessarily imply checking every single DDS upstream (see FAQ 3.4.).

Data sharing among interested parties is not confined to the Information System. The information contained in Due Diligence Statements (DDS) can be shared through other means outside of the system. Parties are free to arrange data sharing in a way that suits their needs, in compliance with applicable EU and national legislation.