

Brussels, XXX
[...] (2026) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

amending Regulation (EU) 2023/1115 of the European Parliament and of the Council as regards the list of relevant commodities and relevant products

(Text with EEA relevance)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

In accordance with Article 3 of Regulation (EU) 2023/1115 of the European Parliament and of the Council on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (hereafter ‘EUDR’), relevant commodities and relevant products shall not be placed or made available on the Union market or exported, unless all the following conditions are fulfilled:

- (a) They are deforestation-free;
- (b) They have been produced in accordance with the relevant legislation of the country of production; and
- (c) They are covered by a due diligence statement.

Article 2(1) of EUDR defines relevant commodities as cattle, cocoa, coffee, oil palm, rubber, soya and wood. Article 2(2) of EUDR defines relevant products as products listed in Annex I of the same Regulation that contain, have been fed or have been made using relevant commodities.

Before placing on, making available on, or exporting from the Union market relevant products, operators and traders are subject to specific due diligence obligations as regards relevant products pursuant to Articles 4 and 5 of EUDR.

Article 34(1) of EUDR empowers the Commission to adopt delegated acts to amend Annex I with regard to the relevant CN codes of relevant products that contain, have been fed with or have been made using relevant commodities.

The Staff Working Document on the impact assessment accompanying the original EUDR proposal¹ focused on identifying the commodities in which the EU’s embodied deforestation was most concentrated. The choice of the derived products was based exclusively on main trading volumes of each product, as they appeared in trade databases, except for wood, where the Regulation (EU) No 995/2010 (‘the EU Timber Regulation’)² scope was used as a starting point. The initial impact assessment recommended to conduct a new study, analysing the potential costs and benefits and mapping the products which would cover more ground in terms of embodied deforestation at the smallest potential cost.

In April 2025, the Commission published for 4-weeks public feedback a draft Delegated Act which did not alter the product scope of the EUDR but introduced targeted technical fixes for specific categories of products, such as samples, products used for analysis, examination, testing, and waste.

The 4-week public feedback period ran from 15 April 2025 to 13 May 2025. In parallel, on 30 April 2025, the Commission consulted the Member States Expert Group /Multistakeholder Platform on Protecting and Restoring the World’s Forests, including the EU Timber

¹ Staff working document on the initial impact assessment (https://environment.ec.europa.eu/document/download/7ab29a87-09a1-45f9-b83b-cd80765de10f_en?filename=SWD_2021_326_1_EN_impact_assessment_part1_v4.pdf)

² Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down obligations of operators who place timber and timber products on the market (OJ L 295/23, 12.11.2010, ELI: <http://data.europa.eu/eli/reg/2010/995/oj>).

Regulation and the Forest Law Enforcement Governance and Trade (FLEGT) Regulation³ on the draft Delegated Act. During these 4 weeks of public feedback and in the consultations with Member States, the proposals in the draft Delegated Act gained broad consensus. However, approximately 40% of respondents giving feedback, including industry associations, companies, and citizens, provided comments beyond the technical fixes proposed, recommending the additions or removals of certain derived products from EUDR scope.

Based on the input received, this Delegated Regulation amends Annex I of Regulation (EU) 2023/1115 of the European Parliament and of the Council in light of environmental, trade and economic data. Changes to Annex I to Regulation (EU) 2023/1115 are also necessary to avoid downstream derived products of certain relevant commodities being placed on the Union market without complying with the obligations of that Regulation and to prevent the relocation of the deforestation risk, when that undermines the objectives of the Regulation to fight deforestation and forest degradation.

This Delegated Regulation introduces in Annex I the limited and targeted technical fixes to the list of relevant products presented in the draft Delegated Regulation of 2025, in order to clarify how Regulation (EU) 2023/1115 applies in specific cases and to categories of products. These revisions are necessary to ensure a simpler and more straightforward application of the EUDR and legal certainty. The targeted technical fixes also prevent problems at the EU external borders as operators and customs authorities will have clarity on which products are in/out of scope of the EUDR. It will also avoid unnecessary administrative costs for operators, traders, and competent authorities.

This Delegated Regulation reflects the input submitted by stakeholders' during last year's 4-week public feedback period as well as separately received inputs from stakeholders for the changes to the scope in Annex I. The analysis to evaluate the proposed changes to the product scope of Annex I of Regulation (EU) 2023/1115 is presented in an accompanying Staff Working Document to this Delegated Regulation.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

On 21 May 2026, the Commission consulted the Member States Expert Group /Multistakeholder Platform on Protecting and Restoring the World's Forests, including the EU Timber regulation and the FLEGT Regulation.

The draft Delegated Regulation was published on the Better Regulation portal for a four-week feedback period from 4 May 2026 to 1 June 2026, in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making.

Based on the input received from stakeholders and the discussions with Member States in the Expert Group, a new clarification was added for certain palm oil derivatives in order to clarify that the obligations of Regulation (EU) 2023/1115 do not apply to those products if they are used in the manufacturing of medicinal products for human or veterinary use. In addition, the clarification for waste products was extended to additional palm oil derivatives in order to clarify that waste products used as feedstock for the production of biofuels are not subject to the obligations of Regulation (EU) 2023/1115. Recital 18 was also modified to align it with the products covered by Chapter 48 of the Combined Nomenclature to which the marketing

³ Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community (OJ L 347/1, 30.12.2005, ELI: <http://data.europa.eu/eli/reg/2005/2173/oj>)

and information material clarification applies. Finally, to provide economic operators, competent authorities, and custom authorities with the necessary time to adapt to the new categories of products added to the scope of Regulation (EU) 2023/1115, a deferred entry into application on 30 December 2027 was provided for these products.

At the same time, the suggestions made by some stakeholders during the public feedback to provide a targeted exemption for spare parts and legacy server parts from the scope of Regulation (EU) 2023/1115 was not included in the Delegated Act. As these parts are encompassed by HS codes 4010 and 4016, which are proposed for exclusion from Annex I of Regulation (EU) 2023/1115, a targeted exemption was not deemed necessary. The request to expand the clarification on packing material to include also replacement, return, repair and service packaging as well as point-of-sale and promotional display materials was ruled out as it could have created a potential loophole in the implementation of Regulation (EU) 2023/1115.

In addition to the stakeholders and Member States suggestions on the clarifications for the different products' categories, 25 product codes resulting from stakeholders' suggestions during the public feedback were evaluated for possible inclusion or exclusion from Annex I of Regulation (EU) 2023/1115. The product codes proposed for inclusion or exclusion were assessed through the methodology presented in the Staff Working Document underpinning this Delegated Act. Based on the results of the methodology, six targeted changes are included in the final text of the Delegated Act.

Due to their limited natural rubber content, and thus limited contribution to deforestation, vulcanised rubber articles and transmission belts (HS codes 4010 and 4016) were removed from Annex I of Regulation (EU) 2023/1115. Similarly, the HS code for seats (HS code 9401) encompasses aircraft seats and motor vehicles seats which contain very limited amounts of wood and thus have a limited impact on deforestation and forest degradation. Therefore, HS code 9401 was streamlined and replaced by the specific list of codes of seats and parts of seats that are made of wood, which do not include aircraft seats and motor vehicles seats.

In addition, soya beans used for sowing have been removed from the scope of Regulation (EU) 2023/1115 as they present negligible trade volumes and are part of a separate value chain with distinct certification, testing and traceability systems in place. Finally, an additional palm oil derivative (HS 2916 15 Oleic, linoleic, linolenic acids, their salts and esters) was added to the Delegated Act to ensure consistency across the oleochemicals supply chain and avoid a relocation of the deforestation risk.

The remaining 19 suggestions for inclusion or exclusion of additional product codes in Annex I could not be accommodated. Several products that were requested for exclusion did pass the cost-benefit analysis presented in the Staff Working Document (advising keeping them in the scope) while other products requested for inclusion did not pass the cost-benefit analysis (advising not including them in the scope). The products requested for exclusion that did pass the cost-benefit analysis and thus remained in scope are: prepared and preserved meat (HS code 1602 50); and cocoa shells, husks skins and cocoa waste (HS code 1802). The products requested for inclusion that did not pass the cost-benefit analysis and thus were not included in scope are: rubber balloons (HS code 9503 00 99); soap in other forms (3401 19 00); surfactants and detergents (HS codes 3402 39, 3402 41, 3402 42, 3402 49); wood plastic composites (HS code 39). The potential asymmetries between oleochemicals derived from soy and oil palm was also assessed through the methodology of the Staff Working Document with the results concluding that the inclusion of further soy derivatives did not pass the cost-benefit analysis.

The potential inclusion of biofuels (HS code 3826 00), soluble coffee (HS code 2101 11 00), and preparations used in animal feeding (HS code 2309) as well as the removal of oilcake and other solid residues of palm nuts or kernels (HS code 2306 60) were already assessed in the Staff Working Document accompanying the Delegated Act.

Finally, the suggestion to remove wood residues and sawmill by-products falling under HS code 4401 could not be accommodated as these products were already regulated under the EU Timber Regulation, with the request also lacking the support of relevant industry sectors. As the methodology presented in the Staff Working Document accompanying the Delegated Act does not capture the environmental benefits of a reduction in forest degradation, the assessment on the potential environmental benefits of several products was not conclusive. This includes suggestions to re-include printed books, newspapers, pictures and other products of the printing industry (HS code 49) and removing wooden tools and kitchenware (HS codes 4417 and 4419) in Annex I of Regulation (EU) 2023/1115. Taking also into consideration the lack of support for the requests of relevant industry sectors, these proposals have not been taken on board.

The public feedback period also revealed differing views on the proposed exclusion of hides, skins and leather of cattle (HS code 4101, 4104 and 4107) and the proposed inclusion of soap (HS codes 3401 11 00 and 3401 20). On soap, the need to ensure coherence and effectiveness across the supply chain, as explained in the Staff Working Document, justify its inclusion in Annex I. On leather, the Staff Working Document accompanying the draft Delegated Act recognises the significant environmental benefits, compared to relatively low compliance costs, stemming from maintaining leather in the EUDR scope. However, the supply chain considerations and load on the EUDR Information System of the alternative solution (adding derived leather products) presented in the Staff Working Document justify the proposed removal.

As stipulated in Article 34(2) point i of Regulation (EU) 2023/1115, the evaluation of its scope and amending or extending the list of relevant products will be part of the general review in 2030 foreseen by Article 34(2) of the Regulation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 1 states that the Annex to this Delegated Regulation amends Annex I of Regulation (EU) 2023/1115.

Article 2 sets out the date of entry into force of this Delegated Regulation.

COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

amending Regulation (EU) 2023/1115 of the European Parliament and of the Council as regards the list of relevant commodities and relevant products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010⁴, and in particular Article 34(1) thereof,

Whereas:

- (1) Regulation (EU) 2023/1115 lays down rules aiming to minimise the Union's contribution to deforestation and forest degradation. It does so by imposing due diligence obligations on operators, downstream operators and traders placing on, making available on, or exporting from the Union market relevant commodities and products listed in Annex I to that Regulation.
- (2) It is necessary to amend Annex I to Regulation (EU) 2023/1115 to introduce limited and targeted technical fixes in order to ensure legal certainty for operators, downstream operators, traders, and competent authorities on which categories of products fall within the scope of that Regulation. In addition, it is necessary to amend that Annex I to add and remove certain relevant products from the scope of that Regulation in light of trade, environmental and economic data. Changes to Annex I to Regulation (EU) 2023/1115 are also necessary to avoid downstream derived products of certain relevant commodities being placed on the Union market without complying with the obligations of Regulation (EU) 2023/1115, when that undermines the objectives of the Regulation to fight deforestation and forest degradation, and to prevent the relocation of the deforestation risk. As stipulated in Article 34(2) point i of Regulation (EU) 2023/1115, the evaluation of its scope and amending the list of relevant products, including the inclusion of hides, skins and leather of cattle and derived products will be part of the general review in 2030 foreseen by Article 34(2). For this purpose, the Commission will continue monitoring relevant products that have been subject to the amendments to Annex I.

⁴ Regulation (EU) 2023/1115 of the European Parliament and Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (OJ L 150, 9.6.2023, p. 35, ELI: <http://data.europa.eu/eli/reg/2023/1115/oj>.)

- (3) Differentiating between HS Code 0102 21 *Cattle, pure-bred breeding animal*, and HS Code 0102 29 *Cattle, other* presents no added value to achieve the objectives of Regulation (EU) 2023/1115. The replacement of the two HS Codes with HS Code ex 0102 *Live cattle* facilitates the implementation of that Regulation for operators and traders, without changing its product scope.
- (4) Fresh cattle tongues are a derived product of cattle. While fresh cattle tongues are included in the product scope of Regulation (EU) 2023/1115, frozen cattle tongues are not. The exclusion of frozen cattle tongues from the scope of Regulation (EU) 2023/1115 creates a fragmented and incoherent approach for the cattle sector and for operators placing the relevant goods on the Union market and may result in the relocation rather than the elimination of the deforestation risk. In addition, including only fresh cattle tongues in the scope of Regulation (EU) 2023/1115 and excluding their frozen form presents no added value to achieve the objectives of that Regulation. Therefore, HS Code ‘ex 0206 21 00 Frozen cattle tongues’ should be added to Annex I to that Regulation.
- (5) Hides, skins and leather are derived products from cattle. Considering the differentiation of the leather downstream value chain from the meat value chain, asymmetries in trade flows between meat and hides, and the relatively low economic value of cattle skins and hides compared to meat within the overall cattle production, economic operators in the Union have limited leverage to demand the information necessary to comply with Regulation (EU) 2023/1115 from their suppliers. In addition, the exclusion of downstream leather products from the scope of Regulation (EU) 2023/1115 creates a fragmented and incoherent approach for the leather sector and for operators placing the relevant goods on the Union market and may result in the relocation rather than the elimination of the deforestation risk. For those reasons, HS Codes ‘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’, and ‘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’, should be deleted from Annex I to Regulation (EU) 2023/1115.
- (6) Soluble coffee is a type of coffee made from brewed coffee beans that have been processed and dried into a powder or granules. While roasted or green coffee beans are included in the product scope of Regulation (EU) 2023/1115, soluble coffee is not, despite its contribution to deforestation and forest degradation. The exclusion of soluble coffee from the scope of Regulation (EU) 2023/1115 creates a fragmented and incoherent approach for the coffee sector and for operators placing the relevant goods on the Union market, as soluble coffee may be placed on or exported from the Union market without complying with the obligations of Regulation (EU) 2023/1115, and may result in the relocation rather than the elimination of the deforestation risk, ultimately undermining the objectives of that Regulation of fighting deforestation and forest degradation. Therefore, HS Code ‘2101 11 00 Extracts, essences and concentrates of coffee’ should be added to Annex I to that Regulation.
- (7) Several codes listed under ‘Oil Palm’ and ‘Rubber’ in Annex I to Regulation (EU) 2023/1115 encompass products which can be manufactured with commodities that are not relevant commodities under that Regulation. Therefore, it is necessary to clarify that products included in that Annex fall within the scope of Regulation (EU) 2023/1115 only in so far as they are produced using a relevant commodity, by the

addition of 'ex' in front of several entries. In addition, it is necessary to clarify which species are encompassed in the commodities 'Cattle', 'Oil Palm', 'Rubber' in order to make clear that products do not fall within the scope of Regulation (EU) 2023/1115 in so far as they are made from other species. In the case of 'Wood', products listed in Annex I to Regulation (EU) 2023/1115 do not fall within the scope of that Regulation if they are made of bamboo, rattan, and other materials of woody nature, such as reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and lime bark in addition to bamboos and rattans.

- (8) Oleochemicals are chemical compounds derived from natural oils and fats, typically sourced from plants and animals, including palm oil. Oleochemicals are used as raw materials or intermediates in a wide variety of applications, including the manufacturing of paints and coatings, pharmaceuticals, lubricants, and food additives. Annex I to Regulation (EU) 2023/1115 does not contain all relevant palm oil derivatives used in the oleochemicals industry. The exclusion of certain oleochemicals from the scope of Regulation (EU) 2023/1115 leads to different rules applying to operators placing the relevant goods on the Union market, as certain oleochemicals may be placed on or exported from the Union market without complying with the obligations of Regulation (EU) 2023/1115, and may result in the relocation rather than the elimination of the deforestation risk, ultimately undermining the objectives of that Regulation of fighting deforestation and forest degradation. Therefore, Annex I to Regulation (EU) 2023/1115 should be amended to include the HS Codes of additional palm oil derivatives which form part of the oleochemicals supply chain and are used for the manufacturing of oleochemicals.
- (9) In order to protect human and animal health and safety, the obligations laid down in Regulation (EU) 2023/1115 should not apply to [the extent that the relevant products] are used in the manufacturing of medicinal products for human or veterinary use within the scope of Directive 2001/83/EC of the European Parliament and of the Council⁵, Regulation (EC) No 726/2004 of the European Parliament and of the Council⁶ or Regulation (EU) 2019/6 of the European Parliament and of the Council⁷.
- (10) Retreaded tyres are used tyres at the end of their life cycle. Through the retreading process, a new rubber tread is applied to the old tyre casing, allowing a life-extension of the tyre. New rubber treads used for retreading used tires have a comparatively limited impact on deforestation and forest degradation. Moreover, retreading extends the life cycle of used tyres thus encouraging circular and resource efficient practices. Therefore, HS Code ex 4012 in Annex I to Regulation (EU) 2023/1115 should be replaced with HS code ex 4012 90 30 to limit the obligations under that Regulation exclusively to the new rubber tread.

⁵ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ L 311, 28.11.2001, p. 67, <http://data.europa.eu/eli/dir/2001/83/oj>).

⁶ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/726/oj>).

⁷ Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC (OJ L 4, 7.1.2019, p. 43, ELI: <http://data.europa.eu/eli/reg/2019/6/oj>).

- (11) Conveyer, transmission belts, and other articles of vulcanised rubber covered by HS codes 4010 and 4016 of the Combined Nomenclature contain low amounts of natural rubber and therefore their contribution to deforestation is limited. Subjecting these products to the obligations laid down in Regulation (EU) 2023/1115 is not proportionate with regard to their contribution to the achievement of the objectives of that Regulation. Therefore, HS codes ‘ex 4010 Conveyer or transmission belts or belting of vulcanised rubber’ and ‘ex 4016 Other articles of vulcanised rubber other than hard rubber, not elsewhere specified in chapter 40’ should be deleted from Annex I to Regulation (EU) 2023/1115.
- (12) Annex I of Regulation (EU) 2023/1115 includes soya beans used in the food, feed and chemical industry but also soya beans used for sowing. Soya beans for sowing represent negligible trade volumes and are part of a separate value chain with distinct certification, testing and traceability systems in place. Taking also into consideration the plan from the Commission for resilience, strategic autonomy and sustainability of the EU protein system [TO BE ADOPTED IN THE COMING DAYS], subjecting soya beans used for sowing to the obligations laid down in Regulation (EU) 2023/1115 is not proportionate with regard to their contribution to the achievement of the objectives of that plan. For these reasons, and in line with the 2025 Vision for Agriculture and Food⁸, HS code ‘1201 Soya beans, whether or not broken’ should be replaced by HS code ‘1201 90 00 Soya beans, whether or not broken: Other’ in Annex I to Regulation (EU) 2023/1115.
- (13) Aircraft seats (9401 10 00) and motor vehicles seats (9401 20 00) covered by HS code ex 9401 contain a limited amount of wood and therefore their contribution to deforestation and forest degradation is limited. Subjecting those products to the obligations of Regulation (EU) 2023/1115 is not proportionate with regard to their contribution to the achievement of the objectives of that Regulation. For that reason, HS code ex 9401 in Annex I to Regulation (EU) 2023/1115 should be replaced by the specific list of codes of seats and parts of seats that are made of wood and which do not include aircraft seats and motor vehicles seats.
- (14) Certain entries in Annex I to Regulation (EU) 2023/1115 could give rise to ambiguity whether waste, used and second-hand products fall within the scope of Regulation (EU) 2023/1115, thus discouraging circular and resource efficient practices. Therefore, it should be made clear that waste as defined in Article 3, point (1), of Directive 2008/98/EC⁹, as well as used and second-hand products do not fall within the scope of that Regulation. The same applies to components of relevant products if they qualify as waste, used or second-hand products.
- (15) Samples of products and products used for examination, analysis, and testing, within the meaning of Articles 86 and 95 of Council Regulation (EC) No 1186/2009¹⁰, are

⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, ‘A Vision for Agriculture and Food Shaping together an attractive farming and agri-food sector for future generations’, Brussels, 19.2.25, COM/2025/75 final, [EUR-Lex - 52025DC0075 - EN - EUR-Lex](#).

⁹ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: <http://data.europa.eu/eli/dir/2008/98/oj>).

¹⁰ Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, p. 23, ELI: <http://data.europa.eu/eli/reg/2009/1186/oj>).

used by economic operators for different purposes such as quality testing, design validation, and market research but also for analytical purposes. Samples of products are of negligible value and quantity and can be used by companies to solicit orders from new suppliers. Products used for examination, analysis and tests are used by economic operators to determine their composition, quality or other technical characteristics for the purposes of information or industrial, commercial or scientific research. Those products are either completely used up or destroyed in the course of the examination, analysis or testing or kept or returned for no other reason and purposes than complying with legal or contractual obligations related to examination, analysis or testing. Samples of products and products used for examination, analysis, and testing can come from suppliers with whom the company does not yet have a contractual relationship, and with which they may never enter into a contractual agreement. Subjecting samples of products and products used for examination, analysis, and testing to Regulation (EU) 2023/1115 would not be proportionate with regard to their contribution to the achievement of the objectives of that Regulation. Therefore, Regulation (EU) 2023/1115 should clarify that samples of products and products which undergo examination, analysis or tests do not fall within the scope of that Regulation.

- (16) Packing materials and packing containers placed on the Union market or exported as products on their own, fall within the scope of Regulation (EU) 2023/1115. However, it should be made clear that packing materials and containers do not fall within the scope of that Regulation when they are used to support, protect, or carry another product placed on the market or exported. In addition, packing materials and containers clearly suitable for repetitive use can be re-exported or made available on the market as products on their own and thus be subject to the due diligence obligations of Regulation (EU) 2023/1115. Therefore, it is necessary to clarify that packing materials and containers clearly suitable for repetitive use used to support, protect or carry another product placed on the market and presented with that product do not fall within the scope of Regulation (EU) 2023/1115 from the moment they are used for such purpose and then onwards. Such packing materials and containers are not covered by Regulation (EU) 2023/1115 regardless of whether the product that is supported, protected or carried is within the scope of that Regulation. Annex I to Regulation (EU) 2023/1115 already excludes from the scope of entry 4415, which covers packing made of wood, packing material used to support, protect or carry another product placed on the market. Nevertheless, it should be made clear that single use packing materials and containers and packing material and containers clearly suitable for repetitive use covered by other entries in Annex I to Regulation (EU) 2023/1115 do not fall within the scope of that Regulation.
- (17) Marketing and information materials, such as user manuals, leaflets, catalogues, and labels, placed on the Union market or exported as products on their own, generally fall within the scope of Regulation (EU) 2023/1115. However, it should be made clear that marketing and information materials accompanying another product or supplied for marketing or information purposes free of charge do not fall within the scope of that Regulation.
- (18) Items of correspondence, within the meaning of Article 1, point (26), of Commission Delegated Regulation (EU) 2015/2446¹¹, serve a communication purpose and thus are

¹¹ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain

not placed or made available on the market. Therefore, it is necessary to clarify that items of correspondence do not fall within the scope of Regulation (EU) 2023/1115.

- (19) Regulation (EU) 2023/1115 should therefore be amended accordingly.
- (20) To provide economic operators, competent authorities, and customs authorities legal clarity and time for their preparations before the entry into application of Regulation (EU) 2023/1115, this Regulation should enter into force on the day following that of its publication on the *Official Journal of the European Union*.
- (21) To provide economic operators, competent authorities, and customs authorities the necessary time to adapt to the new categories of relevant products added to the scope of Regulation (EU) 2023/1115, the application of certain provisions of this Regulation should be deferred.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2023/1115 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]