



Department
for Environment
Food & Rural Affairs

Consultation on implementing due diligence on forest risk commodities

Summary of responses and government response

June 2022

We are the Department for Environment, Food and Rural Affairs. We're responsible for improving and protecting the environment, growing the green economy, sustaining thriving rural communities and supporting our world-class food, farming and fishing industries.

We work closely with our 33 agencies and arm's length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.



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Introduction

This document provides a summary of responses to Defra's public consultation on the implementation of due diligence on forest risk commodities provisions in the Environment Act 2021 and the UK government's response. The consultation ran from 3 December 2021 to 11 March 2022 and received a total of 16,838 responses, of which 16,682 were received via two campaigns.

The UK is committed to taking action to tackle illegal deforestation in our supply chains. Following consideration of consultation responses, we will seek to implement due diligence provisions in the Environment Act at the earliest opportunity through secondary legislation.

We will take into account consultation responses in developing the legislation and accompanying guidance, and publish the government's approach to secondary legislation in due course. Following initial consideration of consultation responses, this will include aligning the definition of turnover in secondary legislation with the Companies Act, and setting a threshold based on turnover in the previous financial year.

Background

The UK introduced world-leading due diligence legislation through the Environment Act 2021 to tackle illegal deforestation in UK supply chains. This new law forms one part of a wider package of measures to improve the sustainability of our supply chains and will contribute to global efforts to protect forests and other ecosystems.

The government ran a public consultation from 3 December 2021 to 11 March 2022 to seek views on the detail of regulations that will implement these provisions, to ensure that these are designed effectively. The consultation sought views on:

- which commodities should be in scope of regulations
- which businesses should be subject to provisions
- what businesses in scope will be required to undertake and report on regarding their due diligence exercise; and
- how the requirements will be enforced

Respondents were invited to provide information and comments on the proposals, as well as evidence to help inform the impact assessment. Respondents could submit a return through the online portal Citizen Space, by email, or by post.

The issues addressed in the consultation are reserved to the UK government in Scotland and Wales but are transferred (devolved) in Northern Ireland. However, the Northern Ireland Assembly gave legislative consent to certain powers in the Act being exercised by the Secretary of State on their behalf, allowing the provisions to be implemented on a UK-wide basis. As such, the consultation covered the whole of the UK.

Consultation responses

Number of responses

In total, we received 16,838 responses to the consultation. This was made up of:

- 114 responses through the online survey on Citizen Space
- 16,724 responses via email
- 0 responses via post

Of the total responses received, 262 were identical and received through a Global Witness campaign, 16,420 were identical and received through a Greenpeace campaign, and 156 were non-campaign responses. Responses to both campaigns were received via email.

As of 11 April, 1,008 late responses were received and therefore not considered. These responses were received via the two campaigns.

Profile of respondents (Questions 1-20)

All campaign responses were received on behalf of individuals but did not directly address questions 1-20, which sought relevant demographic information to support analysis. Non-campaign responses provided demographic information through questions 1-20, including the country where the respondent was based, and further details requested from organisation and business respondents. The consultation was open to all, and alongside non-campaign respondents based in the UK (116 respondents), submissions were received from those based in different countries within South America (15 responses), Europe (8 respondents), North America (2 respondents), Asia (3 respondents), Africa (1 respondent), and Australia (1 respondent).

Table 1 below provides a breakdown of the responses received by the type of respondent, and method of submission. Annex 1 provides a list of the named organisations that responded to the consultation.

Of the 156 non-campaign responses, 122 (78%) answered on behalf of an organisation, of which 38 were non-governmental organisations (NGOs) and 40 were businesses. Responses from industry represented a range of sectors, notably manufacturing (15 non-campaign respondents) and wholesale and retail (9 non-campaign respondents). In addition to the 16,682 responses received from individuals as part of the Greenpeace and Global Witness campaigns, 30 (19%) non-campaign responses were submitted by individuals.

Table 1 – Number of responses received by type of respondent and method of submission.

Profile of respondent	Number of citizen space responses	Number of email responses (of which campaign responses)	Total
Individual	28	16,684 (16,682)	16,712
Government body	2	3	5
Non-governmental organisation	29	9	38
Small or micro business (annual turnover less than £10.2 million)	2	0	2
Medium business (annual turnover no more than £36 million)	2	0	2
Large business (annual turnover greater than £36 million)	34	2	36
Industry association	13	15	28
Another type of organisation	4	11	15
Total	114	16,724 (16,682)	16,838

Analysis of responses

This document provides a summary and analysis of responses received by question and response type (campaign or non-campaign). Figures and percentages in each section and sub-section relate only to the responses to the relevant question and/or from the specified response type. Where a respondent provided information under one question that was relevant to another, this has been analysed and summarised under the most relevant question.

Implementing the Environment Act provisions

Implementing due diligence requirements (Questions 21-22)

Question 21: Should we lay secondary legislation at the earliest opportunity? If you ticked no, please state why.

We received 16,818 responses to question 21, of which 136 were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

111 respondents (82%) agreed that we should lay secondary legislation at the earliest opportunity; 19 (14%) disagreed. 6 respondents did not agree or disagree but provided qualitative views.

Of those who agreed, 76 specified their organisation type. This was primarily balanced between NGOs (34 respondents) and businesses (27 respondents, including 24 large businesses), whilst other respondents included industry associations and government bodies.

Of those who disagreed, 11 were large businesses and 5 were industry associations. Other respondents selecting 'No' included an NGO, a government body, and an individual. Those who selected 'No' were asked to state their reasons. Difficulty in delivery was the most frequently highlighted reason for disagreement (53% of 'No' respondents). Challenges for delivery specified included the complexity of supply chains, the need to ensure sufficient time is devoted to developing robust legislation, and a lack of industry readiness.

Campaign responses

Responses received via both campaigns were unanimous in their support of laying secondary legislation at the earliest opportunity.

Question 22: What should we take into account when considering how long businesses have to prepare for regulation before it comes into effect?

We received 16,804 responses to question 22, of which 122 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Respondents to this question suggested a range of different factors to take into account. Respondents frequently cited the need to consider the environmental impact of the length of time given to businesses to prepare for the regulations (38 respondents, 31%), highlighting the scale and urgency of global deforestation, climate change and environmental degradation and the need for timely action to address agricultural drivers.

A similar number of respondents (37 respondents, 30%) said the complexity of supply chains would strongly impact how quickly businesses could prepare for the legislation, including a need to allow sufficient time to establish robust traceability and reporting systems and to communicate new requirements to suppliers. Other respondents suggested that the length of time business had to prepare should be dependent on the complexity and scope of legislation, and that the availability of comprehensive guidance will be crucial in helping businesses prepare for regulation.

Other proposed factors for consideration included the type and size of business, the level of industry readiness, and the readiness of producer countries. Specific considerations referenced within these areas included the availability of technology, tools, certifications and standards to support compliance, and where existing or long-term contracts may be in place for commodity trade, for example within the agricultural futures market.

Impacts on business, indigenous people and local communities, and smallholders were also highlighted by a broad range of respondents, including NGOs and large businesses. Some specifically highlighted the need to consider the wider business environment, notably the impacts of EU Exit and COVID-19 on businesses and supply chains.

The consultation proposed a minimum 6-month period to enable businesses to prepare for regulation. 32 respondents provided specific feedback on the period of time businesses should have to prepare. Opinions were fairly evenly split between those who favoured urgent action (16 respondents, 16%), with a period under 6 months, and those who proposed similar or longer durations, ranging from 6 to 18 months (14 respondents, 15%). The remaining 2 respondents suggested timeframes beyond 18 months.

Campaign responses

Responses received via both campaigns emphasised the need for urgency in delivering legislation, and viewed a 12 month period - similar to proposed EU and US deforestation legislation - to be sufficient time for businesses to prepare.

Government response

The consultation document set out the government's intention to lay secondary legislation to implement due diligence regulations in the Environment Act at the earliest opportunity, following consideration of responses to consultation. We welcome the support received through consultation to do so and, having considered responses, will proceed with this approach. The design of this secondary legislation and accompanying guidance will be informed by responses received through the consultation and published in due course, including how long businesses should have to prepare for regulation.

Forest risk commodities

Views on identifying key commodities in scope (Question 23)

Question 23: Can you provide any further evidence on commodities that drive deforestation?

We received 16,723 responses to question 23, 41 of which were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

41 non-campaign respondents provided evidence on commodities that drive deforestation. Amongst these responses, the most frequently cited source of evidence was WWF's "[Riskier Business](#)" report. Other key sources of evidence provided by respondents include the [Pendrell datasets](#) (2012, 2019, 2020, 2022), JNCC's [global footprint indicator](#), WWF's "[Impacts of UK's due diligence](#)" report, and WWF's "[Deforestation Fronts](#)".

Campaign responses

We received 16,682 responses via the two campaigns which referred to the UK government's JNCC [global footprint indicator](#) as relevant evidence.

Views on legislative sequencing (Questions 24-26)

Question 24: Which of the following factors do you think should be considered to determine legislative sequencing? Please tick all that apply and state your reasons.

- the commodity's impact on global deforestation
- the UK's role in this global deforestation
- ability to deliver effective regulation
- other (please specify)

We received 16,819 responses to question 24, of which 137 were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

The 137 non-campaign respondents to this question most strongly supported consideration of the commodity's impact on global deforestation (121 respondents, 88%), followed by the UK's role in this global deforestation (101 respondents, 74%) and the ability to deliver effective regulation (78 respondents, 57%). Almost a quarter of respondents supported the consideration of all of these factors (33 respondents, 24%). 53 respondents (39%) selected 'other', with 33 respondents suggesting other factors for consideration.

The most frequently cited other factors suggested for consideration included alignment with proposed EU and US deforestation legislation and the source location of commodities

to prioritise those grown in high-risk locations. Other factors proposed included the speed at which effective regulation could be introduced, the readiness of producer countries to support due diligence activities, and wider social impacts including poverty and human rights.

89 non-campaign respondents (65%) provided reasons for the factors selected. These most frequently highlighted a need to prioritise commodities with the greatest impact on deforestation to maximise the legislation's impact. Other respondents stressed a need to effect rapid change to tackle deforestation, both through domestic implementation of due diligence legislation, and wider international activity to tackle climate change and biodiversity loss in partnership with other countries.

Views on whether deliverability should be considered as a factor were mixed. Respondents from businesses and industry associations frequently highlighted the importance of considering industry readiness to allow sufficient time for businesses to implement supply chain traceability systems, noting that some commodity areas have more advanced traceability than others. Other respondents, predominantly from NGOs, considered that legislation should be used to drive sectoral transformation, and not be restricted by current readiness to comply, in order to avoid excluding sectors where change and support is most needed.

Campaign responses

Responses received via both campaigns supported the need to consider the following factors:

- the commodity's impact on global deforestation; and
- the UK's role in this global deforestation.

Campaign respondents did not support taking the ability to deliver effective regulation into account. Responses to the Greenpeace campaign (16,420 responses) stated that sector readiness should not determine legislative sequencing, and that the legislation should instead catalyse industry change.

Question 25: What data sources or information should be used to consider proposed factors?

In total, we received 16,718 responses to question 25, of which 36 were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

Three websites that provide dashboards summarising key statistics on global forests and agricultural supply chains were most cited as sources of information: [Global Forest Watch](#), [TRASE](#) and [SPOTT](#). Documentary evidence provided by WWF's "[Riskier Business Report](#)" and Global Witness's "[UK forest footprint options](#)" were also frequently cited. Other sources of evidence referenced included the [Pendrill datasets](#) (2012, 2019, 2020, 2022) and JNCC's [global footprint indicator](#).

Campaign responses

Responses received via both campaigns referenced Global Witness's analysis "[UK forest footprint options](#)".

Question 26: Do you have any further comments regarding the order in which we introduce key forest risk commodities?

We received 16,768 responses to question 26, of which 86 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

A number of respondents provided further comments on the order of introduction, where views were split between favouring the introduction of all commodities at once (26 respondents, 30%), and prioritising those with the highest environmental impact (23 respondents, 27%). The former argued for legislation to be introduced as quickly and inclusively as possible to match the urgency of the need to tackle climate change and biodiversity loss. The latter supported a more sequenced approach, regulating commodities with the greatest deforestation impacts first. Some respondents also proposed stating the intention to tackle all identified commodities alongside initial regulation of commodities with the greatest deforestation impact.

Many respondents also provided additional comments on factors for consideration in determining the order of introduction. 27 respondents (31%) highlighted the importance of considering global environmental impact. 18 respondents (21%) proposed considering how embedded products are treated within the legislation, and emphasised the need for adequate guidance on these more complex areas. Other factors included the role of existing certification schemes, industry readiness, and commodity deforestation leakages.

Campaign responses

There were a total of 16,682 campaign responses to this question. Greenpeace campaign responses (16,420 responses) advocated for the introduction of all 7 commodities within 12 months of the secondary legislation to support rapid action to tackle the UK's illegal deforestation and land conversion footprint. The remaining 262 Global Witness campaign responses argued for regulation of a minimum of 5 commodities within 12 months of the secondary legislation.

Views on first round of secondary legislation (Question 27)

Question 27: Which option for the first round of secondary legislation do you recommend? Please state your reasons.

- **Option 1: introduce 2 commodities in the first round of secondary legislation**
- **Option 2: introduce 3 to 4 commodities in the first round of secondary legislation**

- **Option 3: introduce 5 to 7 commodities in the first round of secondary legislation**

In total, we received 16,812 responses to question 27, of which 130 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

130 respondents provided views to this question. The majority of respondents (63 respondents, 48%) recommended **option 1**: introduce 2 commodities in the first round of secondary legislation. Many of these respondents emphasised the need to prioritise commodities with the largest environmental impact to support rapid action to address the challenges of biodiversity loss and climate change. Others viewed this option as providing balance, giving time for businesses to adequately prepare whilst achieving immediate impact in sectors that are more ready for regulation. Respondents saw benefits in such an iterative approach to increase efficacy and efficiency by enabling lessons to be learnt and shared with commodity areas later included in scope.

19 respondents (15%) recommended **option 2**: introduce 3 to 4 commodities in the first round of secondary legislation. Common themes amongst those selecting this option included the view that a broader commodity scope could better tackle the scale and urgency of the environmental challenge, and the need to prioritise commodities with the largest environmental impact.

20 respondents (15%) recommended **option 3**: introduce 5 to 7 commodities in the first round of secondary legislation. Almost half of these respondents (9 respondents, 45%) favoured introducing all commodities together to ensure fair and equitable burden across businesses. Other reasons provided included minimising any market distortion, unfair competition, and perverse incentives for businesses to change their commodity use.

Many respondents who favoured option 1 or 2 also supported further rounds of regulation to bring all proposed commodities into scope as quickly as possible to maximise the number of commodities regulated under legislation within the shortest time and make the swiftest possible progress in tackling deforestation in UK supply chains. Some respondents to option 2 and 3 also advocated for more rapid implementation of initial regulation than estimated timeframes to support this.

28 respondents (22%) **did not select any of the proposed options**, and provided reasons for this. The majority of these respondents (24 respondents, 86%) said they did not support any of the proposed options, with many of these stating that the proposals lacked ambition. Many respondents suggested introducing most or all of the seven key commodities, more quickly than the estimated timelines outlined in options 1-3.

Campaign responses

The responses received via the two campaigns did not select any of the proposed options, suggesting none would allow sufficient progress to be made in addressing the UK's

deforestation footprint. Responses also stated that commodity scope and implementation timelines are much less ambitious with proposed EU and US deforestation legislation.

Greenpeace campaign responses (16,420 responses) advocated for the introduction of all 7 commodities within 12 months of the secondary legislation to support rapid action to tackle the UK's illegal deforestation and land conversion footprint, as set out in question 26. The remaining 262 Global Witness campaign responses argued for regulation of a minimum of 5 commodities within 12 months of the secondary legislation.

Government response

The government sought views via consultation on how to determine which and how many forest risk commodities should be regulated through the first round of secondary legislation.

We will take into account the wide range of consultation responses to each question to inform the design of secondary legislation, and will proceed to lay and implement this at the earliest opportunity. We will incorporate any new evidence received in preparing the legislative impact assessment.

Business in scope

In this section of the consultation document, campaign responses provided the same qualitative text for each question (questions 28-34). These have been analysed and summarised for each question where relevant.

Views on turnover definition (Question 28)

Question 28: Should businesses fall in scope of the requirements if they exceed the turnover threshold in the previous financial year?

We received 16,801 responses to question 28, of which 119 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 119 non-campaign responses, 90 respondents (76%) agreed that businesses should fall in scope of the requirements if they exceed the turnover threshold in the previous financial year, 11 respondents (9%) disagreed, and 18 respondents (15%) selected 'do not know'.

Campaign responses

Responses received via both campaigns did not agree that a turnover threshold should be introduced, stating that requirements should apply to all businesses.

Views on regulating UK and non-UK based businesses that have operations in the UK (Question 29-31)

Question 29: Should we use UK turnover as the metric to capture UK based businesses?

We received 16,806 responses to question 29, of which 124 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 124 non-campaign responses received, 59 respondents (48%) disagreed that UK turnover should be used as the metric to capture UK based businesses, 48 respondents (39%) agreed, and 17 respondents (14%) selected 'do not know'.

Several respondents provided additional information of relevance to this question. Respondents who disagreed that UK turnover should be used as the metric to capture UK based businesses emphasised the global nature of the environmental challenge and the need for a globally focused response. Others raised concerns that focusing solely on UK turnover could create loopholes that would enable businesses to avoid falling in scope of the regulation.

Campaign responses

Responses to both campaigns reiterated the view set out under question 28 that no turnover threshold should be introduced, and that the requirements should apply to all businesses. The 262 responses to the Global Witness campaign considered that if a threshold should be introduced, it should be based on global turnover.

Question 30: Which of the following metrics should be used to regulate the UK operations of businesses that are based outside the UK under due diligence legislation? Please state your reasons.

- **option 1: turnover related to UK activity**
- **option 2: global turnover**
- **other (please specify).**

We received 16,801 responses to question 30, of which 119 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

There were 119 responses to this question, of which 64 provided reasoning for their answer.

The majority of respondents (54 respondents, 45%) favoured **option 2: global turnover**, as the metric to regulate businesses based outside of the UK. Of those who provided

reasoning for their choice, many raised that a focus on turnover only related to UK activity could create loopholes that businesses could use to avoid legislation.

31 respondents (26%) chose **option 1**: turnover related to UK activity. A small proportion provided additional reasoning for this, noting the importance of adopting a consistent approach to turnover metrics for UK and non-UK based businesses, to ensure equitable treatment of all businesses in scope.

34 respondents (29%) selected 'other'. A majority of respondents selecting 'other' (20 respondents, 59%) strongly advocated for no turnover threshold at all. Many of these respondents suggested alternative metrics and provided reasoning. The most frequently cited alternative was the quantity of forest risk commodities used in commercial activities, suggesting this would have a greater impact than a turnover threshold on commodity driven deforestation, and avoid the risk of creating loopholes.

Campaign responses

Responses to both campaigns highlighted similar themes to some non-campaign responses, including that there should be no turnover threshold introduced, and that introducing a threshold could create loopholes. The 262 responses from the Global Witness campaign reiterated views set out under question 29 that if a company threshold is adopted, it should be based on global turnover.

Question 31: Can you provide any data or information that will help identify potential businesses in scope based outside the UK?

We received 25 responses to this question, all of which were non-campaign responses.

Non-campaign responses

Of the 25 respondents that provided links to data or information to help identify potential businesses in scope based outside the UK, the most frequently cited sources of evidence were the [Trase dashboard](#), information provided by Efeca (the secretariat for the [UK Soy Manifesto](#), and the UK Roundtables on [Sustainable Soy](#) and [Sustainable Palm Oil](#)) and FactSet. [Forest 500 data](#) was also referenced.

Campaign responses

There were no direct responses to question 31.

Views on turnover threshold level (Question 32-33)

Question 32: Which of the following factors should be considered when setting the turnover threshold? Please tick all that apply and state your reasons.

- **policy impact**
- **burden on businesses**
- **deliverability**

- **other (please specify)**

We received 16,801 responses to question 32, of which 137 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 137 responses to this question, most respondents strongly supported the consideration of policy impact (100 respondents, 73%) followed by deliverability (57 respondents, 42%) and burden on businesses (51 respondents, 37%). A fifth of respondents supported the consideration of all of these factors (27 respondents, 20%). Of the 25 respondents that provided reasoning for their selection, most reiterated the importance of the factors they had chosen. 4 respondents did not select any of these factors but did provide qualitative views.

58 respondents (42%) selected 'other', with 40 respondents suggesting alternative factors. The majority of these (16 respondents, 40%) reiterated views received set out under question 30, disagreeing with the use of a turnover threshold and proposing instead that a volume-based threshold would be more appropriate to ensure all businesses handling substantial quantities of forest-risk commodities are regulated.

Other respondents suggested a range of other factors for consideration in setting a turnover threshold, including: the level of influence of businesses in supply chains, the environmental impact of commodity production; and alignment with similar existing and future regulations including the EU and UK Timber Regulations, and EU and US deforestation legislation.

Campaign responses

Responses to both campaigns reiterated views set out at question 29 that requirements should apply to all businesses. These responses also placed importance on policy coherence with existing regulations and OECD guidance.

Question 33: For each of the following commodities, please tick where the turnover threshold for inclusion of UK based businesses should be set.

- **£50 million**
- **£100 million**
- **£200 million**
- **Do not know**

We received between 83-86 non-campaign responses to each listed commodity in question 33, as well as 16,682 campaign responses.

Non-campaign responses

Table 2 shows a breakdown of the non-campaign responses received regarding the turnover threshold level for each commodity. Views were similar across different

commodity areas, where over half of respondents favoured a £50 million turnover threshold level, and about a third selected 'do not know'.

Table 2 – Breakdown of non-campaign responses to turnover threshold levels for commodities

Commodity	£50 million	£100 million	£200 million	'Do not know'	Total
beef	46 (55%)	4 (5%)	6 (7%)	27 (33%)	83
cocoa	48 (56%)	2 (2%)	8 (9%)	28 (33%)	86
coffee	43 (51%)	5 (6%)	7 (8%)	30 (35%)	85
leather	47 (55%)	4 (5%)	7 (8%)	28 (33%)	86
maize	44 (52%)	3 (4%)	9 (11%)	28 (33%)	84
palm oil	45 (52%)	4 (5%)	7 (8%)	28 (33%)	86
rubber	48 (56%)	5 (6%)	6 (7%)	27 (31%)	86
soy	46 (53%)	3 (3%)	8 (9%)	27 (31%)	86

Campaign responses

Responses to both campaigns reiterated the view set out at question 29 that requirements should apply to all businesses, and no threshold should be set based on company size. The 262 respondents from the Global Witness campaign highlighted that if a threshold is set, it should be based on global turnover and align with existing definitions of company size to ensure both medium and large businesses are covered.

Further views regarding businesses in scope (Question 34)

Question 34: Do you have any further comments regarding businesses in scope?

We received 16,757 responses to question 34, of which 75 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Many responses to this question provided further comments on the proposed turnover threshold in question 33. 33 respondents (44%) suggested that the turnover threshold should be lower than the options proposed. 34 respondents (45%) reiterated views set out

throughout the section that all businesses, regardless of turnover, should be regulated. 27 respondents (36%) suggested that this should instead be based on volume use of a commodity, whilst a smaller number of respondents (11 respondents, 15%) suggested that only importers should be in scope. 23 respondents (31%) reiterated the potential risk of loopholes set out at question 30, and others highlighted the need for availability of suitable guidance to ensure compliance with the legislation.

Campaign responses

Responses to both campaigns reiterated views set out in question 30-31, that requirements should apply to all businesses to ensure policy coherence, and avoid creating loopholes.

The 262 responses to the Global Witness campaign reiterated views set out under question 33 that if a threshold needs to be set, it should be based on global turnover, and align with existing definitions of company size to capture medium and large businesses.

Responses to the Greenpeace campaign (16,420 responses) stated that requirements should apply to all operators and traders, regardless of their size or turnover.

Government response

Ahead of the Environment Act, the government consulted on a proposal to regulate larger businesses based on their turnover and number of employees. Having considered views through this process, the government confirmed that due diligence provisions would regulate larger businesses based on their turnover, with thresholds set in secondary legislation to allow them to be tailored to regulated commodities. This approach was outlined in the [government response to 2020 consultation](#) and during parliamentary passage of the Environment Act.

The government's proposals in this consultation sought views on where and how these thresholds should be set to regulate larger businesses to inform the design of this secondary legislation.

Having considered the range of responses to this section, we will align the definition of turnover in secondary regulations with the Companies Act, and set a threshold based on turnover in the previous financial year. We will take into account the varied views received related to other aspects above in the development of secondary legislation and guidance.

Exemption

Campaign responses within this section submitted identical qualitative text for questions 35-39. These have been analysed and summarised below as relevant to each question.

Views on exemption threshold (Question 35)

Question 35: Should we set a single exemption threshold for each regulated forest risk commodity, combining raw commodity use with derived commodity use?

We received 16,794 responses to question 35, of which 112 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 112 responses to this question, 76 respondents (68%) agreed we should set a single exemption threshold for each regulated forest risk commodity and the remaining 36 respondents (32%) disagreed. Respondents in both sections included a mix of different organisations.

Campaign responses

Responses received via both campaigns disagreed with the use of an exemption based on volume.

Views on calculating volumes of commodities used (Questions 36-37)

Question 36: Should businesses be able to use conversion factors to estimate the volumes of commodities used in the supply chain to understand whether they can be exempt from due diligence requirements? Please state your reasons.

We received 16,791 responses to question 36, of which 109 were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

Of the 109 non-campaign responses, 81 respondents (74%) agreed that businesses should be able to use conversion factors to estimate commodity use and 26 respondents (24%) disagreed. The remaining 2 respondents did not state whether they agreed or disagreed with the use of conversion factors but provided qualitative explanations.

20 respondents who supported the use of conversion factors provided reasons for this. Most of these highlighted the value of conversion factors in understanding volumes of commodities used, particularly within complex supply chains.

16 respondents that disagreed provided further reasoning. 8 of these (50%) considered that no exemptions should be used within legislation, and that the inclusion of conversion factors would limit its effectiveness. Additional reasons raised included views that alternative technologies (for example, blockchain) should be used instead, and concerns regarding the accuracy of conversion factors.

Campaign responses

Responses received via both campaigns reiterated views set out at question 35, disagreeing with the use of an exemption based on volume.

Question 37: Should we use the proposed approach [below] for businesses to understand whether they could be exempt? Please state your reasons.

The proposed approach was to give businesses the freedom to choose which methodology they use to calculate volumes, provide information on recommended methodologies in guidance, and require in secondary legislation that the methodology should be reasonable.

We received 16,801 responses to question 37, of which 119 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 119 non-campaign responses, views were evenly split as 51 respondents (43%) agreed with the proposed approach and 53 respondents (45%) disagreed. 15 respondents (13%) selected 'do not know' or did not select an option but provided views in open text.

Respondents who agreed primarily included businesses (16 respondents) and industry associations (15 respondents) but also included some NGOs and other types of organisation. The profile of those who disagreed was also mixed across the type of respondent.

10 respondents who agreed also gave a justification, with most reiterating their support for adopting the proposed approach.

44 respondents who disagreed also provided reasoning. Over half of these (27 respondents, 61%) proposed there should be standardised methodology for businesses to calculate their commodity use. Other respondents raised the potential risk of loopholes, lack of specificity, limitations to deliverability, and that this may give businesses too much choice. Some respondents also reiterated disagreement with the use of an exemption.

Campaign responses

Responses to both campaigns reiterated the view set out under question 35 that an exemption threshold based on volume should not be introduced.

Views on exemption threshold level (Question 38-40)

Question 38: Which of the following factors should be considered when setting the exemption threshold level? Please tick all that apply and state your reasons.

We received 16,802 responses to question 38, of which 120 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 120 responses to this question, the majority of respondents (93 respondents, 78%) thought that 'policy impact' should be considered. Almost half of respondents selected either 'burden on business' (55 respondents, 46%) and/or 'deliverability' (58 respondents, 48%) whilst 24 respondents (20%) suggested other factors. Just under a third of respondents (33 respondents, 28%) thought that all three factors should be considered. 55 respondents stated their reasons for their selection, including 3 who did not select any factors.

43 respondents that agreed with one or more of the three proposed factors provided reasoning, most of which associated this with support or disagreement with the use of an exemption threshold.

Of the 24 respondents that selected 'other', 6 respondents (25%) proposed that deforestation impacts should be considered, while five (21% of 'other' respondents) associated this with disagreement with the use of an exemption threshold.

Generally, an even number of businesses and industry associations supported each factor, whilst NGOs generally favoured 'policy impact' over other factors.

Campaign responses

Responses received via both campaigns reiterated the view set out at question 35, disagreeing with the use of an exemption based on volume.

Question 39: For each of the following commodities, please tick the scale at which the exemption threshold level should be set

- **1 tonne**
- **10 tonnes**
- **100 tonnes**
- **1000 tonnes**
- **Do not know**

Question 40: Please provide reasons for the scale selected for each commodity in Question 39.

Due to the link between question 39 and question 40, responses to these questions have been combined below.

We received between 80-88 non-campaign responses to each listed commodity in question 39, and between 23-33 of these provided reasons for the scale selected for each commodity through question 40. In addition, we received 11-12 responses for each listed commodity in question 40 that did not select any of the options in question 39. There were 16,682 campaign responses to each question.

Non-campaign responses

Table 3 shows a breakdown of responses to question 39. Most responses for all commodities stated that they did not know at what level the exemption threshold should be set. Uncertainty was highest for rubber (53%) and lowest for soy (39%).

Across commodities, most of the remaining respondents supported the lowest proposed exemption level (1 tonne). Reasons provided for this centred on the need to maximise the impact on deforestation. There was also support for thresholds to be set in proportion to the type and size of business and taking consideration of the environmental impact of the production method. Some also reiterated views set out at question 36 that no exemption threshold should be used.

11-12 respondents did not select any options through question 39 but provided reasoning in question 40. Most of these respondents reiterated the view that no exemptions should be introduced.

Table 3 – Breakdown of respondents to Question 39 for each listed commodity.

Commodity	1 tonne	10 tonnes	100 tonnes	1000 tonnes	Do not know	Total
beef	20 (24%)	8 (10%)	8 (10%)	6 (7%)	38 (47%)	81
cocoa	20 (24%)	7 (8%)	9 (11%)	5 (6%)	41 (49%)	83
coffee	20 (24%)	7 (9%)	9 (11%)	5 (6%)	40 (49%)	82
leather	21 (26%)	5 (6%)	8 (10%)	5 (6%)	40 (50%)	80
maize	17 (20%)	2 (2%)	12 (14%)	12 (14%)	41 (48%)	85
palm oil	19 (22%)	8 (9%)	9 (10%)	10 (12%)	39 (45%)	86
rubber	18 (22%)	6 (7%)	9 (11%)	5 (6%)	44 (53%)	83
soy	18 (20%)	5 (6%)	16 (18%)	14 (16%)	34 (39%)	88

Campaign responses

Responses received via both campaigns reiterated their view set out at question 35, disagreeing with the use of an exemption based on volume. Responses to the Global Witness campaign (262 responses) suggested that if a threshold is introduced, it should be set to the lowest level (1 tonne).

Further views regarding the exemption (Question 41)

Question 41: Do you have any further comments on the exemption?

We received 43 responses to question 41, all of which were non-campaign responses.

Non-campaign responses

Most respondents who provided further comments reiterated earlier views set out in question 39-40 that a threshold level should be set to the lowest level to have the most impact on deforestation, with some highlighting the negative impacts of deforestation associated with the production of any volume of a commodity.

Other respondents reiterated earlier views that the highest possible number of businesses should be brought in scope of regulation, or that no exemption should be used.

Campaign responses

We received no campaign responses to question 41.

Evidence gathering on volumes of commodities used (Question 42-44)

Questions 42-44 were for business respondents only, to understand the volumes of commodities used in supply chains, and what methodologies businesses use to calculate this. There were therefore no campaign responses to these questions.

Question 42: Do you know the exact or estimated volume of the forest risk commodities you use in your UK commercial activities in a given year?

Whilst this question was intended for business respondents, 53 responses were received from a range of respondents. 36 respondents were businesses, with most stating that they were either able to indicate the exact volumes of forest risk commodities used in their UK commercial activities in a given year (13 business respondents, 25%) or an estimate of volumes used (16 business respondents, 30%). The remaining business respondents did not know the volume of commodities in use in their supply chains.

Question 43: What volume of each forest risk commodity do you use in your UK commercial activities in a given year?

We received between 15 and 24 responses for each listed forest risk commodity. Responses were varied, with most respondents reporting using a volume exceeding 1,000 tonnes, with the exception of leather where businesses reported using lower volumes, ranging from 10 to 100 tonnes.

Question 44: What methodology do you use to calculate the volumes of each forest risk commodity you use in a given year?

We received 26 responses to this question, primarily from large businesses (23 respondents, 88%).

Businesses cited a range of methods used to calculate volumes, and several referenced the use of more than one methodology. Conversion factors was the most cited methodology (15 respondents, 58%). Almost half (12 respondents, 46%) calculated use through their own volume data from purchases, whilst just over a third (9 respondents, 35%) obtained volume data from suppliers. Where businesses used multiple methodologies, this was to combine use of conversion factors with volume data from purchases (5 respondents), or volumes provided by suppliers (6 respondents).

Government response

Following feedback received through the 2020 consultation, and ahead of the Environment Act 2021, the government confirmed it would introduce an exemption for larger businesses that fall into scope of the requirements but use small quantities of forest risk commodities in their supply chains. Exemption thresholds will be set in secondary legislation to allow them to be tailored to each regulated commodity. The proposals set out in the consultation sought views on how this exemption threshold should be set within secondary legislation.

We will take into account views received through this consultation on how the exemption threshold should be set, methodologies that may be used to calculate volumes, factors to consider when setting the exemption threshold, and the level at which the threshold should be set for each regulated forest risk commodity.

Due diligence system

Views on risk mitigation level (Question 45)

Question 45: Should businesses in scope be required through secondary legislation to ‘eliminate risk or reduce risk to as low as reasonably practicable’? Please state your reasons.

We received 16,807 responses to question 45, of which 125 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 125 responses to this question, almost three quarters (86 respondents, 69%) agreed that businesses in scope should be required through secondary legislation to ‘eliminate risk or reduce risk to as low as reasonably practicable’. The remaining 39 respondents (31%) disagreed.

Of the 86 respondents that selected ‘Yes’, 26 (30%) were businesses, 14 (16%) were industry associations, 11 (13%) were NGOs, and 3 (3%) were government bodies. The remainder did not specify who they were responding on behalf of.

The most commonly stated reasons of those who agreed were how the proposed wording could enable a proportionate approach to regulation (23 respondents, 27%) and good enforcement of the regulations (17 respondents, 20%).

Of the 39 respondents that selected 'No', 21 (54%) were NGOs, 11 (28%) were large businesses, 3 were industry associations and one was an individual respondent. The remainder did not specify who they were responding on behalf of.

Reasons provided by those who disagreed with the proposed language included perceived lack of clarity, concern over potential loopholes for businesses to avoid regulation, and a desire for more stringent language to support regulatory ambition. Some respondents who disagreed also suggested alternative risk mitigation wording, notably proposing use of the term 'negligible risk' to align with the EU and UK Timber Regulations.

Campaign responses

The 16,682 responses received via the two campaigns disagreed with the proposed wording, and considered that businesses should instead be required to ensure that there is no risk associated with their supply chains. The reasons for this were similar to non-campaign responses, including perceived ambiguity, and potential for loopholes for businesses to avoid ensuring they are using goods that comply with relevant local laws.

Views on guidance on the due diligence system (Questions 46-48)

Question 46: Which of the following should we provide information on in guidance to support businesses to establish effective due diligence systems? Please tick all that apply and state your reasons.

- **what is required of eligible business to comply with regulations**
- **examples of best practice to support businesses in improving their systems**
- **metrics and indicators to help assess where there are low, medium, or high risks of illegal land use and ownership**
- **methods that businesses may use to assess and mitigate risk**
- **available resources to help understand legal frameworks in producer countries**
- **other (please specify)**

We received 16,818 responses to question 46, of which 136 were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

Within the 136 responses to this question, there was general support to the inclusion of all proposed information in guidance as outlined in Table 4 below. Around half of respondents (68 respondents, 50%) supported all proposed options.

Table 4 - Non-campaign responses on which types of information should be provided in guidance to support businesses to establish effective due diligence systems.

Proposed information for inclusion in guidance	Number of respondents who agreed
what is required of eligible business to comply with regulations	122 (90%)
examples of best practice to support businesses in improving their systems	122 (90%)
metrics and indicators to help assess where there are low, medium, or high risks of illegal land use and ownership	121 (89%)
methods that businesses may use to assess and mitigate risk	121 (89%)
available resources to help understand legal frameworks in producer countries	117 (86%)
other (please specify)	49 (36%)
Total number of non-campaign respondents	136 (100%)

76 respondents gave qualitative reasons for their responses. 44 of these (58%) emphasised support for guidance to enable businesses to understand and comply with regulation, and ensure they are applied effectively and consistently, including to mitigate the risk of loopholes.

41 respondents that ticked “other” provided further detail on what other information they would like to see in guidance. Many of these reiterated the selections they had made regarding proposed areas of information. Additional areas of information proposed included guidance related to indigenous peoples and local community impacts, human rights and labour impacts, and technologies to support businesses in conducting due diligence.

Some respondents who gave qualitative views also considered that proposed information and additional detail on the due diligence system should be set out within the secondary legislation (20 respondents, 27%). Additional details included requirements for reporting on wider human rights and/or environmental impacts, providing supply chain maps, and public reporting from businesses on their due diligence strategy.

Campaign responses

The responses received via the two campaigns supported the inclusion of the following information in guidance:

- what is required of eligible business to comply with regulations; and
- metrics and indicators to help assess where there are low, medium, or high risks of illegal land use and ownership.

Campaign responses also ticked 'other', and proposed that additional guidance should be provided on human rights and labour impacts, as well as protection for indigenous peoples and local communities. They also advocated for further details on system requirements, including a non-exhaustive list of the categories of laws that fall under land use, to be set out in secondary legislation.

Question 47: Should we set out in guidance how businesses may use existing certifications and standards to help meet the due diligence requirement? Please state your reasons.

We received 16,821 responses to question 47, of which 139 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Of the 139 responses to this question, most respondents agreed that guidance should include information on how businesses may use existing certifications and standards to help evidence legality (109 respondents, 78%), whilst 20 disagreed (14%). 10 respondents (7%) selected 'do not know'. 95 respondents provided qualitative reasons for their selection.

Those who supported the proposed approach valued existing certification schemes and standards as an established tool to help determine whether commodities are produced legally and/or sustainably, with some noting that this could avoid duplication of work and be more efficient than setting up new systems.

The 20 respondents who disagreed were predominately NGOs (14 respondents). The most commonly cited reason for disagreement was the perception that the approach could legitimise inadequate systems and tools. Some favoured the creation of new standards, whilst other respondents recommended an independent oversight body to assess standards.

Campaign responses

Responses received via the two campaigns disagreed with using guidance to set out how certifications and standards can be used in due diligence exercises, as they did not view such schemes and standards to be effective. Respondents also highlighted that businesses should not be able to outsource their requirements under the Environment Act to third parties.

Question 48: Which of the following criteria should we set out in guidance to support the use of existing certification schemes and standards? Please tick all that apply and state your reasons.

- **Proof of legality**
- **Chain of custody**
- **Robustness**
- **Transparency**
- **Other (please specify)**

We received 16,798 responses to question 48, of which 116 were non-campaign responses and 16,682 were campaign responses. 48 respondents provided reasons for their answers, including 2 respondents who did not select any criteria.

Non-campaign responses

The 116 responses showed support across all proposed criteria, with over half of respondents agreeing with all four proposed criteria (68 respondents, 57%). Respondents showed strongest support for 'proof of legality' (105 respondents, 91%), but also favoured consideration of 'chain of custody' (100 respondents, 86%), 'transparency', (100 respondents, 86%), and 'robustness' (93 respondents, 80%).

Respondents that provided qualitative reasons for their selection often emphasised the need for further transparency on supply chains and commodity use. Others supported the provision of guidance on the use of existing certification schemes, to facilitate more robust and consistent consideration of commodity use across industries, including of human and/or ethical impacts. Some stated that the use of existing schemes could ensure availability of more detailed commodity traceability data, and that guidance on use of certification schemes could aid in resolution of cases where a commodity's legality is contested.

33 respondents (28%) selected 'other', of which 26 provided further qualitative detail. Additional considerations proposed included use of scientific testing to verify certification claims, alignment with existing initiatives, such as the Accountability Framework Initiative, and provision of guidance on how to source certified commodities. 5 respondents who selected 'other' did not suggest additional criteria, but instead reiterated views expressed under question 47 that businesses should be responsible for their due diligence exercises, and not pass responsibility on to certification bodies.

Campaign responses

Responses received via the two campaigns selected 'other', reiterating views at question 47 that businesses' should be responsible for compliance with regulations and not be able to outsource this responsibility to third parties. The responses emphasised the need to avoid loopholes that may allow businesses to circumvent their legal obligation, and to include criteria related to human rights, deforestation, conflict, and free, prior and informed consent from local communities.

Further evidence to inform due diligence requirements (Questions 49-54)

Questions 49-54 sought additional evidence on the following areas:

- current business practises, methods, and metrics available to assess and mitigate risk;
- the cost of carrying out due diligence, including in relation to business size and for specific commodities;
- (quantifiable) benefits to businesses of conducting due diligence for specific commodities; and
- costs to consumers of businesses conducting due diligence

We received between 4 and 37 responses to each of questions 49-54, all of which were non-campaign responses. Responses received via the two campaigns did not directly respond to questions 49-54.

Respondents across the six questions overwhelmingly referred to recent OECD and WWF documentation, showing reliance on a relatively concentrated evidence base. This included:

- [“OECD-FAO Guidance for Responsible Agricultural Supply Chains and the Accountability Framework Operation”](#) by the OECD/FAO
- [“Quantifying the Costs, Benefits and Risks of Due Diligence for Responsible Business Conduct”](#) by the OECD
- [“Designing Due Diligence”](#) by WWF
- [“A Blueprint for Responsible Global Business”](#) by WWF
- [“Global Futures: Modelling the global economic impacts of environmental change to support policy making”](#) by WWF

Other evidence and information received included:

- Websites providing tools or dashboards and guidance documents such as [Trase](#), [Forest 500](#) and [Global Forest Watch](#)
- [“A study on due diligence requirements through the supply chain”](#) by the European Union
- [“Integrating Environmental, Social and Governance \(ESG\) in Private Equity”](#) by the PRI
- [“Better Food, Better Brazil – Accelerating finance into nature-positive agriculture in Brazil”](#) commissioned by Partnerships for Forests
- [“Palm Oil - a business case for sustainability”](#) by SPOTT
- CDP’s [“The Collective Effort to End Deforestation”](#)

Some of these questions received particularly low engagement (for example, only 4 high-level responses to question 51), and respondents provided little quantitative or qualitative detail.

Government response

The Environment Act requires regulated businesses to establish and implement a due diligence system for any regulated commodity they use in their UK commercial activities. It specifies that they must collect information on the regulated commodities they use, assess the risk that those commodities were produced in violation of local laws on land use and ownership, and mitigate risks.

We will consider the wide range of responses and additional evidence received in developing initial secondary legislation to implement the Environment Act, including the level that businesses are required to mitigate risk. Alongside legislation, we will provide guidance to help businesses understand how to comply with those provisions, including on how they may use certifications and standards to help evidence legality.

All of the sources of evidence referenced in response to questions 49-54 will be reviewed in detail. Where relevant, data will be used to inform the development of secondary legislation and guidance, and the supporting impact assessment.

Annual report

Views on annual report (Question 55-57)

Question 55. What should businesses be required to report on to enable a regulator to identify areas for further scrutiny?

We received 16,770 responses to question 55, of which 88 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

The majority of the 88 responses received considered that business reports should specify a commodity's geographical origin, including references to the country of origin (55 respondents, 63%), and farm-level data (33 respondents, 38%). Respondents from NGOs generally favoured reporting more granular data. Whilst some business respondents agreed that sub-national sourcing data would be useful, they considered reporting this more granular data to likely be unfeasible in practice. Instead, business and industry association respondents more commonly favoured reporting on sourcing at a national or regional level. Other respondents suggested including information on supplier(s), and the types and volumes (raw and/or embedded) of commodities used.

Regarding due diligence exercises, there was most support for businesses to report on their methodology (46 respondents, 52%), with some specifying the need to include risks and limitations. There was a similar level of support for reports to include a risk assessment on illegal land use (42 respondents, 48%). Other suggestions included actions businesses are taking to mitigate identified risks, and evidence of legal land use, such as land tenure documentation.

In other areas, respondents suggested that businesses report on any disputes and subsequent resolutions, the proportion of their supply chain where the status of compliance is (un)known, and the impact of their business activities on human rights.

One third of respondents raised the potential sensitivities involved in businesses reporting, notably in relation to what information is made available to the public. These views have been summarised under question 57 where they pertain to public reporting.

Campaign responses

Responses received via the two campaigns highlighted the importance of traceability data in facilitating transparency and enhancing the efficacy of the legislation. Responses noted that if businesses are unable to obtain sufficient traceability data, then they cannot verify compliance with local laws. Responses also proposed that business reports include: relevant local laws and evidence of compliance with these; relevant grievances or complaints received related to their supply chains; and any indigenous peoples or territories in commodity sourcing areas.

Question 56. Should non-commercially sensitive information about businesses' due diligence exercises be made public to increase sector transparency and accountability?

We received 16,796 responses to question 56, of which 114 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

The majority of the 114 responses to this question agreed that non-commercially sensitive information should be made public (100 respondents, 88%) whilst 13 respondents (11%) selected 'no' and 1 respondent selected 'do not know.' Those who disagreed were predominantly large businesses (6 respondents) or industry associations (4 respondents). This however represented a minority of respondents from such organisations: 30 business and 9 industry association respondents selected 'yes'.

Campaign responses

The responses received via the two campaigns supported making non-commercially sensitive information about businesses' due diligence exercises public.

Question 57. What information should be made public about businesses' due diligence exercises to support accountability and decision-making?

We received 16,765 responses to question 57, of which 83 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

Responses to this question suggested a broad range of information that could be made public about businesses' due diligence exercises and compliance. Some respondents,

notably from NGOs, called for all non-commercially sensitive information to be made publicly available (18 respondents, 22%). Others, notably from businesses and industry associations, suggested publishing a narrower set of information, with some questioning the definition of 'non-commercially sensitive information'. 10 respondents (12%) proposed third-party verification of public reports.

Business-specific information proposed for inclusion in public reports included businesses' due diligence methodology, risk assessments and mitigation activities, grievance procedures, a statement of the legal and trading names of all direct and indirect suppliers and buyers of each relevant commodity or product, and the inclusion of the proportion of business activities which were compliant with due diligence requirements. Commodity-specific information proposed for public reporting included: the geographical source of commodities (at national, sub-national and/or farm-level); the volume and types of commodities used; traceability data; certification details; and the name of supplier(s).

14 respondents (17%) advocated for the inclusion of other types of information related to the environmental, social, and economic impacts of commodity supply chains, for example on human rights.

Campaign responses

The responses received via the two campaigns highlighted the importance of making traceability data public, to facilitate transparency and establish trust. In particular, they supported making public information on the geographical source of commodities at farm level.

Government response

The Environment Act requires that businesses submit an annual report on their due diligence exercise to an enforcement authority, and that information about that annual report is made available to the public.

Respondents provided a wide variety of suggestions related to the content of these annual business reports and public information about them. We will take into account this range of views to inform decisions on secondary legislation and guidance to implement due diligence regulations.

Enforcement

Views on designating an enforcement authority (Question 58)

Question 58. Which criteria should the enforcement authority fill? Please tick all that apply and state your reasons.

- **UK-wide remit**
- **Capacity to regulate**

- **Capability and experience to deliver**
- **Other (please specify)**

We received 16,792 responses to question 58, 110 of which were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

The majority of the 110 respondents to this question supported proposed criteria, with 47 respondents (43%) agreeing with all proposed options. There was most support for the need for an enforcement authority should have a UK-wide remit (84 respondents, 76% agreed), followed by the capability and experience to deliver (79 respondents, 72%); and the capacity to regulate (75 respondents, 68%).

48 respondents provided views for their selection, including 4 respondents who did not select any of the proposed criteria but did provide qualitative views. Reasons highlighted included the need for an effective enforcement regime for legislation to succeed (27 respondents, 25%). 5 respondents suggested that the remit of the enforcement authority may need to vary between commodities as they will implicate different industries.

27 respondents (25%) selected 'other', with 23 of these providing qualitative views. These respondents captured a range of views that similarly highlighted the need for an effective enforcement regime for the legislation to succeed, whilst noting the importance of adequate funding and personnel. Several also highlighted the need for adaptability to enable the enforcement authority to enforce effectively in different commodity and industry contexts. Other criteria suggested included independence from government, and commodity-specific expertise.

Campaign responses

There were 16,682 campaign responses to this question. Responses received via both campaigns only supported that the enforcement authority should have capability and experience to deliver.

Views on enforcement regime (Question 59-60)

Question 59. Should the maximum variable monetary penalty be £250,000?

We received 16,794 responses to question 59, of which 112 were non-campaign responses and 16,682 were campaign responses.

Non-campaign responses

A minority of the 112 respondents to this question agreed that the maximum variable monetary penalty should be £250,000 (14 respondents, 13%) whilst the remainder either disagreed (59 respondents, 53%) or selected 'do not know' (39 respondents, 35%).

The majority of those who disagreed were from NGOs and large businesses. 5 (35%) of those who agreed represented large businesses, 2 (14%) represented NGOs, 1 (7%) was a government body, the remainder did not specify.

Campaign responses

Responses received via both campaigns disagreed with a maximum variable monetary penalty of £250,000, or any fixed maximum. Responses proposed penalties should instead be fixed as a percentage of annual global turnover.

Question 60. Do you have any further comments on the enforcement regime?

We received 16,768 responses to question 60, 86 of which were non-campaign responses, and 16,682 were campaign responses.

Non-campaign responses

The 86 respondents who provided further comments on the enforcement regime notably included views on the proposed monetary penalty in question 59. 46 of these respondents (53%) considered that a £250,000 penalty would be too low to be an effective deterrent, and the most common alternative approach suggested was to base the penalty value on a business' turnover to offer proportionality (39 respondents, 45%).

Other areas where respondents provided further comment included: the need for clarity and transparency of the enforcement regime, including through the provision of public information about enforcement responsibilities and processes; the role of public reporting where companies are found to be in breach of the legislation in supporting enforcement efforts; and the potential costs of compliance.

Campaign responses

Further comments on enforcement received via both campaigns included highlighting the importance of a regulator with sufficient resource, expertise and powers, and emphasised the need for transparency and information-sharing to facilitate enforcement.

Responses to both campaigns also proposed the inclusion of specific enforcement measures. Proposals for measures within the Greenpeace campaign (16,420 responses) included the use of suspension of authorisation to trade, seizure of goods, and criminal sanctions. Proposals named within the Global Witness campaign (262 responses) included the use of fines, discretionary requirements, stop notices, and criminal sanctions for deliberate or repeated non-compliance.

Government response to the enforcement regime

Effective enforcement of the due diligence regulations is fundamental to ensuring we deliver our policy objectives to address illegal deforestation in practice. Respondents provided a range of views on the enforcement regime in this section, with many emphasising this importance.

Provisions in the Environment Act provide a comprehensive framework for the Secretary of State to specify a detailed enforcement regime through secondary legislation. We will take into account the range of views received to inform decisions relating to the enforcement regime, in particular what criteria the enforcement authority should fill and the maximum variable monetary penalty.

Annex 1 – Organisation respondents to consultation

This annex provides a list of the named organisations that responded to our consultation in alphabetical order.

AB Agri Ltd	British Footwear Association
ABIA – Brazilian Food Industry Association	British Retail Consortium
ABP UK	British Tyre Manufacturers' Association (BTMA)
ABRAFRUTAS - Brazilian Association of Fruit Growers and Exporters	Cafedirect
Agricultural Industries Confederation (AIC)	Cargill
Alcumus	CDP
Amigos da Terra - Amazônia Brasileira	Chester Zoo
Avara Foods Ltd	Chilled Food Association
Bakkavor Group	ClientEarth
BASF Plc.	Compass Group UK & I
BIAZA	Co-op (The Co-operative Group)
Bioledger	Corporate Justice Coalition
Brazilian Association of Animal Protein (ABPA)	Council for Responsible Nutrition UK
Brazilian Association of Citrus Exporters – CitrusBR	Cranswick plc
Brazilian Association of Corn Producers - ABRAMILHO	Dairy UK
Brazilian Association of Vegetable Oil Industries - ABIOVE	Danone UK and Ireland
Brazilian National Confederation of Industry (CNI)	Devro (Scotland) Ltd
British Coffee Association	Dr Martens
	Dunbia
	Earthsight
	Earthworm Foundation

Ecometrica Ltd	Hilton Foods
Efeca	HJ Lea Oakes Ltd
Environmental Investigation Agency (EIA)	IKEA of SWEDEN AB
Environmental Justice Foundation	International Council of Tanners
European Cocoa Association	J Sainsbury's PLC
European Tyre and Rubber	John Lewis Partnership
FAIRR Initiative	Keep Northern Ireland Beautiful
Fairtrade Foundation	Leather Working Group
Fauna & Flora International	Legal & General Investment Management (Holdings)
Fern	Lidl GB Limited
Ferrero UK Ltd	Liverpool Friends of The Earth
Food and Land Use Coalition (FOLU)	London Mining Network
Forest Peoples Programme (FPP)	Malaysian Palm Oil Council
Forest Stewardship Council (FSC) UK	Manufacturers' Association
Forest Watch Ghana	Marks & Spencer plc
ForFarmers UK Limited	Mars Incorporated
Friends of the Earth England, Wales & Northern Ireland	Michelin Tyre plc
GAPKI (Indonesian Palm Oil Association)	Ministry of Environment – Government of Peru
Global Canopy	Ministry of Foreign Trade and Tourism of Peru
Global Witness	National Farmers Union
Government of Brazil	National Pig Association (NPA)
Greenergy International Limited	National Wildlife Federation
Greenpeace	Nestlé UK Ltd
Grupo de Desenvolvimento Humano e Ambiental Instituto Goiamum	Nomad Foods
Herbalife Nutrition	

Olleco

Premier Foods PLC

primark

PROGRAMA NACIONAL DE
CONSERVACIÓN DE BOSQUES PARA
LA MITIGACIÓN DEL CAMBIO
CLIMÁTICO

Rainforest Foundation UK (RFUK)

Reckitt

Retail Soy Group

Rountable on Responsible Soy
Associations (RTRS)

Saputo Dairy UK

Satellite Applications Catapult

SEED CRUSHERS AND OIL
PROCESSORS ASSOCIATION - SCOPA

Servicio Nacional Forestal y de Fauna
Silvestre - SERFOR

Soil Association

Stockholm Environment Institute

Sylvera ltd

Tesco Plc.

The Catholic Agency for Overseas
Development (CAFOD)

The Cosmetic, Toiletry and Perfumery
Association

The Food and Drink Federation

The Grain and Feed Trade Association
(Gafta)

The Nature Conservancy (TNC)

The Renewable Transport Fuel
Association

The Royal Society for the Protection of
Birds

The Rubber Trade Association of Europe
(RTAE)

The Society of Motor Manufacturers and
Traders Limited

Timber Development UK

Tony's Chocolonely

UK Leather Federation (Leather UK)

Unilever

University of Wisconsin - Madison

Viterra UK Ltd

Walgreens Boots Alliance (WBA)

Wilmar Europe Trading BV

World Resources Institute

WWF-UK

Zoological Society of London (ZSL)
Conservation and Policy Department