

Legality Survey Results

Survey Insights & June Priorities

12 May 2026



Inputs from the EUDR Community of Practice on Legality Due Diligence – Survey results

1. Two surveys conducted:
 - Core Group members
 - Wider Community of Practice members
2. Focus: legality due diligence challenges under the EUDR
3. Combined responses:
 - Wider CoP: approx. 120 respondents
 - Core Group: 19 respondents
4. Participants included:
 - Private sector (approx. 80%)
 - NGOs / Civil society (approx. 20%)
 - Competent Authorities (n=15)
 - Trade associations and others
5. Most respondents source substantially from smallholders and indirect sourcing*

Confidence in identifying relevant legislation

Key finding: Overall confidence levels are moderate to high.

Most actors feel only moderately confident in identifying relevant national laws

Continued uncertainty regarding:

- scope of relevant legislation
- interpretation of legality obligations
- access to legal instruments

Most challenging aspects of legality due diligence

Key finding: The main challenge is not identifying laws — it is obtaining and assessing evidence.

Key issue is evidencing legality in complex sourcing contexts

Particularly relevant for:

- smallholder supply chains;
- informal tenure systems
- weak administrative systems

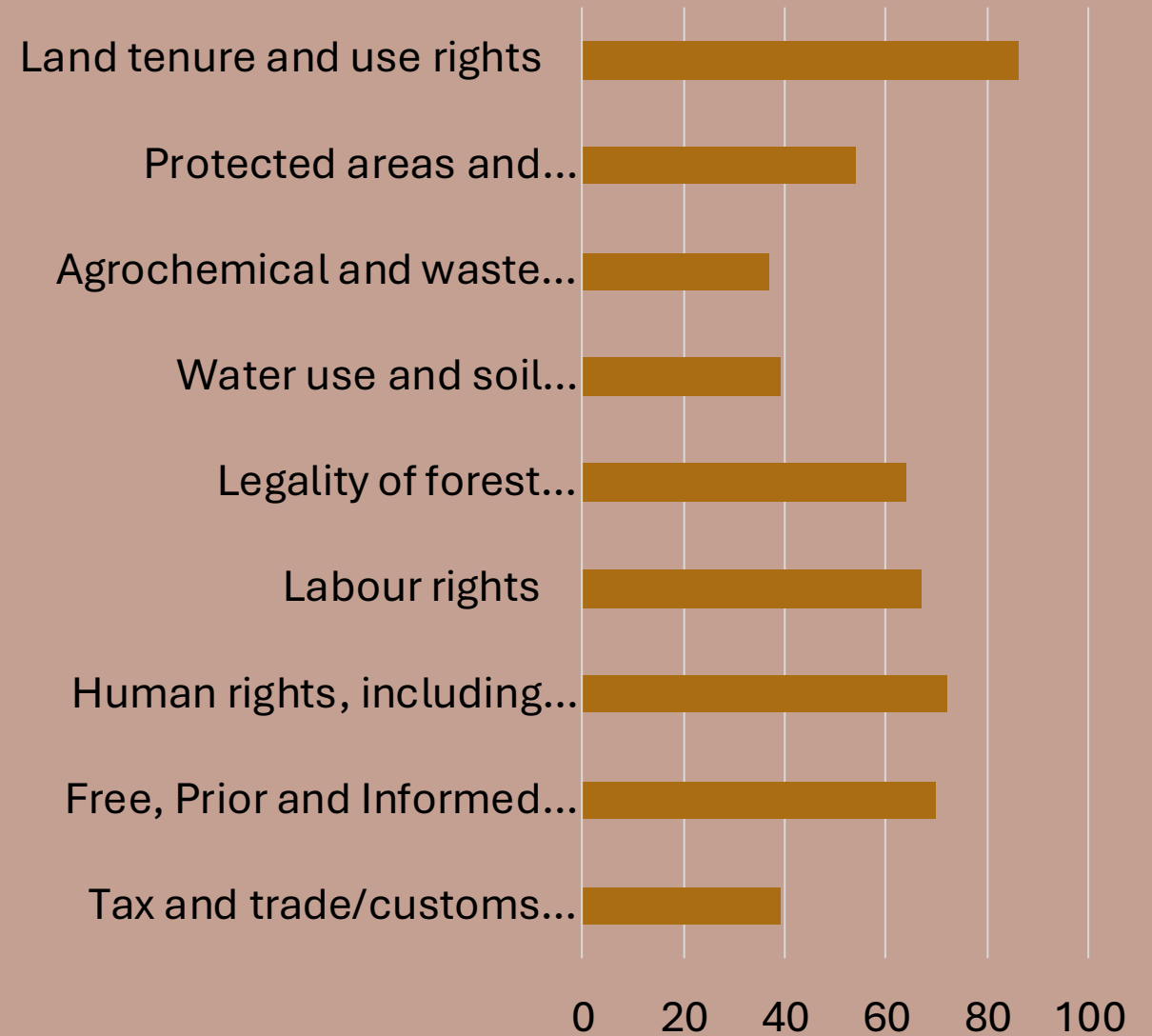


Most challenging legal domains

Key finding: Land tenure and rights emerged as the most difficult area across both questionnaires.

Followed by:

- Human rights / labour rights
- Legality of forest conversion
- FPIC / indigenous and local community rights
- Protected areas and land-use restrictions



Reliance on external service providers

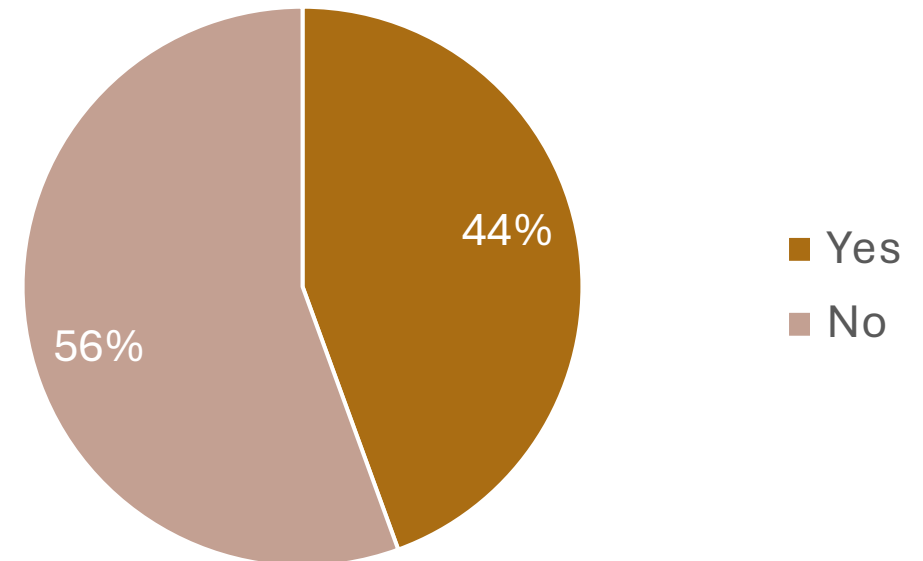
Key Findings

External expertise plays an important role in legality due diligence

Transparency regarding **methodologies** remains uneven - roughly **half** do not know which methodologies are used.

Potential risk: Operators rely on opaque legality assessments, exposing themselves to liability if they cannot adequately justify their conclusions to competent authorities.

Do you rely on an external service provider in relation to legality?



Use of external reports and monitoring

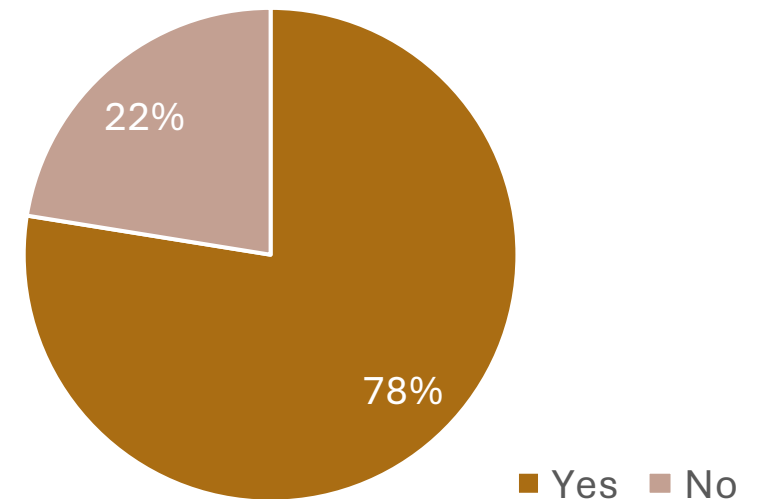
Key finding

Most respondents (**over 90%**) already use NGO/media/external reports in legality due diligence.

NGOs and media reports are viewed as relevant risk indicators, confirming growing importance of:

- desk-based monitoring
- civil society alerts
- substantiated concerns

Do you look at external reports, e.g. from NGOs, media, on potential cases of illegal behaviour in the source of origin?



Use of certification

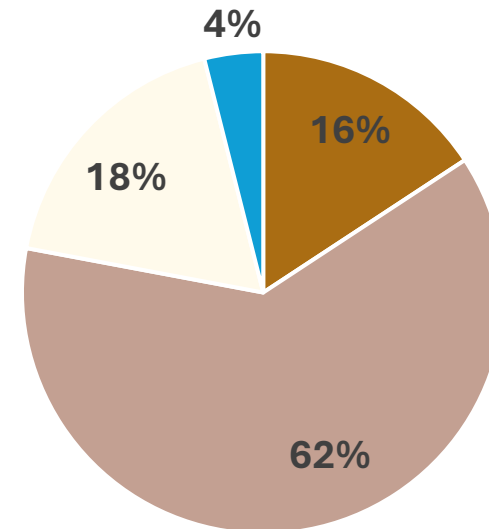
Key findings

Certification is a **major** element of respondent's legality work however; it is rarely considered sufficient on its own.

Highlighting the need for clearer understanding of how certification can be effectively integrated into due diligence processes.

What is your approach to third-party certification?

- Certification is not part of our legality work
- Certification is one major element in our legality work
- Certification is one minor element in our legality work
- Certification is the only element in our legality work



Format of the June session

1 = 11a
2 =

Which of the following would be most valuable to you for the EUDR CoP to work on (regarding legality due diligence)?

9 out of 19 people answered this question.

Highest ranked

#1 Case studies by commodity and country

#2 Peer exchange on how operators are addressing legality due diligence

#3 Understanding how to handle missing documentation

#4 Specific legal domain deep-dives

#5 Guidance on what Competent Authorities will examine

Legality case studies (to be refined with you)

Case Study 1:
Cocoa, Côte
d'Ivoire

Smallholder land tenure, the agricultural frontier,
the role of country tools, and child labour as a
legal domain

Case Study 2:
Palm Oil, Malaysia
(Sabah)

Native Customary Rights, mill-level aggregation,
certification scope, and migrant labour as a legal
issue (with comparative notes on rubber)

Case Study 3:
Timber, Romania

EUDR applicability within the EU, SUMAL integrity,
illegal logging risk in an EU member state, and
proportionality for smaller operators

Case Study 4:
Beef/Soy,
Paraguay

Gran Chaco deforestation, indigenous territorial
rights, SENACSA traceability, and due diligence
without a published country tool (with
comparative notes on soy)

Legality case study - example

A European chocolate manufacturer sources cocoa through a network of cooperatives in Côte d'Ivoire. The cooperatives aggregate from approximately 3,000 smallholder members, each farming between 1 and 4 hectares. The sourcing areas span a region where the agricultural frontier between farming land and classified forests is particularly contested. The operator has submitted a due diligence statement under EUDR and is now subject to a check by a competent authority.

- 1.** The operator cannot obtain land titles (titres fonciers) for the majority of its 3,000 suppliers. Many hold only a certificat foncier rural or rely entirely on customary recognition. Does this mean they cannot demonstrate legality of land tenure under EUDR? What should the operator do instead, and how should they document their approach?
- 2.** 47 plots fall within or immediately adjacent to classified forest boundaries (within 100m) with recent encroachment. What does the operator do with this information?
- 3.** A civil society report published eight months ago identifies significant land tenure disputes between farming communities and logging concessions in one of the cooperative sourcing zones, with smallholders alleging their plots were incorporated into a forest concession without consultation. The operator was unaware of this report. What does this mean for their due diligence — and what should they do now?

Etc.