

Anti-trafficking in human beings

Impact assessment (SWD(2022) 425 final, SWD(2022) 426 (summary)) accompanying a Commission proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

This briefing provides an initial analysis of the strengths and weaknesses of the European Commission's [impact assessment](#) (IA) accompanying the above-mentioned [proposal](#), submitted on 19 December 2022 and referred jointly to the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Women's Rights and Gender Equality (FEMM). This proposal is included in the [Joint Declaration](#) on the EU's 2023-2024 legislative priorities.

In 2000, the [United Nations Convention against Transnational Organized Crime](#), supplemented by the [Palermo Protocol](#), set the first internationally agreed definition of trafficking in human beings. Building on further international and EU milestones,¹ [Directive 2011/36/EU](#) on preventing and combating human trafficking and protecting its victims (referred to as 'the directive') is the main EU instrument tackling the issue. It provides a holistic framework with three main elements: prosecution, prevention, and victim support, with gender-specific and child-sensitive approaches.²

On 10 February 2021, the Parliament adopted a [resolution](#) on the directive's implementation and made proposals to revise it. In April 2021, the Commission presented the [EU strategy on combatting trafficking in human beings \(2021-2025\)](#) ('the strategy'), together with the [EU strategy to tackle organised crime](#), which 'sets out the actions to be taken to disrupt the business models and structures of criminal organisations across borders, both online and offline' (IA, p.8). These strategies reaffirm the ambition to fully implement, evaluate and make the directive fit for purpose.

The [proposed directive](#) aims to amend the existing directive, and it is accompanied by the [fourth report](#) on the progress made in the fight against human trafficking, the present [IA](#), and an [evaluation](#) of the directive. The evaluation notes the directive was an important milestone in EU action to combat trafficking, but underlines the need for revision. The proposal thus aims at guaranteeing full implementation of the existing directive, and tackling new threats emerging after its adoption.

Problem definition

The problem definition is clear, detailed and well-substantiated, with Eurostat data covering 2013-2020 reporting (Annex 5 of the IA provides detailed statistics, pp. 124-173), reports from the Commission and EU agencies (Europol, Eurojust, European Institute for Gender Equality), and stakeholder feedback. A [retrospective evaluation](#) of the directive was also conducted in parallel to the IA ('back-to-back') rather than sequentially, as should be the case.³ The evaluation covers 2013-2022, from the date of the directive's transposition to the end of the public consultation.

The IA considers the **main problem** is that 'the current legal framework is not fully adapted to the way [human trafficking] has evolved since the adoption of the Directive' (IA, p. 13). Although the directive provided a framework to fight trafficking in the EU, its **scale** increased, with identified victims ranging from 6 071 in 2015, to 7 777 in 2019 (Eurostat, Annex 5, p. 124). A high-profit crime, trafficking in human beings generates an estimated € 29.4 billion per year globally,⁴ with relatively low risk that perpetrators will be held accountable. Three quarters (75 %) of victims registered in the EU are female and 21 % of all victims are children. The main forms of exploitation are sexual (65 %)



and labour (21 %), mostly affecting female and male victims respectively. Other forms of exploitation (14 %) include forced begging, criminal activities, organ removal and benefit fraud. According to the IA (p. 10), all Member States are affected, but the scale and trends vary. The IA reports inconsistencies in the directive's implementation between Member States, such as in the interpretation of trafficking offences, or criminalisation of the use of exacted services. Based on the evaluation, the IA lists **one horizontal and three specific problems**, with their respective **drivers**:

- 1 **Continued and thriving human trafficking in the EU (horizontal)**, mainly due to Member States' difficulty to detect cases, identify potential victims, to provide prevention and awareness, and data collection loopholes;
- 2 **Low investigation, prosecution and conviction of traffickers**, 'leading to a culture of impunity' (IA, p. 16); due to an increase in new forms of exploitation not explicitly covered by the directive's definition of trafficking, the increasing digital dimension, the difficulty in proving offences in national courts, and in establishing accountability for offences;
- 3 **Inadequate level of assistance, support and protection for victims**, due to insufficient coordination between actors identifying and providing victim support, their limited capacity and tailoring to victims' specific needs, insufficient application of the principle of non-prosecution and non-punishment of victims, insufficient victim access to compensation and a lack of protection for victims participating in criminal proceedings;
- 4 **Persistent high demand fostering human trafficking**, due to inconsistent Member State implementation of the criminalisation of users of services exacted from victims and limited implementation of demand-reduction approaches.

The IA effectively presents the scope and scale of the problem, and its estimated future aggravation should there be no EU intervention (IA, pp. 27-29), due to the evolving context. In particular, the IA sheds light on traffickers' increasing use of new technologies, as well as new push-and-pull factors generated by the post-pandemic economic crisis and the Russian invasion of Ukraine.

Subsidiarity / proportionality

This proposal is based on [Articles 82\(2\)](#) and [83\(1\)](#) of the Treaty on the Functioning of the European Union (TFEU), as it amends the existing [directive](#). It is embedded in the area of freedom, security and justice ([Article 4\(2\)\(j\)](#) TFEU), as a shared EU and Member State competence. No **subsidiarity** grid (which should be attached 'to all politically sensitive and important proposals' – [Better Regulation Guidelines](#), p. 69) accompanies the IA. As regards [subsidiarity scrutiny](#), no negative reasoned opinion was submitted by the national parliaments by the deadline of 22 March 2023.

The IA justifies the **need and added value of EU action** and cooperation, due to the specificities of the issue (IA, p. 24). Trafficking in human beings involves many nationalities, both the networks of perpetrators and their *modi operandi*, as well as their victims, inside, across and outside EU borders.

The proposed measures are compared in terms of **proportionality** (IA, p. 69-70). The IA explains why the sub-options selected in the preferred option are considered as most proportionate.

Objectives of the initiative

The IA states the **general objective** of the proposal is to 'strengthen the EU legal framework against trafficking in human beings to ensure that it adequately addresses the challenges identified above' (IA, p. 25). The IA sub-divides this into **one horizontal and three specific objectives** (IA, p. 26):

- 1 To ensure 'adequate prevention, detection and [to improve] the monitoring of trafficking in human beings at the EU level' (horizontal);
- 2 To reinforce 'the criminal justice response to the crime', including in cross-border context;
- 3 To ensure 'that victims of trafficking in human beings receive adequate assistance, support and protection across the Member States';
- 4 To reduce 'the demand for the exploited services of victims'.

For each specific objective, the IA defines **operational objectives** with action under the preferred option (IA, p. 73). However, their vague formulation (e.g. 'improving prosecution and conviction', 'increasing awareness of, and knowledge of trafficking'), is neither measurable nor time-bound, thus not complying with [Better Regulation Guidelines](#) 'S.M.A.R.T.' criteria (BRG, [Tool#15](#)). The IA states the objectives would contribute to Sustainable Development Goals (5, 8 and 16 – (IA, pp. 102-103).

Range of options considered

The IA explains what would happen under the **baseline** scenario ('changing nothing', IA, pp. 27-29), including the existing framework and related initiatives. However, some non-legislative measures already in force that are part of the proposed options, such as the [Focus Group of Prosecutors](#), seem to be missing. Nor does the baseline provide a quantitative analysis of foresight trends (BRG, [Tool#60](#)), making it more difficult to assess the proposed measures' effect once implemented.

The IA identifies a range of policy options (IA, pp. 29-55) to achieve the objectives. The IA **discarded** two policy options at an early stage and explains why (IA, pp. 54-55). The 'equality model' option, supported by some stakeholders, would criminalise users of sexual services, whether or not human trafficking is involved – the IA therefore argues that this would go beyond the directive's scope. The IA also discarded some legislative changes related to victim support and confiscation of proceeds of crimes, as they are included in [another proposal](#) and in the existing directive, which the evaluation found are weakly implemented. The IA considers the non-legislative measures and the strategy will play a key role in strengthening the directive's implementation in this regard. The IA examines **three policy options**, with non-legislative measures (P.O.1); legislative measures (P.O.2), which would entail amending the directive; and a mix of both (P.O.3). Table 1 shows the options considered in the IA to achieve each specific objective (SO), and its preferred option (highlighted in blue).

Table 1 – Overview of the policy options considered

Policy options	SO1 – Ensure adequate prevention, detection and improve EU-level monitoring of THB	SO2 – Reinforce the criminal justice response to the crime, including in the cross-border context	SO3 – Ensure that victims of THB receive adequate assistance, support and protection across Member States	SO4 – Reduce the demand for the exploited services of victims that fosters trafficking for all forms of exploitation
P.O.1- Non-legislative measures	Non-legislative measure 1: Knowledge and Expertise Hub on Combating THB, setting guidelines: (i) on data collection; Non-legislative measure 3: Cooperation with technology companies; Non-legislative measure 4: EU-wide awareness raising campaign	Non-legislative measure 2: Focus Group of Specialised Prosecutors against THB; Non-legislative measure 3: Cooperation with technology companies	Non-legislative measure 1: Knowledge and Expertise Hub, setting guidelines: (ii) on national referral mechanisms and setting-up a European referral mechanism	Non-legislative measure 1: Knowledge and Expertise Hub; Non-legislative measure 3: Cooperation with technology companies; Non-legislative measure 4: EU-wide awareness raising campaign
P.O.2- Legislative measures	Legislative measure 6: Obligation for Member States to collect and report data on THB to the Commission every	Legislative measure 1: Address the online dimension of THB explicitly, <u>either</u> by: (i) including it in the THB definition, or (ii) as aggravating circumstance;	Legislative measure 4: Obligation on Member States to set up formal national referral mechanisms and to create national	Legislative measure 5: Mandatory criminalisation of the use of exploited services related to THB, <u>either</u> with: (i) knowledge regarding sexual exploitation, or

	year, including by specifying the indicators for such data collection	Legislative measure 2: Include in the definition of THB: (i) forced marriage and illegal adoption, or (ii) more forms of exploitation; Legislative measure 3: Ensure that legal persons may be subject to <u>either</u> : (i) some, or (ii) all (so far optional) sanctions listed in the directive, or (iii) maintain as optional for Member States.	focal points for victim referrals	(ii) knowledge regarding all forms of exploitation, (iii) serious negligence, (iv) without knowledge, (v) with different level of knowledge based on the form of exploitation.
P.O.3-Mix Non-Legislative measure	Same as P.O.1 (Non-legislative measure 1 (i))	Same as P.O.1 (Non-legislative measure 2 and Non-legislative measure 3)	Same as P.O.1 (Non-legislative measure 1 (ii))	Same as P.O.1 Non-legislative measure 4)
P.O.3-Mix Legislative measure	Same as P.O.2 (Legislative measure 6)	Same as P.O.2 (Legislative measure 1 (i); L.M.2 (i); L.M.3 (i))	Same as P.O.2 (Legislative measure 4)	Same as P.O.2 (Legislative measure 5(ii))

Source: compiled by the authors on the basis of the IA, pp. 27-55.

Overall, the IA clearly details the content of different policy options, possible sub-options, and their relevance to achieving each of the specific objectives (IA, pp. 29-55). The description of each policy option refers to the evaluation findings and stakeholders' preferences. However, the policy options' design appears to offer a very limited range of alternatives. The non-legislative measures included in P.O.1 are all mentioned in the strategy (even if neither clearly defined nor in force), therefore it is questionable that they are proposed as an option instead of being described in the baseline. Also, some suggestions made to counter trafficking in human beings are not included in the options.⁵

The design of P.O.3 (i.e. preferred option), that is a mix of P.O.1 and P.O.2 measures, goes against the recommendation of the BRG to avoid 'policy options [being] built around each other' (BRG, [Tool#16](#)). The package of non-legislative measures in P.O.3 covers all non-legislative measures included under P.O.1. All legislative measures in P.O.2 are also part of P.O.3, with one sub-option selected where several are proposed. This is the case for four legislative measures under P.O.2. These sub-options appear to be the only genuine alternatives proposed in the policy options.

Assessment of impacts

The IA explains (pp. 63-70) how the **preferred option** was selected after carrying out a comparison of the potential impacts of all options and their effectiveness, efficiency, coherence, and proportionality, as recommended in the Better Regulation Guidelines ([BRG](#), p. 32). Each policy option's impacts are assessed quantitatively and qualitatively, based on available data from the evaluation, studies, and stakeholder consultations. This analysis is summarised in tables (IA, p. 64). However the assessment would have benefited from a systematic comparison of all sub-options, as they constitute the main real alternatives between policy options.

The IA assesses and compares the potential **security, social, economic** and **fundamental rights impacts** on public administrations, businesses and citizens. The assessment could have followed a more gender-specific and child-sensitive approach, to compare how each measure is expected to affect victims depending on their gender and age. The IA considers (IA, p. 55) none of the policy options should have **environmental impacts**.

The IA estimates impacts on **security** in a qualitative way (IA, p. 55), with the three policy options having positive impacts and the preferred option (P.O.3) having the most important ones, through better law enforcement and crime prevention. The IA also assesses **social** impacts qualitatively (IA,

p. 56), assessing the preferred option, combining legislative and non-legislative tools, as most effective at protecting victims, and assuring societal change with education, awareness-raising, and the criminalisation of the knowing use of exploited services. But the IA acknowledges the evaluation demonstrates the difficulty 'to assess [the] effectiveness of awareness-raising campaigns on reducing demand' (IA, p. 66). The IA does not estimate the expected reduction in crimes committed.

On **economic impacts** (IA, pp. 56-62), the proposal is expected to increase investigation, prosecution and conviction procedures and reduce the total number of crimes, but the IA acknowledges it is impossible to assess these trends quantitatively. Related costs are quantified in the IA, based on a 2020 [study](#). The IA compares expected **costs of policy options**. Due to the incremental nature of the preferred option (P.O.3), its estimated costs are highest, approximately corresponding to the aggregated costs of P.O.1 and P.O.2 (IA, p. 61). According to the IA, P.O.1 would generate up to €2 290 000 of costs a year, to be financed through EU funding. Option P.O.2 would trigger up to €127 235 011 of additional costs per year for national authorities and the EU. The cost estimate for each additional investigation, prosecution and conviction is based on the above-mentioned study (pp. 103-104), but the IA recognises it is difficult to assess the number of additional procedures the proposal would trigger (IA, p. 58). The IA acknowledges that, due to a lack of data, costs of all individual measures cannot be estimated.⁶ The IA considers (p. 60) these costs should be offset by benefits, e.g. increased efficiency resulting from Member State harmonisation and cooperation should outweigh costs linked to establishing national referral mechanisms.

Economic benefits would originate from the prevention of human trafficking crimes, and avoiding the related costs these crimes entail. Quantification of **costs of trafficking** per victim in the EU is based on the same [study](#) (pp. 103-104). Costs encompass victim assistance and support services, coordination and law enforcement activities, as well as the loss of victims' economic output. However, the IA does not justify the retention of only part of the costs estimated in the study:⁷ €139 600 per victim (IA, p. 62), compared to €337 462 in the study. The IA also acknowledges it can neither provide a disaggregated quantification nor an analysis of benefits per policy option.

The IA outlines the specific **fundamental rights** of the [Charter](#) that would be positively impacted (IA, pp. 62-63), in line with the BRG ([Tool#29](#)). Policy options are compared qualitatively. The preferred option is estimated to have the highest impact on fundamental rights, notably on gender equality, with the introduction of forced marriage in the definition of human trafficking. The IA explains the fight against trafficking adopts a child-sensitive approach, with the inclusion of illegal adoption in the definition. It does not include all exploitation forms, but the IA argues this would not necessarily result in higher protection of fundamental rights in practice (IA, p. 63).

The IA could have discussed **cooperation with third countries** in more depth, given trafficking's cross-border dimension and the significant share of non EU-citizens who are victims or suspects. The IA's problem definition recognises 44 % of registered victims with known citizenship information were non-EU citizens in 2013-2020,⁸ while 41 % of suspects in 2020 were non-EU citizens (IA, p. 11).

Small and medium-sized enterprises / competitiveness

The IA neither mentions SMEs, nor competitiveness, as recommended in the BRG ([BRG](#), p. 35), not even to explain that they are not expected to be impacted by the proposed options.

Simplification and other regulatory implications

Regarding the 'one in, one out' principle, the IA considers that this initiative is **not expected** to trigger costs or savings for companies. Adjustment costs will mostly concern public authorities (IA, p. 72). The IA explains that the proposal's **regulatory burdens** on administrations would be 'limited' (p. 71), since the Member States are already implementing the directive.

Monitoring and evaluation

Monitoring and evaluation will continue as per the directive already in force. Every two years, the National Rapporteurs and Equivalent Mechanisms (NREM) will continue to report to the Anti-Trafficking Coordinator on progress in the fight against human trafficking and the Commission to meet with the Network of National Rapporteurs, EU Civil Society Platform, and EU agencies.

One objective of this initiative is to improve **monitoring** of trafficking, including data collection and Member State reporting, as well as the indicators used, to ensure comparable data. For each operational objective, the IA provides a list of provisional and non-exhaustive monitoring **indicators** to measure their achievement (IA, pp. 73-75), which generally comply with the RACER criteria, i.e. they are Relevant, Accepted, Credible, Easy to monitor and Robust (BRG, [Tool#43](#), p. 362).

The IA states the impacts of this initiative would be **evaluated** at the earliest five years after the transposition deadline (IA, p. 73). Specifically, the IA envisages the Commission would submit a report to the European Parliament and the Council, assessing the implementation and impacts of new offences concerning the use of exploited services, five years after the transposition deadline.

Stakeholder consultation

An overview of all consultations conducted to support the evaluation of the directive and the IA, is provided in Annex 2 (IA, pp. 79-89). Overall, the range of consulted stakeholders is wide and relevant to the issue. Their feedback is transparently presented and taken into account in the design of policy options and in the choice of the preferred option, in respect of the Better Regulation Guidelines.

The **combined evaluation roadmap and inception IA** was [published](#) in 2021, with 36 responses. Meetings were also organised with the EU Network of NREM and the Civil Society Platform to discuss challenges affecting the directive's implementation, the criminalisation of users of exacted services, levels of penalties, the digitalisation of trafficking and trafficking for labour exploitation.

The **consultation strategy for the evaluation and the IA**, combined one open and some targeted consultations, including of EU agencies and bodies, which is in line with the BRG ([Tool#52](#), p. 458). A 14-week [Open Public Consultation](#) was conducted from December 2021 to March 2022, feeding into the evaluation and the IA with a mix of 'questions that address existing performance and the design of the new initiative', as recommended in the BRG ([Tool#50](#), p. 437). Some 124 responses were received, including non-governmental organisations (47%), EU citizens (26%) and public authorities (15%); mostly from Germany (23%), Spain (15%), Belgium (10%), and Austria (10%), and 75 written responses were submitted. The Commission also commissioned a [study](#) supporting the evaluation and the IA.⁹ The contractor conducted an online survey of national authorities, relevant civil society organisations, and interviewed stakeholders. In the specific context of the IA, seven additional individual interviews were held with representatives of the Council of Europe, EU agencies, European civil society organisations and academics, and five group interviews on the potential impacts of policy options, with national stakeholders in five selected Member States.

The IA details the key findings of these consultations (IA, p. 82). A vast majority of stakeholders agree on the need to criminalise the knowing use of exacted services, take action to protect women and girls, and to introduce a provision to address the digital dimension of human trafficking. An overwhelming majority of respondents estimate EU action in this area is necessary. Stakeholders' opinions are considered in the choice of the preferred option. The IA still decides against a slight preference among survey respondents (52%) to exclude illegal surrogacy from the definition of trafficking, but justifies this choice (IA, pp. 63, 65, 70). Respondents' opinions were not broken down by stakeholder category, which could have been useful, especially in the case of diverging views.

Supporting data and analytical methods used

The IA is based on **recent, referenced and reliable data**, and is **transparent** on its limits. The state of play and trends in trafficking have been assessed using Eurostat data covering 2013-2020,

collected from Member States, and publicly available (see IA, Annex 4, p. 112). The IA acknowledges the **limits** of these datasets, with no data available on victims of trafficking who are not screened by the registering entities, and thus not counted (IA, p. 15). The IA quotes a Commission [report](#) that details the process of data collection by the different Member States. The recent evolutions in the aftermath of the Ukrainian refugee crisis are also not part of this dataset, and the IA thus refers to a 2022 UNHCR [article](#). Nevertheless, some numbers, such as the profits of trafficking, at an 'estimated amount of €29.4 billion per year' worldwide (IA, p. 11), lack transparent contextualisation: this particular number is associated with a 2015 [Europol](#) report, but actually comes from a 2005 International Labour Organization [working paper](#).

The **main sources** of evidence are recent, reliable, triangulated and combine both quantitative, and qualitative analyses. The sources used for the state of play and trends in trafficking, the problem definition, policy options, and the preferred option, include reports from the [Commission](#), EU agencies such as [Eurojust](#) and [Europol](#), as well as stakeholder consultations, e.g. the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). One of the main supporting studies used for the IA is the evaluation of the directive, conducted in parallel to the IA, based on a desk review of internal and external sources. The cost-benefit analysis in the IA is based on a publicly available [study](#) commissioned by Commission Directorate General for Migration and Home Affairs (DG HOME). The IA presents the methodology used in the study (IA, pp. 112-115), which follows EU practices. However, as acknowledged in the IA and explained above, overall costs and benefits aggregate rather incomplete estimates of individual costs to be incurred or avoided.

Follow-up to the opinion of the Commission Regulatory Scrutiny Board

On 14 September 2022, the Regulatory Scrutiny Board (RSB) gave a [positive opinion](#) on the draft IA. The final version of the IA takes most of the remarks from the RSB into account, explaining in a synthetic way how comments have been addressed (IA, p. 77-78). The main point raised by the RSB is the lack of quantified cost benefit analysis for each policy option, which is partly addressed in the revised IA (p. 57). The IA provides more detail on the scale of trafficking, the extent to which it varies between Member States, and its cross-border dimension. More elements are also provided regarding the hurdles in data collection. The IA clarifies the link between policy options and problems, and their incremental character (IA, p. 62), as well as the reason it does not include non-legislative measures in the baseline scenario (IA, p. 30). The IA also includes a section explaining the scoring of the different options (pp. 63-64), as recommended by the RSB. However, since the draft IA is not publicly available, it is not possible to assess the extent to which this part was improved.

Although the IA provides elements concerning the transposition of the 2021 directive (IA, Annex 6, pp. 173-220), it does not include a 'clear gap analysis, indicating which capabilities, competences and resources are currently missing to Member States', as recommended in the RSB opinion.

Coherence between the Commission's legislative proposal and the IA

The proposal generally **complies** with the option preferred in the IA (P.O.3) and includes the **legislative measures** included in the preferred option. The **non-legislative measures** that are also part of the preferred option are mentioned in the explanatory memorandum (p. 9). These non-binding measures build on the strategy and some, such as the Focus Group, are already being implemented. The proposal is also coherent with the IA's **monitoring and evaluation** provisions, but does not mention the evaluation of the entire revised directive. The proposal includes provisions for annual reporting by Member States and some indicators on victims and suspects, prosecutions and investigations. These indicators are disaggregated by sex, age group (child/adult) and form of exploitation, to integrate these dimensions in the annual reporting.

This IA supports the proposal for a revision of the 2011 Directive on Preventing and Combating Trafficking in Human Beings and protecting its victims. Overall, it provides a complete and detailed explanation of the problem, of its scope, drivers, and of the need to take EU-level action. It is well-substantiated and relies on the evaluation of the directive conducted in parallel with the IA, stakeholder feedback, comprehensive desk research and recent data from Eurostat. The IA is also transparent on the limits of the data it uses, which is coherent with the specific objective of the proposal to improve detection and monitoring of trafficking in human beings. The IA considers security, social, economic and fundamental rights impacts, but does not discuss relations or cooperation with third countries, which could be relevant due to trafficking's cross-border nature. The construction of policy options appears to offer a very limited range of genuine alternatives, mainly sub-options that are not systematically compared. Finally, the quantitative cost-benefit analysis would have benefited from including an assessment of the policy options' impact on the number of law-enforcement procedures, and on the number of offences prevented.

ENDNOTES

¹ Notably, to the 2002 Council Framework Decision, and the 2005 Council of Europe Convention on Action against Trafficking in Human Beings.

² M. Prpic, [Preventing and combating trafficking in human beings](#), EPRS, May 2023; M-A. Huemer, [Revision of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#), EPRS, January 2023; P. Bakowski, K. Basenko, [Trafficking for labour exploitation in the EU](#), EPRS, October 2022; P. Bakowski, S. Voronova, [Understanding EU action against human trafficking](#), EPRS, May 2021; S. Voronova, [Implementing the Anti-trafficking Directive](#), EPRS, February 2021; A. Scherrer, [Detecting and protecting victims of trafficking in hotspots](#), EPRS, July 2019.

³ In its July 2022 [resolution](#) (paragraph 52), Parliament expressed serious concerns about the increasing tendency to carry out evaluations and IAs in parallel, whereas evaluation results should feed into any revision of legislation

⁴ ILO estimation from 2005, quoted in Europol, [The trafficking in human beings financial business model \(2015\)](#), p. 5.

⁵ For instance, the proposed options do not appear to take up the suggestion of Europol's report on [The challenges of countering human trafficking in the digital era](#) (p. 6), to address digital threats through coercive measures on tech companies and the IA does not discuss this choice.

⁶ For example, the procedure and enforcement costs related to the obligation to transpose sanctions on legal persons (Legislative measure 3), and costs of formalising national referral mechanisms (legislative measure 4) are not quantified.

⁷ i.e., Lost economic output, physical/emotional harm, homicides during trafficking and mental health post-trafficking; costs related to service and lost quality of life are missing.

⁸ Non-EU trafficking victims in the EU are mainly from Nigeria, China, Morocco, Ukraine, and the Philippines (IA, pp. 141-145).

⁹ Only the [Second Final Report for Acceptance](#) and [Annexes](#) are available online; the link was not to be found in the IA.

This briefing, prepared for the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

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