

**AMENDMENTS 001-176**

by the Committee on International Trade and Committee on the Internal Market and Consumer Protection

**Report**

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**A9-0306/2023**

Prohibiting products made with forced labour on the Union market

Proposal for a regulation (COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))

**Amendment 1****Proposal for a regulation****Recital 1***Text proposed by the Commission*

(1) As recognised in the Preamble to the 2014 Protocol to Convention No. 29 on forced labour ('ILO Convention No. 29') of the International Labour Organization ('ILO'), forced labour constitutes a serious violation of human dignity and fundamental human rights. The ILO declared the elimination of all forms of forced or compulsory labour as a principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, *the* 2014 Protocol to Convention No. 29 and the ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions<sup>16</sup>. Forced labour *covers a wide variety of coercive labour practices* where work or service is *exacted from persons that have not offered it themselves voluntarily*.<sup>17</sup>

*Amendment*

(1) As recognised in the Preamble to the 2014 Protocol to Convention No. 29 on forced labour ('ILO Convention No. 29') of the International Labour Organization ('ILO'), forced labour constitutes a serious violation of human dignity and fundamental human rights, *contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all*. The ILO declared the elimination of all forms of forced or compulsory labour as a principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, *including the supplementing* 2014 Protocol to Convention No. 29 *and the Forced Labour (Supplementary Measures) Recommendation No. 203* and the ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions<sup>16</sup> *and issues*

*recommendations to prevent, eliminate, and remedy forced labour<sup>16a</sup>. Forced labour includes work and services, which is performed or provided along the value chain, and is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily<sup>17</sup>. According to the ILO and the UN, some economic activities in certain productive sectors such as processing, agriculture, garment and fisheries, and in certain services sector, such as transportation, storage and logistics, cleaning and seasonal work have a higher occurrence of forced labour<sup>17a</sup>. This definition applies to work or service exacted by governments and public authorities as well as private bodies and individuals. The ILO has developed several indicators used to identify and indicate cases of forced labour, such as threats and actual physical and sexual harm, abuse of vulnerability, abuse of working and living conditions and excessive overtime, deception, restriction of movement or confinement to the workplace or a limited area, isolation, debt bondages, withholding wages or excessive wage reduction, retention of passports and identity documents or threat of denunciation to the authorities when the worker has an irregular immigration status<sup>17b</sup>. Forced labour is very often linked to poverty and discrimination. The manipulation of credit and debt, either by employers or by recruiting agents, is still a key factor that traps vulnerable workers in forced labour situations<sup>17c</sup>. The European Court of Human Rights has repeatedly found that, under Article 4 of the European Convention on Human Rights, initial consent and voluntariness become null and void if there is an abuse of position of vulnerability<sup>17d</sup>. According to the ILO supervisory bodies, prison labour, including where it is performed for private companies, is not in itself constitutive of forced labour provided that it is done on a voluntary basis, for the*

*benefit of the prisoner and approximates the conditions of a free labour relationship. Community work as an alternative penal sanction to imprisonment should always be in the public general interest and should, under no circumstances, be abused by States as means to degrade the convicted person or deprive the person of their dignity<sup>17e</sup>. In cases in which work or service is imposed by exploiting the worker's vulnerability, under the threat of a penalty, such threat does not need to take the form of a penal sanction but might take the form also of a loss of rights or benefits.*

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<https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

<sup>17</sup> The ILO definition of forced labour according to the ILO Forced Labour Convention, 1920 (No. 29), What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).

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<https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

***16a ILO Forced Labour (Supplementary Measures) Recommendation, 2014.***

<sup>17</sup> The ILO definition of forced labour according to the ILO Forced Labour Convention, 1920 (No. 29), What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).

***17a UNODC (United Nations Office on Drugs and Crime), “Global Report on Trafficking In Persons ” 2020,***  
[https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf)

<sup>17b</sup>

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_203832.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf)

***17c ILO, the Profits and Poverty: The economics of forced labour:***  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_)

243391.pdf

<sup>17d</sup> ECHR, *Chowdury and Others v Greece (21884/15) and Zoletic and Others v. Azerbaijan (20116/12) cases.*

<sup>17e</sup>

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_089199.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_089199.pdf) Page 27

## Amendment 2

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.<sup>18</sup> Vulnerable and marginalised groups in a society are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of **a** lack of good governance of certain economic operators.

*Amendment*

(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021<sup>18</sup>. Vulnerable and marginalised groups in a society, ***such as women, children, ethnic minorities, persons with disabilities, lower casters, indigenous and tribal people, migrants, especially if they are undocumented, have a precarious status and operate in the informal economy,*** are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of ***the absence or*** lack of good governance of certain economic operators ***and a demonstration of a state's failure to enforce social and labour rights, particularly for vulnerable and marginalised groups. Forced labour can also take place as a result of authorities' tacit consent. Women and girls account for 11.8 million of the total number of people engaged in forced labour. More than 3.3 million of all those engaged in forced labour are children. Between 2016 and 2021, the estimated number of people engaged in forced labour increased by 2.7 million<sup>18a</sup>. Migrant workers who are not protected by law or are unable to exercise***

*their rights face a higher risk of exposure to forced labour than other workers do. According to the ILO, 15 % of all adults engaged in forced labour are migrants<sup>18b</sup>. The Union's Agency for Fundamental Rights has found that this is also the case within the Union. Abusive employers use the weak position of migrant workers to force them to work for endless hours with no or little pay, often in dangerous settings, and without the minimum safety equipment required by law<sup>18c</sup>. The vast majority of forced labour occurs in the private sector, in particular through forced labour exploitation (17.3 million people), which accounts for 86 % of all forced labour cases<sup>18d</sup>. The obligations of economic operators set out in this Regulation should be predictable and clear in order to ensure full and effective compliance and contribute to bringing forced labour to an end.*

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<sup>18</sup> The 2021 Global Estimates of Modern Slavery, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf).

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<sup>18</sup> The 2021 Global Estimates of Modern Slavery, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf).

<sup>18a</sup> *The 2021 Global Estimates of Modern Slavery,* [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf)

<sup>18b</sup> *The 2021 Global Estimates of Modern Slavery,* [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf)

<sup>18c</sup> <https://fra.europa.eu/en/content/protecting-migrant-workers-exploitation-fra-opinions>

<sup>18d</sup> *The 2021 Global Estimates of Modern Slavery,*

### Amendment 3

#### Proposal for a regulation Recital 3

##### *Text proposed by the Commission*

(3) The eradication of forced labour is a priority for the Union. Respect for human dignity and the universality and indivisibility of human rights are firmly enshrined in Article 21 of the Treaty on European Union. Article 5(2) of the Charter of Fundamental Rights of the European Union and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights has repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.<sup>19</sup>

##### *Amendment*

(3) The eradication of forced labour ***in all its forms, including state imposed forced labour***, is a priority for the Union. Respect for human dignity and the universality and indivisibility of human rights are firmly enshrined in Article 21 of the Treaty on European Union. ***In order to achieve Target 8.7 of the Sustainable Development Goals, the Union should uphold and promote its values and contribute to the protection of human rights, in particular the rights of the child.*** Article 5 of the Charter of Fundamental Rights of the European Union ***explicitly prohibits slavery, servitude, forced or compulsory labour and trafficking in human beings*** and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights has repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.<sup>19</sup> ***The right to effective remedies for violations of fundamental rights is a human right, and a fundamental element in the process of effective prosecution of crimes. Existing Union law, the UN Guiding Principles on the Business and Human Rights (UNGPs), the Council of Europe and the OECD affirm that victims have the right***

***to an effective remedy for business-related human rights violations or abuses, including forced labour.***

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<sup>19</sup> For instance paras. 89 and 102 in *Siliadin v. France* or para. 105 in *Chowdury and Others v. Greece*.

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<sup>19</sup> For instance paras. 89 and 102 in *Siliadin v. France* or para. 105 in *Chowdury and Others v. Greece*.

## **Amendment 4**

### **Proposal for a regulation Recital 4**

#### *Text proposed by the Commission*

(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour.<sup>20</sup> They are therefore legally obliged to prevent and eliminate the use of forced labour and to report regularly to the ILO.

#### *Amendment*

(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour<sup>20</sup>. They are therefore legally obliged to prevent and eliminate the use of forced labour and to report regularly to the ILO. ***However, there are Member States which have not yet ratified the Protocol to ILO Convention No. 29, despite Council Decisions calling on Member States for a ratification and implementation<sup>20a</sup>. The ILO estimates that there are 880 000 forced labour victims inside the Union, in addition to the forced labour involved inter alia in the Union's imports from the rest of the world<sup>20b</sup>. Moreover, there continue to be shortcomings in the implementation of the fundamental ILO Conventions<sup>20c</sup>. It is necessary that Member States fully implement the fundamental ILO conventions and correctly transpose all the Union legislation aimed at combating forced labour, labour rights violations and human trafficking in order to enforce the import and export ban of any product or service using forced labour. This Regulation aims to legally bind Member States to prevent and bring to an end the use of forced labour, to provide to victims protection and access to remedy and effective remediation, such as compensations, to penalise non-***

*compliance with decisions referred to in Article 6(4). According to the ILO, remediation remains one of the key policy priorities for addressing forced labour. In that regard, Protocol to ILO Convention No. 29 stipulates that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, should have access to appropriate and effective remedies, such as compensations. The third pillar of the UN Guiding Principles on Business and Human Rights stipulates that remediation is a fundamental right and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions - whether criminal or administrative, such as fines -, as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.*

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[https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms\\_195135.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf)

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[https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms\\_195135.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf)

*<sup>20a</sup> Council Decision (EU) 2015/2071 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters (OJ L 301, 18.11.2015, p. 47) and Council Decision (EU) 2015/2037 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters relating to social policy (OJ L 298, 14.11.2015, p. 23).*

*<sup>20b</sup> ILO 2012 Global Estimate of Forced Labour:*  
<https://www.ilo.org/wcmsp5/groups/public>



*/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms\_184975.pdf*

*<sup>20c</sup> 20c The ILO supervisory bodies' comments on the application of Conventions on forced labour can be found under (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::>)*

## Amendment 5

### Proposal for a regulation

#### Recital 5

*Text proposed by the Commission*

(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour. The Union promotes due diligence in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the **value** chains of undertakings established in the Union.

*Amendment*

(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour **and promote decent work and labour rights worldwide**. The Union promotes due diligence in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the **supply** chains of undertakings established in the Union.

## Amendment 6

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) Union trade policy supports the fight against forced labour in both unilateral and bilateral trade relationships. The trade and sustainable development chapters of Union trade agreements contain a commitment to ratify and effectively implement the fundamental ILO Conventions, which

*Amendment*

(6) Union trade policy supports the fight against forced labour in both unilateral and bilateral trade relationships. The trade and sustainable development chapters of Union trade agreements contain a commitment to ratify and effectively implement the fundamental ILO Conventions, which

include ILO Convention No. 29 and ILO Convention No. 105. Moreover, unilateral trade preferences under the Union's General Scheme of Preferences *could* be withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105.

include ILO Convention No. 29 and ILO Convention No. 105, *whereas trade and gender chapters and provisions establish a gender lens that is essential for the economic empowerment of women in order to combat gendered forced labour*. Moreover, unilateral trade preferences under the Union's General Scheme of Preferences *can* be withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105.

## Amendment 7

### Proposal for a regulation Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

***(6a) Forced labour has a distinct impact on vulnerable and marginalised groups, such as children, women, migrants, refugees or indigenous peoples, and therefore an intersectional and gender sensitive approach is essential to combat forced labour effectively. This Regulation should therefore aim to achieve the objectives of the ILO Convention 182, Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, the Beijing Declaration, the Global Compact for Safe, Orderly and Regular Migration, the Geneva Convention Relating to the Status of Refugees; the United Nations Declaration on the Rights of Indigenous Peoples, the ILO Convention 169, as well as other relevant international agreements and conventions.***

## Amendment 8

### Proposal for a regulation Recital 8

*Text proposed by the Commission*

(8) [In particular, Directive 20XX/XX/EU on Corporate Sustainability Due Diligence sets out horizontal due diligence obligations to identify, prevent, mitigate and account for actual and potential adverse impacts on human rights, including forced labour, and the environment **in** the company's own operations, its subsidiaries **and** in its value chains, in accordance with international human and labour rights standards and environmental conventions. Those obligations apply to large companies over a certain threshold in terms of number of employees and net turnover, and to smaller companies in high-impact sectors over a certain threshold in terms of number of employees and net turnover.<sup>22</sup> ]

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<sup>22</sup> Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.

## **Amendment 9**

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) Articles [XX] of Directive 2013/34/EU of the European Parliament and of the Council require Member States to ensure that certain economic operators annually publish non-financial statements in which they report on the impact of their activity on environmental, social and

*Amendment*

(8) [In particular, Directive 20XX/XX/EU on Corporate Sustainability Due Diligence sets out horizontal due diligence obligations **for companies** to identify, prevent, mitigate and account for actual and potential adverse impacts on human rights, including forced labour, and the environment **that they caused, contributed to or are directly linked to** the company's own operations **and** its subsidiaries in its value chains, in accordance with international human and labour rights standards and environmental conventions. **That Directive also strengthens access to remedy for those affected by such impacts.** Those obligations apply to large companies over a certain threshold in terms of number of employees and net turnover, and to smaller companies in high-impact sectors over a certain threshold in terms of number of employees and net turnover.<sup>22</sup> **Consistency between that Directive and this Regulation should be ensured.**

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<sup>22</sup> Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.

*Amendment*

(10) Articles [XX] of Directive 2013/34/EU of the European Parliament and of the Council require Member States to ensure that certain economic operators annually publish non-financial statements in which they report on the impact of their activity on environmental, social and

employee matters, respect for human rights, including regarding forced labour, anti-corruption and bribery matters.<sup>26</sup> [Furthermore, Directive 20XX/XX/EU on Corporate Sustainability Reporting puts forward detailed reporting requirements for covered companies regarding the respect of human rights, including in global supply chains. The information that undertakings disclose about human rights should include, where relevant, information about forced labour in their *value* chains.<sup>27</sup> ]

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<sup>26</sup> Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ

<sup>27</sup> Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX.

## Amendment 10

### Proposal for a regulation Recital 10 a (new)

*Text proposed by the Commission*

employee matters, respect for human rights, including regarding forced labour, anti-corruption and bribery matters.<sup>26</sup> [Furthermore, Directive 20XX/XX/EU on Corporate Sustainability Reporting puts forward detailed reporting requirements for covered companies regarding the respect of human rights, including in global supply chains. The information that undertakings disclose about human rights should include, where relevant, information about forced labour in their *supply* chains.<sup>27</sup> ]

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<sup>26</sup> Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ

<sup>27</sup> Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX.

*Amendment*

***(10a) As a member of the World Trade Organisation (WTO), the Union is committed to promoting a rules-based, open, multilateral trading system. Any measures introduced by the Union that affect trade should be WTO compliant. Furthermore, all measures introduced by the Union that affect trade should take into account the possible response of the Union's trade partners and ensure that the enforcement of the measure is not perceived as a unilateral, protectionist measure.***

## Amendment 11

### Proposal for a regulation Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) Promoting decent work and a human-centred future of work ensuring the respect of fundamental principles and human rights, promoting social dialogue as well as the ratification and effective implementation of relevant ILO conventions and protocols, strengthening responsible management in global supply chains and access to social protection are core priorities of the Union as enshrined in the EU Action Plan on Human Rights and Democracy 2020-2024.***

## Amendment 12

### Proposal for a regulation Recital 17

*Text proposed by the Commission*

*Amendment*

(17) The prohibition should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.<sup>31</sup>

(17) ***The market ban, which enables the prohibition of import and export of products and services made with forced labour,*** should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination<sup>31</sup>. ***Article 3(a) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the***

*Elimination of the Worst Forms of Child Labour refers to all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. The UN Convention on the Rights of Persons With Disabilities prohibits exposing persons with disabilities to forced labour and requires that persons with disabilities are protected, on an equal basis with others, from forced or compulsory labour. The principle of equal treatment should also apply in sheltered workshops. Where products or services originating from geographic areas, production sites or economic activities in certain sectors in specific areas with systematic and wide spread forced labour practices listed in the database under Article 11 of this Regulation, competent authorities should presume that they were manufactured or provided using forced labour. In such cases, it should be the responsibility of the economic operator to demonstrate that its product or service was manufactured or provided without using forced labour, and that, in case of a decision under Article 6(4), any use of forced labour was remediated. In all cases, competent authorities should ensure that the burden of proof is not disproportionately high. The Commission, after engaging with relevant experts, including from the ILO, OECD, EEAS, social partners and civil society, should engage in the efforts to bring to an end forced labour by providing, in the database under Article 11 of this Regulation, regularly updated information on forced labour risks in specific geographic areas, production sites and economic activities in certain sectors in specific areas. The database should be clear and transparent in order to enable economic operators, and in particular SMEs and micro-enterprises, to use the data for their due diligence. Such data*

*should be freely and easily accessible to the public, in a format also accessible to persons with disabilities and in all working languages of the Union.*

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<sup>31</sup> What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.

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<sup>31</sup> What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.

### **Amendment 13**

#### **Proposal for a regulation Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) Based on the definition of forced labour specified in ILO Convention No. 29 and used in this Regulation, the ‘ILO Indicators of Forced Labour’ and the ‘Hard to See, Harder to Count’ ILO guidelines represent the most common signs that point to the possible existence of a forced labour case and should be taken into account when enforcing the prohibition. However, these indicators may be insufficient for the identification of forced labour imposed by state authorities. These practices of forced labour are based on systemic and global coercive policies that require additional, specifically designed indicators.***

### **Amendment 14**

#### **Proposal for a regulation Recital 18**

*Text proposed by the Commission*

*Amendment*

(18) Micro, small and medium-sized enterprises (‘SMEs’) can have limited resources and ability to ensure that the products they place or make available on

(18) Micro, small and medium-sized enterprises (‘SMEs’) can have limited resources and ability to ensure that the products they place or make available on

the Union market are free from forced labour. The Commission should therefore issue guidelines on due diligence in relation to forced labour, which should take into account also the size and economic resources of economic operators. In addition, the Commission should issue guidelines on forced-labour risk indicators *and on publicly available information in order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition.*

the Union market are free from forced labour. The Commission should therefore issue **thorough** guidelines on due diligence in relation to forced labour, which should take into account also the size and economic resources of economic operators. In addition, the Commission should issue **clear** guidelines on forced-labour risk indicators, **including how to identify them, which should be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, whose ‘Hard to see, harder to count’ guidelines are the current gold-standard for identification of forced labour.**

#### Amendment 15

##### Proposal for a regulation Recital 18 a (new)

*Text proposed by the Commission*

*Amendment*

***(18a) The Commission should also issue guidelines on how to engage in dialogue with competent authorities in order to help economic operators, and in particular SMEs, as well as other stakeholders, to comply with the requirements of the prohibition. Furthermore, the Commission should also issue guidelines to assist any person or association in submitting information.***

#### Amendment 16

##### Proposal for a regulation Recital 18 b (new)

*Text proposed by the Commission*

*Amendment*

***(18b) Taking into account the variety of Union law dealing with forced labour issues, the Commission should provide additional guidance for economic***



*operators, in particular SMEs, on how to apply the different obligations stemming from Union law. The Commission should also, where appropriate, prevent unnecessary administrative burdens on SMEs. In addition, the Commission should develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular the SMEs. Those measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.*

## Amendment 17

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, *value* chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings in such a way as to avoid jeopardising investigations by such authorities.

## Amendment 18

### Proposal for a regulation Recital 21

*Amendment*

(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient *human and financial* resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, *labour rights, gender equality, supply* chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings in such a way as to avoid jeopardising investigations by such authorities.

*Text proposed by the Commission*

(21) When identifying potential violations of the prohibition, the competent authorities should follow a risk-based approach and assess all information available to them. Competent authorities should initiate an investigation where, based on their assessment of all available information, they establish that there is a substantiated concern of a violation of the prohibition.

*Amendment*

(21) When identifying potential violations of the prohibition, ***the Commission or*** the competent authorities should follow a risk-based approach and assess all information available to them. ***In order to implement the risk-based approach in the prioritisation of their investigations, the Commission and competent authorities should take into account the size and economic resources of the economic operator, and in particular if this operator is a micro, small or medium-sized enterprise, the share of forced labour components in the final product, the quantity of products concerned, the scale of suspected forced labour, and whether forced labour imposed by state authorities could be a concern. They should also take into account if the economic operator is under the scope of Directive XXX [CSDD] and has to perform mandatory due diligence. The Commission or*** competent authorities should initiate an investigation where, based on their assessment of all available information, ***or on the basis of any other facts available where it was not possible to gather information and evidence,*** they establish that there is a substantiated concern of a violation of the prohibition. ***Before initiating an investigation, competent authorities should be able to request additional information from economic operators under assessment but also from other relevant stakeholders, including the persons or associations having submitted relevant information to competent authorities and any other stakeholder working on the products or regions related to the assessment, as well as from diplomatic representations of the Union in relevant third countries. Competent authorities should be able to opt for not requesting additional information from economic operators if they assess that this could lead to an attempt by those***

*economic operators to hide a situation of forced labour and thus endanger the investigation.*

## Amendment 19

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent *or* bring to an end risks of forced labour in their operations and *value* chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should *help* the economic operator to be at a lower risk of having forced labour in its operations and *value* chains. Appropriate due diligence *means* that forced labour issues in the *value* chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, for instance due to, but not limited to the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour being applied in a way that mitigates, prevents and brings to an end the risk of forced labour, no investigation should be initiated.

##### *Amendment*

(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent, bring to an end risks of forced labour *or remediate forced labour cases* in their operations and *supply* chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should *contribute to helping* the economic operator to be at a lower risk of having forced labour in its operations and *supply* chains. Appropriate due diligence *could mean* that forced labour issues in the *supply* chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, *or that the reasons that motivated the existence of a substantiated concern have been eliminated*, for instance due to, but not limited to the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour being applied in a way that mitigates, prevents and brings to an end the risk of forced labour, *and, where possible, demonstrates that remediation of forced labour cases has been provided*, no investigation should be initiated. *Economic operators, which are not within the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence], shall not be disadvantaged for the sole fact of not*

*having conducted due diligence in accordance with that Directive, including when they are faced with a reversed burden of proof as a consequence of the high risk of forced labour imposed by state authorities.*

## Amendment 20

### Proposal for a regulation Recital 23

*Text proposed by the Commission*

(23) In order to ensure cooperation among competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.

*Amendment*

(23) In order to ensure cooperation among ***the Commission and*** competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour. ***When requesting information from economic operators, competent authorities should whenever possible follow the Commission's once-only principle, through increased cooperation and dialogue between authorities who are engaged in overseeing product regulation.***

## Amendment 21

### Proposal for a regulation Recital 23 a (new)

*Text proposed by the Commission*

*Amendment*

***(23a) Considering the robust amount of evidence available regarding forced labour cases, in particular products,***

*regions or sectors, competent authorities should, after a risk-assessment, focus their investigations on situations that present a higher risk of use of forced labour and that have an increased societal and economic impact, due to the large dimension of economic operators or their presence in a large number of supply chains.*

## Amendment 22

### Proposal for a regulation Recital 23 b (new)

*Text proposed by the Commission*

*Amendment*

*(23b) In order to ensure consistency in the actions and decisions by competent authorities, the Commission should closely coordinate with competent authorities.*

## Amendment 23

### Proposal for a regulation Recital 24

*Text proposed by the Commission*

*Amendment*

(24) During the preliminary phase of investigation, competent authorities should focus on the economic operators involved in the steps of the **value** chain where there is a higher risk of forced labour with respect to the products under investigation, also taking into account their size and economic resources, the quantity of products concerned **and** the scale of the suspected forced labour.

(24) During the preliminary phase of investigation, **the Commission and** competent authorities should focus on the economic operators involved in the steps of the **supply** chain where there is a higher risk of forced labour with respect to the products under investigation, **while** also taking into account **the potential imbalance of power in the concerned supply chain. In their assessment, they should also take into account the** size and economic resources **of the economic operator**, the quantity of products concerned, **the share of forced labour components in the final product**, the scale of the suspected forced labour **and whether forced labour imposed by state authorities**

*could be a concern.*

## Amendment 24

### Proposal for a regulation Recital 25

*Text proposed by the Commission*

(25) Competent authorities, when requesting information during the investigation, should prioritise to the extent possible and consistent with the effective conduct of the investigation the economic operators under investigation that are involved in the steps of the **value** chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.

*Amendment*

(25) Competent authorities, when requesting information during the investigation, should prioritise to the extent possible and consistent with the effective conduct of the investigation the economic operators under investigation that are involved in the steps of the **supply** chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.

## Amendment 25

### Proposal for a regulation Recital 25 a (new)

*Text proposed by the Commission*

*Amendment*

***(25a) The Commission should call upon external expertise to provide an indicative, non-exhaustive, verifiable and regularly updated database of forced labour risks in specific geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities. The database should be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, social partners, and experience from implementing Union law setting out due diligence requirements with respect to forced labour. The database should***

*include a list of all decisions of competent authorities, including information on the provision of remediation of forced labour cases that enabled the withdrawal of the ban.*

## **Amendment 26**

### **Proposal for a regulation Recital 25 b (new)**

*Text proposed by the Commission*

*Amendment*

*(25b) Where there is clear, reliable and verifiable evidence that products produced in specific economic sectors within specific geographic areas present a high risk of having been made with forced labour imposed by state authorities, those sectors in those areas should be identified in the database established under this Regulation. In order to facilitate for the competent authorities the investigations of cases where there is evidence of high risk of forced labour imposed by state authorities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by determining specific economic sectors in specific geographic areas, where such risk occurs. For the products coming from those areas and those sectors, economic operators concerned should bear the burden of establishing that forced labour has not been used at any stage of extraction, harvest, production, or manufacture of a product, including working or processing related to the product.*

## **Amendment 27**

### **Proposal for a regulation Recital 26**

*Text proposed by the Commission*

(26) Competent authorities should bear the burden of establishing that forced labour has been used at any stage of production, manufacture, harvest or extraction of a product, including working or processing related to the product on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic operators should have the opportunity to provide information in their defence to the competent authorities throughout the investigation.

*Amendment*

(26) ***In all cases other than those falling within the areas and sectors determined as high risk of forced labour imposed by state authorities,*** competent authorities should bear the burden of establishing that forced labour has been used at any stage of production, manufacture, harvest or extraction of a product, including working or processing related to the product on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic operators should have the opportunity to provide information in their defence to the competent authorities throughout the investigation.

## **Amendment 28**

### **Proposal for a regulation**

#### **Recital 27**

*Text proposed by the Commission*

(27) Competent authorities that establish that economic operators violated the prohibition, should without delay prohibit the placing and making available of such products on the Union market and their export from the Union, and require the economic operators that have been investigated to withdraw the relevant products already made available from the Union market and ***have them*** destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management.

*Amendment*

(27) ***The Commission and*** competent authorities that establish that economic operators violated the prohibition, should without delay prohibit the placing and making available of such products on the Union market and their export from the Union, and require the economic operators that have been investigated to withdraw the relevant products already made available from the Union market and ***donate perishable products to charitable or public interest purposes. If such products are not perishable, economic operators should recycle those products, and if that is not possible, they should have the products*** destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management. ***The prohibition to place and***



*make available the products on the Union market and to export them from the Union should only be lifted if economic operators are able to demonstrate that forced labour has been eradicated from the supply chain and forced labour cases have been remediated. The assessment of the fulfilment of such conditions should rest with the authority responsible for the decision. The prohibition and the subsequent withdrawal should concern the specific products identified in the decision.*

## **Amendment 29**

### **Proposal for a regulation**

#### **Recital 28**

*Text proposed by the Commission*

(28) In that decision, competent authorities should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time within which the economic operators should comply with the decision, as well as information allowing for the identification of the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details about the information to be contained in such decisions.

*Amendment*

(28) In that decision, ***the Commission or*** competent authorities should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time within which the economic operators should comply with the decision, as well as information allowing for the identification of the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details about the information to be contained in such decisions. ***The decisions from the Commission or competent authorities should be made publicly available.***

## **Amendment 30**

### **Proposal for a regulation**

#### **Recital 29**

*Text proposed by the Commission*

(29) In setting a reasonable time to comply with the order, competent

*Amendment*

(29) In setting a reasonable time to comply with the order, ***the Commission***

authorities should take into account the size and economic resources of the economic operators concerned.

*and* competent authorities should take into account the size and economic resources of the economic operators concerned.

## Amendment 31

### Proposal for a regulation

#### Recital 30

##### *Text proposed by the Commission*

(30) If the economic operators fail to comply with the decision of the competent authorities by the end of the established timeframe, the competent authorities should ensure that the relevant products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators are destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management at the expense of the economic operators.

##### *Amendment*

(30) If the economic operators fail to comply with the decision of *the Commission or* the competent authorities by the end of the established timeframe, *the Commission or* the competent authorities should ensure that the relevant products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators are *donated to charitable or public interest purposes, in case they are perishable. If such products are not perishable, economic operators should recycle those products, and if that is not possible, they should have the products* destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management at the expense of the economic operators.

## Amendment 32

### Proposal for a regulation

#### Recital 31

##### *Text proposed by the Commission*

(31) Economic operators should have the possibility to request *a* review of the decisions by the competent authorities, after having provided new information showing that it cannot be concluded that

##### *Amendment*

(31) Economic operators should have the possibility to request *an administrative* review of the decisions by the competent authorities *and by the Commission*, after having provided new *substantial*

the relevant products have been made with forced labour. Competent authorities should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour.

information showing that it cannot be concluded that the relevant products have been made with forced labour. Competent authorities **and the Commission** should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour. ***The decisions adopted by the Commission under this Regulation are subject to review by the Court of Justice in accordance with Article 263 TFEU.***

### Amendment 33

#### Proposal for a regulation Recital 32

##### *Text proposed by the Commission*

(32) Any person, whether it is a natural or legal person, or any association not having legal personality, should be allowed to submit information to the competent authorities when it considers that products made with forced labour are placed and made available on the Union market and to be informed of the outcome of the assessment of their submission.

##### *Amendment*

(32) Any person, whether it is a natural or legal person, or any association not having legal personality, should be allowed to submit information to the competent authorities when it considers that products made with forced labour are placed and made available on the Union market and to be informed of the outcome of the assessment of their submission.

***Submissions should be addressed to one or more competent authorities. Adequate protection measures should be put in place to ensure the safety of any person associated with the submission or the information contained within it, including from retaliation and reprisals. Where necessary, those protection measures could go beyond the provisions in Directive (EU) 2019/1937. To ensure ease of use for the submission of information and the standardisation of the information provided, the Commission should set up a mechanism for the submission of information, such as a designated webportal at the Union level, available in all official languages of the institutions of the Union, and free of charge, and ensure that it is user-friendly***

*and easily accessible, including for persons with disabilities.*

## Amendment 34

### Proposal for a regulation

#### Recital 33

##### *Text proposed by the Commission*

(33) The Commission should issue guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour and complementary information for the competent authorities to implement the prohibition. The guidance on due diligence in relation to forced labour should build on the Guidance on due diligence for Union businesses to address the risk of forced labour in their operations and supply chains published by the Commission and the European External Action Service in July 2021. The guidelines should be consistent with other Commission guidelines in this regard and relevant international organisations' guidelines. The reports from international organisations, in particular the ILO, as well as other independent and verifiable sources of information should be considered for the identification of risk indicators.

##### *Amendment*

(33) The Commission should issue ***detailed*** guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour, ***in particular for all economic operators that fall outside the scope of the [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence], since they will not have to comply with any mandatory due diligence obligations,*** and complementary information for the competent authorities to implement the prohibition. ***The guidance for economic operators outside the scope of [CSDD] should focus in particular on compliance in cases where these economic operators are faced with a reversed burden of proof as a consequence of delegated acts adopted by the Commission of forced labour imposed by state authorities.*** The guidance on due diligence in relation to forced labour should build on the Guidance on due diligence for Union businesses to address the risk of forced labour in their operations and supply chains published by the Commission and the European External Action Service in July 2021. The guidelines should be consistent with other Commission guidelines in this regard and relevant international organisations' guidelines. ***The guidelines should provide tailored recommendations for different sectors of activity, taking into account specificities of the activities and the respective supply chains.*** The reports from international organisations, in particular the

ILO, as well as other independent and verifiable sources of information should be considered for the identification of risk indicators.

## Amendment 35

### Proposal for a regulation Recital 34

#### *Text proposed by the Commission*

(34) Decisions of the competent authorities establishing a violation of the prohibition should be communicated to customs authorities, who should aim at identifying the product concerned amongst products declared for release for free circulation or export. The competent authorities should be responsible for the overall enforcement of the prohibition with regard to the internal market as well as products entering or leaving the Union market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and Regulation (EU) 2019/1020 covers only manufactured products and its scope is limited to release for free circulation, the customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 for the application and enforcement of the prohibition. The specific organisation of controls of each Member State should be without prejudice to Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>32</sup> and its general provisions on the control and supervisory powers of customs authorities.

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<sup>32</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of

#### *Amendment*

(34) Decisions of **the Commission or** the competent authorities establishing a violation of the prohibition should be communicated to customs authorities, who should aim at identifying the product concerned amongst products declared for release for free circulation or export. **The Commission and Member States should ensure that the customs authorities have sufficient resources to carry out these controls.** **The Commission and** the competent authorities should be responsible for the overall enforcement of the prohibition with regard to the internal market as well as products entering or leaving the Union market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and Regulation (EU) 2019/1020 covers only manufactured products and its scope is limited to release for free circulation, the customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 for the application and enforcement of the prohibition. The specific organisation of controls of each Member State should be without prejudice to Regulation (EU) No 952/2013 of the European Parliament and of the Council<sup>32</sup> and its general provisions on the control and supervisory powers of customs authorities.

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<sup>32</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of

9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).

9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).

## Amendment 36

### Proposal for a regulation

#### Recital 35

##### *Text proposed by the Commission*

(35) The information currently made available to customs authorities by economic operators includes only general information on the products but lacks information on the manufacturer or producer and product suppliers as well as specific information on products. In order for customs authorities to be able to identify products entering or leaving the Union market that may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the competent authorities with the product concerned. This should include information on the manufacturer or producer and the product suppliers as well as any other information on the product itself. To this end, the Commission should be empowered to adopt delegated acts identifying the products for which such information should be provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific

##### *Amendment*

(35) The information currently made available to customs authorities by economic operators includes only general information on the products but lacks information on the manufacturer or producer and product suppliers as well as specific information on products. In order for customs authorities to be able to identify products entering or leaving the Union market that may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of **the Commission or** the competent authorities with the product concerned. This should include information on the manufacturer or producer and the product suppliers as well as any other information on the product itself. To this end, the Commission should be empowered to adopt delegated acts identifying the products for which such information should be provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific

requirements under Union legislation for the identification of the product (such as a type, reference, model, batch or serial number affixed on the product, or provided on the packaging or in a document accompanying the product, or unique identifier of the digital product passport) as well as details on the manufacturer or producer and the product suppliers, including for each of them their name, trade name or registered trademark, their contact details, their unique identification number in the country they are established and, where available, their Economic Operators Registration and Identification (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain.

requirements under Union legislation for the identification of the product (such as a type, reference, model, batch or serial number affixed on the product, or provided on the packaging or in a document accompanying the product, or unique identifier of the digital product passport) as well as details on the manufacturer or producer and the product suppliers, including for each of them their name, trade name or registered trademark, their contact details, their unique identification number in the country they are established and, where available, their Economic Operators Registration and Identification (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain. ***The Commission should issue guidance and support to economic operators, especially SMEs, on how to collect the required information.***

## **Amendment 37**

### **Proposal for a regulation Recital 36**

#### *Text proposed by the Commission*

(36) Customs authorities that identify a product that may be covered by a decision communicated by competent authorities establishing a violation of the prohibition should suspend the release of that product and notify the competent authorities immediately. Competent authorities should reach a conclusion within a reasonable timeframe on the case notified to them by the customs authorities, either by confirming or by denying that the product concerned is covered by a decision. Where necessary the competent authorities should be authorised to require maintaining the

#### *Amendment*

(36) Customs authorities that identify a product that may be covered by a decision communicated by ***the Commission or*** competent authorities establishing a violation of the prohibition should suspend the release of that product and notify the competent authorities immediately. ***The Commission or the*** competent authorities should reach a conclusion within a reasonable timeframe on the case notified to them by the customs authorities, either by confirming or by denying that the product concerned is covered by a decision. Where necessary ***and duly***

suspension of its release. In the absence of a conclusion by competent authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and formalities are fulfilled. Generally, the release for free circulation or export should also not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete control of such compliance.

*justified, the Commission or* the competent authorities should be authorised to require maintaining the suspension of its release, *taking into account the potential damage for the economic operator*. In the absence of a conclusion by competent authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and formalities are fulfilled. Generally, the release for free circulation or export should also not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete control of such compliance.

## Amendment 38

### Proposal for a regulation Recital 37

#### *Text proposed by the Commission*

(37) Where the competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition, they should immediately inform customs authorities which should refuse its release for free circulation or export. The product should be destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including legislation on waste management, which excludes re-export in case of non-Union goods.

#### *Amendment*

(37) Where *the Commission or* the competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition, they should immediately inform customs authorities which should refuse its release for free circulation or export. The product should be *donated to charitable or public interest purposes if it is perishable. If such products are not perishable, they should be recycled, and if that is not possible, they should be* destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including legislation on waste management, which excludes re-export in case of non-Union goods.

## Amendment 39

### Proposal for a regulation Recital 37 a (new)



*Text proposed by the Commission*

*Amendment*

***(37a) The Commission should take into due consideration the risk of disengagement by economic operators who are either related to products or regions in the database, or who have had their product removed from the Union market, as well as the consequences on affected workers. The Commission should therefore, where appropriate, support economic operators in adopting and carrying out measures suitable and effective for bringing forced labour to an end. Responsible disengagement entails, as a minimum, complying with collective agreements and articulating escalation measures.***

#### **Amendment 40**

##### **Proposal for a regulation Recital 39**

*Text proposed by the Commission*

*Amendment*

(39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission.

(39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission. ***This cooperation should be coordinated by the Commission.***

#### **Amendment 41**

##### **Proposal for a regulation Recital 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***(42a) Acknowledging current developments in traceability technology to facilitate monitoring of supply chains, the Commission should support economic***

*operators in the uptake of such technology, including through financial and technical assistance.*

## Amendment 42

### Proposal for a regulation

#### Recital 44

##### *Text proposed by the Commission*

(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network aimed at structured coordination and cooperation between the competent authorities of the Member States and, where appropriate, experts from customs authorities, **and the Commission**. That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations. **That** administrative support structure should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition.

##### *Amendment*

(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network, **coordinated by the Commission**, aimed at structured coordination and cooperation between **the Commission**, the competent authorities of the Member States and, where appropriate, experts from customs authorities. That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations, **facilitate capacity building activities, such as the organisation of training programmes for competent authorities and other relevant stakeholders, promote exchanges of personnel between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations, assist in the organisation of information campaigns and voluntary mutual visit programmes between competent authorities, involve and facilitate the diplomatic representations of the Union to assist in the information gathering efforts of this Regulation. The** administrative support structure **to be provided by the Commission** should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition.

## Amendment 43

### Proposal for a regulation Recital 44 a (new)

*Text proposed by the Commission*

*Amendment*

***(44a) The Commission should ensure the effective and uniform application of this Regulation and to that effect support and encourage cooperation between enforcement authorities through the Network.***

## Amendment 44

### Proposal for a regulation Recital 45

*Text proposed by the Commission*

*Amendment*

(45) Since forced labour is a global problem and given the interlinkages of the global *value* chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis.

(45) Since forced labour is a global problem and given the interlinkages of the global *supply* chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations, ***as well as with other actors***, to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis. ***Existing dialogue structures with third countries include the (sub)committees on trade and sustainable development in trade agreements or the dialogue foreseen within the Generalised System of Preferences. The Commission should ensure coherence and synergies between relevant external policies, in particular***

*development cooperation and projects focusing on the eradication of forced labour, and it should also foster the creation of enabling environments in third countries to promote and protect human rights, including capacity building to support workers and local communities in their efforts to root out forced labour from global supply chains. Additionally, the Commission should have regular contact and cooperation in particular with countries that have similar legislation in place, to share information of risk products or regions as well as best practices for bringing to an end forced labour. Union delegations should have an important role when it comes to disseminating information on this Regulation and should facilitate the possibility of third parties in third countries to provide information on the existence of forced labour on a determined product.*

#### **Amendment 45**

##### **Proposal for a regulation Recital 48 a (new)**

*Text proposed by the Commission*

*Amendment*

*(48a) In order to ensure that penalties are effective and fair and to prevent a distorted approach to penalties in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. The Commission should define the method for the calculation of financial penalties and the thresholds applicable, define where they are to be used, and specify mitigating and aggravating circumstances to guide Member States in designing their penalty regimes.*

#### **Amendment 46**

**Proposal for a regulation**  
**Recital 48 b (new)**

*Text proposed by the Commission*

*Amendment*

***(48b) The Commission should carry out an evaluation of this Regulation in light of the objective it pursues, and should submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee. The report should assess whether this Regulation achieved its objectives, in particular with regard to reducing the number of products on the Union market made with forced labour, improving cooperation between competent authorities and strengthening the controls on products entering the Union market, the impact on business of administrative procedures, the cost of compliance, the impact on trade and on competitiveness of companies operating in the internal market, the alignment with other relevant Union law, the contribution to fight forced labour globally, and the overall cost-benefit and effectiveness.***

**Amendment 47**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. This Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour.

1. This Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour, ***and contributes to the fight against forced labour.***

**Amendment 48**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ‘forced labour’ means ***forced or compulsory labour as defined in*** Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour;

*Amendment*

(a) ‘forced labour’ means ***all work or service that is exacted from a person under the menace of a penalty and for which that person has not offered himself or herself voluntarily in accordance with*** Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour, and ***can occur along the value chain;***

**Amendment 49**

**Proposal for a regulation  
Article 2 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) ‘forced labour imposed by state authorities’ means the use of forced labour ***as described in*** Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;

*Amendment*

(b) ‘forced labour imposed by state authorities’ means the use of forced labour:

***(i) as a means of political coercion or education or as a punishment for holding or expressing political views or opinions ideologically opposed to the established political, social or economic system;***

***(ii) as a method of mobilising and using labour for purposes of economic development;***

***(iii) as a means of labour discipline;***

***(iv) as a punishment for having participated in strikes;***

***(v) as a means of racial, social, national or religious discrimination;***

***as listed in*** Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;

## Amendment 50

### Proposal for a regulation Article 2 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) ‘remediation’ means both the process of providing remedy to victims of forced labour for a negative human rights impact and the substantive outcomes that can counteract, or make good, the negative impact of forced labour, such as public apologies, restitution, rehabilitation, compensation, contribution to investigations, and compliance with measures adopted by relevant public authorities, as well as prevention of additional harm;***

## Amendment 51

### Proposal for a regulation Article 2 – paragraph 1 – point g a (new)

*Text proposed by the Commission*

*Amendment*

***(ga) ‘supply chain’ means the activities of the company’s upstream business partners related to the extraction, harvest, production or manufacturing of a product, including working or processing related to the product at any stage of those activities;***

## Amendment 52

### Proposal for a regulation Article 2 – paragraph 1 – point m a (new)

*Text proposed by the Commission*

*Amendment*

***(ma) ‘end user’ means any natural or legal person residing or established in the Union, to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or***

*as a professional end user in the course of his or her industrial or professional activities;*

## Amendment 53

### Proposal for a regulation

#### Article 2 – paragraph 1 – point n

*Text proposed by the Commission*

(n) ‘substantiated concern’ means a well-founded reason, based on objective and verifiable information, for the competent authorities to suspect that products were likely made with forced labour;

*Amendment*

(n) ‘substantiated concern’ means a well-founded reason, based on objective, ***factual*** and verifiable information, for the competent authorities to suspect that products were likely made with forced labour;

## Amendment 54

### Proposal for a regulation

#### Chapter II – title

*Text proposed by the Commission*

Investigations and decisions of competent authorities

*Amendment*

Investigations and decisions of competent authorities ***and the Commission***

## Amendment 55

### Proposal for a regulation

#### Article 4 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant information available to them, including the following information:

*Amendment*

1. ***The Commission and*** competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant ***factual and verifiable*** information available to them, including the following information:



## Amendment 56

### Proposal for a regulation Article 4 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the risk indicators and other information pursuant to Article 23, **points (b) and (c)**;

*Amendment*

(b) the risk indicators and other information pursuant to Article 23, **point (b)**;

## Amendment 57

### Proposal for a regulation Article 4 – paragraph 1 – point e

*Text proposed by the Commission*

(e) information requested by the competent authority from other relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.

*Amendment*

(e) information requested by **the Commission or** the competent authority from other relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;

## Amendment 58

### Proposal for a regulation Article 4 – paragraph 1 – point e a (new)

*Text proposed by the Commission*

*Amendment*

**(ea) any issues arising from meaningful consultations with relevant stakeholders.**

## Amendment 59

### Proposal for a regulation Article 4 – paragraph 2

*Text proposed by the Commission*

2. In their assessment of the likelihood that economic operators violated Article 3, competent authorities shall focus on the economic operators involved in the steps of the **value** chain as close as possible to where the risk of forced labour is likely to occur and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.

*Amendment*

2. In their assessment of the likelihood that economic operators violated Article 3, **the Commission and** competent authorities shall focus on the economic operators **and relevant product suppliers** involved in the steps of the **supply** chain as close as possible to where the risk of forced labour is likely to occur and take into account the size and economic resources of the economic operators, the **share of forced labour component in the final product,** the quantity of products concerned, as well as the scale of suspected forced labour **and whether state-imposed forced labour could be a concern.**

**Amendment 60**

**Proposal for a regulation**

**Article 4 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The right of the economic operator to be heard shall be respected at all stages of the process.**

**Amendment 61**

**Proposal for a regulation**

**Article 4 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. Before initiating an investigation in accordance with Article 5(1), the competent authority shall request from the economic operators under assessment information on actions taken to identify, prevent, mitigate or bring to an end risks of forced labour in their operations and **value** chains with respect to the products under assessment, including on the basis of any of the following:

3. Before initiating an investigation in accordance with Article 5(1), **the Commission or** the competent authority shall request from the economic operators under assessment **and relevant product suppliers** information on actions taken to identify, prevent, mitigate or bring to an end risks of forced labour **and remediate forced labour cases** in their operations and **supply** chains with respect to the products

under assessment, including on the basis of any of the following:

## Amendment 62

### Proposal for a regulation

#### Article 4 – paragraph 3 – point c

*Text proposed by the Commission*

(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations;

*Amendment*

(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations, ***as well as of social partners, in particular those guidelines and recommendations relating to geographic areas, production sites and economic activities in certain sectors, in specific areas with systematic and widespread forced labour practices;***

## Amendment 63

### Proposal for a regulation

#### Article 4 – paragraph 3 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Commission and competent authorities may request information on those actions from other relevant stakeholders, including the persons or associations having submitted relevant information pursuant to Article 10 and any other stakeholder working on the products or regions related to the assessment, as well as from diplomatic representations of the Union in relevant third countries.***

## Amendment 64

### Proposal for a regulation

#### Article 4 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Notwithstanding paragraph 2a, the Commission and competent authorities may refrain from requesting information from the economic operator and relevant product suppliers if they have a well-founded reason to believe, based on objective information, that it represents a risk to the investigation.**

## **Amendment 65**

### **Proposal for a regulation Article 4 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Economic operators shall respond to the request of the competent authority referred to in paragraph 3 within **15** working days from the day they received such request. Economic operators may provide to competent authorities any other information they may deem useful for the purposes of this Article.

4. Economic operators **and relevant product suppliers** shall respond to the request of the **Commission or** competent authority referred to in paragraph 3 within **30** working days from the day they received such request. Economic operators may provide to **the Commission or** competent authorities any other information they may deem useful for the purposes of this Article.

## **Amendment 66**

### **Proposal for a regulation Article 4 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Within 30 working days from the date of receipt of the information submitted by economic operators pursuant to paragraph 4, the competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the information submitted by economic

5. Within 30 working days from the date of receipt of the information submitted by economic operators **and relevant product suppliers** pursuant to paragraph 4, **the Commission or** the competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the

operators pursuant to paragraph 4.

information submitted by economic operators **and relevant product suppliers** pursuant to paragraph 4.

## Amendment 67

### Proposal for a regulation Article 4 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. Notwithstanding paragraph 5, the Commission or competent authorities may conclude that there is substantiated concern on the basis of any other facts available where it was not possible to gather information and evidence pursuant to paragraph 4, or where the competent authorities or the Commission have refrained from requesting information in accordance with paragraph 3a.**

## Amendment 68

### Proposal for a regulation Article 4 – paragraph 6

*Text proposed by the Commission*

*Amendment*

**6. The competent authority shall duly take into account where the economic operator demonstrates that it carries out due diligence on the basis of identified forced labour impact in its supply chain, adopts and carries out measures suitable and effective for bringing to an end forced labour in a short period of time.**

**deleted**

## Amendment 69

### Proposal for a regulation Article 4 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. Competent authorities shall not

7. **The Commission or** competent

initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.

authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the ***Commission or the*** competent authorities consider that there is no substantiated concern of a violation of Article 3, ***or that the reasons that motivated the existence of a substantiated concern have been eliminated***, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.

## **Amendment 70**

### **Proposal for a regulation Article 5 – paragraph 1**

#### *Text proposed by the Commission*

1. Competent authorities that, pursuant to Article 4(5), determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an investigation on the products and economic operators concerned.

#### *Amendment*

1. ***The Commission or*** competent authorities that, pursuant to Article 4(5) ***or to the information contained in the delegated act referred to in Article 11a***, determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an investigation on the products and economic operators concerned.

## **Amendment 71**

### **Proposal for a regulation Article 5 – paragraph 2 – introductory part**

#### *Text proposed by the Commission*

2. Competent authorities that initiate an investigation pursuant to paragraph 1 shall

#### *Amendment*

2. ***The Commission or*** competent authorities that initiate an investigation

inform the economic operators subject to the investigation, within **3** working days from the date of the decision to initiate such investigation about the following:

pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within **2** working days from the date of the decision to initiate such investigation about the following:

#### **Amendment 72**

##### **Proposal for a regulation**

##### **Article 5 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) the possibility for the economic operators to submit any other document or information to the competent authority, and the date by which such information has to be submitted.

*Amendment*

(d) the possibility for the economic operators to submit any other document or information to the competent authority **or the Commission**, and the date by which such information has to be submitted;

#### **Amendment 73**

##### **Proposal for a regulation**

##### **Article 5 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the requirement for the economic operator to demonstrate that Article 3 has not been violated with regard to the products coming from the geographic areas and the economic sectors listed in the delegated act adopted pursuant to Article 11a.***

#### **Amendment 74**

##### **Proposal for a regulation**

##### **Article 5 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where requested to do so by competent authorities, economic operators under investigation shall submit to those competent authorities any information that is relevant and necessary for the

*Amendment*

3. Where requested to do so by **the Commission or** competent authorities, economic operators under investigation **and relevant product suppliers** shall submit to **the Commission or** those

investigation, including information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, competent authorities shall to the extent possible:

competent authorities any information that is relevant and necessary for the investigation, including information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, **the Commission or** competent authorities shall to the extent possible:

## Amendment 75

### Proposal for a regulation Article 5 – paragraph 3 – point a

*Text proposed by the Commission*

(a) prioritise the economic operators under investigation involved in the steps of the **value** chain as close as possible to where the likely **risk** of forced labour **occurs** and

*Amendment*

(a) **after identifying the individual responsibilities, along the supply chain, of different product suppliers down to the level where forced labour is taking place,** prioritise the economic operators under investigation **and relevant product suppliers** involved in the steps of the **supply** chain as close as possible to where the **forced labour** likely **occurs and with the highest leverage to prevent, mitigate, bring to an end and remediate the use** of forced labour, and

## Amendment 76

### Proposal for a regulation Article 5 – paragraph 3 – point b

*Text proposed by the Commission*

(b) take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.

*Amendment*

(b) take into account the size and economic resources of the economic operators, **in particular whether the operator is an SME,** the quantity of products concerned, **the complexity of the supply chain,** as well as the scale of suspected forced labour.

## Amendment 77



**Proposal for a regulation**  
**Article 5 – paragraph 4**

*Text proposed by the Commission*

4. Economic operators shall submit the information within **15** working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.

*Amendment*

4. Economic operators **and relevant product suppliers** shall submit the information within **30** working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.

**Amendment 78**

**Proposal for a regulation**  
**Article 5 – paragraph 5**

*Text proposed by the Commission*

5. When deciding on the time limits referred to in this Article, competent authorities shall consider the size and economic resources of the economic operators concerned.

*Amendment*

5. When deciding on the time limits referred to in this Article, **the Commission and** competent authorities shall consider the size and economic resources of the economic operators concerned, **including whether the economic operator is an SME.**

**Amendment 79**

**Proposal for a regulation**  
**Article 5 – paragraph 6**

*Text proposed by the Commission*

6. Competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.

*Amendment*

6. **The Commission and** competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.

**Amendment 80**

**Proposal for a regulation**  
**Article 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission and competent authorities may ask diplomatic representations of the Union in relevant third countries to provide information and support.**

**Amendment 81**

**Proposal for a regulation**  
**Article 5 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. The Commission and competent authorities may request relevant information from other stakeholders.**

**Amendment 82**

**Proposal for a regulation**  
**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

Decisions of competent authorities

Decisions of competent authorities **and the Commission**

**Amendment 83**

**Proposal for a regulation**  
**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been violated, within **a reasonable period of time** from the date they initiated the

1. **The Commission or** competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been violated, within **90 working days** from the date they initiated

investigation pursuant to Article 5(1).

the investigation pursuant to Article 5(1),  
***unless a duly justified request for the extension of the deadline in Article 5(4) was accepted.***

## Amendment 84

### Proposal for a regulation Article 6 – paragraph 2

*Text proposed by the Commission*

2. Notwithstanding paragraph 1, competent authorities may establish that Article 3 has been violated on the basis of any other facts available where it was not possible to gather information and evidence pursuant to Article 5(3) or (6).

*Amendment*

2. Notwithstanding paragraph 1, ***the Commission or*** competent authorities may establish that Article 3 has been violated on the basis of any other facts available where it was not possible to gather information and evidence pursuant to Article ***4(3) and Article*** 5(3) or (6).

## Amendment 85

### Proposal for a regulation Article 6 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Notwithstanding paragraph 1, economic operators shall demonstrate that Article 3 has not been violated in cases concerning products coming from the geographic area and the economic sector listed in the delegated act adopted pursuant to Article 11a.***

## Amendment 86

### Proposal for a regulation Article 6 – paragraph 3

*Text proposed by the Commission*

3. Where competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and inform the economic

*Amendment*

3. Where ***the Commission or*** competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and

operator thereof.

inform the economic operator thereof. ***The decision to close the investigation shall be without prejudice to the adoption of a new decision to open an investigation under Article 5(1), in the event that the Commission or the competent authority receive new information pursuant to Article 4. Such closed investigations shall not appear in the database.***

## **Amendment 87**

### **Proposal for a regulation**

#### **Article 6 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Where competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:

*Amendment*

4. Where ***the Commission or*** competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:

## **Amendment 88**

### **Proposal for a regulation**

#### **Article 6 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) a prohibition to place or make the products concerned available on the Union market and to export them;

*Amendment*

(a) a prohibition to place or make the products ***or product components*** concerned available on the Union market and to export them;

## **Amendment 89**

### **Proposal for a regulation**

#### **Article 6 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) an order for the economic operators that have been subject to the investigation to withdraw from the Union market the relevant products that have already been

*Amendment*

(b) an order for the economic operators that have been subject to the investigation to withdraw from the Union market the relevant products ***or product components*** that have already been placed or made

placed or made available on the market;

available on the market;

## Amendment 90

### Proposal for a regulation

#### Article 6 – paragraph 4 – point c

##### *Text proposed by the Commission*

(c) an order for the economic operators that have been subject to the investigation to dispose of the respective products in accordance with national law consistent with Union law.

##### *Amendment*

(c) an order for the economic operators that have been subject to the investigation to

*i) if the products are perishable, donate the products concerned to charitable organisations or organisations that benefit public interest;*

*ii) if the products are not perishable, recycle the products concerned;*

*iii) where points (i) and (ii) are not possible, dispose of the respective products in accordance with national law consistent with Union law.*

## Amendment 91

### Proposal for a regulation

#### Article 6 – paragraph 5 – introductory part

##### *Text proposed by the Commission*

5. Where an economic operator has failed to comply with the decision referred to in paragraph 4, the competent authorities shall ensure all of the following:

##### *Amendment*

5. Where an economic operator has failed to comply with the decision referred to in paragraph 4, the **Commission or the** competent authorities shall ensure all of the following:

## Amendment 92

### Proposal for a regulation

#### Article 6 – paragraph 5 – point c

*Text proposed by the Commission*

(c) that any product remaining with the economic operator concerned is disposed of in accordance with national law consistent with Union law at the expense of the economic operator.

*Amendment*

(c) that any product remaining with the economic operator concerned is

*i) if the products are perishable, donated to charitable organisations or organisations that benefit public interest;*

*ii) if the products are not perishable, recycled;*

*iii) where points (i) and (ii) are not possible, disposed of in accordance with national law consistent with Union law at the expense of the economic operator.*

**Amendment 93**

**Proposal for a regulation  
Article 6 – paragraph 6**

*Text proposed by the Commission*

6. Where *economic operators provide evidence to* the competent authorities that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned, the competent authorities shall withdraw their decision for the future and inform the economic operators.

*Amendment*

6. Where the **Commission or** competent authorities **establish that economic operators have demonstrated** that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned **and that relevant forced labour cases have been remediated, the Commission or** the competent authorities shall withdraw their decision for the future and inform the economic operators.

**Amendment 94**

**Proposal for a regulation  
Article 7 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the findings of the investigation and the information underpinning the findings;

*Amendment*

(a) the findings of the investigation and the information **and evidence** underpinning the findings;

**Amendment 95**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no longer than necessary to withdraw the respective products. When setting such a time limit, the competent authority shall take into account the economic operator's size and economic resources;

*Amendment*

(b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no longer than necessary to withdraw the respective products. When setting such a time limit, the **Commission or the** competent authority shall take into account the economic operator's size and economic resources, **including whether the operator is an SME**;

**Amendment 96**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including details about the manufacturer **or** producer and the product suppliers;

*Amendment*

(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including details about the manufacturer, producer, **production site**, and the product suppliers;

**Amendment 97**

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

1. Competent authorities shall provide economic operators affected by a decision adopted pursuant to Article 6(4) the possibility of requesting a review of that decision within 15 working days from the date of receipt of that decision. In case of perishable goods, animals and plants, that time limit shall be 5 working days. The request for review shall contain information which demonstrates that the products are placed or made available on the market or to be exported in compliance with Article 3.

*Amendment*

1. Competent authorities **and the Commission** shall provide economic operators affected by a decision adopted pursuant to Article 6(4) the possibility of requesting a review of that decision within 15 working days from the date of receipt of that decision, **and inform them of such possibility**. In case of perishable goods, **including foodstuffs**, animals and plants, that time limit shall be 5 working days. The request for review shall contain information which demonstrates that the products are placed or made available on the market or to be exported in compliance with Article 3.

**Amendment 98**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

2. A request for a review of a decision adopted pursuant Article 6(4) shall contain new information that was not brought to the attention of the competent authority during the investigation. The request for a review shall delay the enforcement of the decision adopted pursuant to Article 6(4) until the competent authority decides on the request for the review.

*Amendment*

2. A request for a review of a decision adopted pursuant Article 6(4) shall contain **substantial** new information that was not brought to the attention of the competent authority during the investigation. The request for a review shall delay the enforcement of the decision adopted pursuant to Article 6(4) until the competent authority **or the Commission** decides on the request for the review.

**Amendment 99**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. A competent authority shall take a decision on the request for review within 15 working days from the date of receipt of

*Amendment*

3. A competent authority **or the Commission** shall take a decision on the request for review within 15 working days



the request. In case of perishable goods, animals and plants that time limit shall be 5 working days.

from the date of receipt of the request. In case of perishable goods, animals and plants that time limit shall be 5 working days.

## Amendment 100

### Proposal for a regulation Article 8 – paragraph 4

#### *Text proposed by the Commission*

4. Where a competent authority considers that after taking into account the new information provided by the economic operator in accordance with paragraph 1 it cannot establish that the products have been placed or made available on the market or are being exported in violation of Article 3, it shall withdraw its decision adopted pursuant to Article 6(4).

#### *Amendment*

4. Where a competent authority ***or the Commission*** considers that after taking into account the new information provided by the economic operator in accordance with paragraph 1 it cannot establish that the products have been placed or made available on the market or are being exported in violation of Article 3, it shall withdraw its decision adopted pursuant to Article 6(4) ***and remove the decision from the database referred to in Article 11.***

## Amendment 101

### Proposal for a regulation Article 9 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. The competent authority shall without delay inform the ***Commission and the competent authorities of other Member States*** using the information and communication system referred to in Article 22(1) about the following:

#### *Amendment*

1. ***The Commission and*** the competent authority shall without delay inform the ***other*** competent authorities using the information and communication system referred to in Article 22(1) about the following:

## Amendment 102

### Proposal for a regulation Article 9 – paragraph 1 – point -a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) any decision to open a preliminary investigation as referred to in Article 4, based on one or several submissions of information through the mechanism referred to in Article 10;***

### **Amendment 103**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 – point –a a (new)**

*Text proposed by the Commission*

*Amendment*

***(-aa) the existence of substantiated concern following the preliminary phase of investigation, referred to in Article 4(5);***

### **Amendment 104**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their disposal referred to in Article 6(4);

(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their ***donation, recycling or*** disposal referred to in Article 6(4);

### **Amendment 105**

#### **Proposal for a regulation**

#### **Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Any decision referred to in Article 6(4) and 6(6) shall be communicated to the public by the competent authority who***

*adopted it or, if the decision has been adopted by the Commission, by the Commission.*

## **Amendment 106**

### **Proposal for a regulation Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Submissions of information by any natural or legal person or any association not having legal personality, to competent **authorities** on alleged violations of Article 3 shall contain information on the economic operators or products concerned and provide the reasons substantiating the allegation.

*Amendment*

1. Submissions of information by any natural or legal person or any association not having legal personality, to **the Commission or a** competent **authority** on alleged violations of Article 3 shall contain information on the economic operators or products concerned and provide the reasons substantiating the allegation. **Submissions may be addressed to more than one competent authority.**

## **Amendment 107**

### **Proposal for a regulation Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Commission shall set up a dedicated centralised mechanism for the submission of information pursuant to paragraph 1. This mechanism shall be available in all official languages of the institutions of the Union, and it shall be user friendly and free of charge.**

## **Amendment 108**

### **Proposal for a regulation Article 10 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**1b. In order to ensure uniform conditions for the submission of**

*information, the Commission shall adopt implementing acts establishing templates for the submission of information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29.*

## **Amendment 109**

### **Proposal for a regulation Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The competent authority shall, as soon as possible, inform the person or association referred to in paragraph 1 of the outcome of the assessment of their submission.

*Amendment*

2. ***The Commission or*** the competent authority shall ***diligently and impartially assess the information and,*** as soon as possible, inform the person or association referred to in paragraph 1 of the outcome of the assessment of their submission.

## **Amendment 110**

### **Proposal for a regulation Article 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In cases where there is a significant time interval between the submission of information and the outcome of the assessment, the Commission or competent authorities shall confirm with such person or association that the situation has, to the best of their knowledge, not significantly changed.***

## **Amendment 111**

### **Proposal for a regulation Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall call upon external expertise to provide an indicative,

*Amendment*

1. The Commission shall call upon external expertise to provide an indicative,

non-exhaustive, **verifiable** and regularly updated database of forced labour risks in specific geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities. ***The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities.***

non-exhaustive, **evidence-based** and regularly updated database of forced labour risks in specific geographic areas, **sectors**, or with respect to specific products including with regard to forced labour imposed by state authorities.

## Amendment 112

### Proposal for a regulation Article 11 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The database shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, social partners, and relevant experience from implementing Union law setting out due diligence requirements with respect to forced labour.***

## Amendment 113

### Proposal for a regulation Article 11 – paragraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***1b. Based on reliable and verifiable evidence, the database shall, in particular, identify specific economic sectors in specific geographic areas, where there is high risk of forced labour being imposed by state authorities.***

## Amendment 114

**Proposal for a regulation**  
**Article 11 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

**1c. The database shall include a list of all decisions of the Commission and competent authorities pursuant to Article 6(4) and Article 6(6).**

**Amendment 115**

**Proposal for a regulation**  
**Article 11 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

**1d. The database shall include a list of publicly available information sources of relevance for the implementation of this Regulation, including sources which make available disaggregated data on the impact and victims of forced labour, such as gender-disaggregated data or data about forced child labour, allowing to identify age- and gender-specific trends.**

**Amendment 116**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The Commission shall ensure that the database is made publicly available by the external expertise at the latest **24** months **after the entry into force** of this Regulation.

2. The Commission shall ensure that the database is **easily accessible, including for persons with disabilities, and** made publicly available, **in all official languages of the institutions of the Union**, by the external expertise at the latest **12** months **before the date of application** of this Regulation.

**Amendment 117**

**Proposal for a regulation**  
**Article 11 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Economic operators placing or making available on the Union market or exporting products which are not mentioned in the database referred to in paragraph 1 of this Article, or which come from areas that are not mentioned in that database, shall also be required to comply with Article 3.**

**deleted**

**Amendment 118**

**Proposal for a regulation**  
**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

**Forced labour imposed by state authorities**

***Based on the information included in the database referred to in Article 11(1b), or on the information and decisions encoded in the information and communication system referred to in Article 22(1), the Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by determining specific economic sectors in specific geographic areas, where a high risk of forced labour imposed by state authorities has been identified.***

**Amendment 119**

**Proposal for a regulation**  
**Article 12 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Member States shall ensure that the designated competent authorities exercise**

**5. Member States shall ensure that the designated competent authorities exercise**

their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.

their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers, *expertise* and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.

## Amendment 120

### Proposal for a regulation Article 13 – paragraph 1

#### *Text proposed by the Commission*

1. The Commission shall ensure efficient cooperation among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.

#### *Amendment*

1. The Commission shall ensure efficient cooperation **and coordination** among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.

## Amendment 121

### Proposal for a regulation Article 14 – paragraph 1

#### *Text proposed by the Commission*

1. Decisions taken by a competent authority in one Member State shall be recognised and enforced by competent authorities in the other Member States in so far as they relate to products with the same identification and from the same supply chain for which forced labour has been found.

#### *Amendment*

1. Decisions taken by a competent authority in one Member State shall be recognised and enforced by competent authorities in the other Member States in so far as they relate to products with the same identification and from the same supply chain for which forced labour has been found. ***Decisions taken by the Commission shall be enforced by competent authorities in all Member States.***



## Amendment 122

### Proposal for a regulation Article 14 – paragraph 2

*Text proposed by the Commission*

2. A competent authority that has received, through the information and communication system referred to in Article 22(1), a request from a competent authority of another Member State for information to verify any evidence provided by an economic operator shall provide that information ***within*** 15 working days from the date of receipt of the request.

*Amendment*

2. A competent authority that has received, through the information and communication system referred to in Article 22(1), a request from a competent authority of another Member State for information to verify any evidence provided by an economic operator, shall provide that information ***as soon as possible and at the latest*** 15 working days from the date of receipt of the request.

## Amendment 123

### Proposal for a regulation Article 14 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. Before initiating a preliminary investigation in accordance with Article 4, a competent authority shall verify in the information and communication system referred to in Article 22(1) whether there are one or more authorities assessing the same product and the same economic operator. Where there is at least one other competent authority conducting such assessment, only the competent authority which first informed the Commission and the competent authorities of other Member States of the decision to open a preliminary investigation in accordance with Article 9(1), point (-aa), shall request the information referred to in Article 4(3) from the economic operator and relevant product suppliers. That competent authority shall share all information collected with the other competent authorities assessing the same products or the same economic operators.***

## Amendment 124

### Proposal for a regulation Article 14 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b. Where competent authorities are mentioned in paragraphs 2, 3, 4, 5, 6 and 6a, they shall be deemed to include the Commission, when it acts on the basis of Chapter II of this Regulation.**

## Amendment 125

### Proposal for a regulation Article 15 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. The competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:

3. **The Commission or** the competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:

## Amendment 126

### Proposal for a regulation Article 15 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.

4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013. **The Commission and Member States shall ensure that the customs authorities have sufficient**

*resources to carry out these controls.*

## Amendment 127

### Proposal for a regulation Article 15 – paragraph 5

*Text proposed by the Commission*

5. The competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6).

*Amendment*

5. **The Commission or** the competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6).

## Amendment 128

### Proposal for a regulation Article 17 – paragraph 1

*Text proposed by the Commission*

Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).

*Amendment*

Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities **or the Commission** of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).

## Amendment 129

### Proposal for a regulation Article 18 – paragraph 1 – point a

*Text proposed by the Commission*

(a) within 4 working days of the suspension, if the competent authorities

*Amendment*

(a) within 4 working days of the suspension, if **the Commission or** the

have not requested the customs authorities to maintain the suspension. In case of perishable products, animals and plants that time limit shall be 2 working days;

competent authorities have not requested the customs authorities to maintain the suspension. In case of perishable products, animals and plants that time limit shall be 2 working days;

### **Amendment 130**

#### **Proposal for a regulation Article 18 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.

*Amendment*

(b) **the Commission or** the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.

### **Amendment 131**

#### **Proposal for a regulation Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Where the competent authorities conclude that a product that has been notified to them in accordance with Article 17 is a product made with forced labour pursuant to a decision referred to in Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.

*Amendment*

1. Where **the Commission or** the competent authorities conclude that a product that has been notified to them in accordance with Article 17 is a product made with forced labour pursuant to a decision referred to in Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.

### **Amendment 132**

#### **Proposal for a regulation Article 20 – paragraph 1**

*Text proposed by the Commission*

Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs

*Amendment*

Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs

authorities shall take the necessary measures to ensure that the product concerned is disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.

authorities *in cooperation with the Commission or the competent authorities* shall take the necessary measures to ensure that the product concerned is *donated to charitable or public interest purposes if it is perishable. If such products are not perishable, they should be recycled, and if that is not possible, they should be* disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.

### Amendment 133

#### Proposal for a regulation Article 21 – paragraph 1

*Text proposed by the Commission*

1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, competent authorities and customs authorities shall cooperate closely and exchange risk-related information.

*Amendment*

1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, *the Commission*, competent authorities and customs authorities shall cooperate closely and exchange risk-related information, *in which the Commission will take on a coordination role.*

### Amendment 134

#### Proposal for a regulation Article 22 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That interconnection shall start operating no later than *two years* from the date of the adoption of the

*Amendment*

3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That interconnection shall start operating no later than *one year* from the date of the adoption of the

implementing act referred to in paragraph 7, point (b), in respect of that interconnection.

implementing act referred to in paragraph 7, point (b), in respect of that interconnection.

## Amendment 135

### Proposal for a regulation Article 22 – paragraph 5

#### *Text proposed by the Commission*

5. The Commission shall interconnect the national single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications between customs and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]<sup>40</sup> within **four** years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.

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<sup>40</sup> Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).

#### *Amendment*

5. The Commission shall interconnect the national single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications between customs, **the Commission** and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]<sup>40</sup> within **two** years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.

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<sup>40</sup> Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).

## Amendment 136

### Proposal for a regulation Article 23 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

The Commission shall issue guidelines no later than **18** months **after the entry into force** of this Regulation, which shall include the following:

#### *Amendment*

The Commission shall issue guidelines no later than **12** months **before the date of application** of this Regulation, which shall include the following:

## Amendment 137

**Proposal for a regulation**  
**Article 23 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) guidance on due diligence in relation to forced labour, which shall take into account applicable Union legislation setting out due diligence requirements with respect to forced labour, guidelines and recommendations from international organisations, as well as the size and economic resources of economic operators;

*Amendment*

(a) guidance on due diligence in relation to forced **labour, including forced child** labour, which shall take into account applicable Union legislation setting out due diligence requirements with respect to forced labour, guidelines and recommendations from international organisations, as well as the size and economic resources of economic operators, **different types of suppliers along the supply chain, different sectors and the particular risks associated with forced labour imposed by state authorities;**

**Amendment 138**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) guidance on how to submit information pursuant to Article 10;**

**Amendment 139**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

**(ab) guidance for economic operators and product suppliers on how to engage in dialogue with competent authorities pursuant to Articles 4 and 5;**

**Amendment 140**

**Proposal for a regulation**  
**Article 23 – paragraph 1 – point a c (new)**

*Text proposed by the Commission*

*Amendment*

***(ac) guidance for economic operators on measures that are suitable and effective for bringing to an end different types of forced labour;***

## **Amendment 141**

### **Proposal for a regulation**

#### **Article 23 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) information on risk indicators of forced labour, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;

(b) information on risk indicators of forced labour, ***including how to identify them***, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;

## **Amendment 142**

### **Proposal for a regulation**

#### **Article 23 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) a list of publicly available information sources of relevance for the implementation of this Regulation;***

***deleted***

## **Amendment 143**

### **Proposal for a regulation**

#### **Article 23 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) guidance for the practical

(e) guidance for ***competent authorities***



*implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.*

*on the practical application of Articles 4 and 5, Article 11, Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation, including benchmarks for assisting competent authorities in their risk-based assessments of investigations and guidelines on the applicable standard of evidence and on how to ensure that economic operators can use the official language of their place of establishment.*

#### Amendment 144

##### Proposal for a regulation

##### Article 23 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*The guidance referred to in paragraph 1, point (a), shall focus in particular on assisting small and medium-sized enterprises (SMEs) and economic operators outside the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence] in complying with this Regulation, and in particular with regard to cases referred to in Article 5(2), point (da).*

#### Amendment 145

##### Proposal for a regulation

##### Article 23 – paragraph 1 – subparagraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

*Furthermore, the Commission shall develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular the SMEs. Those measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.*

## Amendment 146

### Proposal for a regulation

#### Article 23 – paragraph 1 – subparagraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***National competent authorities shall support micro, small and medium-sized enterprises (SMEs) by organizing trainings on forced labour risk indicators and on engagement with authorities during investigations, and set up a hotline for questions related to this Regulation.***

## Amendment 147

### Proposal for a regulation

#### Article 23 – paragraph 1 – subparagraph 1 d (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall consult relevant stakeholders and partners when elaborating the guidelines referred to in this Article.***

## Amendment 148

### Proposal for a regulation

#### Article 23 – paragraph 1 – subparagraph 1 e (new)

*Text proposed by the Commission*

*Amendment*

***The guidelines shall be consistent with guidelines provided in accordance with other relevant Union law.***

## Amendment 149

### Proposal for a regulation

#### Article 24 – paragraph 1

*Text proposed by the Commission*

1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent.

*Amendment*

1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent. ***The Commission shall coordinate the work of the Network.***

**Amendment 150**

**Proposal for a regulation  
Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission and the Member States shall ensure that the Network has the necessary resources to carry out the tasks referred to in paragraph 3, including sufficient budgetary and other resources.***

**Amendment 151**

**Proposal for a regulation  
Article 24 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. A representative from the Commission shall chair the meetings of the Network.***

**Amendment 152**

**Proposal for a regulation  
Article 24 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The Network shall have a secretariat. It shall be provided by the Commission. The secretariat shall organise the meetings of the Network and provide technical and logistical support to the Network.**

### **Amendment 153**

**Proposal for a regulation**

**Article 24 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) commission research and monitor situations of systemic use of forced labour;**

### **Amendment 154**

**Proposal for a regulation**

**Article 24 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) facilitate capacity building activities, such as the organisation of training programmes for competent authorities and other relevant stakeholders;**

### **Amendment 155**

**Proposal for a regulation**

**Article 24 – paragraph 3 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) promote cooperation, exchange of expertise, exchanges of personnel and voluntary mutual visit programmes between competent authorities and, where appropriate, with the authorities of partner third countries or with**

*international organisations, especially with the authorities of low and lower middle-income countries;*

#### **Amendment 156**

##### **Proposal for a regulation Article 24 – paragraph 3 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

*(cc) assist in the organisation of information campaigns about this Regulation inside and outside the Union;*

#### **Amendment 157**

##### **Proposal for a regulation Article 24 – paragraph 3 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

*(cd) involve and organise training for the diplomatic representations of the Union to assist in the information gathering and dissemination efforts of this Regulation;*

#### **Amendment 158**

##### **Proposal for a regulation Article 24 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation;

(d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation, *and identify discrepancies between enforcement at the level of different Member States;*

#### **Amendment 159**

**Proposal for a regulation**  
**Article 24 – paragraph 3 – point f**

*Text proposed by the Commission*

(f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities;

*Amendment*

(f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities, ***as well as between those authorities and competent authorities of third countries and international organisations, including the World Customs Organisation;***

**Amendment 160**

**Proposal for a regulation**  
**Article 24 – paragraph 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) maintain regular contact with the Commission's relevant services to receive information from other Union initiatives that support the eradication of forced labour and provide relevant information about the application of this Regulation.***

**Amendment 161**

**Proposal for a regulation**  
**Article 24 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission shall support and encourage cooperation between enforcement authorities through the Network ***and participate in the meetings of the Network.***

4. The Commission shall ***ensure the effective and uniform application of this Regulation and to that effect*** support and encourage cooperation between enforcement authorities through the Network.

**Amendment 162**

**Proposal for a regulation**  
**Article 24 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a.** *The Network may invite experts and stakeholders, including social partners and other workers' representatives, civil society and human rights organisations representatives, businesses representatives, international organisations, third countries' competent authorities, the European Agency for Fundamental Rights, the European Labour Authority or other Union agencies with relevant expertise in the areas covered by this Regulation to attend meetings of the Network or to provide written contributions. Where appropriate, diplomatic representations of the Union, particularly based in countries with regions identified having a high risk of forced labour occurring, shall also be involved in the work of this Network.*

#### **Amendment 163**

##### **Proposal for a regulation Article 24 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b.** *The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.*

#### **Amendment 164**

##### **Proposal for a regulation Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. ***Where requested***, the Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. ***A request for***

2. The Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential, ***unless stated otherwise by***

*confidentiality shall be accompanied by a non-confidential summary of the information supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.*

*those who provide* information.

## Amendment 165

### Proposal for a regulation Article 26 – paragraph 1

#### *Text proposed by the Commission*

1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission *may* as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives *and* business organisations. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis.

#### *Amendment*

1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission *shall* as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives, *including trade unions, workers' rights organisations, NGOs and networks of affected stakeholders*, business organisations *and other relevant stakeholders, through new and existing dialogue structures*. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis, *and shall, where appropriate, facilitate the exchange of information on investigations, including the reasons and evidence for decisions taken to ban products from their jurisdictions. The Commission shall have regular contact and cooperation in particular with third countries that have similar laws in place, to share information on risk products or regions as well as best practices for bringing forced labour to an end.*

## Amendment 166



**Proposal for a regulation**  
**Article 26 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Cooperation with third countries shall be integrated with other Union policies and instruments that include measures to eradicate forced labour, including trade agreements, the Generalised Scheme of Preferences, and development cooperation projects led by the Commission.***

**Amendment 167**

**Proposal for a regulation**  
**Article 26 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission and Member States shall develop cooperation and partnership mechanisms with third countries to address the root causes of forced labour, prevent and eliminate forced labour practices, and build the capacity of upstream economic actors to respond to the requirements set out in this Regulation.***

**Amendment 168**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies **and** partner countries efforts and locally available capacities in

2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies, **and in particular SMEs, civil society organisations,** partner

tackling forced labour.

countries' efforts and locally available capacities in tackling forced labour *and its root causes*.

## Amendment 169

### Proposal for a regulation Article 26 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 26a*

*Amendment of Directive (EU) 2019/1937*

*In Part I.C.1 of the Annex to Directive (EU) 2019/1937, the following point is added:*

*‘(iv) Regulation (EU) XXXX/XXXX of the European Parliament and of the Council of [date] on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937.’*

## Amendment 170

### Proposal for a regulation Article 27 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. The power to adopt delegated acts referred to in Article **16(1)** shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.

2. The power to adopt delegated acts referred to in Article **11a**, **Article 16(1)**, **and in Article 30(4)** shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.

## Amendment 171

### Proposal for a regulation Article 27 – paragraph 3

*Text proposed by the Commission*

3. The delegation of power referred to in Article **16(1)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Article **11a, Article 16(1) and in Article 30(4)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

**Amendment 172**

**Proposal for a regulation**  
**Article 27 – paragraph 6**

*Text proposed by the Commission*

6. A delegated act adopted pursuant to Article **16(1)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Amendment*

6. A delegated act adopted pursuant to Article **11a, Article 16(1) and in Article 30(4)** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**Amendment 173**

**Proposal for a regulation**  
**Article 30 – paragraph 1**

*Text proposed by the Commission*

1. The Member States shall lay down the rules on penalties applicable to non-

*Amendment*

1. The Member States shall lay down the rules on penalties applicable to non-

compliance with a decision referred to in Article 6(4) **and shall take all measures necessary to ensure that they are implemented in accordance with national law.**

compliance with a decision referred to in Article 6(4).

#### Amendment 174

##### Proposal for a regulation Article 30 – paragraph 2

*Text proposed by the Commission*

2. The penalties provided for shall be effective, proportionate and dissuasive.

*Amendment*

2. The penalties provided for shall **take the form of pecuniary fines and** be effective, proportionate and dissuasive.

#### Amendment 175

##### Proposal for a regulation Article 30 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 in order to supplement this Regulation by establishing further detailed conditions applicable to the penalties referred to in paragraph 1, defining the method for calculating financial penalties and the thresholds applicable, when such penalties are to be used, and specifying mitigating and aggravating circumstances. The first delegated act shall be adopted by ... [6 months from the entry into force of this Regulation].**

#### Amendment 176

##### Proposal for a regulation Article 30 a (new)

***Article 30a***

***Evaluation and review***

- 1. By ... [one year after the date of application] and every four years thereafter, the Commission shall carry out an evaluation of this Regulation taking account of its objectives and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.***
- 2. The report shall assess whether and how this Regulation achieved its objectives, in particular with regard to:***
  - i) the reduction of the number of products made with forced labour on the Union market;***
  - ii) the improvement of cooperation between competent authorities and strengthening the controls on products entering the Union market;***
  - iii) the impact on businesses, and in particular on SMEs, of the administrative procedures related to the investigations and decisions;***
  - iv) the cost of compliance for economic operators, and in particular SMEs;***
  - v) the impact on the competitiveness of companies operating in the internal market;***
  - vi) the impact on trade;***
  - vii) the alignment with other relevant Union legislation;***
  - viii) the contribution to fight forced labour globally;***
  - ix) the overall cost-benefit and effectiveness of the ban.***
- 3. The report shall be accompanied, where appropriate, by a legislative proposal.***

***4. The report shall also assess whether the scope should be enlarged to include services ancillary to the extraction, harvesting, production or manufacturing of products.***

***5. The Commission shall continuously monitor the impact of this Regulation on victims of forced labour, also paying particular regard to the situation of women and children. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by stakeholders.***