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*Plenary sitting*

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**A9-0306/2023**

26.10.2023

**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on prohibiting products made with forced labour on the Union market  
(COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))

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

(Joint committee procedure – Rule 58 of the Rules of Procedure)

Rapporteurs: Samira Rafaela, Maria-Manuel Leitão-Marques

Rapporteurs for the opinions of associated committees pursuant to Rule 57 of  
the Rules of Procedure:

Salima Yenbou, Committee on Foreign Affairs

Mounir Satouri, the Committee on Employment and Social Affairs

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

***Amendments to a draft act*****Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

**Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market (COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0453),
  - having regard to Article 294(2) and Articles 114 and 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0307/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 24 January 2023<sup>1</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection under Rule 58 of the Rules of Procedure,
  - having regard to the opinions of the Committee on Foreign Affairs, the Committee on Employment and Social Affairs, the Committee on Development, the Committee on Fisheries and the Committee on Legal Affairs,
  - having regard to the report of the Committee on International Trade and the Committee on the Internal Market and Consumer Protection (A9-0306/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 0, 0.0.0000, p. 0. / Not yet published in the Official Journal]

## 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.*

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).

recommendations/lang--en/index.htm.

**<sup>16a</sup> 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).

**<sup>17a</sup> 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)**

**<sup>17c</sup> ILO, the Profits and Poverty: The economics of forced labour: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](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

*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 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.

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,*  
*[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)*

### 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

*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

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>

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

*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.

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*

[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).

*example, injunctions or guarantees of non-repetition.*

[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](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 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.

*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, **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*

*Amendment*

(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

(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



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> /

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.

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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 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

#### *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 **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.

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*

*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*

(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>

#### *Amendment*

(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 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.**

(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 **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*

(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.

## Amendment 18

### Proposal for a regulation

#### Recital 21

*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*

*Amendment*

(22) Before initiating an investigation,

(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.

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*

*Amendment*

(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

***(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***

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.

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

#### *Amendment*

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

*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*** 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



forced labour.

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

#### *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).

## 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 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

*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.

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 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

#### *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 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

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.

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*

(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.

*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. ***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)

***(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*

(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.

*Amendment*

(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

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

of the following:

**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, productions 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

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

information submitted by economic operators pursuant to paragraph 4.

referred to in paragraph 1 and the 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*

7. Competent 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 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.

*Amendment*

7. ***The Commission or*** competent 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 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:

*Amendment*

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

*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 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

*Amendment*

(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.

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

*Amendment*

6. ***The Commission and*** competent authorities may carry out all necessary

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.

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*

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 investigation pursuant to Article 5(1).

*Amendment*

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 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 operator thereof.

*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 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 placed or made available on the market;

*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 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

*Amendment*

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:

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

*Amendment*

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

*Amendment*

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.

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*

*Amendment*

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.

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, 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.***

*Amendment*

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

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.

*Amendment*

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*

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.***

*Amendment*

***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*

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.

#### *Amendment*

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, **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*

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.

#### *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. ***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

#### *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 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).

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 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*

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

*Amendment*

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

*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, competent authorities and customs authorities shall cooperate closely and exchange risk-related information.

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

#### *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.

## 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

#### *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

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.

**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).

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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

(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



International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;

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*

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

*Amendment*

**deleted**

#### **Amendment 143**

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

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

*Text proposed by the Commission*

**(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.**

*Amendment*

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

*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.

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*

*Amendment*

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

(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 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.***

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 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 tackling forced labour.

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 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*

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.

*Amendment*

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

*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

therein. It shall not affect the validity of any delegated acts already in force.

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-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.**

#### *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).

## 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)**

*Text proposed by the Commission*

*Amendment*

#### ***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.*

## EXPLANATORY STATEMENT

The ILO Forced Labour Convention, 1930 (No. 29) defines forced labour as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’.

Forced labour violates the rights of more than 27 million people across the world. No region of the world is spared from forced labour, not even the European Union. The recent and multiple crises, especially the COVID-19 pandemic, the climate crisis and multiple armed conflicts, most recently the Russian aggression in Ukraine, have exacerbated poverty and food insecurity, fuelling the problem of forced labour, and thus increasing the number of people in forced labour by 2,7 million from 2016 to 2021. As many other societal problems, forced labour has a disproportional negative effect on women, children and vulnerable groups in society.

The European Parliament has called for an instrument to ban products made by forced labour on numerous occasions, and most recently, in its resolution of 9 June 2022.

The Commission proposal, published in September 2022, has been naturally welcomed by the two co-Rapporteurs. The Commission proposal represents a first step in the right direction, as it sets up a straightforward instrument to ban products made using forced labour. The co-Rapporteurs strongly believe that with the instrument the Commission has proposed, the European Union has a unique opportunity to act and eradicate forced labour, both inside and outside the EU.

The co-Rapporteurs are convinced that the new proposal will help not only workers abroad, but also workers in the Union. This will be done two-fold: workers suffering from forced labour in the Union will be helped directly by this proposal; and companies in our internal market who play by the rules, as well as their workers, will be protected from unfair and immoral competition. Abiding by high labour standards cannot be a disadvantage, and this proposal helps to ensure this.

In order for the instrument to be more efficient and have more impact on the conditions of workers across the world, the co-Rapporteurs presented several changes to the Commission proposal. The draft Report contains the points of convergence between the two co-Rapporteurs, and it touches upon all the main elements of the draft Regulation.

- In terms of scope, and more precisely, products made with forced labour, the co-Rapporteurs believe that the **packaging, transportation and distribution of goods** should be covered by the proposal, given the fact that these activities are an essential part of the goods supply chain and a sector where there is evidence of existence of forced labour.
- **Providing remediation to the workers involved in the production of product using forced labour is an absolute priority for the co-Rapporteurs.** Indeed, in the co-Rapporteur's views, remediation should be included as a condition to clear an investigation or to withdraw a decision to ban a product.



- The co-Rapporteurs point out **differentiated impact of forced labour** on vulnerable and marginalised groups, including children, women, migrants, refugees or indigenous peoples. Therefore, the co-Rapporteurs consider that an intersectional and gender sensitive approach is essential to effectively fighting forced labour.
- The draft report considers more closely the **protection of individuals**, in particular the protection of persons at risk of threats or reprisals as a result of having shared information in relation to products made using forced labour, including their eligibility for support, legal aid or physical protection.
- The co-Rapporteurs agree that **the database should be a central element of this proposal**. The co-Rapporteurs consider the Commission proposal as a good starting point, and in particular the involvement of external experts in the set up of the database, but they also suggest some improvements. For example, the co-Rapporteurs suggest 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 legislation setting out due diligence requirements with respect to forced labour. In order to ensure public transparency, the co-Rapporteurs agree that the database should include a list of all open investigations and a list of all decisions taken.
- The co-Rapporteurs go further than the Commission proposal, including a possibility for the experts to identify specific products produced in specific geographic areas as **products of high-risk of Article 3 violations**. For these specific products the co-Rapporteurs strongly support **a reversal of the burden of proof, placing it instead on the economic operators**.
- **Clear and comprehensible guidelines are key to help economic operators, especially SMEs to comply with this Regulation**. In the co-Rapporteurs' view, guidelines should be ready 12 months after the entry into force of the Regulation, and should include, in particular, guidance for the submissions of complaints and cooperation with national authorities. Furthermore, the co-Rapporteurs insist that the Commission should develop accompanying measures to support the efforts of economic operators and their business partners in the same value chain, in particular the small and medium-sized enterprises (SMEs).
- Several provisions of the draft Report focus on **governance and enforcement**, as the co-Rapporteurs are convinced these are key elements to allow the ban on products made with forced labour to be implemented effectively and consistently throughout the Union. In the co-Rapporteurs' view, it is essential that the Commission is given the opportunity to intervene on an equal footing as the national competent authorities, including by giving the Commission the possibility to start investigations, take decisions and ensure the compliance of economic operators. Additionally, while welcoming the setting-up of the Union Network Against Forced Labour Products, the co-Rapporteurs believes that its capacity should be reinforced and additional tasks should be added, in order to **add a true European dimension to the Network and**

**strengthen its role.** Finally, in order to avoid Member States establishing different level of penalties, the co-Rapporteurs agreed to **task the Commission to establish a harmonised level of penalties.** Uniform, EU-wide penalties will avoid a race to the bottom among Member States and ensure a level playing field.

- Finally, the co-Rapporteurs believe that the **Commission should carry out an evaluation of this Regulation,** assessing whether the Regulation achieved its objective, in particular with regard to reducing the number of products made with forced labour on the Union market, improving cooperation between competent authorities and strengthening the controls on products entering the Union market, while taking into account the impact on business and in particular on SMEs.

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS**

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

on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market  
(COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))

Rapporteur for opinion: Salima Yenbou

### **SHORT JUSTIFICATION**

Forced labour, including its modern forms and state-sponsored forced labour, constitutes a serious violation of fundamental human rights and labour rights, and is prohibited under the international human rights law. The EU Charter of Fundamental Rights in its Article 5(2) explicitly prohibits forced labour. Article 7(1) of the Rome Treaty establishing the International Criminal Court also defines enslavement as a crime against humanity, when committed as a part of the widespread or systematic attack directed against any civilian population with knowledge of the attack.

Eradicating forced labour and modern slavery, in the context of the EU's role as one of the most prominent defenders of human rights in the world, has been in the focus of the DROI Subcommittee for a long time. The Rapporteur therefore welcomes the Commission proposal for banning products made with forced labour from the Union market, and welcomes the fact that the proposal itself makes a clear reference to the EU's 2020-2024 Action Plan on Human Rights and Democracy, in particular its objective to eradicate forced labour and promote responsible business conduct.

Nevertheless, the Rapporteur has identified a number of shortcomings that, if not addressed, would have a serious impact on the efforts of the EU and of the Member States to eradicate forced labour in the EU and in third countries, and on the protection of human rights around the world. The Rapporteur has therefore introduced a series of recommendations to address such shortcomings, keeping as much as possible within the shared competences allocated, but also respecting and following the overall mission of the DROI Subcommittee.

First of all, references are made to the necessity of meaningful consultation and engagement of relevant stakeholders, including workers, workers associations and human rights defenders, during the different stages of the investigation, including the ability to submit complaints and information during the preliminary phase of investigation, as well as in all stages of international cooperation. Measures should also be taken to ensure the protection of all stakeholders and human rights defenders providing information, regardless of their country of origin.

The Rapporteur also proposes to inverse the burden of proof as it currently stands in the Proposal, and to have it fall on economic operators, in line with their due diligence duty to continuously assess their involvement with the adverse impact of their operations, and according to the information reasonably available to them.

Specific requirements for corrective actions, including remediation for victims of forced labour, have also been introduced by the Rapporteur. Currently missing in the proposal, the principle of remediation is a crucial element in the eradication of forced labour and in bringing justice to the victims of forced labour, and its fulfilment should be taken into account when considering the lifting of bans imposed. Indications on remediation should be included in the Commission guidelines.

Other corrective actions proposed by the Rapporteur include a direct connection with the EU Global Human Rights sanctions regime/EU Magnitsky Act and with the economic sanctions regime, targeting respectively individuals or entities and countries who do not respect the prohibition of forced labour.

Finally, the Rapporteur also recommends including stakeholders engagement, in particular as it concerns human rights expertise, for what concerns the database of forced labour risk areas or products and Commission guidelines, as well as accessibility requirements of the database to human rights defenders, civil society actors and local communities. Moreover, the Rapporteur suggests introducing a presumption of violation of Article 3 of the Regulation with regard to the products listed in the database.

## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on the Internal Market and Consumer Protection and the Committee on International Trade, as the committees responsible, to take the following into account:

### 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 **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, the 2014 Protocol to Convention No. 29 **supported by 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>. Forced labour covers a wide variety of coercive labour practices where work or **services such as transportation and storage are** exacted from **any person under the threat of a penalty and for which the person has** not offered it themselves voluntarily.<sup>17</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. The ILO has developed several elements which, individually or in conjunction, can**

***indicate a forced labour situation: threats or actual physical harm, restriction of movement or confinement to the workplace or a limited area, debt bondage, withholding wages or excessive wage reduction that violates previously made agreements, retention of passports and identity documents or threat of denunciation to the authorities, when the worker has an irregular immigration status.***

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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>.

<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).

## 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, migrants (in particular if they are undocumented or with a precarious status or in the informal economy), ethnic minorities, lower castes, indigenous and tribal peoples***, are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of ***root causes such as poverty, discrimination, absence or*** lack of

good governance *or lack of welfare and decent employment conditions and opportunities. Forced labour can also take place as a result of authorities' tacit consent.*

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

### 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 prohibition of the use of forced or compulsory labour in all its forms is considered as a peremptory norm of international law on human rights.*** The eradication of forced labour is ***therefore*** a priority for the Union ***that stems inter alia from its principles and international commitments.*** 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.*** 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>

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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 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Shortcomings continue to exist in the implementation of the fundamental ILO Conventions. It is necessary that Member States fully implement them 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. Prevention and elimination of forced labour, including child labour, should be a prerequisite of Union's external commercial and economic relations.***

#### **Amendment 5**

##### **Proposal for a regulation Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3b) Article 31 of the Charter of Fundamental Rights of the European Union ('the Charter') recognises the right for every worker to fair and just working conditions which respect his or her health, safety and dignity.***



## Amendment 6

### 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.

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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).

*Amendment*

(4) ***More than 3.3 million children worldwide are estimated to be in situation of forced labour, over half of which are in commercial sexual exploitation, and children account for about 12 % of all those in forced labour, although the numbers could be much higher.*** 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.

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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).

## Amendment 7

### Proposal for a regulation Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) It is estimated that about 11.8 million women and girls worldwide were in forced labour in 2021, which represents almost 43 % of the total. Women are often disproportionately affected by adverse business practices, which requires a specific response to their needs. Competent authorities should ensure the implementation of this Regulation in a gender-responsive manner, collect gender-disaggregated data and encourage***

*economic operators to provide the requested information in a gender-sensitive way.*

## **Amendment 8**

### **Proposal for a regulation Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***(4b) The ILO forced labour instruments, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Global Compact for Migration together make clear that trafficking in persons for the purpose of forced labour cannot be eliminated through criminal law enforcement alone.***

## **Amendment 9**

### **Proposal for a regulation Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

***(4c) Several international organisations report extreme situations of torture, sexual violence, ill-treatment, forced medical treatment, as well as forced labour and reports of deaths in custody committed in detention facilities.***

## **Amendment 10**

### **Proposal for a regulation Recital 4 d (new)**

*Text proposed by the Commission*

*Amendment*

***(4d) In line with international standards, while achieving the intention of this Regulation, the potential impact of***

*this Regulation on victims should be taken into account. Terminating a business relationship in which child labour or forced labour was found could expose to even more severe adverse human rights impacts. In the same line, women in precarious labour conditions and forced labour could face more severe adverse human rights impacts thus increasing their vulnerability. This should therefore be taken into account when deciding on the appropriate action to take.*

## **Amendment 11**

### **Proposal for a regulation Recital 4 e (new)**

*Text proposed by the Commission*

*Amendment*

*(4e) The right to fair and just working conditions as well as the right to remedies are a human right, and fundamental elements in the process of effective prosecution of crimes. Existing Union legislation, the Charter of Fundamental Rights, the UN Guiding Principles on the Business and Human Rights (UNGPs), the Council of Europe and the OECD affirm the right of victims to an effective remedy for business-related human rights violations or abuses. However, there are nine Member States, which have not yet ratified the 2014 Protocol to Convention No. 29 and should do so without any delay. The third pillar of the UN Guiding Principles on Business and Human Rights stipulates that remediation can take the form of rehabilitation, financial or non-financial compensation, punitive sanction or prevention of harm through injunctions or guarantees of non-repetition.*

## **Amendment 12**

**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 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 value chains of undertakings established in the Union.

**Amendment 13**

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) This Regulation creates an additional economic instrument to prevent and eliminate forced labour worldwide, by prohibiting products made with forced labour. In addition to these economic instruments, the Union has existing complementary frameworks to fulfil its obligations to uphold human dignity of every human being and address the root causes of forced labour, including child labour.***

**Amendment 14**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) ***Union*** trade policy ***supports the***

(6) ***Through its*** trade policy, ***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.

***Union must intensify its*** 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 ***should be*** withdrawn for serious and systematic violations, ***or lack of implementation***, of ILO Convention No. 29 and ILO Convention No. 105.

## Amendment 15

### 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> ]

#### *Amendment*

(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> ***In order to ensure coherence with that Directive, this Regulation should introduce some definitions such as “remediation”, “relevant stakeholders” and “meaningful engagement of stakeholders”.***]

<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.

<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 16

### Proposal for a regulation Recital 12

#### *Text proposed by the Commission*

(12) As recognised in the Commission's Communication on decent work worldwide<sup>29</sup>, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.

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<sup>29</sup> Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).

## Amendment 17

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

#### *Amendment*

(12) As recognised in the Commission's Communication on decent work worldwide<sup>29</sup>, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide. ***Through its decent work agenda, the Union commits to address forced labour and to promote decent work and labour rights including in global supply chain. As stated in the Commission's Communication, the eradication of forced labour can only be achieved if other objectives of decent work, such as sustainable business conduct, social dialogue, freedom of association, collective bargaining and social protection, are promoted.***

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<sup>29</sup> Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).

***(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 18**

### **Proposal for a regulation Recital 13**

*Text proposed by the Commission*

(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour.<sup>30</sup> It is therefore a matter of public moral concern that products made with forced labour could be available on the Union market or exported to third countries without an effective mechanism to ban or withdraw such products.

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<sup>30</sup> See Resolutions: MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December

*Amendment*

(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour, ***especially regarding the practices of the People's Republic of China (PRC).***<sup>30</sup> It is therefore ***not only a matter of market distortion but also*** a matter of public moral concern that products made with forced labour could be available on the Union market or exported to third countries without an effective mechanism to ban or withdraw such products.

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<sup>30</sup> See Resolutions: MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December

## Amendment 19

### Proposal for a regulation

#### Recital 16

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

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products. The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported.

##### *Amendment*

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products, ***as well as the services related to the transportation and storage towards and within the Union.*** The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported.

## Amendment 20

### Proposal for a regulation

#### Recital 18

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

(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

##### *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 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 a way that is without prejudice to the right for the potential victims to access appropriate and effective remedies.*** In addition, the



order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition.

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 Commission should also issue guidelines for stakeholders on filing a complaint and meaningfully engage in the procedures set out in this Regulation.***

## Amendment 21

### Proposal for a regulation Recital 20

#### *Text proposed by the Commission*

(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour.

#### *Amendment*

(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent, ***remediate*** and bring to an end the risk of forced labour, ***taking into account the size and economic resources.***

## Amendment 22

### 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

#### *Amendment*

(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent, ***remediate*** 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 23

### 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 24

### Proposal for a regulation Recital 26

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*

(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 geographical area from which the product or any of its parts at any stage of its extraction, harvest, production or manufacture including working or processing related to it originates, as well*** as the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.

*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) **Economic operators** should bear the burden of establishing that forced labour has ***not*** been used at any stage of production, manufacture, harvest or extraction of a product ***coming from specific geographical high-risk regions or countries where forced labour practices are systemic and widespread,*** including working or processing related to the product, ***transportation and storage of the product towards or within the Union market*** on the basis of all information and evidence ***reasonably available to them.*** 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 25**

**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) ***The Commission should establish a centralised mechanism to receive complaints. Any stakeholder*** should be allowed to submit information ***or a complaint*** 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. ***Measures should be taken to protect stakeholders, including those from third countries, and avoid any reprisals by ensuring their anonymity and confidentiality.***

**Amendment 26**

**Proposal for a regulation**  
**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

***(32a) In order to facilitate the exchange of information between relevant authorities as well as submission of information, the Commission should ensure the creation of a dedicated online platform with a single format in all working languages of the Union.***

**Amendment 27**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

*Amendment*

(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.

(33) The Commission should issue guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities ***without delay***. Such guidelines should include guidance on due diligence in relation to forced labour, ***including specific requirements that economic operators need to adhere to in order to prove that they have eliminated forced labour from their supply chains and corrective actions adopted to prevent future abuses***, 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 ***relevant Union legislation, including the Directive on Corporate Sustainability Due Diligence and the Regulation on deforestation free products***, other Commission guidelines in this regard and

relevant international organisations' guidelines *such as the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises*. 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 28

### Proposal for a regulation Recital 45

#### *Text proposed by the Commission*

(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.

#### *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 ***create enabling policy environments to promote and protect human rights, including time-bound frameworks for action covering legislative measures, capacity building and funding to support workers, human rights defenders, SMEs, smallholders and local communities in their efforts to eradicate forced labour and 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 ***through concrete benchmarks in the*** Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis. ***Promoting the right to freedom of association and collective bargaining and the involvement of the***

*social partners in all measures to combat forced labour are essential factors to combat forced and compulsory labour. The EU delegations in third countries should have a central role within the aim of effectively eradicating forced labour as well as for dissemination of this Regulation and possibility of third parties to provide information on the existence of forced labour in relation to a determined product.*

## Amendment 29

### 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 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 ***throughout the complete value chain, exacted from any person under the threat of a penalty, and that is not offered voluntarily;***

## Amendment 30

### 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 as described in Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization, ***including the punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as punishment for participation in strikes, or***

*as a means of racial, religious, gender, sexual orientation or other discrimination;*

## Amendment 31

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

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

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, mitigate or bring to an end ***the use of*** forced labour with respect to products that are to be made available on the Union market or to be exported;

##### *Amendment*

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, mitigate, ***remediate*** or bring to an end forced labour ***in their operations and value chain*** with respect to products that are to be made available on the Union market or to be exported; ***bringing to an end forced labour shall not mean disengagement as first resort; any due diligence of the importer or economic operator in the value chain shall not prevent an investigation into allegations of forced labour;***

## Amendment 32

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c a (new)

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

##### *Amendment*

(ca) ‘***root causes of forced labour***’ refers to the issues at country or region level that cause or amplify the risks of forced labour, such as poverty, discrimination, a lack of governance of economic operators, absent or weak democracies, or lack of welfare and decent employment and migration conditions and opportunities;



## Amendment 33

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

(f) ‘product’ means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured, including working or processing related to a product at any stage of its supply chain;

*Amendment*

(f) ‘product’ means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced, or manufactured, **as well as transported and stored**, including working or processing related to a product at any stage of its supply chain;

## Amendment 34

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

*Text proposed by the Commission*

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including working or processing related to a product at any stage of its supply chain;

*Amendment*

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including working or processing related to a product at any stage of its supply chain, **including the transportation and storage of the product towards or within the Union market**;

## Amendment 35

### Proposal for a regulation

#### Article 2 – paragraph 1 – point k

*Text proposed by the Commission*

(k) ‘product supplier’ means any natural or legal person or association of persons in the supply chain who extracts, harvests, produces or manufactures a product in whole or in part, or intervenes in the working or processing related to a

*Amendment*

(k) ‘product supplier’ means any natural or legal person or association of persons in the supply chain who extracts, harvests, produces, or manufactures, **as well as transports or stores** a product in whole or in part, or intervenes in the



product at any stage of its supply chain, whether as manufacturer or in any other circumstances;

working or processing related to a product at any stage of its supply chain, whether as manufacturer or in any other circumstances;

## **Amendment 36**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point u a (new)**

*Text proposed by the Commission*

*Amendment*

***(ua) ‘stakeholders’ means workers or employees who might be affected by the potential and actual impacts connected to the use of forced labour as well as other third parties with legitimate interest or whose rights or interests are or could be affected, such as communities, as well as civil society actors including trade unions, workers organisations and NGOs and any other legal or natural persons defending human rights (‘human rights defenders’) that promote and protect universally recognised human rights and fundamental freedoms and labour conventions, indigenous peoples or other vulnerable stakeholders;***

## **Amendment 37**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point u b (new)**

*Text proposed by the Commission*

*Amendment*

***(ub) ‘meaningful engagement of stakeholders’ means an interactive, responsive, ongoing gender-inclusive process of engagement with stakeholders, with particular attention to especially vulnerable ones, characterised by two-way communication, conducted in good faith and guaranteeing proper implementation of agreed commitments and which involves the timely provision of all***

*relevant information needed by stakeholders, adequate processes to remove barriers to participation for stakeholders, as well as adequate protection to ensure the safety of stakeholders and prevent retaliation and reprisals;*

## **Amendment 38**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point u c (new)**

*Text proposed by the Commission*

*Amendment*

*(uc) ‘remediation’ means both the process of providing remedy for a negative human rights impact and the substantive outcomes that can counteract, or make good, the negative impact; these outcomes may take a range of forms such as 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 and where accompanied by one or more of the other measures, apologies; remediation shall be provided according to the context and needs of each victim of forced labour;*

## **Amendment 39**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point u d (new)**

*Text proposed by the Commission*

*Amendment*

*(ud) ‘forced labour risk areas’ means those countries or regions where there is evidence of widespread and/or systemic forced labour, including state-imposed forced labour, in an entire product group in a specific industry;*

## Amendment 40

### 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. 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, ***following a meaningful consultation with and engagement of stakeholders***, including the following information:

## Amendment 41

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

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

(a) submissions made by ***natural or legal persons or any association not having legal personality*** pursuant to Article 10;

##### *Amendment*

(a) submissions made by ***stakeholders*** pursuant to Article 10;

## Amendment 42

### 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

##### *Amendment*

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 geographical area from***

concerned, as well as the scale of suspected forced labour.

***which the product or any of its parts at any stage of its extraction, harvest, production or manufacture including working or processing related to it, originates,*** the quantity of products concerned, as well as the scale of suspected forced labour.

## Amendment 43

### Proposal for a regulation

#### Article 4 – paragraph 3 – introductory part

*Text proposed by the Commission*

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:

*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, ***remediate*** or bring to an end risks of forced labour in their operations and value chains with respect to the products under assessment, ***the geographical area from which the product or any of its parts at any stage of its extraction, harvest, production or manufacture including working or processing related to it, originates,*** including on the basis of any of the following:

## Amendment 44

### Proposal for a regulation

#### Article 4 – paragraph 3 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) evidence of remediation of forced labour;***

## Amendment 45

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

*Text proposed by the Commission*

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.

*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 **remediating and** bringing to an end forced labour in a short period of time.

**Amendment 46**

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

*Text proposed by the Commission*

7. Competent 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 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.

*Amendment*

7. Competent 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 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, **remediates** and brings to an end the risk of forced labour.

**Amendment 47**

**Proposal for a regulation**  
**Article 5 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Competent authorities shall ensure the interactive, responsive and ongoing gender-inclusive process of meaningful engagement of stakeholders, including by requesting them to submit any information that is relevant and necessary for the investigation.**

#### **Amendment 48**

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

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

*Text proposed by the Commission*

*Amendment*

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 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:

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 investigation, including information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. ***In order to protect all stakeholders and due to the sensitive nature of some of the information disclosed, the content of the investigation shall be treated as confidential where appropriate.*** In requesting such information, competent authorities shall to the extent possible:

#### **Amendment 49**

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

##### **Article 5 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(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***

(a) ***identify the responsibilities, along the value chain, of different economic operators down to the level where forced labour is taking place and*** prioritise the

*occurs* and

economic operators under investigation involved in the steps of the value chain ***with the most leverage in terms of economic turnover, to prevent, mitigate, remediate or bring to an end*** forced labour *in their operations and value chains* and

## Amendment 50

### 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, the quantity of products concerned, as well as the scale of suspected forced labour, ***as well as the geographical area from which the product or any of its parts at any stage of its extraction, harvest, production or manufacture including working or processing related to it, originates.***

## Amendment 51

### 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 stakeholders*** shall submit the information within 15 working days from the request referred to in ***paragraphs 3 and 3a*** or make a justified request for an extension of that time limit.

## Amendment 52

### 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. Competent authorities may carry out all necessary checks and inspections including investigations in third countries ***and consultation of stakeholders where appropriate,*** provided that the government of the Member State or third country in which the inspections are to take place has been officially notified.

**Amendment 53**

**Proposal for a regulation**

**Article 6 – paragraph 4 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) an order for the economic operator to provide remediation to affected workers according to their responsibilities; such remediation plan and its implementation strategy shall be agreed upon between competent authorities, upon meaningful consultation of affected workers and other stakeholders.***

**Amendment 54**

**Proposal for a regulation**

**Article 6 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

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.

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, ***and that effective processes have been put in place to prevent harms from continuing or taking place again,*** the competent authorities



shall withdraw their decision for the future and inform the economic operators.

## Amendment 55

### Proposal for a regulation

#### Article 6 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. Disengagement shall be a last-resort action and shall be avoided where the impact of disengagement would be greater than the adverse impact of forced labour. Economic operators shall engage meaningfully with stakeholders impacted by their decision to disengage, especially affected workers, before reaching this decision, and shall address the adverse impacts related to the decision to disengage and, where appropriate, pursue remediation of past adverse impacts related to forced labour. Economic operators shall ensure the termination of business relationships where state-imposed forced labour is occurring systemically.**

## Amendment 56

### Proposal for a regulation

#### Article 7 – paragraph 1 – point b

*Text proposed by the Commission*

*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 competent authority shall take into account the economic operator's *size and economic resources*;

(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** competent authority shall, **where relevant**, take into account the economic operator's **due diligence plans and the likelihood of the appropriate measures contained in this plan to end the forced**

*labour within a reasonable time;*

## **Amendment 57**

### **Proposal for a regulation**

#### **Article 8 – paragraph 5**

*Text proposed by the Commission*

5. Economic operators that have been affected by a decision of a competent authority pursuant to this Regulation shall have access to a court to review the procedural and substantive legality of the decision.

*Amendment*

5. Economic operators ***and third parties*** that have been affected by a decision of a competent authority pursuant to this Regulation shall have access to a court to review the procedural and substantive legality of the decision.

## **Amendment 58**

### **Proposal for a regulation**

#### **Article 9 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website.

*Amendment*

2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website ***which is publicly accessible and includes a list of all sanctioned products, production sites or regions.***

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 10 – title**

*Text proposed by the Commission*

Submission of information regarding violations of Article 3

*Amendment*

Submission of ***complaints and*** information regarding violations of Article 3

## **Amendment 60**

**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 ***complaints and*** information to competent authorities ***regarding alleged or suspected forced labour, taking place within or outside the Union, from any stakeholder that may have information regarding goods which are alleged or suspected to be made by means of forced labour*** shall contain information on the economic operators or products concerned and provide the reasons substantiating the allegation.

**Amendment 61**

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

*Text proposed by the Commission*

*Amendment*

***The Commission shall establish a centralised complaint mechanism to receive and compile complaints and information, including those received by competent authorities.***

**Amendment 62**

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

*Text proposed by the Commission*

*Amendment*

***The Commission and competent authorities shall ensure that adequate protection measures are in place to ensure the safety of stakeholders and complainants, including by ensuring confidentiality and anonymity, and to prevent retaliation and reprisals.***

## Amendment 63

### Proposal for a regulation

#### Article 10 – paragraph 1 – subparagraph 1 c (new)

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt rules and procedures to determine which authority is competent to process a complaint. These rules shall take into account, among others, the specifics of the complaint and the capacities of the competent authorities in the concerned Member States.***

## Amendment 64

### Proposal for a regulation

#### Article 10 – paragraph 2

*Text proposed by the Commission*

*Amendment*

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.

2. The competent authority shall, as soon as possible, inform the ***stakeholders*** referred to in paragraph 1 of the outcome of the assessment of their submission ***as well as any decision referred to in Article 9 and its rationale.***

## Amendment 65

### Proposal for a regulation

#### Article 10 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>39</sup> shall apply to the reporting of all breaches of this Regulation and the protection of persons reporting such breaches.

3. Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>39</sup> shall apply to the reporting of all breaches of this Regulation and the protection of persons reporting such breaches. ***Member States and the Commission shall ensure that the identity of the person reporting complaints and providing evidence of the occurrence of forced labour in the context of the complaint or investigation is not***

*disclosed to anyone beyond the authorised staff members without the explicit consent of the person. This shall also apply to any other information from which the identity of the reporting person may be directly or indirectly deduced.*

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<sup>39</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.

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<sup>39</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.

## **Amendment 66**

### **Proposal for a regulation Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 10a**

##### **Remediation**

- 1. Remediation for victims shall be provided by the economic operator according to the decision of the competent authority in line with Article 6(4)(ca).**
- 2. Remediation measures shall include one or more of the following:**
  - (a) financial and non-financial compensation;**
  - (b) restitution for the victims to restore their position before the forced labour took place including obtaining or renewing relevant documents such as visas and work permits and returning their passport or any other personal document;**
  - (c) rehabilitation, for example provision of treatment or counselling;**
  - (d) effective preventive measures and guarantees of non-reoccurrence of forced labour; and, where it is accompanied by one or more of the above measures,**

*apologies;*

*(e) other remediation measures as agreed by stakeholders and the economic operators.*

*3. Evidence that remediation measures have been implemented shall be obtained in consultation with stakeholders and monitored by the Network. Competent authorities shall engage with stakeholders throughout the entire process.*

*4. Competent authorities may lift the market prohibition once the economic operator proves that the forced labour has been remediated, that forced labour is no longer present and that processes have been put in place to prevent harms from continuing or taking place again in the future. Competent authorities shall inform the Network of such steps and outcome and the database under Article 11 shall be adapted accordingly without delay.*

## **Amendment 67**

### **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, 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.

#### *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 ***production sites or groups of production sites, economic operator,*** geographic areas ***or sectors*** or with respect to specific products including with regard to ***specific geographical high-risk regions or countries where*** forced labour ***practices are systemic and widespread or where forced labour is*** imposed by state authorities. The database shall be based on ***independent and verifiable information*** and the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external

sources of information from, amongst others, *stakeholders*, international organisations, *including the United Nations and the ILO, regional multilateral organisations* and third country authorities.

## Amendment 68

### Proposal for a regulation

#### Article 11 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. The products referred to in paragraph 1 coming from specific geographical high-risk regions or countries where forced labour practices are systemic and widespread shall be presumed to be in violation of Article 3 and shall therefore be automatically subject to an investigation in accordance with Article 5. Economic operators have the burden to disproof such presumption.***

## Amendment 69

### 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 made ***easily accessible to all, including to persons with disabilities, and*** publicly available ***in multiple languages*** by the external expertise at the latest **18** months after the entry into force of this Regulation.

## Amendment 70

### 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 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.**

*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, ***destining its proceeds to victims and victims' associations for the purpose of social re-use.***

**Amendment 71**

**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 after the entry into force of this Regulation, which shall include the following:

**Amendment 72**

**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 and forced women and girls 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 ***and stakeholders*** as well as the size and economic resources of economic operators, ***with a particular focus on accompanying measures to support SMEs to comply with this***



## *Regulation;*

### **Amendment 73**

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

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

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

(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;

##### *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, ***including the ‘Hard to See, Harder to Count’ guidance***, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;

### **Amendment 74**

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

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

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

(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.

##### *Amendment*

(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation; ***the guidance shall include provisions on the identification and evaluation of risks of forced labour in commodities sourced by economic operators through a mass balance approach;***

### **Amendment 75**

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

#### **Article 23 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) guidance on remediation measures, as provided for in Article 10a;**

#### **Amendment 76**

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

##### **Article 23 – paragraph 1 – point e b (new)**

*Text proposed by the Commission*

*Amendment*

**(eb) guidance on meaningful stakeholder engagement;**

#### **Amendment 77**

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

##### **Article 23 – paragraph 1 – point e c (new)**

*Text proposed by the Commission*

*Amendment*

**(ec) guidance on requirements that economic operators need to adhere to in order to prove that they have eliminated forced labour from their supply chains and corrective actions adopted to prevent future abuses;**

#### **Amendment 78**

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

##### **Article 23 – paragraph 1 – point e d (new)**

*Text proposed by the Commission*

*Amendment*

**(ed) guidance for stakeholders to file a complaint and meaningfully engage in the procedures set out in this Regulation.**

#### **Amendment 79**

**Proposal for a regulation**  
**Article 24 – paragraph 2**

*Text proposed by the Commission*

2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.

*Amendment*

2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.  
***Representatives of candidate countries may be, where relevant, invited to participate as observers. The Network shall consult with trade unions and other workers' representatives, civil society representatives, international organisations and third countries' competent authorities.***

**Amendment 80**

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

*Text proposed by the Commission*

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

*Amendment*

(d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation, ***as well as coordinate dissemination efforts inside and outside the Union;***

**Amendment 81**

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

*Text proposed by the Commission*

*Amendment*

***(fa) promote cooperation and exchange of expertise and good practices with third countries, international entities and relevant existing multi-stakeholders' collaborative initiatives.***

## Amendment 82

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

*Text proposed by the Commission*

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 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.***

*Amendment*

2. ***Confidentiality about and further protection of the identity of those who provide information shall be guaranteed automatically unless the contrary is requested. If information is provided by children in forced labour, child protection and safeguarding policies shall be put in place as well as forced child labour monitoring mechanisms, including child-oriented protocols for inspections and follow up.***

## Amendment 83

### 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 ***and to jointly work on eradicating forced labour and its root causes***, the Commission ***shall*** as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, ***stakeholders***, civil society representatives, ***including trade unions, workers' rights organisations, NGOs and networks of affected stakeholders***, and business organisations. International cooperation with authorities of third countries, ***especially candidate 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 ***to support them in enabling environments to***

*protect and promote human rights.*

## Amendment 84

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

*Text proposed by the Commission*

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 tackling forced labour.

*Amendment*

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

## Amendment 85

### Proposal for a regulation Article 26 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The Council shall impose sanctions through the EU Global Human Rights Sanctions Regime (EU Magnitsky Act) or country-based sanctions regimes in cases in which forced labour has been identified in accordance with this Regulation. Those sanctions may be coordinated with like-minded partners. The Council shall also adopt conclusions outlining strategies of the Union and the Member States to promote bilateral and multilateral coordination with third countries and other diplomatic initiatives to address state-sponsored forced labour, up to and including the recourse to sanctions towards third countries that promote forced labour, in line with ILO Convention No. 105.**

## **Amendment 86**

### **Proposal for a regulation**

#### **Article 26 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. 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 practices of forced labour, including child labour, and build the capacity of upstream economic actors to respond to the requirements under this Regulation.**

## **Amendment 87**

### **Proposal for a regulation**

#### **Article 26 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The competent authorities and the Commission shall cooperate with relevant authorities of third countries to carry out investigations, as well as coordinate when it is relevant with investigations carried out by other countries and align with decisions taken by other international entities. Member States' competent authorities and the Commission shall actively exchange knowledge and intelligence with third-country governments. International cooperation with authorities of third countries shall take place with the involvement of the Union Delegations in those countries.**

## **Amendment 88**

### **Proposal for a regulation**

#### **Article 26 – paragraph 2 d (new)**

***2d. The Union and its Member States shall support third countries, in particular developing countries, by promoting the ratification and the effective implementation of fundamental ILO conventions and standards related to the prohibition of forced labour and by taking measures to enable partner countries in collaboration with civil society organisations and stakeholders to effectively prevent, minimise, remediate to and eradicate forced labour.***

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Prohibiting products made with forced labour on the Union market	
<b>References</b>	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)	
<b>Committees responsible</b> Date announced in plenary	INTA 6.10.2022	IMCO 6.10.2022
<b>Opinion by</b> Date announced in plenary	AFET 6.10.2022	
<b>Associated committees - date announced in plenary</b>	16.3.2023	
<b>Rapporteur for the opinion</b> Date appointed	Salima Yenbou 29.9.2022	
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	16.3.2023	
<b>Discussed in committee</b>	24.4.2023	23.5.2023
<b>Date adopted</b>	18.7.2023	
<b>Result of final vote</b>	+: 47 -: 2 0: 8	
<b>Members present for the final vote</b>	Alexander Alexandrov Yordanov, François Alfonsi, Maria Arena, Petras Auštrevičius, Traian Băsescu, Anna Bonfrisco, Reinhard Bütikofer, Susanna Ceccardi, Włodzimierz Cimoszewicz, Katalin Cseh, Michael Gahler, Kinga Gál, Klemen Grošelj, Dietmar Köster, Andrius Kubilius, Ilhan Kyuchyuk, Jean-Lin Lacapelle, David Lega, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, Lukas Mandl, Thierry Mariani, Pedro Marques, David McAllister, Vangelis Meimarakis, Sven Mikser, Alessandra Moretti, Matjaž Nemec, Gheorghe-Vlad Nistor, Kostas Papadakis, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder, Dragoș Tudorache, Viola von Cramon-Taubadel, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou, Tomáš Zdechovský, Željana Zovko	
<b>Substitutes present for the final vote</b>	Attila Ara-Kovács, Malik Azmani, Jakop G. Dalunde, Georgios Kyrtos, Sergey Lagodinsky, Juozas Olekas, Nikos Papandreou, Javier Zarzalejos	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Theresa Bielowski, Franc Bogovič, Gilles Boyer, Othmar Karas, Samira Rafaela	



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

47	+
PPE	Alexander Alexandrov Yordanov, Traian Băsescu, Franc Bogovič, Michael Gahler, Othmar Karas, Andrius Kubilius, Miriam Lexmann, Leopoldo López Gil, Antonio López-Istúriz White, David McAllister, Lukas Mandl, Vangelis Meimarakis, Gheorghe-Vlad Nistor, Isabel Wiseler-Lima, Javier Zarzalejos, Tomáš Zdechovský, Željana Zovko
Renew	Petras Auštrevičius, Gilles Boyer, Katalin Cseh, Klemen Grošelj, Georgios Kyrtos, Ilhan Kyuchyuk, Samira Rafaela, Dragoș Tudorache, Salima Yenbou
S&D	Attila Ara-Kovács, Maria Arena, Theresa Bielowski, Włodzimierz Cimoszewicz, Dietmar Köster, Pedro Marques, Sven Mikser, Alessandra Moretti, Matjaž Nemec, Juozas Olekas, Nikos Papandreou, Tonino Picula, Thijs Reuten, Nacho Sánchez Amor, Isabel Santos, Andreas Schieder
Verts/ALE	François Alfonsi, Reinhard Bütikofer, Jakop G. Dalunde, Sergey Lagodinsky, Viola von Cramon-Taubadel

2	-
ID	Jean-Lin Lacapelle, Thierry Mariani

8	0
ECR	Witold Jan Waszczykowski, Charlie Weimers
ID	Anna Bonfrisco, Susanna Ceccardi
NI	Kinga Gál, Kostas Papadakis
PPE	David Lega
Renew	Malik Azmani

Key to symbols:

+ : in favour

- : against

0 : abstention

19.7.2023

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS**

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

on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market  
(COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))

Rapporteur for opinion (\*): Mounir Satouri

(\*) Associated committee – Rule 57 of the Rules of Procedure

### **SHORT JUSTIFICATION**

Tackling and eradicating the use of forced labour is an integral part of the European Union's commitment to human and labour rights. This was also emphasised during the State of the Union 2021 as a wider EU objective for a global just transition.

The prohibition of the use of forced or compulsory labour in all its forms is considered as a peremptory norm of international human rights law. There are numerous international and European legal instruments, notably ILO Conventions No.29 (including its Protocol) and No. 105 and the EU Charter of Fundamental Rights, which prohibit forced labour unambiguously. Furthermore, through the EU Action Plan on human rights and democracy 2020-2024 adopted by the Council in 2020, the EU committed to promote a zero-tolerance policy on child labour and to eradicate forced labour, to support labour rights in EU trade relations, and to promote due diligence in global supply chains as well as the ratification of the ILO Forced Labour Protocol.

Despite this normative framework, modern slavery and forced labour have been on the rise in recent years. The ILO estimates that 49.6 million people were living in modern slavery in 2021 worldwide, of which 27.6 million people were in situations of forced labour, including at least 11.8 million women and girls.

In June 2022, the European Parliament therefore called for an instrument banning the import and export of products made or transported by forced labour. In September 2022, the European Commission published the proposal on prohibiting products made with forced labour on the Union Market. The 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.

The Rapporteur welcomes the proposal put forward by the European Commission, and with this draft report seeks to strengthen the proposal in order to ensure that the Regulation contributes to the effective eradication of forced labour globally and within the EU.

To ensure coherence with international standards, the Rapporteur has sought to align the definition of forced labour in the Regulation with the relevant ILO instruments, guidance and decisions. The ILO does not only prohibit forced labour in production but also in the provision of services, which can equally be provided across borders. It is also important to be very explicit in highlighting that transportation and storage are sectors that should fall under the ambit of the Regulation since there are serious vulnerabilities to forced labour in such sectors.

The Rapporteur also aims to close a significant loophole in the proposal of the European Commission by proposing an article on access to remedy. The enforcement of any Regulation cannot be effective without ensuring that workers who have been victimised have access to an effective remedy. Indeed, the interests of victims need to be at the heart of this Regulation. Particularly when it comes to specific high-risk areas with systematic and widespread cases of forced labour, the presumption of the existence of forced labour needs to apply to help competent authorities deal with cases efficiently. The Rapporteur also seeks to strengthen the role of the Union Network to help competent authorities in Member States coordinate and collaborate, and to take on a centralising role as an entry point for complaints.

Transparency and information are important tools for the enforcement of the Regulation, and the database on forced labour risks indicators is therefore critical. The Rapporteur believes it is important that the Commission can draw on information from civil society and trade unions, that information is also accessible to the public and that the database provides a list of specific geographical high-risk regions or countries where forced labour practices are systematic and widespread.

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on International Trade and the Committee on the Internal Market and Consumer Protection, as the committees responsible, to take the following into account:

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*

*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

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>

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>.

<sup>16a</sup> ***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).

<sup>17a</sup> ***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)

*ILO (International Labour Organization),  
“Global Estimates of Modern Slavery:  
Forced Labour and Forced Marriage ”  
2022,  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipsec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipsec/documents/publication/wcms_854733.pdf)*

*ILO (International Labour Organization),  
“Profits and Poverty: The Economics of  
Forced Labour” 2014,  
[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf)*

*17b*

*[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\\_243391.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf)*

*7d ECHR, Chowdury and Others v Greece  
(21884/15) and Zoletic and Others v.  
Azerbaijan (20116/12) cases.*

*17e*

*[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

*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 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.

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, with a precarious status and 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 in forced labour. More than 3.3 million of all those in forced labour are children. Between 2016 and 2021, the estimated number of people 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 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 deriving from 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/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/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/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf).

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

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

### Amendment 3

#### Proposal for a regulation Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(2a) The Office of the UN High Commissioner for Human Rights (OHCHR) concluded that the People's Republic of China (PRC) has committed 'serious human rights violations' against the Uyghur and 'other predominantly Muslim communities' in what the PRC refers to as the Xinjiang Uyghur**



***Autonomous Region (XUAR). This includes 'torture, sexual violence, ill-treatment, forced medical treatment, as well as forced labour and reports of deaths in custody' committed in camps and other detention facilities.***

#### **Amendment 4**

##### **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 Union aims to be a global leader on responsible business conduct as well as business and human rights. The prohibition of the use of forced and compulsory labour in all its forms is considered as a peremptory norm of international law<sup>18a</sup> from which no exception is permitted.*** The eradication of forced labour is ***therefore*** a priority for the Union ***that stems from its principles and international human rights commitments.*** Respect for human dignity and the universality and indivisibility of human rights are ***also*** firmly enshrined in Article 21 of the Treaty on European Union. ***The prevention and elimination of forced labour including forced child labour are prerequisites of Union's external commercial and economic relations.*** Article 5 of the Charter of Fundamental Rights of the European Union ***explicitly prohibits slavery, servitude, forced and 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 Charter of Fundamental Rights recognises the right of every worker to fair and just working conditions in Article 31, which respect his or her health, safety and dignity, and the right of an effective remedy and fair trial in Article 47. The European Social Charter (1961) and the Revised European Social Charter (1996) require contracting parties to protect effectively the right of the worker to earn his living in an occupation freely entered upon. In addition, the European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour especially regarding the practices of People's Republic of China (PRC).*<sup>19b</sup>

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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>18a</sup>

<https://www.ohchr.org/sites/default/files/Documents/Publications/slaveryen.pdf>

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

<sup>19b</sup> European Parliament resolution of 6 June 2022, *on a new trade instrument to ban products made by forced labour*; European Parliament resolution of 17 December 2020 *on forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region*.

## Amendment 5

### 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.*

[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).

[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](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms_184975.pdf)

<sup>20c</sup> *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 6

### 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

#### *Amendment*

(5) Through its policies and legislative initiatives the Union *must intensify its efforts* to eradicate the use of forced labour. The *eradication of child labour*

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.

***and forced labour is inherently linked to the promotion of decent working conditions, social protection, social dialogue, freedom of association, collective bargaining, right to organise and take collective action, and sustainable business conduct. Bringing to an end forced labour does not mean disengagement as first resort. The Union promotes due diligence, including through enforceable legislation, 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 neither in the value chains of undertakings established, nor in goods and services that are to be made available in the Union. ILO guidance<sup>1a</sup> provides comprehensive information, tools and data collection to combat forced labour of adults and children, as well as sector specific guidance which should be considered for the identification of risk relating to own operations and value chains. When implementing legislation and policies aimed at eradicating forced labour, the Union should make relevant data publicly accessible without undue delay. It is indeed crucial to identify the origin of the product as well as its storage and transport points and the economic operators along its value chain to effectively fight against forced labour. In this regard, information from customs authorities' are decisive risk indicators since forced labour exists in every region of the world. The highest number of people in forced labour are in Asia while when calculating forced labour as proportion of the population, the highest number is in the MENA region<sup>1b</sup>.***

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<sup>1a</sup> [https://ilo.org/wcmsp5/groups/public/---ed\\_norm/---](https://ilo.org/wcmsp5/groups/public/---ed_norm/---)

[declaration/documents/publication/wcms182096.pdf](https://www.ilo.org/wcmsp5/documents/publication/wcms182096.pdf)

*<sup>1b</sup> Covers the following countries and territories: Bahrain, Iraq, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen, ILO 2021 Global Estimates of Modern Slavery: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf)*

## Amendment 7

### Proposal for a regulation Recital 5 a (new)

*Text proposed by the Commission*

*Amendment*

*(5a) This Regulation creates an additional economic instrument to prevent and eliminate forced labour worldwide by prohibiting products and services made or provided with the use of forced labour. In addition to these economic instruments, the Union has existing complementary legislation to fulfil its obligations to uphold human dignity of every human being and address the root causes of forced labour, including forced child labour, such as issues of economic exploitation, poverty, systemic discrimination and lack of regular and decent paths of labour migration pathways; at the level of an economic operator, it includes prices below cost of production, lack of decent and living wages and, more generally, any unfair purchasing practices of economic operators<sup>1a</sup>.*

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*1a*

*[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---)*

## Amendment 8

### Proposal for a regulation Recital 5 b (new)

*Text proposed by the Commission*

*Amendment*

***(5b) Meaningful stakeholder engagement is essential to tackle forced labour. It includes engagement of economic operators with relevant stakeholders to understand how their interests are affected by their activities. It also includes engagement of competent authorities with stakeholders prior to taking decisions that may impact the stakeholders, and the consideration of stakeholders' interests. It also involves the timely provision of all information needed by all relevant stakeholders to make an informed judgment on how the decision could affect them, and it includes the implementation of agreed commitments.***

## Amendment 9

### 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

(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



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>

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 10

### 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 which is exacted from any person under the menace of any penalty and for which the said 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; ***whereby forced labour can occur along the value chain;***

## Amendment 11

## 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;*

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

## Amendment 12

## Proposal for a regulation

### Article 2 – paragraph 1 – point c

#### *Text proposed by the Commission*

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements, **voluntary guidelines**, recommendations or practices to identify, prevent, **mitigate or** bring to an end the use of forced labour with respect to products **that are to be made available on the Union market or to be exported;**

#### *Amendment*

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements **in accordance with Union and applicable national legislation**, recommendations or practices **in line with international standards**, **voluntary guidelines supplementing the former** to identify, prevent, bring to an end **and**

*remediate* the use of forced labour with respect to products *and services, whereby bringing to an end forced labour does not mean disengagement as first resort;*

## Amendment 13

### 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 that relate to geographic areas, productions sites and economic activities in certain sectors in specific areas with systematic and widespread forced labour practices;*

## Amendment 14

### Proposal for a regulation

#### Article 10 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 10a*

#### *Remediation*

- 1. Member States shall ensure access to remedy and effective remediation to victims whenever Article 3 is violated.*
- 2. Following a decision of prohibition in accordance with Article 6, competent authorities shall determine, after engaging with victims and other relevant stakeholders, such as victims' representatives, workers' representatives and trade unions, non-governmental organisations and civil society, the remediation. Economic operators, with the support of competent authorities*

*concerned, shall also develop measures to prevent future reoccurrence.*

*3. In order to lift the decision of prohibition taken in accordance with Article 6, evidence of remediation needs to be provided to the competent authority.*

## **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

#### ***Article 10b***

#### ***Equivalent obligation arising from other relevant Union legislation***

*Where an economic operator, in accordance with equivalent obligations arising from other relevant Union legislation, has already fully satisfied its obligation to identify, prevent, bring to an end and remedy forced labour with regard to products or services under investigation, information on such actions taken shall be provided to the competent authorities. The provision of such information shall be considered as having fulfilled the economic operator's obligation to provide information on such actions taken with regard to forced labour under this Regulation. Economic operators shall continue to collaborate with competent authorities throughout the investigation and decision procedure under Articles 4 to 6 and shall provide further information, where necessary.*

## **Amendment 16**

### **Proposal for a regulation Article 11 – title**

*Text proposed by the Commission*

Database of forced labour **risk** areas **or** products

*Amendment*

Database of forced labour **risks** areas, products **or services**

**Amendment 17**

**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, 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.

*Amendment*

1. The Commission, **after engaging with relevant experts, including from the ILO, OECD, EEAS, social partners and civil society**, shall provide an indicative, non-exhaustive, **evidence-based** and regularly updated database of forced labour risks in specific geographic areas, **production sites and economic activities in certain sectors in specific areas** with respect to specific products **and services** including with regard to forced labour imposed by state authorities.

***The Commission and the competent authorities designated in accordance with Article 12 shall presume that 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, were manufactured or provided using forced labour. It shall be the responsibility of the economic operator concerned to demonstrate that its product or service was manufactured or provided without using forced labour. For the purpose of applying the presumption, the database shall include a dedicated list with evidence-based information.***

***In all cases, competent authorities shall ensure that the burden of proof is not disproportionately high.***

The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), ***which should be comprehensive and issued without delay, at the latest 6 months after the entry into force of this Regulation, and on*** relevant external sources of information from, amongst others, international organisations, and third country authorities, ***such as the European Free Trade Association countries or candidate countries, as well as social partners and civil society.***

***The database must 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 shall be freely and easily accessible to the public, in a format also accessible to persons with disabilities. Information from customs' authorities related to the products or services concerned such as origin, places of storage and transportation points shall be included in the database.***

***The Commission shall ensure that the database is user-friendly and does not create an unnecessary administrative burden for economic operators.***

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The database shall also include an up to date list of the economic operators, and products or services affected by any decision under Article 6(4).***

***The database shall indicate the deletion of any economic operator, product or service therefrom without undue delay. All previous market bans and lifting decisions of the competent authorities shall be archived.***

## Amendment 19

### Proposal for a regulation

#### Article 24 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.

*Amendment*

2. The Network shall be **organised and led by the Commission, and** composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.

## Amendment 20

### Proposal for a regulation

#### Article 24 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***One independent expert appointed by the European Parliament shall participate as observer to the Network.***

## Amendment 21

### Proposal for a regulation

#### Article 24 – paragraph 2 – subparagraph 1 b (new)

*Text proposed by the Commission*

*Amendment*

***Cross-industry social partner organisations at Union level may designate four representatives as observers to the Network with an equal representation of trade union and employer organisations.***

## Amendment 22

**Proposal for a regulation**

**Article 24 – paragraph 2 – subparagraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***Where relevant, the following stakeholders may also be invited to participate as observers:***

- representatives of the European Labour Authority;***
- representatives of the Fundamental Rights Agency;***
- representatives of Union delegations and any other relevant Union bodies;***
- representatives of third country authorities;***
- representatives of States of the European Free Trade Association, countries participating in the internal market or candidate countries;***
- representatives of civil society organizations and other relevant experts.***

**Amendment 23**

**Proposal for a regulation**

**Article 24 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

(b) conduct joint investigations;

(b) conduct joint investigations ***inside the Union as well as 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 inspection are to take place has been officially notified and has raised no objection;***

**Amendment 24**

**Proposal for a regulation**

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



*Text proposed by the Commission*

*Amendment*

***(ba) mandate research and monitor situations of wide-spread and systemic forced labour practices;***

## **Amendment 25**

### **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) develop** guidance to ensure the effective and uniform application of this Regulation **and monitor its application by detecting and contributing to resolving any misalignments;**

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(ea) share information, including on the root causes of forced labour, and make recommendations to the Commission and other relevant Union bodies in case of detection of forced labour practices;**

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 28**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) promote the cooperation and exchange of expertise and best practices with relevant competent authorities of third countries, international organisations and other actors;***

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

***(fb) monitor remediation of forced labour;***

## **Amendment 30**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f c (new)**

*Text proposed by the Commission*

*Amendment*

***(fc) monitor the redirection of products, which were refused for release for free circulation or export, to be used in the interest of the public;***

## **Amendment 31**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f d (new) (new)**

*Text proposed by the Commission*

*Amendment*

***(fd) set up a contact point to offer the possibility of reporting information***

*regarding alleged or suspected violations of Article 3 and establishing follow-up procedures for the purpose of facilitating coordination throughout the referral.*

## **Amendment 32**

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

*Text proposed by the Commission*

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

*Amendment*

4. The Commission shall support and encourage cooperation between enforcement authorities through the Network.

## **Amendment 33**

### **Proposal for a regulation Article 24 – paragraph 4 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall ensure the secretariat of the Network and provide the appropriate resource to ensure the efficient functioning of the Network in line with its objectives.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Prohibiting products made with forced labour on the Union market
<b>References</b>	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)
<b>Committees responsible</b> Date announced in plenary	INTA                      IMCO 6.10.2022                6.10.2022
<b>Opinion by</b> Date announced in plenary	EMPL 6.10.2022
<b>Associated committees - date announced in plenary</b>	16.3.2023
<b>Rapporteur for the opinion</b> Date appointed	Mounir Satouri 30.11.2022
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	16.3.2023
<b>Discussed in committee</b>	26.4.2023
<b>Date adopted</b>	18.7.2023
<b>Result of final vote</b>	+:                      35 –:                      0 0:                      6
<b>Members present for the final vote</b>	Atidzhe Alieva-Veli, Marc Angel, Dominique Bilde, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Sylvie Brunet, Jordi Cañas, David Casa, Ilan De Basso, Jarosław Duda, Cindy Franssen, Chiara Gemma, Elisabetta Gualmini, Agnes Jongerius, Irena Joveva, Katrin Langensiepen, Elena Lizzi, Sara Matthieu, Jörg Meuthen, Max Orville, Kira Marie Peter-Hansen, Dragoș Pîslaru, Elżbieta Rafalska, Daniela Rondinelli, Pirkko Ruohonen-Lerner, Mounir Satouri, Romana Tomc, Nikolaj Villumsen, Maria Walsh, Stefania Zambelli, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Alex Agius Saliba, Carmen Avram, Gheorghe Falcă, Aurore Lalucq, Carina Ohlsson, Evelyn Regner, Ralf Seekatz
<b>Substitutes under Rule 209(7) present for the final vote</b>	Andrey Novakov, Helmut Scholz

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

35	+
ID	Dominique Bilde
PPE	David Casa, Jarosław Duda, Gheorghe Falcă, Cindy Franssen, Andrey Novakov, Ralf Seekatz, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Atidzhe Alieva-Veli, Sylvie Brunet, Jordi Cañas, Irena Joveva, Max Orville, Dragoș Pîslaru
S&D	Alex Agius Saliba, Marc Angel, Carmen Avram, Gabriele Bischoff, Vilija Blinkevičiūtė, Milan Brglez, Ilan De Basso, Elisabetta Gualmini, Agnes Jongerius, Aurore Lalucq, Carina Ohlsson, Evelyn Regner, Daniela Rondinelli
The Left	Helmut Scholz, Nikolaj Villumsen
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Mounir Satouri

0	-

6	0
ECR	Chiara Gemma, Elżbieta Rafalska, Pirkko Ruohonen-Lerner
ID	Elena Lizzi, Stefania Zambelli
NI	Jörg Meuthen

Key to symbols:

+ : in favour

- : against

0 : abstention

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

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

on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market  
(COM(2022)453 – C9-0307/2022 – 2022/0269(COD))

Rapporteur for opinion: Ilan De Basso

### **SHORT JUSTIFICATION**

The Union and other members of the international community have committed to eradicating forced labour by 2030, in line with the United Nations Agenda 2030. Yet, it is estimated that about 27.6 million people were in forced labour in 2021, including 3.9 million people in forced labour imposed by state authorities.<sup>1</sup> Further action is needed to contribute to the fight against forced labour worldwide. In this context, the Commission proposal of 14 September 2022 seeks to prohibit products made with forced labour on the EU market.

This Regulation represents a very important step forward in this area. As such, the Rapporteur welcomes the proposal and its overarching objective. Nevertheless, the Rapporteur believes that improvements are needed to ensure that the perspective of developing countries is taken into account, a matter of crucial importance for the credibility of the Union as a promoter of fundamental rights and values. The Rapporteur introduces a number of amendments to address this.

The Rapporteur considers it crucial to ensure the coherence of this Regulation with the future Corporate Due Diligence legislation. In this sense, a series of amendments are proposed to stress the importance of the implementation of effective due diligence measures by the economic operators. In particular, the subject matter and the power of the competent authorities have been reinforced to reflect this approach. Additionally, definitions of forced labour risk areas and forced labour risk products have been included.

For the victims of forced labour, the consequences and damage can be severe and last for generations. In order to ensure that the victims' interests are put at centre of the Regulation, amendments that introduce the matter of remediation for affected workers are introduced, whereby proof of effective remediation for victims of forced labour is added as a condition for the withdrawal of the ban. As such, the amendments enable the Regulation to go beyond serving as a vehicle for consumer information to respond to the needs of affected workers and

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<sup>1</sup> The 2021 Global Estimates of Modern Slavery, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_854733.pdf).

encourage effective preventive measures.

Amendments have also been introduced to formalise the inclusion of civil society organisations as well as trade unions and other workers' representatives, who promote, represent or defend the issues related to the Regulation. In order to avoid any negative consequences of decisions, it is crucial that the competent authorities listen to those potentially affected. As such, an assessment of the impacts on affected workers and partner countries of any decision to be adopted shall be carried out with the meaningful engagement of relevant stakeholders.

With the end-goal being the eradication of forced labour, a set of amendments are introduced to increase the transparency of value chains and balance the burden of proof. To this purpose, an Article is introduced to ensure that companies map their value chain and publicly disclose relevant information on their value chain, as the complexity of global value chains make it difficult for authorities alone to reach sufficient standard of proof.

In order to facilitate the submission of complaints on alleged violations to the legislation, amendments state that the Commission shall establish a centralised mechanism to receive complaints by any stakeholder, where complaints may be lodged anonymously.

Finally, the Rapporteur has also suggested amendments to ensure that stakeholders are provided with information and effective support to exercise the rights provided to them in the Regulation. Furthermore, the Rapporteur suggests that the Commission should provide guidelines in order to support stakeholders to participate and meaningfully engage in the procedure, as well as to support companies to fulfil their obligations.

## AMENDMENTS

The Committee on Development calls on the Committee on the Internal Market and Consumer Protection and the Committee on International Trade, as the committees responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

#### Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1 a) Several ILO standards explicitly prohibit forced labour or related practices among specific categories of vulnerable workers. These include the Worst Forms of Child Labour Convention, 1999 (No. 182), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Indigenous and***

## 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.

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

#### *Amendment*

(2) The use of forced labour is widespread in the world, ***and its prevalence has risen in the last years***. It is estimated that about 27.6 million people were in forced labour in 2021, ***including 3.9 million people in forced labour imposed by state authorities***.<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.

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

## Amendment 3

### Proposal for a regulation Recital 2 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(2 a) The Union and other members of the international community have committed to eradicating forced labour by 2030 in line with the target 8.7 of the United Nations Sustainable Development Goals. They have therefore pledged their commitment to take effective measures to***



*eradicate forced labour.*

#### **Amendment 4**

##### **Proposal for a regulation Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*(2 b) It is estimated that about 11.8 million women and girls were in forced labour in 2021, which represents almost 43% of the total.<sup>1a</sup> 4.9 million of them were in sexual exploitation. Women are more likely to be coerced through wage non-payment and abuse of vulnerability. It is therefore fundamental to ensure that this Regulation is implemented in a gender-responsive manner. Human rights violations are not gender neutral and should not be treated as such. Women are often disproportionately affected by forced labour, which requires a specific response to their needs. Competent authorities should apply a gender lens throughout all of the steps of the Regulation prohibiting products made with forced labour on the Union market, collect gender-disaggregated data and encourage economic operators to provide the requested information in a gender-sensitive way.*

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<sup>1a</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).*

#### **Amendment 5**

##### **Proposal for a regulation Recital 2 c (new)**

***(2 c) The ILO forced labour instruments, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Global Compact for Migration, together make clear that trafficking in persons for the purpose of forced labour cannot be eliminated through criminal law enforcement alone. Rather, a broad multidisciplinary approach is needed that is grounded in adherence to human rights, encompassing the need for effective gender- and age-responsive measures. Such measures, along with criminal justice responses, must focus on preventing and addressing the root causes of forced labour and on ensuring protection and remedies for the people already affected by it.***

## **Amendment 6**

### **Proposal for a regulation Recital 2 d (new)**

***(2 d) In 2021, more than 3.3 million of children are in forced labour, which represents almost 12% of all those in forced labour.<sup>1a</sup> Taking into account that forced child labour is one of the components of child labour, the Union, through this Regulation and in its relations with the wider world, should uphold and promote its values, which are in accordance with the international instruments ratified, the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, and enshrined in its core treaties, namely, TEU, TFEU and the EU Charter of Fundamental Rights of the European Union, all of which protect the rights of the child. The 2021-2024 EU***

*Strategy on Child Rights, the Council-led European Child Guarantee initiative and the UN Sustainable Development Goal 8.7 of eradicating child labour by 2025 and forced labour by 2030 are also proof of commitment. Children, like women, are disproportionately affected by forced labour. Therefore, it is fundamental for competent authorities to ensure particular attention to the specific cases and needs of the children, like for women, in forced labour, throughout all the steps of this Regulation. Moreover, any guidelines formed by the Commission regarding the centralised complaint mechanism must be able to reach children as well.*

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*<sup>1a</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).*

## **Amendment 7**

### **Proposal for a regulation Recital 2 e (new)**

*Text proposed by the Commission*

*Amendment*

*(2 e) Forced labour can be found in a large number of sectors, some of them, such as textiles, services, manufacturing, construction, agriculture, and domestic work, and to a smaller extent, mining and fishers aboard fishing vessels, are particularly affected. The textile, clothing, leather and footwear sector (TCLF) is one of the largest sectors in the global economy and is characterised by poor working conditions and workers' rights violations, with the majority of workers being women and children.*

## Amendment 8

### 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 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. ***Furthermore, in its relations with the wider world, the Union should uphold and promote its values and contribute to the protection of human rights, in particular the rights of the child, as well as the strict observance and the development of international law in accordance with Article 3(5) of the Treaty on European Union. The respect, promotion and protection of human rights constitute an objective of the development cooperation which shall be taken into account in the policies that the Union implements which are likely to affect developing countries in accordance with Article 208 of the Treaty on the Functioning of the European Union. This Regulation aims to ban from the EU market products that have been produced, extracted, harvested, manufactured, stored or transported using forced labour and contribute to eradicate forced labour by addressing its root causes. Through this Regulation, the Union should strengthen political dialogue with third countries, especially with developing countries, with regards to forced labour. Moreover, Article 5(2) of the Charter of Fundamental Rights of the European Union ('the Charter') 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> ***Article 5 of the Charter also explicitly prohibits slavery, servitude, forced or compulsory labour and human trafficking.***

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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 9

### 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, legislative initiatives ***and financial instruments, in particular the NDICI-Global Europe,*** the Union seeks to eradicate the use of forced labour, ***address its root causes, support civil society on this regard and promote decent work and labour rights, while policy coherence for development and cooperation at all levels remains an indispensable principle to put those policies into practice. To these effects, corporate sustainability due diligence, along with the adoption of accompanying measures, represents important tools.*** 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 10

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) The Anti-trafficking Directive (Directive 2011/36/EU) of the European Parliament and of the Council<sup>21</sup>(the Anti-trafficking Directive) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes minimum penalties. Any rules laid down concerning the prohibition of placing and making available on the Union market domestic or imported products made with forced labour, or exporting such products, and the obligation to ensure that such products are withdrawn from the Union market ('the prohibition'), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences on trafficking in human beings, including labour exploitation.

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<sup>21</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, p.1.

*Amendment*

(7) The Anti-trafficking Directive (Directive 2011/36/EU) of the European Parliament and of the Council<sup>21</sup>(the Anti-trafficking Directive) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes minimum penalties. Any rules laid down concerning the prohibition of placing and making available on the Union market domestic or imported products made with forced labour, or exporting such products, and the obligation to ensure that such products are withdrawn from the Union market ('the prohibition'), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences on trafficking in human beings, including labour exploitation, ***as well as preventing and combating trafficking in human beings and protecting its victims, particularly by strengthening victims' rights in the areas of non-punishment, assistance and support, safe reporting, complaint mechanisms and remedies including compensation.***

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<sup>21</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, p.1.

**Amendment 11**

**Proposal for a regulation**  
**Recital 8**

(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> ]

(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.<sup>22</sup> ] ***In order to ensure coherence with this Directive, the current Regulation reinforces the subject matter by including a concrete reference to the due diligence measures, introduces some definitions such as 'stakeholders', 'value chain' or 'forced labour risks products', while emphasising the adoption of due diligence measures by the economic operator as instrumental to achieve an effective implementation of the Regulation. The Regulation will therefore complement the EU toolbox of legislation and policy to address the root causes of forced labour, including the due diligence legislation.***

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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.

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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 12**

### **Proposal for a regulation Recital 8 a (new)**



**(8 a) Throughout, effective due diligence requires the meaningful engagement of stakeholders, including workers, their representative organisations, and community members, as they are best positioned to identify local risks and help formulate the most appropriate mitigation strategies. Attention should focus on identifying, prioritizing, and acting on “hotspots” where the risk of forced labour and other human rights abuses is highest in terms of both severity and scale. Particularly important in this context are the informal micro- and small enterprises operating at the lower links of supply chains in high-risk sectors and locations, often in raw materials extraction and production, where forced labour and other human rights abuses are often most pronounced.**

## Amendment 13

### Proposal for a regulation Recital 10

(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

(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 **value** 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.

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 14

### Proposal for a regulation Recital 12

#### *Text proposed by the Commission*

(12) As recognised in the Commission's Communication on decent work worldwide<sup>29</sup>, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.

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<sup>29</sup> Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic

#### *Amendment*

(12) As recognised in the Commission's Communication on decent work worldwide<sup>29</sup>, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide. ***The eradication of forced labour can only be achieved if other objectives of decent work, such as sustainable business conduct, social dialogue, freedom of association, collective bargaining and social protection, are promoted. Through the EU decent work agenda, the EU commits to address forced labour and to promote decent work and labour rights including in global supply chains.***

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<sup>29</sup> Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic

and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).

and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).

## **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

***(12 a) 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 EU as enshrined in the EU Action Plan on Human Rights and Democracy 2020-2024.***

## **Amendment 16**

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

*Text proposed by the Commission*

*Amendment*

***(12 b) Businesses can also contribute to addressing some of the more structural root causes of forced labour linked to their business operations and value chains, by taking, for example, measures to advance the fair recruitment and the decent work agenda of all workers and vulnerable stakeholders, as a way to contribute to the eradication of unfair trading practices.***

## **Amendment 17**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products. The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported.

*Amendment*

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, **transport or storage**, including working or processing related to the products. The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported.

**Amendment 18**

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

*Text proposed by the Commission*

(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.

*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 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 resources of economic operators **and refer to remediation measures**. In addition, the Commission should issue guidelines on forced-labour risk indicators, **taking into account the ILO forced labour indicators, including its 'Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children'**, on publicly available information **and on value chain mapping** in order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition. **The**

***Commission should also issue guidelines for stakeholders on filing a complaint and meaningfully engage in the procedures set out in the Regulation.***

## **Amendment 19**

### **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*

(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, ***expertise*** and knowledge, especially with regard to human rights, ***forced labour***, 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 20**

### **Proposal for a regulation**

#### **Recital 20**

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

(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, ***prevent*** and bring to an end the risk of forced labour.

##### *Amendment*

(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, ***prevent***, mitigate, ***remediate*** and bring to an end the risk of forced labour.

## Amendment 21

### 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 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. ***However, implementing due diligence procedures should never act as (i) a safe haven against investigations, (ii) as proof no forced labour was used and (iii) as sole condition for the lifting of restrictions.***

## Amendment 22

### Proposal for a regulation Recital 26

*Text proposed by the Commission*

(26) Competent authorities should bear

*Amendment*

(26) Competent authorities should

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.

***primarily*** 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 23

### 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, 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 competent authorities shall be made publicly available.***

## Amendment 24

### 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,

#### *Amendment*

(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 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.

after having provided new **relevant** information showing that it cannot be concluded that 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.

## Amendment 25

### 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) ***The Commission should establish a centralised mechanism to receive complaints by any stakeholders who consider that products made with forced labour are placed and made available on the Union market. Complaints may be lodged anonymously and confidentiality shall be automatic, unless otherwise specified by the complainant. The complaint mechanism should be secure and accessible. The stakeholders should be informed of the reasoning and outcome of the assessment of their complaints, as well as all the decisions made by competent authorities, referring to their complaints.***

## Amendment 26

### 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

*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 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

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 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 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 *value* chain.

## Amendment 27

### 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 aimed at structured coordination and cooperation between the competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission, ***as well as the European Agency for Fundamental Rights, the European Labour Authority and other Union agencies with relevant expertise in the areas covered by the Regulation. Trade unions and other workers' representatives, civil society organisations, human rights defenders, international organisations and third countries' competent authorities shall be invited to collaborate with the Network.*** 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 ***contributing to coherence in the implementation and*** helping to strengthen the enforcement of the prohibition. ***The network should include an area for external cooperation, including relevant consultation and cooperation with third countries' competent authorities,***

*international organisations, trade unions, civil society organisations and human rights defenders operating outside the EU.*

## Amendment 28

### Proposal for a regulation Recital 45

#### *Text proposed by the Commission*

(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.

#### *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 ***and increase efforts to tackle root causes of forced labour. The EU should continue close collaboration with international organisations in the form of joint projects, technical assistance and funding of initiatives targeting forced labour.*** The Commission should as appropriately cooperate with and exchange information with authorities of third countries, ***especially authorities of developing countries,*** and international organisations, ***as well as with other relevant actors including civil society,*** 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, ***especially with developing countries,*** or, if necessary, specific ones that will be created on an ad hoc basis. ***Team Europe, and particularly the EU delegations, shall have a central role within the aim of effectively eradicating forced labour as well as for dissemination of the Regulation and possibility of third parties to provide information on existence of forced labour on a determined product. The EU may also expand, where appropriate, the use of***

*restrictive measures in the framework of its Common Foreign and Security Policy against persons or entities that have been involved in the promotion or implementation of forced labour.*

## Amendment 29

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

*Text proposed by the Commission*

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.

*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, ***including state-imposed forced labour, and (thereby) ensuring that economic operators eradicate the use of forced labour in the production sites in their value chain by implementing effective due diligence measures, including remediation.***

## Amendment 30

### Proposal for a regulation Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ‘due diligence in relation to forced labour’ means the ***efforts*** by economic operator to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, mitigate ***or*** bring to an end the use of forced labour with respect to products that are to be made available on the Union market or to be exported;

*Amendment*

(c) ‘due diligence in relation to forced labour’ means the ***obligations*** by economic operator to ***respect and ensure the respect of workers’ rights and children’s rights in their operations and products value chain and*** implement mandatory ***due diligence*** requirements ***as provided by the Union and Member States legislation and in line with the UN Guiding Principles on Business and Human rights, mandatory and*** voluntary guidelines, recommendations or practices to identify, prevent, mitigate, ***remediate and*** bring to

an end the use of forced labour ***in their operations and value chain*** with respect to products that are to be made available on the Union market or to be exported;

## Amendment 31

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(c a) ‘bring to an end the use of forced labour’ means effective measures to address the root causes of forced labour that supplies the economic operator that places or makes the product available in the EU market. It shall not mean disengagement as first resort;***

## Amendment 32

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c b (new)

*Text proposed by the Commission*

*Amendment*

***(c b) ‘root causes of forced labour’ means the multi-faceted fundamental reasons for the occurrence of forced labour; this shall particularly look into exploitation, poverty, migration, prices below cost of production, lack of living incomes and living wages and unfair purchasing practices;***

## Amendment 33

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f

*Text proposed by the Commission*

*Amendment*

(f) ‘product’ means any product that can be valued in money and is capable, as

(f) ‘product’ means any product that can be valued in money and is capable, as

such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced **or** manufactured, including working or processing related to a product at any stage of its **supply** chain;

such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced, manufactured, **stored or transported**, including working or processing related to a product at any stage of its **value** chain;

#### **Amendment 34**

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

##### **Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production **or** manufacture, including working or processing related to a product at any stage of its **supply** chain;

*Amendment*

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production, manufacture, **storage or transport**, including working or processing related to a product at any stage of its **value** chain;

#### **Amendment 35**

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

##### **Article 2 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

**(g a) ‘value chain’ shall have the meaning attributed to it in Article 3 of the Directive 20XX/XX/EU on Corporate Sustainability Due Diligence of the European Parliament and of the Council to the extent applicable;**

#### **Amendment 36**

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

##### **Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) ‘product supplier’ means any natural or legal person or association of

*Amendment*

(k) ‘product supplier’ means any natural or legal person or association of

persons in the **supply** chain who extracts, harvests, produces **or** manufactures a product in whole or in part, or intervenes in the working or processing related to a product at any stage of its **supply** chain, whether as manufacturer or in any other circumstances;

persons in the **value** chain who extracts, harvests, produces, manufactures, **stores or transports** a product in whole or in part, or intervenes in the working or processing related to a product at any stage of its **value** chain, whether as manufacturer or in any other circumstances;

## Amendment 37

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

**(m a) ‘stakeholders’ means:**

**(i) the economic operator’s employees, the employees of its subsidiaries and value chains’ workers, including smallholders and informal workers’ and other individuals, groups, communities or entities, civil society organisations, as well as trade unions and other workers’ representatives, whose rights or interests are or could be affected by the use of forced labour by the economic operator, its subsidiaries and its business relationships, including through the value chain;**

**(ii) other natural or legal persons engaging, promoting, representing, protecting and defending, as part of their statutory purpose or otherwise, issues related to this Regulation;**

## Amendment 38

### Proposal for a regulation

#### Article 2 – paragraph 1 – point m b (new)

*Text proposed by the Commission*

*Amendment*

**(m b) ‘vulnerable stakeholders’ shall have the meaning attributed to it in Article 3 of the Directive 20XX/XX/EU on**

## **Amendment 39**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point m c (new)**

*Text proposed by the Commission*

*Amendment*

*(m c) ‘meaningful engagement with stakeholders’ means an interactive, responsive, ongoing and gender-inclusive process of engagement with potentially affected suppliers, workers and their representative organisations, as well as other stakeholders, such as civil society organisations including trade unions and NGOs and local communities, with particular attention to vulnerable stakeholders;*

## **Amendment 40**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

(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;

(n) ‘substantiated concern’ means a well-founded reason, based on objective and verifiable information, for the competent authorities to suspect that forced labour *is likely to have been used in the production or transport of products;*

## **Amendment 41**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point s a (new)**

*Text proposed by the Commission*

*Amendment*

*(s a) ‘SMEs’ means micro, small and*

*medium-sized enterprises as defined in Directive 2013/34/EU;*

#### **Amendment 42**

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

##### **Article 2 – paragraph 1 – point u a (new)**

*Text proposed by the Commission*

*Amendment*

*(u a) ‘forced labour risks areas’ means those countries or regions where there is evidence of wide-spread and/or systemic forced labour, including state-imposed forced labour, in an entire product group or product site in a specific industry;*

#### **Amendment 43**

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

##### **Article 2 – paragraph 1 – point u b (new)**

*Text proposed by the Commission*

*Amendment*

*(u b) ‘forced labour risks products’ means those products coming from the forced labour risks areas, as well as products linked to high risks sectors of economic activity identified by the Directive 20XX/XX/EU on Corporate Sustainability Due Diligence of the European Parliament and of the Council and included in the database of Article 11.*

#### **Amendment 44**

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

##### **Article 4**

*Text proposed by the Commission*

*Amendment*

Preliminary phase of investigations

Preliminary phase of investigations

1. Competent authorities shall follow a risk-based approach in assessing the

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:

- (a) **submissions** made by *natural or legal persons or any association not having legal personality* pursuant to Article 10;
- (b) the risk indicators and other information pursuant to Article 23, points (b) and (c);
- (c) the **database** referred to in **Article 11**;
- (d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;
- (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.

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.

3. Before initiating an investigation in

likelihood that economic operators violated Article 3. That assessment shall be **done with reference to the indicators of forced labour set out by the International Labour Organization which shall be detailed by the Commission in accordance with Article 23 and shall be** based on all relevant information available to them, including the following information:

- (a) **complaints** made by *stakeholders* pursuant to Article 10;
- (b) the risk indicators and other information pursuant to Article 23, points (b) and (c);
- (c) the **databases** referred to in **Articles 11 and 11 a**;
- (d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;
- (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.

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, the quantity of products concerned, as well as the scale of suspected forced labour.

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:

- (a) applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;
- (b) the guidelines issued by the Commission pursuant to Article 23, point (a);
- (c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations;
- (d) any other due diligence in relation to forced labour.

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.

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 operators pursuant to paragraph 4.

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

accordance with Article 5(1), the competent authority shall request from the economic operators under assessment information on actions taken to identify, prevent, mitigate, *remediate, protect and* 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:

- (a) applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;
- (b) the guidelines issued by the Commission pursuant to Article 23, point (a);
- (c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations;
- (d) any other due diligence *requirements* in relation to forced labour.

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.

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 operators pursuant to paragraph 4.

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.

7. Competent 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 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.

## Amendment 45

### Proposal for a regulation Article 5

#### *Text proposed by the Commission*

##### Investigations

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.
2. Competent authorities that initiate

forced labour impact in its **value** chain, adopts and carries out measures suitable and effective for **remediating and** bringing to an end forced labour **and provide remediation** in a short period of time. **The competent authority shall declare that there is a substantiated concern of violation of Article 3 when the economic operator does not demonstrate that forced labour was eradicated and remediation provided once this period of time has expired.**

7. Competent 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 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 **and provides remediation.**

#### *Amendment*

##### Investigations

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.
2. Competent authorities that initiate

an investigation pursuant to paragraph 1 shall 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:

- (a) the initiation of the investigation and the possible consequences thereof;
- (b) the products subject to the investigation;
- (c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;
- (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.

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 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:

- (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
- (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.

4. Economic operators shall submit the information within 15 working days from the request referred to in paragraph 3

an investigation pursuant to paragraph 1 shall 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:

- (a) the initiation of the investigation and the possible consequences thereof;
- (b) the products subject to the investigation;
- (c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;
- (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.

3. Where requested to do so by competent authorities, economic operators under investigation shall submit to those competent authorities any **complete and substantive evidence** 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, competent authorities shall to the extent possible:

- (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
- (b) take into account the size and resources of the economic operators, the quantity of products concerned, the scale of suspected forced labour, **as well as the context in which those economic operators, their subsidiaries and their business partners operate, in particular in developing countries.**

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.

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.

6. Competent authorities may carry out all necessary checks and inspections including investigations in third countries,

or make a justified request for an extension of that time limit.

***4 a. In the case of the products presumed made with forced labour in accordance with Article 11, the competent authority shall inform the economic operator and provide a time limit for the economic operator to demonstrate that the products concerned are free of forced labour and that appropriate due diligence measures, including remediation, have been effectively implemented.***

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

***5 a. During the investigation phase, the competent authority shall take necessary precautionary measures, including a temporary suspension of the circulation on the Union market of the products concerned to ensure the effectiveness of its final decision.***

***5 b. Once the competent authority initiates an investigation it shall assess the possible impacts of any decision to be adopted pursuant Article 6(4) on the affected workers and partner countries but also the economic operators taking into account their size and resources. That assessment shall be carried out with the meaningful engagement of relevant stakeholders, as well as in consultation with authorities of the affected or potentially affected third countries, and in particular developing countries.***

***5 c. 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 Article 4(1) or (4).***

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.

***without prior warning to*** the economic operators concerned, ***except where prior notification is necessary in order to ensure the effectiveness of the checks and inspections, and provided*** 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 ***within a delimited timeframe.***

#### **Amendment 46**

##### **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 operator thereof.

*Amendment*

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 operator thereof. ***This closing of the investigation for lack of proof shall not preclude the right of competent authority to start a new investigation into the same product should new information be made available.***

#### **Amendment 47**

##### **Proposal for a regulation Article 6 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4 a. Taking into account the outcome of the impact assessment referred to Article 5(5b), as well as other information gathered during the investigation, the competent authority shall be empowered to adopt a decision requesting the economic operator to urgently adopt and implement effective due diligence measures to prevent, mitigate, remediate and bring to an end forced labour in their product value chain.***

## Amendment 48

### 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 economic operators provide evidence to the competent authorities that they have complied with the decision referred to in **paragraphs 4 and 4 a** and that they have eliminated forced labour from their operations or **value** chain with respect to the products concerned, **and provided the proof of effective remediation for victims of forced labour**, the competent authorities shall withdraw their decision for the future and inform the economic operators.

## Amendment 49

### Proposal for a regulation

#### Article 6 – paragraph 6 a (new)

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

##### *Amendment*

**6 a. To eliminate forced labour, the Commission's Guidance on Due Diligence for EU businesses shall enable disengagement from a business relationship as a last resort solution only, in consistency with the United Nations Guiding Principles on Business and Human Rights (UNGPs).**

## Amendment 50

### Proposal for a regulation

#### Article 7



Content of the decision

1. The decision referred to in Article 6(4) shall contain all of the following:
  - (a) the findings of the investigation and the information underpinning the findings;
  - (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;
  - (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;
  - (d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.
2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.

Content of the decision

1. The decision referred to in Article 6(4) shall contain all of the following:
  - (a) the findings of the investigation and the information underpinning the findings, ***including the due diligence measures that the economic operator must implement and the potential impacts of competent authority decisions;***
  - (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 resources. ***Reasonable time limit shall be set up for the operator to effectively implement the due diligence measures foreseen in Article 6(4a), including the provision of remediation to affected workers;***
  - (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;
  - (d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.
2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.



## Amendment 51

### 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 **relevant** new information that was not brought to the attention of the competent authority during the investigation **for reasons other than negligence**. 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 52

### Proposal for a regulation Article 9 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, **points (c), (d), (e) and (g)** on a dedicated website.

#### *Amendment*

2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1 on a dedicated website.

## Amendment 53

### Proposal for a regulation Article 10

#### *Text proposed by the Commission*

**Submission of information** regarding violations of Article 3

#### *Amendment*

**Complaint procedure** regarding violations of Article 3

**-1. The Commission shall establish a centralised mechanism to receive complaints by any stakeholder on alleged**

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.

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*.

3. Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>39</sup> shall apply to the reporting of all breaches of this Regulation and the protection of *persons* reporting such breaches.

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<sup>39</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.

*violations of Article 3. Complaints may be lodged anonymously. The complaint mechanism should be secure and accessible, and ensure that the identity of the complainant is not disclosed without explicit consent.*

1. *Complaints* shall contain information on the economic operators, products, *production sites and high-risk areas* concerned and provide the reasons substantiating the allegation.

*1 a. The Commission shall determine the rules and procedures to assign complaints to the competent authorities, taking into account the specifics of the complaint, the domicile of the economic operator and the capacities of the competent authorities in concerned Member States.*

2. The competent authority shall, as soon as possible, inform the *complainant* referred to in paragraph 1 of the outcome of *the reasoning and* the assessment of their *complaint, as well as all the decisions referred to in Article 9*.

3. Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>39</sup> shall apply to the reporting of all breaches of this Regulation and the protection of *stakeholders* reporting such breaches.

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<sup>39</sup> Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17..

## Amendment 54

### Proposal for a regulation Article 11

*Text proposed by the Commission*

*Amendment*

**Database of forced labour risk areas or products**

**Forced labour risk areas or products**

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.

1. The Commission shall call upon external expertise to provide an indicative, non-exhaustive, verifiable, **evidence-based** 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, **civil society organisations**, international organisations and third country authorities.

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 made publicly available by the external expertise at the latest 24 months after the entry into force of this Regulation. **This database shall be transparent and easily accessible to all.**

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.

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.

**Amendment 55**

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

*Text proposed by the Commission*

*Amendment*

**Article 11 a**

**Disclosure of value chains**

**1. The economic operators should map their value chains and publicly**

*disclose relevant information including names, locations and types of products concerning their subsidiaries, suppliers, contractors and business partners in the value chain.*

*2. The Commission shall set up a public database containing the relevant information foreseen in paragraph 1 with due regard for commercial confidentiality, privacy, and competition law in order to facilitate the accessibility and transparency of the information for competent authorities and stakeholders to implement this Regulation.*

*3. Economic operators will feed their relevant information into the system and ensure that such information is up to date.*

## **Amendment 56**

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

#### *Text proposed by the Commission*

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.

#### *Amendment*

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, **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 57**

### **Proposal for a regulation Article 12 – paragraph 6**

*Text proposed by the Commission*

6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30.

*Amendment*

6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30, ***including with respect to the provision of remediation.***

**Amendment 58**

**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 ***value*** chain for which forced labour has been found.

**Amendment 59**

**Proposal for a regulation  
Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Customs authorities shall be provided with information identifying the product, information about the manufacturer ***or*** the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.

*Amendment*

2. Customs authorities shall be provided with information identifying the product, information about the manufacturer, the producer ***or the transporter*** and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.

## Amendment 60

### Proposal for a regulation Article 23

#### *Text proposed by the Commission*

##### Guidelines

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

(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;

(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;

#### *Amendment*

##### Guidelines

The Commission shall issue guidelines no later than **6** months after the entry into force of this Regulation, which shall include the following:

(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. ***More specifically, the guidelines shall refer to remediation measures with a gender-responsive and child-friendly approach, including financial and non-financial compensation, restitution, rehabilitation, effective preventive measures, such as injunctions and guarantees of non-recurrence of forced labour and apologies. In all cases, remediation must be adapted to the specific context and condition of the rightsholder. The guidelines shall also incorporate measures to cover the states' obligation to protect, to provide immediate assistance and rehabilitation and aim to contribute to the access to long-term sustainable solutions;***

(b) information on risk indicators of forced labour, which shall be based ***on the indicators for forced labour set out by the ILO including in its 'Hard to see, harder to count – Survey guidelines to estimate forced labour of adults and children'***, on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil

- (c) a list of publicly available information sources of relevance for the implementation of this Regulation;
- (d) further information to facilitate the competent authorities' implementation of this Regulation;
- (e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.

society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;

- (c) a list of publicly available ***and accessible*** information sources of relevance for the implementation of this Regulation;
- (d) further information to facilitate the competent authorities' implementation of this Regulation;
- (e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation;
- (e a) guidelines to assist economic operators in the setting up of a value chain mapping process and for the identification of victims and risks, including references to specific high-risk sectors and areas;***
- (e b) guidance for the stakeholders to file a complaint and facilitate access to justice, remedy and protection, as well as participate and meaningfully engage in the procedures set out in the Regulation.***

## Amendment 61

### Proposal for a regulation Article 24

*Text proposed by the Commission*

Union Network Against Forced Labour  
Products

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.
2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.
3. The Network shall have the following tasks:
  - (a) facilitate the identification of common priorities for enforcement activities, to exchange information, expertise and best practices;
  - (b) conduct joint investigations;

*Amendment*

Union Network Against Forced Labour  
Products

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.
2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission, ***including EU delegations***, and, where appropriate, experts from the customs authorities, ***as well as the European Agency for Fundamental Rights, the European Labour Authority and other Union agencies with relevant expertise in the areas covered by the Regulation. Trade unions and other workers' representatives, civil society organisations, human rights defenders, international organisations, and third countries' competent authorities shall be invited to collaborate with the Network.***
3. The Network shall have the following tasks:
  - (a) facilitate the identification of common priorities for enforcement activities, ***including in third countries and especially in developing countries***, to exchange information, expertise and best practices ***ensuring a gender-responsive and child-friendly approach***;
  - (b) conduct joint investigations, ***including in third countries, and reinforce national and transnational referral mechanisms***;



- (c) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States;
- (d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation;
- (e) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;
- (f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities;

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

5. The Network shall establish its rules of procedure.

## Amendment 62

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

#### *Text proposed by the Commission*

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

- (c) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States **and third countries**;

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

- (e) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;

- (f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities **and, where appropriate, with third countries' competent authorities, especially developing countries' authorities, as well as trade unions, civil society organisations, human rights defenders and international organisations**;

**(f a) manage the centralised complaint system.**

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

5. The Network shall establish its rules of procedure.

#### *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

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.

confidentiality shall be accompanied by ***comprehensive protection services, when requested, and 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.

## Amendment 63

### Proposal for a regulation Article 26

#### *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*** cooperate, engage and exchange information with, amongst others, authorities of third countries, ***especially of developing countries***, international organisations, ***trade unions and other workers' representatives***, civil society representatives and business organisations ***and any other stakeholder***. International cooperation with authorities of third countries, ***especially developing 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 through the Network foreseen in Article 24***.

***1a. The Commission, in particular in developing countries and in accordance with Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, shall provide measures to contribute to the effective implementation of this Regulation, including financial support for capacity building in partner countries in order to address the root causes of forced labour, which results e.g.***

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 tackling forced labour*.

*from, among others, discrimination, unfair purchasing practises, the absence of living wage and land rights. The Commission shall provide financial and political support to civil society organisations, human rights defenders and rightsholders, and raise awareness and support access to protection, justice and remedy for victims, among others.*

2. For the purposes of paragraph 1, the Union *shall develop* accompanying measures, *including* to support the efforts of *the economic operator and its business partners in the value chain, in particular the small and medium-sized enterprises (SMEs)*.

2 a. *The following accompanying measures are notably foreseen:*

(a) *supportive development policies to governments in producer countries to guarantee, protect and fulfil their international human rights obligations to implement decent labour conditions, inter alia by:*

(i) *removing barriers to freedom of expression and association, and increased recognition of land rights;*

(ii) *building national social protection floor, in order to reduce vulnerability to forced or compulsory labour;*

(iii) *providing social and economic assistance, including access to educational and training opportunities and access to decent work, notably for at-risk population groups to increase their employability and income-earning opportunities and capacity;*

(iv) *developing coherent policies, such as employment and labour migration policies, which take into account the risks faced by specific groups of migrants, including those in an irregular situation,*

*and address circumstances that could result in forced labour situations.*

*(b) supporting partner countries to develop encompassing National Action Plans on Forced Labour, with the aim to:*

*(i) address the root causes of workers' vulnerability to forced or compulsory labour;*

*(ii) adopt and strengthen legislation on forced labour, covering the employment relationship of all sectors of the economy;*

*(iii) provide effective protective measures to meet the needs of all victims, irrespective of their status (age, gender, ethnicity, migration status or any other ground for discrimination), for both immediate assistance and long-term recovery and rehabilitation;*

*(iv) strengthen the enforcement of laws and prosecution;*

*(v) raise awareness and engagement, especially for those who are most at risk of becoming victims of forced or compulsory labour, including migrants, to inform them, inter alia, about how to protect themselves against fraudulent or abusive recruitment and employment practices, their rights and responsibilities at work, how to gain access to assistance in case of need and about the sanctions for violating the prohibition on forced or compulsory labour.*

*2 b. The Union and its Member States shall support third countries, in particular developing countries, by promoting the ratification and the effective implementation of fundamental ILO's conventions and standards related to the prohibition of forced labour and by taking measures to enable partner countries to effectively prevent, minimise, remediate and eradicate on forced labour.*

*2 c. Member States and the Commission shall provide information*

*and effective support to relevant stakeholders to comply with and exercise the rights provided to them, in particular the right to file a complaint, as well as to monitor the implementation of the Regulation.*

## **ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR FOR THE OPINION HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur for the opinion. The rapporteur has received input from the following entities or persons in the preparation of the draft opinion, until the adoption thereof in committee:

<b>Entity and/or person</b>
Acumen Public Affairs
Anti-Slavery International
AxHa
Clean Clothes Campaign European Coalition (CCC – European Coalition)
European Center for Constitutional and Human Rights (ECCHR)
European Cocoa Association
Fair Trade Advocacy Office (FTAO)
Fediol
French National Consultative Commission on Human Rights
Fundación Brazil
Fundación Libera
German Institute for Human Rights
International Dalit Solidarity Network (IDSN)
Ovibashi Karimi Unnayan Program
Reporter Brazil
Social Awareness and Voluntary Education
The Remedy Project
Tony's Chocolonely
Turkmen.news
Uganda Consortium for Corporate Accountability

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Prohibiting products made with forced labour on the Union market
<b>References</b>	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)
<b>Committees responsible</b> Date announced in plenary	INTA                      IMCO 6.10.2022                6.10.2022
<b>Opinion by</b> Date announced in plenary	DEVE 19.1.2023
<b>Rapporteur for the opinion</b> Date appointed	Ilan De Basso 26.10.2022
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	16.3.2023
<b>Discussed in committee</b>	21.3.2023
<b>Date adopted</b>	28.6.2023
<b>Result of final vote</b>	+ :                      22 - :                      0 0 :                      2
<b>Members present for the final vote</b>	Hildegard Bentele, Stéphane Bijoux, Mercedes Bresso, Catherine Chabaud, Christophe Clergeau, Elisabetta De Blasis, Charles Goerens, Mónica Silvana González, Pierrette Herzberger-Fofana, György Hölvényi, Rasa Juknevičienė, Beata Kempa, Karsten Lucke, Erik Marquardt, Janina Ochojska, Michèle Rivasi, Eleni Stavrou, Tomas Tobé, Miguel Urbán Crespo, Bernhard Zimniok
<b>Substitutes present for the final vote</b>	Marlene Mortler, Maria Noichl, María Soraya Rodríguez Ramos
<b>Substitutes under Rule 209(7) present for the final vote</b>	France Jamet

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ID	Elisabetta De Blasis, France Jamet
PPE	Hildegard Bentele, György Hölvényi, Rasa Juknevičienė, Marlene Mortler, Janina Ochojska, Eleni Stavrou, Tomas Tobé
Renew	Stéphane Bijoux, Catherine Chabaud, Charles Goerens, María Soraya Rodríguez Ramos
S&D	Mercedes Bresso, Christophe Clergeau, Mónica Silvana González, Karsten Lucke, Maria Noichl
The Left	Miguel Urbán Crespo
Vers/ALE	Pierrette Herzberger-Fofana, Erik Marquardt, Michèle Rivasi

0	-

2	0
ECR	Beata Kempa
ID	Bernhard Zimniok

Key to symbols:

+ : in favour

- : against

0 : abstention



19.7.2023

## OPINION OF THE COMMITTEE ON FISHERIES

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

on the proposal for a regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market  
(COM(2022)0453 – C9-0307/2022 – 2022/0269(COD))

Rapporteur for opinion: Rosa D'Amato

### SHORT JUSTIFICATION

According to the International Labour Organisation, 128.000 fishers are in a situation of forced labour worldwide. This number is likely to be an underestimate given the challenges in measuring forced labour, especially on board vessels<sup>1</sup>. Forced labour in the sector includes withholding of wages, working long hours, under the threat of force, by means of debt bondage, for a very low remuneration and without adequate health and safety conditions<sup>2</sup>. Migrant workers can be especially vulnerable to forced labour<sup>3</sup>.

Due to the often geographically remote nature of fisheries operations, these abuses can go unnoticed.

With the deterioration of marine ecosystems and stock depletion at the global level<sup>4</sup>, input costs for fishing operations have risen and are often transferred on crewmembers' shoulders through lower and exploitative working conditions.

Forced labour abuses in fisheries are often associated with Illegal, Unreported and Unregulated (IUU) fishing. The lack of transparency and control inherent in IUU fishing acts as enabler for forced labour.

While no country is immune to forced labour abuses, the Asia Pacific region is the region with the largest share of labour abuse victims, estimated to be 15.1 million<sup>5</sup>.

The EU imports 68, 6% of its seafood consumption<sup>6</sup>, including from countries in the Asia-

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<sup>1</sup> ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, 2022.

<sup>2</sup> [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_429359.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_429359.pdf)

<sup>3</sup> ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, 2022.

<sup>4</sup> The percentage of stocks fished at biologically unsustainable levels has been increasing since the late 1970s, from 10 percent in 1974 to 35.4 percent in 2019. FAO. 2022. The State of World Fisheries and Aquaculture 2022. Towards Blue Transformation. Rome, FAO. <https://doi.org/10.4060/cc0461en>

<sup>5</sup> [https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm#:~:text=Facts%20and%20figures&text=12%25%20of%20all%20those%20in,\(5.3%20per%20thousand%20people\).](https://www.ilo.org/global/topics/forced-labour/lang-en/index.htm#:~:text=Facts%20and%20figures&text=12%25%20of%20all%20those%20in,(5.3%20per%20thousand%20people).)

<sup>6</sup> EUMOFA, The EU fish market, 2022 edition.

[https://eumofa.eu/documents/20178/521182/EFM2022\\_EN.pdf/5dbc9b7d-b87c-a897-5a3f-](https://eumofa.eu/documents/20178/521182/EFM2022_EN.pdf/5dbc9b7d-b87c-a897-5a3f-)

Pacific region<sup>7</sup>.

The EU fishing fleet is not immune to labour abuses either and the majority of EU Member States have not yet ratified ILO Convention C188 on work in fishing.

This Regulation will thus be key to ensure that seafood consumption in the EU does not contribute to forced labour, both within and outside the EU.

This proposal is only one of the many tools available to the EU and Member States to help eradicate forced labour worldwide. To address the root causes of forced labour, Member States and the EU must include this fight in their trade and development cooperation policies.

The EU must lead this action at the global level, promoting the ratification of existing international instruments.

The Rapporteur therefore supports the Regulation and wishes to draw attention on the following points.

### **Centralised complaint procedure**

The Rapporteur believes that stakeholders and citizens should have the right to file complaints concerning the violation of this Regulation directly with the European Commission through a centralised complaint mechanism.

Upon receipt by the single entry point, the Commission should be empowered to either assign complaints to national authorities or assess them itself. Member States' competent authorities and the Commission should then both be empowered to launch investigations.

### **Non-cooperating countries**

The Rapporteur believes that, in order to be effective, the proposal must introduce mechanisms that tackle the root causes of forced labour. Implementing this Regulation without an effective dialogue with countries concerned also poses the risk of disengagement, with further negative consequences on already affected vulnerable workers. Therefore, the Rapporteur suggests establishing a mechanism that fosters cooperation with high-risk countries building on the IUU Fishing Regulation carding system.

### **Remediation**

The Rapporteur considers remediation essential to bring real change for forced labour victims. Remediation should be established in cooperation with civil society, trade unions and other relevant stakeholders, and workers' involvement at every stage of the process will be key.

### **Transparency, reporting and public access to information**

Understanding forced labour practices in fisheries requires reliable data and estimates.

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[723b369fab08?t=1669739251587](https://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&code=sdg-8.5.2&plugin=1)

<sup>7</sup> China is the third supplier and, together with Vietnam accounts for almost 10% of EU seafood imports.

EUMOFA elaboration of Eurostat data: [https://oceans-and-fisheries.ec.europa.eu/facts-and-figures/facts-and-figures-common-fisheries-policy/external-trade\\_en](https://oceans-and-fisheries.ec.europa.eu/facts-and-figures/facts-and-figures-common-fisheries-policy/external-trade_en)

However, such data are limited and incomplete<sup>8</sup>. Increased transparency through more data will foster accountability and help identify challenges in the implementation of the Regulation. The proposal should thus require Member States and the Commission to report on its application and publish this information.

## AMENDMENTS

The Committee on Fisheries calls on the Committee on International Trade and the Committee on the Internal Market and Consumer Protection, as the committees responsible, to take the following into account:

### 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. 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 ***accompanied by the Forced Labour (Supplementary Measures) Recommendation (N.203)*** and 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 ***worldwide where work, including in productive sectors, such as processing, agriculture and fisheries, or service such as transportation, storage, cleaning or logistics, is exacted from any person under the threat of a penalty and***

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<sup>8</sup> ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, 2022.

*for which the person has not offered himself or herself voluntarily.<sup>17</sup> Indirect coercion may also result from certain employers' practices, such as deceit, false promises and retention of identity documents. In cases in which work or service is imposed by exploiting the worker's vulnerability, under the menace of a penalty, dismissal or, where applicable, payment of wages below the minimum level, such exploitation ceases to be merely a matter of poor conditions of employment and becomes one of imposing work under the menace of a penalty. 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>17a</sup>.*

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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>.

<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).

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

## Amendment 2

### Proposal for a regulation Recital 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(1a) Article 2 of Regulation (EU) 1380/2013 requires, inter alia, fishing**

*activities to be managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, as well as to ensure a level-playing field and a culture of compliance within the Union. Fishing activities conducted with the use of forced labour undermine the achievement of these CFP objectives. In addition, they contribute to creating unfair competition among operators, in particular due to lower costs resulting from the use of social sub-standards, and increase the risk of fishery products made with such exploitative practices entering the EU market. For those reasons, EU fisheries control rules were strengthened to provide for effective, dissuasive and proportionate penalties, including the attribution of highest threshold of points, to those carrying out fishing activities with the use of forced labour.*

### **Amendment 3**

#### **Proposal for a regulation Recital 1 b (new)**

*Text proposed by the Commission*

*Amendment*

**(1b) Illegal, unreported and unregulated fishing (IUU fishing) often contributes to the perpetuation of forced labour;**

### **Amendment 4**

#### **Proposal for a regulation Recital 2**

*Text proposed by the Commission*

*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 are particularly susceptible to be pressured into

(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.

performing forced labour. *In addition, forced labour is in many cases carried out in a context of mobility and constant movement, in remote locations, including at sea, in rapidly and abruptly changing conditions, and in conditions of isolation or imprisonment, which significantly increases the risk of violations of workers' rights. Due to lack of access to medical care, highly risky working conditions, long working hours, lack of sleep and rest, noise, inability to provide medical care in case of accident or illness, lack of regulatory oversight and transparency, unclear recruitment systems, performing work in unregistered locations, including on unregistered vessels, poor condition of work equipment, and forced labour, particularly in sectors such as agriculture, including slaughtering, processing and fishing, result in a high susceptibility to illness, physical injury and a high rate of fatal workplace accidents. As cases of forced labour largely affect the productive sector, including agriculture, fishing and processing, there is a significant risk of products made using forced labour appearing on food markets.* Even when it is not state imposed, forced labour is often a consequence of a lack of good governance of certain economic operators. *Forced labour is very often linked to poverty and discrimination, particularly if exacted in the private sector. 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. Women and girls make up 11,8 million of the total in forced labour. More than 3,3 million of all those in forced labour are children. Most forced labour occurs in the private economy. 86 % of forced labour cases are imposed by private actors - 63 % in the private economy in sectors other than commercial sexual exploitation and 23 % in forced commercial sexual exploitation. State-imposed forced labour accounts for the remaining 14 % of forced labour.*

*Migrant workers who are not protected by law or are unable to exercise their rights face a higher risk of forced labour than other workers. According to the ILO, 15 % of all adults in forced labour exploitation are migrants. The Union's Agency for Fundamental Rights has found that migrant workers are also being severely exploited for their labour within the Union. Unscrupulous 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.*

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

## Amendment 5

### 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

#### *Amendment*

(3) *The prohibition of the use of forced or compulsory labour in all its forms is considered as a peremptory norm of international law on human rights. It is of an absolutely binding nature from which no exception is permitted.* The eradication of forced labour is *therefore* 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. *An*



Article 4 of the European Convention on Human Rights.<sup>19</sup>

*interpretation to this effect has been provided by the European Court of Human Rights in the relevant case-law, which addresses issues of prior consent and voluntariness<sup>1a</sup>. In addition, the European Court of Human Rights has ruled that Member States **must** 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 Charter of Fundamental Rights recognises the right to every worker to fair and just working conditions in Article 31 thereof and the right of an effective remedy in Article 47 thereof. The European Social Charter (1961) and the Revised European Social Charter (1996) adopted by the Council of Europe on 18 October 1961 and 3 May 1996 respectively, require contracting parties "to protect effectively the right of the worker to earn his living in an occupation freely entered upon" .*

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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>1a</sup>[https://www.echr.coe.int/Documents/FS\\_Forced\\_labour\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Forced_labour_ENG.pdf)

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

## Amendment 6

### Proposal for a regulation Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) According to the International Labour Organization (ILO), forced labour affects 128,000 fishers worldwide, although the number of unreported cases is likely to be much higher due to the challenges of recording in the fisheries sector. Unfortunately, only eight Member States have ratified the ILO Convention C188 - "Work in Fishing Convention**



*(2007), it is therefore advised that the remaining nineteen Member States ratify as soon as possible.*

## Amendment 7

### 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. The ***eradication of child labour and forced labour can only be achieved if other objectives of decent work, such as sustainable business conduct, social dialogue, freedom of association, collective bargaining and social protection are promoted.*** The Union promotes due diligence, ***including through enforceable legislation,*** 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. ***The Union is also guided by the ILO's guidance 'Harder to See, Harder to Count' which provides comprehensive information, tools and data collection to combat forced labour of adults and children, as well as by other types of sector specific guidance which should be considered for the identification of risk indicators relating to operators' own operations, subsidiaries suppliers, sub-suppliers, contractors, and business partners in the whole supply chain. When implementing legislation and policies aimed at eradicating forced labour, the Union should make relevant data available in real time, as it is crucial to identify the origin of the product as well as its transport route and the economic***

***operators along its value chain on all sides of the borders to effectively fight against forced labour.***

*Justification*

*This instrument alone will not be sufficient to eradicate forced labour in the fisheries sector, the Rapporteur therefore highlights here that a series of objectives, as well as data collection and publication, will be of key importance in the fight against forced labour.*

**Amendment 8**

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

*Text proposed by the Commission*

*Amendment*

***(6a) Fisheries Agreements with third countries are an essential instrument to guarantee the working conditions of third-country workers in the European fleet.***

**Amendment 9**

**Proposal for a regulation  
Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

***(6b) Forced labour in non-cooperating countries is sometimes linked to IUU fishing, which is why the fight against IUU fishing is essential to eliminate forced labour.***

**Amendment 10**

**Proposal for a regulation  
Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) The European Parliament in its resolutions strongly condemned forced

(13) The European Parliament in its resolutions strongly condemned forced

labour and called for a ban on products made with forced labour.<sup>30</sup> It is therefore a matter of public moral concern that products made with forced labour could be available on the Union market or exported to third countries without an effective mechanism to ban or withdraw such products.

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<sup>30</sup> See Resolutions: MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).

labour and called for a ban on products made with forced labour<sup>30</sup>. It is therefore a matter of public moral concern that products made with forced labour could be available on the Union market or exported to third countries without an effective mechanism to ban or withdraw such products, ***bearing in mind that cases of forced labour affect, inter alia, sectors such as agriculture, processing, fishing and transport, from which final products reach food markets characterised by a significant scale of consumption.***

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<sup>30</sup> See Resolutions: MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).

## Amendment 11

### Proposal for a regulation Recital 16

#### *Text proposed by the Commission*

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest ***and extraction***, including working or processing related to the products. The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported.

#### *Amendment*

(16) In order to ensure the effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest, ***extraction, packaging, transportation or distribution***, including working or processing related to the products. The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made

available on the Union market or exported.

## Amendment 12

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

(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>

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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*

(17) The **import and export ban of products and services** 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>

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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 18 a (new)

*Text proposed by the Commission*

*Amendment*

**(18a) The Commission should analyse the situation of non-cooperating countries in the fisheries sector and its impact on the European sector.**

## Amendment 14

### 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*

(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, **gender equality, workers' 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 15

### 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

#### *Amendment*

(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to prevent, bring to an end **and remediate** 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.

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 prevents and brings to an end the risk of forced labour, no investigation should be initiated.

## Amendment 16

### Proposal for a regulation Recital 24

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(24) 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 ***or services*** under investigation, also taking into account ***the nature and working conditions of the sector in question, as well as*** their size and economic resources, the quantity of products ***or services*** concerned and the scale of the suspected forced labour.

## Amendment 17

### 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

#### *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 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.

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 **and services** concerned, as well as the scale of suspected forced labour.

## Amendment 18

### 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) Competent authorities should bear the burden of establishing that forced labour has been used at any stage of production, manufacture, harvest, extraction, **packaging, storage, transportation or distribution** 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 19

### 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**

#### *Amendment*

(27) Competent authorities establish that economic operators violated the prohibition, should without delay prohibit the placing and making available of such products **or services** on the Union market and their export from the Union. **These products should be made available, following a cascading principle, in the interest of charitable organisations,**



***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.

***organisations that benefit public interests, or should be recycled and ultimately, if none of the above is possible, should be***  
disposed of in accordance with national law consistent with Union law, including Union legislation on waste management.

## Amendment 20

### 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 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 ***should be made available, following a cascading principle, in the interest of charitable organisations, organisations that benefit public interests, or should be recycled and ultimately, if none of the above is possible, should be*** 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 21

### Proposal for a regulation Recital 31 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(31 a) Remediation as referred to in this Regulation should be understood within the meaning of [Directive of the European Parliament and of the Council***



## **Amendment 22**

### **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 competent authorities with the product concerned. This should include information on the manufacturer or producer and the product suppliers, ***including the original supplier directly performing the harvesting, catching, extraction or equivalent operation***, 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

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.

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 *all* the product suppliers, including *the original supplier where there is more than one actor in the supply chain, 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, *the number or other equivalent details of the facility or unit, including vessels, by means of which the harvesting, catching, extraction or other equivalent operation took place* and, where available, their Economic Operators Registration and Identification (EORI) number, *and, in the case of vessels, the flag of the vessel and the identity of the operator*. 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.

## Amendment 23

### 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

#### *Amendment*

(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.

refuse its release for free circulation or export. The product should be ***distributed to charity. If this product cannot be distributed, it should be wholly or partially recycled or, as a last resort,*** 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 24

### Proposal for a regulation Recital 38 a (new)

*Text proposed by the Commission*

*Amendment*

***(38 a) In order for the Regulation to be effective, it should introduce a mechanism that allows Member States and the Commission to tackle the root causes of forced labour. To this end, the Commission should be entitled to identify non-cooperating third countries, on the basis of transparent, clear and objective criteria relying on international standards, and, after giving them adequate time and to respond to a prior notification, adopt non-discriminatory, legitimate and proportionate measures with respect to third countries, including trade measures.***

## Amendment 25

### Proposal for a regulation Recital 44

*Text proposed by the Commission*

*Amendment*

(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,

(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.

where appropriate, experts from customs authorities, the Commission, **as well as responsible authorities of third countries, economic operators, civil society organisations, or social partners - such as trade unions - following a comprehensive pre-screening and verification of financial transparency.** 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 26

### Proposal for a regulation Recital 45

#### *Text proposed by the Commission*

(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.

#### *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. ***The Commission should seek closer cooperation with third-country authorities with a view to creating an effective network for the effective identification and eradication of violations bearing the hallmarks of forced labour. This should primarily concern third countries for which a high level of forced labour or regular and/or recurrent***

*cases of forced labour have been documented.* 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.

## Amendment 27

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, *mitigate or* bring to an end *the use of* forced labour with respect to products that are to be made available on the Union market or to be exported;

*Amendment*

(c) ‘due diligence in relation to forced labour’ means the efforts by *an* economic operator to implement mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, bring to an end *and remediate* forced labour *in its operations and value chain*, with respect to *its* products *and services* that are to be made available on the Union market or to be exported; *whereby bringing to an end forced labour does not mean disengagement as first resort;*

## Amendment 28

### Proposal for a regulation

#### Article 2 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

*(c a) ‘root causes of forced labour’ at the country or region level refers, among others, to the issues of economic exploitation, poverty, systemic discrimination and lack of regular and decent paths of labour migration pathways; at the level of an economic operator, it includes prices below cost of*

*production, lack of decent and living wages, where applicable, and, more generally, any unfair purchasing practices of economic operators;*

## Amendment 29

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f

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

(f) ‘product’ means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced *or* manufactured, including working or processing related to a product at any stage of its supply chain;

##### *Amendment*

(f) ‘product’ means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced, manufactured, ***packaged, stored, transported or distributed***, including working or processing related to a product at any stage of its supply chain;

## Amendment 30

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

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

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production *or* manufacture, including working or processing related to a product at any stage of its supply chain;

##### *Amendment*

(g) ‘product made with forced labour’ means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production, manufacture, ***packaging, storing, transport or distribution***, including working or processing related to a product at any stage of its supply chain;

## Amendment 31

### Proposal for a regulation

#### Article 2 – paragraph 1 – point j

*Text proposed by the Commission*

(j) ‘producer’ means the producer of agricultural products as referred to in Article 38(1) TFEU or of raw materials;

*Amendment*

(j) ‘producer’ means the producer of agricultural **and fisheries** products as referred to in Article 38(1) TFEU or of raw materials;

**Amendment 32**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

(k) ‘product supplier’ means any natural or legal person or association of persons in the supply chain who extracts, harvests, produces **or** manufactures a product in whole or in part, or intervenes in the working or processing related to a product at any stage of its supply chain, whether as manufacturer or in any other circumstances;

*Amendment*

(k) ‘product supplier’ means any natural or legal person or association of persons in the supply chain who **inter alia** extracts, harvests, produces, manufactures, **packs, stores, transports or distributes** a product in whole or in part, or intervenes in the working or processing related to a product at any stage of its supply chain, whether as manufacturer or in any other circumstances;

**Amendment 33**

**Proposal for a regulation**

**Article 3 – paragraph 1**

*Text proposed by the Commission*

Economic operators shall not place or make available on the Union market products that are made with forced labour, nor shall they export such products.

*Amendment*

Economic operators shall not place or make available on the Union market products that are made with forced labour, **coming from IUU fishing**, nor shall they export such products.

**Amendment 34**

**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, 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, ***the nature and working conditions of the sector concerned***, 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 35**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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:

*Amendment*

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

**Amendment 36**

**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, ***FAO***, ILO, OECD or other relevant international organisations, ***as well as social partners***;



## Amendment 37

### Proposal for a regulation

#### Article 4 – paragraph 7

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

7. Competent 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 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.

##### *Amendment*

7. Competent 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 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 **and provides remediation.**

## Amendment 38

### Proposal for a regulation

#### Article 4 – paragraph 7 a (new)

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

##### *Amendment*

**7 a. The Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by providing further details on the risk-based approach Member States has to use pursuant to paragraph 1 of this Article. Such delegated acts shall further complement the work done by the Network in accordance with Article 24, especially in relation to ensuring the effective and uniform application of this Regulation.**

## Amendment 39

### Proposal for a regulation Article 5 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1 a. Competent authorities may request information from third countries where they have reasonable grounds for suspecting that products from forced labour are being introduced.**

## Amendment 40

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

*Text proposed by the Commission*

*Amendment*

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

2. **When initiating** an investigation pursuant to paragraph 1, **competent authorities** shall 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:

## Amendment 41

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 42

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

*Text proposed by the Commission*

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 investigation pursuant to Article 5(1).

*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 ***30 working days*** from the date they initiated the investigation pursuant to Article 5(1).

**Amendment 43**

**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 ***donate the products concerned to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products concerned or when neither of these two options are possible***, dispose of the respective products in accordance with national law consistent with Union law.

**Amendment 44**

**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 ***donated to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products concerned or when neither of these two options are possible***, disposed of in accordance with national law consistent

with Union law at the expense of the economic operator.

## Amendment 45

### 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 46

### Proposal for a regulation

#### Article 11 – title

*Text proposed by the Commission*

*Amendment*

Database of forced labour ***risk areas or products***

Database of forced labour ***risks***

## Amendment 47

### Proposal for a regulation

#### Article 11 – paragraph 1

*Text proposed by the Commission*

*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

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 ***sectors*** with respect to specific products ***and services*** including with regard to forced labour imposed by state authorities. The database shall be based on the guidelines referred to

(a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities.

in Article 23, points (a), (b) and (c) ***and on information, including from EU missions,*** and relevant external sources of information from, amongst others, international organisations ***economic operators, social partners, such as trade unions and labour cooperatives NGOs,*** and third country authorities. ***The database shall include a list of the specific geographical high-risk regions or countries where forced labour practices are systematic and widespread. The database shall also contain information concerning the countries identified as non-cooperating under this Regulation and on those for which the status of non-cooperating country has been lifted. Where applicable, the respective stakeholders must be registered in the EU transparency register. For sources where the transparency register does not apply, transparency of funding must be established before those sources can provide of information to the database.***

#### **Amendment 48**

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

##### **Article 11 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Primary sources, for instance, EU fishers bearing witness to forced labour outside EU waters, need to be allowed to provide their first-hand experience to the database and Network in a safe and respectful environment with any processing of personal data carried out per Regulation (EU) 2016/679 and Regulation (EU) 2018/1725.***

#### **Amendment 49**

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

##### **Article 11 – paragraph 1 b (new)**

***1b. Encourages the Common Security and Defence Policy Missions, such as EUNAVFOR ATALANTA, to report without delay any vessel suspected of forced labour to the database and local authorities, and to continue preventing, deterring and combatting Illegal, Unregulated and Unreported (IUU) fishing.***

## **Amendment 50**

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

*Text proposed by the Commission*

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.

*Amendment*

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

## **Amendment 51**

### **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 of the ***competent Member State 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 52

### 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 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.

#### *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 ***donated to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products concerned or, when neither of these two options are possible,*** 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 53

### Proposal for a regulation Chapter III a (new)

#### *Text proposed by the Commission*

#### *Amendment*

#### ***Chapter III a***

#### ***Non-cooperating third countries***

#### ***Article 21a***

#### ***Identification of non-cooperating third countries***

- 1. The Commission, in accordance with the procedure referred to in Article 29(2), shall identify the third country that it considers as non-cooperating third country in fighting the use of forced labour.***
- 2. The identification set out in paragraph 1 shall be based on the review of all information obtained pursuant to***

*Chapters II and III, or, as appropriate, any other relevant information, such as trade information.*

*3. A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under International law to take action to prevent, deter and eliminate the use of forced labour.*

*4. For the purposes of paragraph 3, the Commission shall take into account at least the following information:*

*(a) whether the third country concerned effectively cooperates with the Union, by providing a response to requests made by the Commission to investigate, provide feedback or follow-up in matters concerning the use of forced labour;*

*(b) whether the third country concerned has taken effective enforcement measures in respect of the economic activity found responsible for the use of forced labour, and in particular whether sanctions of sufficient severity to deprive the offenders of the benefits accruing from the use of forced labour have been applied;*

*(c) the history, nature, circumstances, extent and gravity of the manifestations of forced labour considered;*

*(d) relevant information that the Commission has gathered under Regulation (EC) No 1005/2008;*

*(e) for developing countries, the existing capacity of their competent authorities.*

*5. For the purposes of paragraph 3, the Commission shall also consider the following elements:*

*(a) whether the third country concerned has ratified and implemented relevant international conventions on labour conditions, including, but not limited to, fundamental International*



*Labour Organisation (ILO) Conventions and sectoral conventions;*

*(b) any act or omission by the third country concerned that may have diminished the effectiveness of applicable laws, regulations or international conservation concerning combating the use of forced labour.*

*6. Where appropriate, specific constraints of developing countries, in particular in respect to monitoring, control and surveillance, shall be duly taken into consideration in the implementation of this Article.*

#### *Article 21b*

##### *Notification*

*1. The Commission shall, without delay, notify countries concerned of the possibility of being identified as non-cooperating third countries in accordance with the criteria laid down in Article 21a. The notification shall include the following information:*

- a. the reason or reasons for the identification with all available supporting evidence;*
- b. the opportunity to respond to the Commission with regard to the identification decision and other relevant information, such as evidence refuting the identification or, where appropriate, a plan of action to improve and the measures taken to rectify the situation;*
- c. the right to ask for, or to provide, additional information;*
- d. a request that the third country concerned takes necessary measures for the cessation of forced labour and the prevention of any future such activities;*
- e. the consequences of its identification as non-cooperating third country, as provided in Article 21e.*

*2. The Commission shall also include in the notification referred to in*

*paragraph 1 a request that the third country concerned take any necessary measures for the cessation of the activities having been identified to be using forced labour and the prevention of any future such activities, and rectify any act or omission referred to in Article 21a(5)(b).*

*3. The Commission shall transmit its notification and request to the third country concerned. The Commission shall seek to obtain confirmation from that country that it has received the notification.*

*4. The Commission shall give to the third country concerned adequate time to answer the notification.*

#### *Article 21c*

*Démarches in respect of countries identified as non-cooperating third countries and establishment of a structured dialogue*

*1. Following the process outlined in Article 21a, the Commission shall invite the third country to engage in a formal dialogue to end forced labour abuses and tackle the root causes of forced labour in its territory. Within the framework of this dialogue, the Commission shall endeavour to involve all relevant stakeholders active in the country concerned.*

*2. Based on the information available and the extent of the abuses, the Commission shall establish a reasonable amount of time for the third country concerned to remedy the situation.*

*3. The Commission and the Member States shall also ensure that controls on products from the identified product groups originating from the third country concerned shall be strengthened and a minimum percentage of operators making available such products on the Union market shall be subject to a higher level of checks. The Commission shall establish the minimum level of checks on a case-by-*

*case basis. When the identification process concerns one or more specific product groups, the controls and checks may be strengthened only with regards to these product groups.*

#### ***Article 21d***

##### ***Establishment of a list of non-cooperating third countries***

- 1. The Council, acting by a qualified majority on a proposal from the Commission, shall decide on a list of non-cooperating third countries.***
- 2. The Commission shall, without delay, notify the third country concerned of its identification as a non-cooperating country and of the measures applied in accordance with Article 21e. The Commission shall also request it to rectify the current situation and to inform the Commission on the measures taken to remedy the situation and ensure compliance with international obligations in relation to combating the use of forced labour.***
- 3. Following a decision taken pursuant to paragraph 1 of this Article, the Commission shall, without delay, notify it to the Member States and shall request them to ensure the immediate implementation of the measures laid down in Article 21e. Member States shall notify the Commission of any measures they have taken in response to this request.***

#### ***Article 21e***

##### ***Action in respect of non-cooperating third countries***

- 1. The importation into the Union of products from the non-cooperating third countries shall be prohibited. When the identification of a non-cooperating third country pursuant to Article 21d concerns forced labour perpetrated with regards to a specific product group from a particular entity, including a product supplier, vessel, site of production or region, the***

*prohibition of importation may only apply to this specifically identified product groups.*

*2. The Commission shall continue to engage in a dialogue with countries identified as non-cooperating and facilitate capacity building as well as compliance with international obligations in relation to combating the use of forced labour. The Commission shall continue to monitor the situation.*

#### *Article 21f*

##### *Removal from the list of non-cooperating third countries*

*1. The Council, acting by qualified majority on a proposal from the Commission, shall remove a third country from the list of non-cooperating third countries if the third country concerned demonstrates that the situation that warranted its listing has been rectified. A removal decision shall also take into consideration whether the identified third countries concerned have taken concrete measures capable of achieving a lasting improvement of the situation.*

*2. Following a decision taken pursuant to paragraph 1 of this Article, the Commission shall, without delay, notify Member States of the lifting of the measures laid down in Article 21e in respect of the third country concerned.*

#### *Article 21g*

##### *Publicity of the list of non-cooperating third countries*

*1. The Commission shall publish the list of non-cooperating third countries in the Official Journal of the European Union and take any measure necessary to ensure publicity of this list, including by making it available on its website and in the database referred to in Article 11. The Commission shall regularly update the list and shall provide for a system to automatically notify updates to Member*

*States, relevant international organisations and any citizen and member of the civil society that should so request. Furthermore, the Commission shall transmit the list of non-cooperating third countries to relevant international organisations for the purposes of enhancing cooperation between the Union and those organisations aimed at preventing, deterring and eliminating forced labour.*

## Amendment 54

### Proposal for a regulation Article 22 – paragraph 1

*Text proposed by the Commission*

1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.

*Amendment*

1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities *in the Member States* and customs authorities shall have access to that system for the purposes of this Regulation.

## Amendment 55

### Proposal for a regulation Article 23 – paragraph 1 – point b

*Text proposed by the Commission*

(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;

*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, *clear benchmarks, definition of hot spots*, civil society, business organisations, and experience from implementing Union legislation setting out due diligence

requirements with respect to forced labour;

## Amendment 56

### Proposal for a regulation

#### Article 23 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 23a*

*Analysis of the subsectors: for fisheries it would be the supply chain, catching, processing and marketing.*

## Amendment 57

### Proposal for a regulation

#### Article 24 – title

*Text proposed by the Commission*

*Amendment*

Union Network Against Forced Labour  
**Products**

Union Network Against Forced Labour

## Amendment 58

### Proposal for a regulation

#### Article 24 – paragraph 1

*Text proposed by the Commission*

*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.

1. A Union Network Against Forced Labour ('the Network') is established **and led by the Commission**. The Network shall serve as a platform for structured **and mandatory** coordination and cooperation between the competent authorities of the Member States and the Commission, **including with the involvement of third-country authorities, when applicable**, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent. **The network can also serve to coordinate activities and**

*cooperation with third-country authorities in order to facilitate the identification and elimination of forced labour.*

## Amendment 59

### Proposal for a regulation Article 24 – paragraph 2

*Text proposed by the Commission*

2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.

*Amendment*

2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities, *as well as representatives from third countries, economic operators, civil society organisations, or social partners - such as trade unions - following a comprehensive pre-screening of financial transparency, of which information should be made publicly available succeeding clearance.*

## Amendment 60

### Proposal for a regulation Article 24 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. The Network shall have the following tasks:

*Amendment*

3. The Network shall *also* have the following tasks:

## Amendment 61

### Proposal for a regulation Article 24 – paragraph 3 – point b

*Text proposed by the Commission*

(b) conduct joint investigations;

*Amendment*

(b) conduct joint investigations, *mandate research or monitor situation of wide-spread and systemic forced labour*

*including in order to expand the database referred to in Article 11;*

## **Amendment 62**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(d a) detect any misalignments of the Regulation's enforcement among Member States due to a potential discrepancy of power for customs authorities in different Member States;*

## **Amendment 63**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(e a) provide systematic information and recommendations to the Commission and the European External Action Service in case of detection of forced labour practices ; involve the Union delegations, particularly in the specific geographical high-risk regions or countries where forced labour practices are systematic and widespread as listed in the database under Article 11, and monitor measures taken to support the implementation of this Regulation by addressing the root causes of forced labour;*

## **Amendment 64**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point e b (new)**



*Text proposed by the Commission*

*Amendment*

***(e b) ensure good collaboration and exchange of information with authorities involved in implementing rules in relation to IUU-fishing and traceability for fisheries- and aquaculture products;***

## **Amendment 65**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) promote the cooperation and exchange of expertise and best practices with third countries and/or international entities on control, identification and eradication of forced labour.***

## **Amendment 66**

### **Proposal for a regulation**

#### **Article 26 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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.

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, ***including non-cooperating third countries***, shall take place in a structured way, ***together with the EEAS***, as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis ***with a view to effectively prevent, control, identify and***

*eradicate violations of forced labour.*

## **Amendment 67**

### **Proposal for a regulation**

#### **Article 30 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 30 a**

##### **Reporting and review**

**1. Every two years, Member States shall transmit data to the Commission on the application of this Regulation no later than 30 April of the following calendar year. The data shall include, at least, the following information:**

- (a) the total budget allocated for the application of the Regulation;**
- (b) the number and type of complaints and submissions received;**
- (c) the number and type of confirmed violations;**
- (d) the type and number of follow-up actions taken following the confirmed violations, including mitigation, prevention and remediation measures.**

**2. By [three years after the date of application] and every five 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 and to the Council. The report shall assess whether this Regulation achieved its objective, 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 and the synergies with other Union legislations, such as Regulation (EC) No 1005/2008,**

*Regulation (EC) No 1224/2009 and Regulation (EU) No 1379/2013, while taking into account the impact on business, in particular on SMEs. The report shall take into account the information received pursuant to paragraph one and shall include information on countries identified as non-cooperating, countries for which the status of non-cooperating has been lifted and any available information regarding the measures taken by these countries to remedy the situation.*

*3. The report shall be accompanied, where appropriate, by a legislative proposal.*

*4. The Commission shall continuously monitor the implementation of this Regulation. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by stakeholders.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Prohibiting products made with forced labour on the Union market
<b>References</b>	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)
<b>Committees responsible</b> Date announced in plenary	INTA                      IMCO 6.10.2022                6.10.2022
<b>Opinion by</b> Date announced in plenary	PECH 15.12.2022
<b>Rapporteur for the opinion</b> Date appointed	Rosa D’Amato 9.1.2023
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	16.3.2023
<b>Discussed in committee</b>	24.5.2023
<b>Date adopted</b>	18.7.2023
<b>Result of final vote</b>	+ :                      13 – :                      8 0 :                      2
<b>Members present for the final vote</b>	Clara Aguilera, François-Xavier Bellamy, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Asger Christensen, Rosanna Conte, Rosa D’Amato, Niclas Herbst, Ladislav Ilčić, France Jamet, Predrag Fred Matić, Francisco José Millán Mon, Ana Miranda, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Marc Tarabella
<b>Substitutes present for the final vote</b>	Ska Keller, Gabriel Mato, Stéphanie Yon-Courtin
<b>Substitutes under Rule 209(7) present for the final vote</b>	Elsi Katainen, Margarida Marques

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

13	+
NI	Marc Tarabella
Renew	Izaskun Bilbao Barandica, Asger Christensen, Elsi Katainen, Stéphanie Yon-Courtin
S&D	Clara Aguilera, Isabel Carvalhais, Margarida Marques, Predrag Fred Matić
Verts/ALE	Rosa D'Amato, Ska Keller, Ana Miranda, Caroline Roose

8	-
ECR	Ladislav Ilčić, Bert-Jan Ruissen
PPE	François-Xavier Bellamy, Maria da Graça Carvalho, Niclas Herbst, Gabriel Mato, Francisco José Millán Mon, Annie Schreijer-Pierik

2	0
ID	Rosanna Conte, France Jamet

Key to symbols:

+ : in favour

- : against

0 : abstention

30.5.2023

## LETTER OF THE COMMITTEE ON LEGAL AFFAIRS

Mr Bernd LANGE  
Chair  
Committee on International Trade  
BRUSSELS

Ms Anna CAVAZZINI  
Chair  
Committee on the Internal Market and Consumer Protection  
BRUSSELS

Subject: Opinion of the Committee on Legal Affairs on the proposal for a Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market (COM(2022)0453 – C9-10986 – 2022/0269(COD))

Dear Chairs,

At the meeting of 31 January 2023, the Coordinators of the Committee on Legal Affairs decided to give an opinion in letter form, in accordance with Rule 56(1) of the Rules of Procedure, on the proposal for a Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market with a focus on the competences of our Committee. On that same date, I was appointed as rapporteur for the opinion in my capacity as the Chair of the Committee.

### Suggestions:

At its meeting of 30 May 2023, the Committee on Legal Affairs accordingly decided, by 18 votes in favour, no votes against and one abstention<sup>1</sup>, to call on the Committee on International Trade and on the Committee on the Internal Market and Consumer Protection, as the committees responsible, to take into account the following when preparing their draft legislative report.

The suggestions are made with due regard given by the Committee on Legal Affairs to the following: the European Parliament resolution of 9 June 2022 on a new trade instrument to ban products made by forced labour<sup>2</sup>; the European Parliament resolution of 10 March 2021

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<sup>1</sup> The following Members were present for the final vote: Marion Walsmann (Vice-Chair), Lara Wolters (Vice-Chair), Pascal Arimont, Alessandra Basso, Patrick Breyer, Pascal Durand, Angel Dzhambazki, Ibán García Del Blanco, Andrzej Halicki, Heidi Hautala, Radan Kanev for Esteban González Pons, pursuant to Rule 209(7)), Gilles Lebreton, Maria-Manuel Leitão-Marques, Karen Melchior, Jan Olbrycht for Javier Zarzalejos, pursuant to Rule 209(7)), Sabrina Pignedoli, Jiří Pospíšil, Axel Voss, Tiemo Wölken.

<sup>2</sup> P9\_TA(2022)0245.

with recommendations to the Commission on corporate due diligence and corporate accountability<sup>3</sup>, and the report of the Committee on Legal Affairs on the proposal for a directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (2022/0051(COD))<sup>4</sup>.

1. The objectives of ensuring sustainable and inclusive growth and addressing risks related to human rights social issues, environmental degradation and climate change underpin several pieces of Union legislation, including on sustainability reporting requirements (already in force<sup>5</sup>) and on corporate sustainability due diligence (legislative process underway).
2. Compliance with due diligence requirements should enable companies to identify, prevent, mitigate, remediate and minimise and bring to an end, potential or actual adverse human rights and environmental impacts associated with their value chains. This will ensure that products placed on the internal market are in compliance with international and EU environmental and human rights standards for companies falling within the scope of the future directive on corporate sustainability due diligence.
3. The prohibition of placing and making products made with forced labour available on the Union market is a fundamental measure that complements the provisions on due diligence. Therefore, the provisions regarding this prohibition should be designed to ensure consistency with the future provisions on due diligence and applied without prejudice to them.
4. With regard to the specific aspects of the Commission's proposal for a Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union market, the following issues should be highlighted:
  - The need to avoid duplication of obligations for companies which are under the scope of application of the corporate sustainability due diligence directive;
  - The need to ensure proper communication and cooperation between national authorities responsible for due diligence provisions and those responsible for prohibiting products made with forced labour, which is crucial to ensure coherence and effectiveness in enforcing both sets of provisions;
  - The need to provide for more detailed rules on penalties (Article 30 of the proposal for a regulation) under the prohibition of products made with forced labour, by clearly specifying their nature and level.

Yours sincerely,

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<sup>3</sup> OJ C 474, 24.11.2021, p. 11.

<sup>4</sup> A9-0184/2023.

<sup>5</sup> Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p. 15).

Adrián Vázquez Lázara



## PROCEDURE – COMMITTEE RESPONSIBLE

Title	Prohibiting products made with forced labour on the Union market			
References	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)			
Date submitted to Parliament	14.9.2022			
Committees responsible Date announced in plenary	INTA 6.10.2022	IMCO 6.10.2022		
Committees asked for opinions Date announced in plenary	AFET 6.10.2022	DEVE 19.1.2023	EMPL 6.10.2022	PECH 15.12.2022
	JURI 19.1.2023			
Associated committees Date announced in plenary	AFET 16.3.2023	EMPL 16.3.2023		
Rapporteurs Date appointed	Samira Rafaela 15.12.2022	Maria-Manuel Leitão-Marques 15.12.2022		
Previous rapporteurs	Maria-Manuel Leitão-Marques			
Rule 58 – Joint committee procedure Date announced in plenary	16.3.2023			
Discussed in committee	26.4.2023	23.5.2023	18.7.2023	
Date adopted	16.10.2023			
Result of final vote	+: –: 0:	66 0 10		
Members present for the final vote	Alex Agius Saliba, Barry Andrews, Andrus Ansip, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Laura Ballarín Cereza, Alessandra Basso, Brando Benifei, Biljana Borzan, Vlad-Marius Botoș, Geert Bourgeois, Saskia Bricmont, Anna Cavazzini, Deirdre Clune, David Cormand, Arnaud Danjean, Paolo De Castro, Alexandra Geese, Raphaël Glucksmann, Sandro Gozi, Markéta Gregorová, Svenja Hahn, Roman Haider, Krzysztof Hetman, Danuta Maria Hübner, Virginie Joron, Eugen Jurzyca, Marcel Kolaja, Kateřina Konečná, Jean-Lin Lacapelle, Bernd Lange, Maria-Manuel Leitão-Marques, Antonius Manders, Margarida Marques, Gabriel Mato, Leszek Miller, Dan Nica, Anne-Sophie Pelletier, Carles Puigdemont i Casamajó, Samira Rafaela, René Repasi, Catharina Rinzema, Inma Rodríguez-Piñero, Christel Schaldemose, Ernő Schaller-Baross, Helmut Scholz, Joachim Schuster, Andreas Schwab, Sven Simon, Ivan Štefanec, Mihai Tudose, Kathleen Van Brempt, Tom Vandenkendelaere, Kim Van Sparrentak, Marie-Pierre Vedrenne, Jörgen Warborn, Iuliu Winkler, Juan Ignacio Zoido Álvarez			
Substitutes present for the final vote	Mazaly Aguilar, Marek Belka, Reinhard Bütikofer, Marco Campomenosi, Jordi Cañas, Christian Doleschal, Michiel Hoogeveen, Andrey Kovatchev, David McAllister, Karen Melchior, Stéphanie Yon-			

	Courtin
<b>Substitutes under Rule 209(7) present for the final vote</b>	Lydie Massard, Martina Michels, Ljudmila Novak, Sara Skyttedal, Tomas Tobé, Henna Virkkunen, Maria Walsh
<b>Date tabled</b>	26.10.2023

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

66	+
ID	Virginie Joron, Jean-Lin Lacapelle
NI	Carles Puigdemont i Casamajó, Ernő Schaller-Baross
PPE	Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Deirdre Clune, Arnaud Danjean, Krzysztof Hetman, Danuta Maria Hübner, Andrey Kovatchev, David McAllister, Antonius Manders, Gabriel Mato, Ljudmila Novak, Andreas Schwab, Sven Simon, Sara Skytvedal, Ivan Štefanec, Tomas Tobé, Tom Vandenkendelaere, Henna Virkkunen, Maria Walsh, Jörgen Warborn, Juan Ignacio Zoido Álvarez
Renew	Barry Andrews, Andrus Ansip, Vlad-Marius Botoș, Jordi Cañas, Sandro Gozi, Svenja Hahn, Karen Melchior, Samira Rafaela, Marie-Pierre Vedrenne, Stéphanie Yon-Courtin
S&D	Alex Agius Saliba, Laura Ballarín Cereza, Marek Belka, Brando Benifei, Biljana Borzan, Paolo De Castro, Raphaël Glucksmann, Bernd Lange, Maria-Manuel Leitão-Marques, Margarida Marques, Leszek Miller, Dan Nica, René Repasi, Inma Rodríguez-Piñero, Christel Schaldemose, Joachim Schuster, Mihai Tudose, Kathleen Van Brempt
The Left	Kateřina Konečná, Martina Michels, Anne-Sophie Pelletier, Helmut Scholz
Verts/ALE	Saskia Bricmont, Reinhard Bütikofer, Anna Cavazzini, David Cormand, Alexandra Geese, Markéta Gregorová, Marcel Kolaja, Lydie Massard, Kim Van Sparrentak

0	-

10	0
ECR	Mazaly Aguilar, Geert Bourgeois, Michiel Hoogeveen, Eugen Jurzyca
ID	Alessandra Basso, Marco Campomenosi, Roman Haider
PPE	Christian Doleschal, Iuliu Winkler
Renew	Catharina Rinzema

Key to symbols:

+ : in favour

- : against

0 : abstention