



**2022/0269(COD)**

18.7.2023

## **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

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## 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.*

16

<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***

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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.

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*

(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.

## Amendment 24

### 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) **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