



**2022/0269(COD)**

28.4.2023

**\*\*\*I**

## **DRAFT 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 (A9-0000/2023),
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 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>

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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*

(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> ***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 the right of victims 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*.

Or. en

## Amendment 2

### 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 could be withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105.

Or. en

## Amendment 3

### 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.*

Or. en

#### Amendment 4

##### 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.

Or. en

#### Amendment 5

##### 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 economic resources of economic operators. In addition, the Commission should issue guidelines on ***how to submit*** information ***and on how to engage in dialogue with competent authorities*** in order to help ***economic operators, 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. 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.***

Or. en

**Amendment 6**

**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

*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

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.

the necessary competences and knowledge, especially with regard to human rights, ***labour rights, gender equality***, 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.

Or. en

## Amendment 7

### 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 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, ***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.***

## Amendment 8

### Proposal for a regulation

#### Recital 22

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

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

##### *Amendment*

(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent, bring to an end risks of forced labour **or remediate forced labour cases** in their operations and value 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 value chains. Appropriate due diligence **could mean** 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, **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 ensures remediation of forced labour and its victims**, no investigation should be initiated.

## Amendment 9

### 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.***

Or. en

## Amendment 10

### 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 open investigations***

*and 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.*

Or. en

## Amendment 11

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

*Text proposed by the Commission*

*Amendment*

*(25b) Where there is clear and reliable evidence that specific products produced in specific geographic areas present a high risk of having been made with forced labour, experts should be able to identify those products as “high risk products”. For those specific products, economic operators should bear the burden of establishing that forced labour has not been used at any stage of production, manufacture, harvest, extraction, packaging, transportation or distribution of a product, including working or processing related to the product.*

Or. en

## Amendment 12

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

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.

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.

Or. en

### Amendment 13

#### 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) 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 the products to charitable or public interest purposes. If such products cannot be donated, 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.

Or. en

### Amendment 14

#### 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 are ***donated to charitable or public interest purposes. If such products cannot be donated, 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.

Or. en

**Amendment 15**

**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. 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, available in all official languages of the institutions of the Union, and free of charge, and ensure that it is user-friendly.*

Or. en

## Amendment 16

### 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 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 such products cannot be donated, 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.

Or. en

## Amendment 17

### 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 **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.

Or. en

**Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

***(44a) The Commission should ensure the effective and uniform application of this Regulation and to that effect support and encourage cooperation between enforcement authorities through the Network. Furthermore, the Commission should set up a harmonised approach for penalties, and, in particular, it should lay down harmonised rules on penalties applicable to non-compliance with the decision of competent authorities.***

Or. en

## **Amendment 19**

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

*Text proposed by the Commission*

*Amendment*

***(48a) 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 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, while taking into account the impact on business, in particular on SMEs.***

Or. en

## Amendment 20

### 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 for a negative human rights impact and the substantive outcomes that can counteract, or make good, the negative impact, such as 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;***

Or. en

## Amendment 21

### 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 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;

(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, transported or distributed**, including working or processing related to a product at any stage of its supply chain;

Or. en

## Amendment 22

### 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, transport or distribution**, including working or processing related to a product at any stage of its supply chain;

Or. en

**Amendment 23**

**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 extracts, harvests, produces, manufactures, **packs, 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;

Or. en

**Amendment 24**

**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 its industrial or professional activities;*

Or. en

## Amendment 25

### Proposal for a regulation

#### Article 4 – paragraph 1 – point b

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

## Amendment 26

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 27

### Proposal for a regulation

#### Article 4 – paragraph 2

*Text proposed by the Commission*

*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

2. In their assessment of the likelihood that economic operators violated Article 3, competent authorities shall focus on the economic operators *and relevant product*

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.

**suppliers** 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.

Or. en

## Amendment 28

### 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 **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 value chains with respect to the products under assessment, including on the basis of any of the following:

Or. en

## Amendment 29

### Proposal for a regulation

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

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

##### *Amendment*

**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.*

Or. en

## Amendment 30

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

#### *Text proposed by the Commission*

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.

#### *Amendment*

4. Economic operators ***and relevant product suppliers*** 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.

Or. en

## Amendment 31

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

#### *Text proposed by the Commission*

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.

#### *Amendment*

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 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.

## Amendment 32

### Proposal for a regulation

#### Article 4 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. Notwithstanding paragraph 5, 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(4).**

Or. en

## Amendment 33

### 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*

Or. en

## Amendment 34

### Proposal for a regulation

#### Article 4 – paragraph 7

*Text proposed by the Commission*

*Amendment*

7. Competent authorities shall not

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.

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, ***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 ***and remedies forced labour cases.***

Or. en

## Amendment 35

### 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. Competent authorities that, pursuant to Article 4(5) ***or to the information contained in the database referred to in Article 11,*** 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.

Or. en

## Amendment 36

### 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 cases included in the database referred to in Article 11(1b).**

Or. en

## **Amendment 37**

### **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 **and relevant product suppliers** 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:

Or. en

## **Amendment 38**

### **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 occurs and

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

## Amendment 39

### 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 15 working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.

Or. en

## Amendment 40

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

#### *Text proposed by the Commission*

#### *Amendment*

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

Or. en

## Amendment 41

### 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***

#### *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

*time* from the date they initiated the investigation pursuant to Article 5(1).

date they initiated the investigation pursuant to Article 5(1).

Or. en

## **Amendment 42**

### **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, 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).

Or. en

## **Amendment 43**

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

#### *Text proposed by the Commission*

#### *Amendment*

**2a. Notwithstanding paragraph 1, for cases included in the database referred to in Article 11(1b), economic operators shall demonstrate that Article 3 has not been violated.**

Or. en

## **Amendment 44**

### **Proposal for a regulation Article 6 – paragraph 4 – point c**

*Text proposed by the Commission*

*Amendment*

(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.***

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

Or. en

#### **Amendment 45**

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

##### **Article 6 – paragraph 4 – point c – point i (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 46**

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

##### **Article 6 – paragraph 4 – point c – point ii (new)**

*Text proposed by the Commission*

*Amendment*

***ii) where donation is not possible, recycle the products concerned;***

Or. en

#### **Amendment 47**

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

##### **Article 6 – paragraph 4 – point c – point iii (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

## **Amendment 48**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

(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.***

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

Or. en

## **Amendment 49**

### **Proposal for a regulation**

#### **Article 6 – paragraph 5 – point c – point i (new)**

*Text proposed by the Commission*

*Amendment*

**i) donated to charitable organisations or organisations that benefit public interest;**

Or. en

## **Amendment 50**

### **Proposal for a regulation**

#### **Article 6 – paragraph 5 – point c – point ii (new)**

*Text proposed by the Commission*

*Amendment*

**ii) where donation is not possible, recycled;**

Or. en

## **Amendment 51**

### **Proposal for a regulation**

#### **Article 6 – paragraph 5 – point c – point iii (new)**

*Text proposed by the Commission*

*Amendment*

**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.**

Or. en

## **Amendment 52**

### **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 competent authorities ***establish that economic operators have provided evidence*** 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 ***and remediated forced labour cases*** with respect to the products concerned, the competent authorities shall withdraw their decision for the future and inform the economic operators.

Or. en

## Amendment 53

### 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;

Or. en

## Amendment 54

### 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 shall take a decision on the ***admissibility of 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.

Or. en

## Amendment 55

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

Or. en



## Amendment 56

### Proposal for a regulation Article 9 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2 a. The competent authority shall communicate to the public any decision referred to in Article 6(4) and 6(6).**

Or. en

## Amendment 57

### 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 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. ***Submissions shall be addressed to one or more competent authorities.***

Or. en

## Amendment 58

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

*Text proposed by the Commission*

*Amendment*

**1a. The Commission shall set up a mechanism for the submission of information pursuant to paragraph 1. That mechanism shall be available in all official languages of the institutions of**

*the Union, and it shall be user friendly and free of charge.*

Or. en

## **Amendment 59**

### **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.***

Or. en

## **Amendment 60**

### **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, competent authorities shall confirm with such person or association that the situation has not significantly changed.***

Or. en

## Amendment 61

### 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.* *deleted*

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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.*

Or. en

*Justification*

*Moved to new article 10a*

## Amendment 62

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

*Text proposed by the Commission*

*Amendment*

#### *Article 10a*

##### *Protection of individuals*

1. *Directive (EU) 2019/1937 of the European Parliament and of the Council<sup>1a</sup> shall apply to the reporting of all breaches of this Regulation and the protection of persons reporting such breaches.*
2. *Competent authorities shall ensure 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. Whistleblowers, workers, and others who address cases of forced labour who face threats or reprisals as a result of having shared information in relation to the objectives or implementation of this Regulation shall be eligible for support, legal aid or physical protection.*

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*<sup>1a</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*

Or. en

## **Amendment 63**

### **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 geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities.

Or. en

#### *Justification*

*Deletion moved to paragraph below*

## **Amendment 64**

### **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 experience from implementing Union law setting out due diligence requirements with respect to forced labour.**

Or. en

## **Amendment 65**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**1b. Based on reliable evidence, external experts may identify specific products produced in specific geographic areas as products that are in high-risk of violating Article 3.**

Or. en

## **Amendment 66**

### **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 open investigations pursuant to Article 5(1).**

## **Amendment 67**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**1d. The database shall include a list of all decisions of competent authorities pursuant to Article 6, paragraphs (3), (4) and (6).**

Or. en

## **Amendment 68**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**1e. The database shall include a list of publicly available information sources relevant to 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, allowing to identify gender-specific trends.**

Or. en

## **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~~**

**2. The Commission shall ensure that the database is made publicly available by the external expertise at the latest ~~18~~**

months after the entry into force of this Regulation.

months after the entry into force of this Regulation.

Or. en

## **Amendment 70**

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

*Text proposed by the Commission*

*Amendment*

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

**deleted**

Or. en

## **Amendment 71**

### **Proposal for a regulation Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Commission is also empowered to carry out the obligations set out in this Regulation, and it shall also contribute to an effective and uniform implementation of this Regulation throughout the Union.**

Or. en

## **Amendment 72**

### **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.

Or. en

**Amendment 73**

**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 the Commission or*** 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.

Or. en

**Amendment 74**

**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

*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 or public interest purposes. If such products***



law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.

***cannot be donated, 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.

Or. en

## Amendment 75

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 76

### 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

#### *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.

interconnection.

Or. en

## **Amendment 77**

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

#### *Text proposed by the Commission*

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

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

#### *Amendment*

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

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

Or. en

## **Amendment 78**

### **Proposal for a regulation Article 23 – title**

#### *Text proposed by the Commission*

Guidelines

#### *Amendment*

Guidelines **and support**

Or. en

## Amendment 79

### 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;***

Or. en

## Amendment 80

### 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;***

Or. en

## Amendment 81

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

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

*labour;*

Or. en

*Justification*

*Added directly to the database*

## **Amendment 82**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Added directly to the database*

## **Amendment 83**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

(e) guidance for *competent authorities on* the practical implementation of *Articles 4 and 5, Article 11*, Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.

Or. en

## **Amendment 84**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***The guidance referred to in paragraph 1, point (a), shall focus in particular on assisting SMEs in complying with this Regulation. The Commission shall develop accompanying measures to support the efforts of economic operators and their business partners in the same value chain, in particular SMEs.***

Or. en

#### **Amendment 85**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 86**

##### **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 powers and resources to carry out the tasks referred to in paragraph 3, including sufficient budgetary and other resources.***

Or. en

## Amendment 87

### Proposal for a regulation

#### Article 24 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. The secretariat shall be composed of Commission staff. It shall organise the meetings of the Network and provide technical and logistical support.**

Or. en

## Amendment 88

### Proposal for a regulation

#### Article 24 – paragraph 3 – point c

*Text proposed by the Commission*

*Amendment*

**(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;

(c) contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States;

Or. en

*Justification*

*Moved below*

## Amendment 89

### 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 90**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(cb) promote exchanges of personnel between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations;***

Or. en

## **Amendment 91**

### **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 and voluntary mutual visit programmes between competent authorities;***

Or. en

## **Amendment 92**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 93

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

## Amendment 94

### 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 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 the Regulation to attend meetings of the Network or to provide written contributions.***



## Amendment 95

### 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.**

Or. en

## Amendment 96

### 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 **shall** as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives, business organisations **and relevant stakeholders**. 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.

Or. en

## Amendment 97

### 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, 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**, and partner countries' efforts and locally available capacities in tackling forced labour.

Or. en

**Amendment 98**

**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 **Commission** shall lay down **harmonised** 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.

Or. en

**Amendment 99**

**Proposal for a regulation  
Article 30 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Member States shall take all measures necessary to ensure that the penalties pursuant to paragraph 1 are implemented in accordance with national**

*law.*

Or. en

## **Amendment 100**

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

*Text proposed by the Commission*

*Amendment*

#### **Article 30a**

##### ***Evaluation and review***

- 1. By [five 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, to the Council and to the European Economic and Social Committee.***
- 2. 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, while taking into account the impact on business, in particular on SMEs.***
- 3. The report shall be accompanied, where appropriate, by a legislative proposal.***
- 4. 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.***

**Amendment 101****Proposal for a regulation****Article 31 – paragraph 2***Text proposed by the Commission*

This Regulation shall apply from [OP enter DATE = **24** months from its entry into force].

*Amendment*

This Regulation shall apply from [OP enter DATE = **18** months from its entry into force].

Or. en

**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.