



**2022/0269(COD)**

19.7.2023

# **OPINION**

of the Committee on Fisheries

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

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

Rapporteur for opinion: Rosa D'Amato

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## SHORT JUSTIFICATION

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

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

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

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

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

The EU imports 68, 6% of its seafood consumption<sup>6</sup>, including from countries in the Asia-Pacific region<sup>7</sup>.

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

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

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

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

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

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

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

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

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

<sup>6</sup> EUMOFA, The EU fish market, 2022 edition. [https://eumofa.eu/documents/20178/521182/EFM2022\\_EN.pdf/5dbc9b7d-b87c-a897-5a3f-723b369fab08?t=1669739251587](https://eumofa.eu/documents/20178/521182/EFM2022_EN.pdf/5dbc9b7d-b87c-a897-5a3f-723b369fab08?t=1669739251587)

<sup>7</sup> China is the third supplier and, together with Vietnam accounts for almost 10% of EU seafood imports. EUMOFA elaboration of Eurostat data: [https://oceans-and-fisheries.ec.europa.eu/facts-and-figures/facts-and-figures-common-fisheries-policy/external-trade\\_en](https://oceans-and-fisheries.ec.europa.eu/facts-and-figures/facts-and-figures-common-fisheries-policy/external-trade_en)

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

### **Centralised complaint procedure**

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

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

### **Non-cooperating countries**

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

### **Remediation**

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

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

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

## **AMENDMENTS**

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

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

## Amendment 1

### Proposal for a regulation

#### Recital 1

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

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

##### *Amendment*

(1) As recognised in the Preamble to the 2014 Protocol to Convention No. 29 on forced labour ('ILO Convention No. 29') of the International Labour Organization ('ILO'), forced labour constitutes a serious violation of human dignity and fundamental human rights. The ILO declared the elimination of all forms of forced or compulsory labour as a principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29 ***accompanied by the Forced Labour (Supplementary Measures) Recommendation (N.203) and*** the 2014 Protocol to Convention No. 29 and the ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions<sup>16</sup>. Forced labour covers a wide variety of coercive labour practices ***worldwide*** where ***work, including in productive sectors, such as processing, agriculture and fisheries, or service such as transportation, storage, cleaning or logistics, is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.***<sup>17</sup> ***Indirect coercion may also result from certain employers' practices, such as deceit, false promises and retention of identity documents. In cases in which*** work or service is ***imposed by exploiting the worker's vulnerability, under the menace of a penalty, dismissal or, where applicable, payment of wages below the minimum level, such exploitation ceases to be merely a matter of poor conditions of employment and becomes one of imposing work under the menace of a penalty. The European Court of Human Rights has repeatedly found that, under Article 4 of the European Convention on***

***Human Rights, initial consent and voluntariness become null and void if there is an abuse of position of vulnerability<sup>17a</sup>.***

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

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

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

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

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

## **Amendment 2**

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

*Text proposed by the Commission*

*Amendment*

***(1a) Article 2 of Regulation (EU) 1380/2013 requires, inter alia, fishing activities to be managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, as well as to ensure a level-playing field and a culture of compliance within the Union. Fishing activities conducted with the use of forced labour undermine the achievement of these CFP objectives. In addition, they contribute to creating unfair competition among operators, in particular due to lower costs resulting from the use of social sub-standards, and increase the risk of fishery products made with such exploitative practices entering the EU market. For those reasons, EU fisheries control rules were strengthened to provide for effective,***

*dissuasive and proportionate penalties, including the attribution of highest threshold of points, to those carrying out fishing activities with the use of forced labour.*

### Amendment 3

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

*Text proposed by the Commission*

*Amendment*

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

### Amendment 4

#### Proposal for a regulation Recital 2

*Text proposed by the Commission*

*Amendment*

(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.<sup>18</sup> Vulnerable and marginalised groups in a society are particularly susceptible to be pressured into 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.

(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. ***In addition, forced labour is in many cases carried out in a context of mobility and constant movement, in remote locations, including at sea, in rapidly and abruptly changing conditions, and in conditions of isolation or imprisonment, which significantly increases the risk of violations of workers' rights. Due to lack of access to medical care, highly risky working conditions, long working hours, lack of sleep and rest, noise, inability to provide medical care in case of accident or illness, lack of regulatory oversight and transparency, unclear recruitment systems, performing work in unregistered locations, including on unregistered vessels, poor condition of***

*work equipment, and forced labour, particularly in sectors such as agriculture, including slaughtering, processing and fishing, result in a high susceptibility to illness, physical injury and a high rate of fatal workplace accidents. As cases of forced labour largely affect the productive sector, including agriculture, fishing and processing, there is a significant risk of products made using forced labour appearing on food markets. Even when it is not state imposed, forced labour is often a consequence of a lack of good governance of certain economic operators. Forced labour is very often linked to poverty and discrimination, particularly if exacted in the private sector. The manipulation of credit and debt, either by employers or by recruiting agents, is still a key factor that traps vulnerable workers in forced labour situations. Women and girls make up 11,8 million of the total in forced labour. More than 3,3 million of all those in forced labour are children. Most forced labour occurs in the private economy. 86 % of forced labour cases are imposed by private actors - 63 % in the private economy in sectors other than commercial sexual exploitation and 23 % in forced commercial sexual exploitation. State-imposed forced labour accounts for the remaining 14 % of forced labour. Migrant workers who are not protected by law or are unable to exercise their rights face a higher risk of forced labour than other workers. According to the ILO, 15 % of all adults in forced labour exploitation are migrants. The Union's Agency for Fundamental Rights has found that migrant workers are also being severely exploited for their labour within the Union. Unscrupulous employers use the weak position of migrant workers to force them to work for endless hours with no or little pay, often in dangerous settings, and without the minimum safety equipment required by law.*



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

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

## Amendment 5

### Proposal for a regulation

#### Recital 3

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

(3) The eradication of forced labour is a priority for the Union. Respect for human dignity and the universality and indivisibility of human rights are firmly enshrined in Article 21 of the Treaty on European Union. Article 5(2) of the Charter of Fundamental Rights of the European Union and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights *has repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring* Member States *to* penalise and effectively prosecute any act maintaining a person in the situations described set out in 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. It is of an absolutely binding nature from which no exception is permitted.*** The eradication of forced labour is *therefore* a priority for the Union. Respect for human dignity and the universality and indivisibility of human rights are firmly enshrined in Article 21 of the Treaty on European Union. Article 5(2) of the Charter of Fundamental Rights of the European Union and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. ***An interpretation to this effect has been provided by the European Court of Human Rights in the relevant case-law, which addresses issues of prior consent and voluntariness<sup>1a</sup>. In addition, the European Court of Human Rights has ruled that Member States must*** penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights<sup>19</sup> ***The Charter of Fundamental Rights recognises the right to every worker to fair and just working conditions in Article 31 thereof and the right of an effective remedy in Article 47 thereof. The European Social Charter (1961) and the Revised European Social***

*Charter (1996) adopted by the Council of Europe on 18 October 1961 and 3 May 1996 respectively, require contracting parties "to protect effectively the right of the worker to earn his living in an occupation freely entered upon" .*

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

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

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

## Amendment 6

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

*Text proposed by the Commission*

*Amendment*

***(3a) According to the International Labour Organization (ILO), forced labour affects 128,000 fishers worldwide, although the number of unreported cases is likely to be much higher due to the challenges of recording in the fisheries sector. Unfortunately, only eight Member States have ratified the ILO Convention C188 - "Work in Fishing Convention (2007), it is therefore advised that the remaining nineteen Member States ratify as soon as possible.***

## Amendment 7

### Proposal for a regulation Recital 5

*Text proposed by the Commission*

*Amendment*

(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

(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour. The ***eradication of child labour and forced labour can only be achieved if other objectives of decent***

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.

***work, such as sustainable business conduct, social dialogue, freedom of association, collective bargaining and social protection are promoted. The Union promotes due diligence, including through enforceable legislation, in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the value chains of undertakings established in the Union. The Union is also guided by the ILO's guidance 'Harder to See, Harder to Count' which provides comprehensive information, tools and data collection to combat forced labour of adults and children, as well as by other types of sector specific guidance which should be considered for the identification of risk indicators relating to operators' own operations, subsidiaries suppliers, sub-suppliers, contractors, and business partners in the whole supply chain. When implementing legislation and policies aimed at eradicating forced labour, the Union should make relevant data available in real time, as it is crucial to identify the origin of the product as well as its transport route and the economic operators along its value chain on all sides of the borders to effectively fight against forced labour.***

#### *Justification*

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

## **Amendment 8**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 9**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 10**

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

*Text proposed by the Commission*

*Amendment*

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

(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, ***bearing in mind that cases of forced labour affect, inter alia, sectors such as agriculture, processing, fishing and transport, from which final products reach food markets characterised by a significant scale of consumption.***

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<sup>30</sup> See Resolutions: MOTION FOR A RESOLUTION on a new trade instrument

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to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).

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## Amendment 11

### Proposal for a regulation

#### Recital 16

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 12

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

(17) The **prohibition** should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105,

*Amendment*

(17) The **import and export ban of products and services** should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be

which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.<sup>31</sup>

aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.<sup>31</sup>

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

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

## Amendment 13

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

*Text proposed by the Commission*

*Amendment*

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

## Amendment 14

### Proposal for a regulation Recital 19

*Text proposed by the Commission*

*Amendment*

(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value chain management and due diligence processes. Competent authorities should closely

(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, ***gender equality, workers' rights***, value chain management and due diligence processes.

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.

Competent authorities should closely coordinate with national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings in such a way as to avoid jeopardising investigations by such authorities.

## Amendment 15

### Proposal for a regulation Recital 22

#### *Text proposed by the Commission*

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

## Amendment 16

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

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

*Amendment*

(24) Competent authorities should focus on the economic operators involved in the steps of the value chain where there is a higher risk of forced labour with respect to the products ***or services*** under investigation, also taking into account ***the nature and working conditions of the sector in question, as well as*** their size and economic resources, the quantity of products ***or services*** concerned and the scale of the suspected forced labour.

**Amendment 17**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Competent authorities, when requesting information during the investigation, should prioritise to the extent possible and consistent with the effective conduct of the investigation the economic operators under investigation that are involved in the steps of the value chain as 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 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 ***and services*** concerned, as well as the scale of suspected forced labour.

**Amendment 18**

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

*Text proposed by the Commission*

(26) Competent authorities should bear the burden of establishing that forced

*Amendment*

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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.

labour has been used at any stage of production, manufacture, harvest, extraction, ***packaging, storage, transportation or distribution*** of a product, including working or processing related to the product on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic operators should have the opportunity to provide information in their defence to the competent authorities throughout the investigation.

## Amendment 19

### Proposal for a regulation

#### Recital 27

*Text proposed by the Commission*

(27) Competent authorities ***that*** establish that economic operators violated the prohibition, should without delay prohibit the placing and making available of such products on the Union market and their export from the Union, ***and require the economic operators that have been investigated to withdraw the relevant products already made available from the 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 establish that economic operators violated the prohibition, should without delay prohibit the placing and making available of such products ***or services*** on the Union market and their export from the Union. ***These products should be made available, following a cascading principle, in the interest of charitable organisations, organisations that benefit public interests, or should be recycled and ultimately, if none of the above is possible, should be*** disposed of in accordance with national law consistent with Union law, including Union legislation on waste management.

## Amendment 20

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

(30) If the economic operators fail to comply with the decision of the competent

*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 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.

authorities by the end of the established timeframe, the competent authorities should ensure that the relevant products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators ***should be made available, following a cascading principle, in the interest of charitable organisations, organisations that benefit public interests, or should be recycled and ultimately, if none of the above is possible, should be*** disposed of in accordance with national law consistent with Union law, including Union legislation on waste management at the expense of the economic operators.

## Amendment 21

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

*Text proposed by the Commission*

*Amendment*

***(31 a) Remediation as referred to in this Regulation should be understood within the meaning of [Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937].***

## Amendment 22

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

*Amendment*

(35) The information currently made available to customs authorities by economic operators includes only general information on the products but lacks information on the manufacturer or producer and product suppliers as well as

(35) The information currently made available to customs authorities by economic operators includes only general information on the products but lacks information on the manufacturer or producer and product suppliers as well as

specific information on products. In order for customs authorities to be able to identify products entering or leaving the Union market that may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the competent authorities with the product concerned. This should include information on the manufacturer or producer and the product suppliers as well as any other information on the product itself. To this end, the Commission should be empowered to adopt delegated acts identifying the products for which such information should be provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific requirements under Union legislation for the identification of the product (such as a type, reference, model, batch or serial number affixed on the product, or provided on the packaging or in a document accompanying the product, or unique identifier of the digital product passport) as well as details on the manufacturer or producer and the product suppliers, including for each of them their name, trade name or registered trademark, their contact details, their unique identification number in the country they are established and, where available, their Economic Operators Registration and Identification (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information

specific information on products. In order for customs authorities to be able to identify products entering or leaving the Union market that may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the competent authorities with the product concerned. This should include information on the manufacturer or producer and the product suppliers, ***including the original supplier directly performing the harvesting, catching, extraction or equivalent operation***, as well as any other information on the product itself. To this end, the Commission should be empowered to adopt delegated acts identifying the products for which such information should be provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific requirements under Union legislation for the identification of the product (such as a type, reference, model, batch or serial number affixed on the product, or provided on the packaging or in a document accompanying the product, or unique identifier of the digital product passport) as well as details on the manufacturer or producer and ***all*** the product suppliers, including ***the original supplier where there is more than one actor in the supply chain, including*** for each of them their name, trade name or registered trademark, their contact details, their unique identification number in the country they

required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain.

are established, ***the number or other equivalent details of the facility or unit, including vessels, by means of which the harvesting, catching, extraction or other equivalent operation took place*** and, where available, their Economic Operators Registration and Identification (EORI) number, ***and, in the case of vessels, the flag of the vessel and the identity of the operator***. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain.

## Amendment 23

### Proposal for a regulation

#### Recital 37

*Text proposed by the Commission*

(37) Where the competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition, they should immediately inform customs authorities which should 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 ***distributed to charity. If this product cannot be distributed, it should be wholly or partially recycled or, as a last resort,*** destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including legislation on waste management, which excludes re-export in case of non-Union goods..

## Amendment 24

### Proposal for a regulation

#### Recital 38 a (new)

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

## **Amendment 25**

### **Proposal for a regulation Recital 44**

*Text proposed by the Commission*

*Amendment*

(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network aimed at structured coordination and cooperation between the competent authorities of the Member States and, 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.

(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, the Commission, **as well as responsible authorities of third countries, economic operators, civil society organisations, or social partners - such as trade unions - following a comprehensive pre-screening and verification of financial transparency.** That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations. That administrative support structure should allow the pooling of resources and maintain a communication and information system between Member

States and the Commission, thereby helping to strengthen the enforcement of the prohibition.

## Amendment 26

### Proposal for a regulation

#### Recital 45

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

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

##### *Amendment*

(45) Since forced labour is a global problem and given the interlinkages of the global value chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations to enhance the effective implementation of the prohibition. ***The Commission should seek closer cooperation with third-country authorities with a view to creating an effective network for the effective identification and eradication of violations bearing the hallmarks of forced labour. This should primarily concern third countries for which a high level of forced labour or regular and/or recurrent cases of forced labour have been documented.*** International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis.

## Amendment 27

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 28**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(c a) ‘root causes of forced labour’ at the country or region level refers, among others, to the issues of economic exploitation, poverty, systemic discrimination and lack of regular and decent paths of labour migration pathways; at the level of an economic operator, it includes prices below cost of production, lack of decent and living wages, where applicable, and, more generally, any unfair purchasing practices of economic operators;**

**Amendment 29**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

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

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

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

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

### **Amendment 30**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

### **Amendment 31**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

### **Amendment 32**

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

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

*Text proposed by the Commission*

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

*Amendment*

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



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

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

### Amendment 33

#### Proposal for a regulation Article 3 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 34

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

*Text proposed by the Commission*

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

*Amendment*

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

### Amendment 35

**Proposal for a regulation**  
**Article 4 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 36**

**Proposal for a regulation**  
**Article 4 – paragraph 3 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) due diligence guidelines or recommendations of the UN, **FAO**, ILO, OECD or other relevant international organisations, **as well as social partners**;

**Amendment 37**

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

*Text proposed by the Commission*

7. Competent authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3, for

*Amendment*

7. Competent authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3, for

instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.

instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour **and provides remediation.**

## **Amendment 38**

### **Proposal for a regulation**

#### **Article 4 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 39**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 40**

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

*Text proposed by the Commission*

2. **Competent authorities that initiate** an investigation pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within 3 working days from the date of the decision to initiate such investigation about the following:

*Amendment*

2. **When initiating** an investigation pursuant to paragraph 1, **competent authorities** shall inform the economic operators subject to the investigation, within 3 working days from the date of the decision to initiate such investigation about the following:

**Amendment 41**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 42**

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

*Text proposed by the Commission*

*Amendment*

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

1. Competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been violated, within **30 working days** from the date they initiated the investigation pursuant to Article 5(1).

**Amendment 43**

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

*Text proposed by the Commission*

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

*Amendment*

(c) an order for the economic operators that have been subject to the investigation to ***donate the products concerned to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products concerned or when neither of these two options are possible***, dispose of the respective products in accordance with national law consistent with Union law.

**Amendment 44**

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

*Text proposed by the Commission*

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

*Amendment*

(c) that any product remaining with the economic operator concerned is ***donated to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products concerned or when neither of these two options are possible***, disposed of in accordance with national law consistent with Union law at the expense of the economic operator.

**Amendment 45**

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

*Text proposed by the Commission*

*Amendment*

***1b. In order to ensure uniform conditions for the submission of information, the Commission shall adopt implementing acts establishing templates for the submission of information. Those implementing acts shall be adopted in accordance with the examination***

*procedure referred to in Article 29.*

## Amendment 46

### Proposal for a regulation

#### Article 11 – title

*Text proposed by the Commission*

Database of forced labour *risk areas or products*

*Amendment*

Database of forced labour *risks*

## Amendment 47

### 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 *sectors* with respect to specific products *and services* including with regard to forced labour imposed by state authorities. The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c) *and on information, including from EU missions*, and relevant external sources of information from, amongst others, international organisations *economic operators, social partners, such as trade unions and labour cooperatives* NGOs, and third country authorities. *The database shall include a list of the specific geographical high-risk regions or countries where forced labour practices are systematic and widespread. The database shall also contain information concerning the countries identified as non-cooperating under this Regulation and on those for which the status of non-cooperating country has been lifted. Where applicable, the respective*

*stakeholders must be registered in the EU transparency register. For sources where the transparency register does not apply, transparency of funding must be established before those sources can provide of information to the database.*

#### **Amendment 48**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 49**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 50**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 51**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 52**

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

*Text proposed by the Commission*

Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities shall take the necessary measures to ensure that the product concerned is disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation

*Amendment*

Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities shall take the necessary measures to ensure that the product concerned is ***donated to charitable organisations or organisations that benefit public interest or where donation is not possible, recycle the products***



(EU) No 952/2013 shall apply accordingly.

*concerned or, when neither of these two options are possible, disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.*

## **Amendment 53**

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

*Text proposed by the Commission*

*Amendment*

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

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

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

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

- 1. The Commission, in accordance with the procedure referred to in Article 29(2), shall identify the third country that it considers as non-cooperating third country in fighting the use of forced labour.***
- 2. The identification set out in paragraph 1 shall be based on the review of all information obtained pursuant to Chapters II and III, or, as appropriate, any other relevant information, such as trade information.***
- 3. A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under International law to take action to prevent, deter and eliminate the use of forced labour.***
- 4. For the purposes of paragraph 3, the Commission shall take into account at least the following information:***
  - (a) whether the third country concerned effectively cooperates with the Union, by providing a response to requests made by the Commission to***

*investigate, provide feedback or follow-up in matters concerning the use of forced labour;*

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

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

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

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

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

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

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

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

*Article 21b*

## ***Notification***

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

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

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

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

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

*answer the notification.*

#### ***Article 21c***

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

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

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

***3. The Commission and the Member States shall also ensure that controls on products from the identified product groups originating from the third country concerned shall be strengthened and a minimum percentage of operators making available such products on the Union market shall be subject to a higher level of checks. The Commission shall establish the minimum level of checks on a case-by-case basis. When the identification process concerns one or more specific product groups, the controls and checks may be strengthened only with regards to these product groups.***

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

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

***1. The Council, acting by a qualified majority on a proposal from the Commission, shall decide on a list of non-cooperating third countries.***

***2. The Commission shall, without delay, notify the third country concerned***

*of its identification as a non-cooperating country and of the measures applied in accordance with Article 21e. The Commission shall also request it to rectify the current situation and to inform the Commission on the measures taken to remedy the situation and ensure compliance with international obligations in relation to combating the use of forced labour.*

*3. Following a decision taken pursuant to paragraph 1 of this Article, the Commission shall, without delay, notify it to the Member States and shall request them to ensure the immediate implementation of the measures laid down in Article 21e. Member States shall notify the Commission of any measures they have taken in response to this request.*

#### *Article 21e*

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

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

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

#### *Article 21f*

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

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

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

#### **Article 21g**

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

**1. The Commission shall publish the list of non-cooperating third countries in the Official Journal of the European Union and take any measure necessary to ensure publicity of this list, including by making it available on its website and in the database referred to in Article 11. The Commission shall regularly update the list and shall provide for a system to automatically notify updates to Member States, relevant international organisations and any citizen and member of the civil society that should so request. Furthermore, the Commission shall transmit the list of non-cooperating third countries to relevant international organisations for the purposes of enhancing cooperation between the Union and those organisations aimed at preventing, deterring and eliminating forced labour.**

**Amendment 54**

**Proposal for a regulation**

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## Article 22 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 55

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 56

### Proposal for a regulation

#### Article 23 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 23a***

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

## Amendment 57

### Proposal for a regulation Article 24 – title

*Text proposed by the Commission*

Union Network Against Forced Labour  
**Products**

*Amendment*

Union Network Against Forced Labour

## Amendment 58

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 59

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

*Text proposed by the Commission*

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

*Amendment*

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



experts from the customs authorities.

*well as representatives from third countries, economic operators, civil society organisations, or social partners - such as trade unions - following a comprehensive pre-screening of financial transparency, of which information should be made publicly available succeeding clearance.*

## **Amendment 60**

### **Proposal for a regulation**

#### **Article 24 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Network shall have the following tasks:

*Amendment*

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

## **Amendment 61**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

(b) conduct joint investigations;

*Amendment*

(b) conduct joint investigations, ***mandate research or monitor situation of wide-spread and systemic forced labour including in order to expand the database referred to in Article 11;***

## **Amendment 62**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 63**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 64**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 65**

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

*Text proposed by the Commission*

*Amendment*

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

*eradication of forced labour.*

## Amendment 66

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 67

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

*Text proposed by the Commission*

*Amendment*

#### ***Article 30 a***

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

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

***(a) the total budget allocated for the application of the Regulation;***

*(b) the number and type of complaints and submissions received;*

*(c) the number and type of confirmed violations;*

*(d) the type and number of follow-up actions taken following the confirmed violations, including mitigation, prevention and remediation measures.*

*2. By [three years after the date of application] and every five years thereafter, the Commission shall carry out an evaluation of this Regulation taking account of its objectives and shall submit a report thereon to the European Parliament and to the Council. The report shall assess whether this Regulation achieved its objective, in particular with regard to reducing the number of products on the Union market made with forced labour, improving cooperation between competent authorities and strengthening the controls on products entering the Union market and the synergies with other Union legislations, such as Regulation (EC) No 1005/2008, Regulation (EC) No 1224/2009 and Regulation (EU) No 1379/2013, while taking into account the impact on business, in particular on SMEs. The report shall take into account the information received pursuant to paragraph one and shall include information on countries identified as non-cooperating, countries for which the status of non-cooperating has been lifted and any available information regarding the measures taken by these countries to remedy the situation.*

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

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

*information provided by stakeholders.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Prohibiting products made with forced labour on the Union market	
<b>References</b>	COM(2022)0453 – C9-0307/2022 – 2022/0269(COD)	
<b>Committees responsible</b> Date announced in plenary	INTA 6.10.2022	IMCO 6.10.2022
<b>Opinion by</b> Date announced in plenary	PECH 15.12.2022	
<b>Rapporteur for the opinion</b> Date appointed	Rosa D’Amato 9.1.2023	
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	16.3.2023	
<b>Discussed in committee</b>	24.5.2023	
<b>Date adopted</b>	18.7.2023	
<b>Result of final vote</b>	+:	13
	–:	8
	0:	2
<b>Members present for the final vote</b>	Clara Aguilera, François-Xavier Bellamy, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Asger Christensen, Rosanna Conte, Rosa D’Amato, Niclas Herbst, Ladislav Ilčić, France Jamet, Predrag Fred Matic, Francisco José Millán Mon, Ana Miranda, Caroline Roose, Bert-Jan Ruissen, Annie Schreijer-Pierik, Marc Tarabella	
<b>Substitutes present for the final vote</b>	Ska Keller, Gabriel Mato, Stéphanie Yon-Courtin	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Elsi Katainen, Margarida Marques	

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

13	+
NI	Marc Tarabella
Renew	Izaskun Bilbao Barandica, Asger Christensen, Elsi Katainen, Stéphanie Yon-Courtin
S&D	Clara Aguilera, Isabel Carvalhais, Margarida Marques, Predrag Fred Matić
Verts/ALE	Rosa D'Amato, Ska Keller, Ana Miranda, Caroline Roose

8	-
ECR	Ladislav Ilčić, Bert-Jan Ruissen
PPE	François-Xavier Bellamy, Maria da Graça Carvalho, Niclas Herbst, Gabriel Mato, Francisco José Millán Mon, Annie Schreijer-Pierik

2	0
ID	Rosanna Conte, France Jamet

Key to symbols:

+ : in favour

- : against

0 : abstention