













# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2022/0269(COD) Awaiting Council's 1st reading position
Prohibiting products made with forced labour on the Union market	
Subject 1.10 Fundamental rights in the EU, Charter 3.45.01 Company law 4.10.03 Child protection, children's rights 4.15.12 Workers protection and rights, labour law 6.10.08 Fundamental freedoms, human rights, democracy in general 6.10.09 Human rights situation in the world 6.20.02 Export/import control, trade defence, trade barriers	
Legislative priorities <a href="#">Joint Declaration 2023-24</a>	

Key players			
European Parliament	Joint Committee Responsible	Rapporteur	Appointed
	 <a href="#">Internal Market and Consumer Protection</a>		15/12/2022
	<a href="#">International Trade</a>	 <a href="#">LEITÃO-MARQUES Maria-Manuel</a>	15/12/2022
		 <a href="#">RAFAELA Samira</a>	
		Shadow rapporteur	
		 <a href="#">SCHWAB Andreas</a>	
		 <a href="#">WARBORN Jörgen</a>	
		 <a href="#">GLUCKSMANN Raphaël</a>	
		 <a href="#">HAHN Svenja</a>	
		 <a href="#">BRICMONT Saskia</a>	
		 <a href="#">CAVAZZINI Anna</a>	
		 <a href="#">HOOGEVEEN Michiel</a>	
		 <a href="#">ZŁOTOWSKI Kosma</a>	
		 <a href="#">BASSO Alessandra</a>	



[PELLETIER](#)  
Anne-Sophie



[SCHOLZ](#) Helmut

**IMCO** [Internal Market and Consumer Protection](#)

[International Trade](#)

Committee for opinion  
**AFET** [Foreign Affairs](#)  
(Associated committee)

Rapporteur for opinion

Appointed  
29/09/2022



[YENBOU](#) Salima

**DEVE** [Development](#)

26/10/2022



[DE BASSO](#) Ilan

**EMPL** [Employment and Social Affairs](#)  
(Associated committee)

30/11/2022



[SATOURI](#) Mounir

**PECH** [Fisheries](#)

09/01/2023



[D'AMATO](#) Rosa

**JURI** [Legal Affairs](#)

Chair on behalf of committee

23/01/2023



[VÁZQUEZ LÁZARA](#)  
Adrián

Council of the European Union  
European Commission

Commission DG

Commissioner



[Trade](#)

BRETON Thierry

European Economic and  
Social Committee

## Key events

14/09/2022	Legislative proposal published	<a href="#">COM(2022)0453</a>	Summary
06/10/2022	Committee referral announced in Parliament, 1st reading		
16/03/2023	Referral to associated committees announced in Parliament		
16/03/2023	Referral to joint committee announced in Parliament		
16/10/2023	Vote in committee, 1st reading		
16/10/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		

26/10/2023	Committee report tabled for plenary, 1st reading	<a href="#">A9-0306/2023</a>	Summary
08/11/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
09/11/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
20/03/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE759.952</a> GEDA/A/(2024)001487	
22/04/2024	Debate in Parliament		
23/04/2024	Results of vote in Parliament		
23/04/2024	Decision by Parliament, 1st reading	<a href="#">T9-0309/2024</a>	Summary

### Technical information

Procedure reference	2022/0269(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Rules of Procedure EP 57_o; Rules of Procedure EP 59; Treaty on the Functioning of the EU TFEU 114; Treaty on the Functioning of the EU TFEU 207
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	CJ33/9/11493

### Documentation gateway

Legislative proposal		<a href="#">COM(2022)0453</a>	14/09/2022	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES5362/2022</a>	24/01/2023	ESC	
Specific opinion	<b>JURI</b>	<a href="#">PE749.170</a>	30/05/2023	EP	
Committee opinion	<b>DEVE</b>	<a href="#">PE742.681</a>	04/07/2023	EP	
Committee opinion	<b>AFET</b>	<a href="#">PE745.348</a>	18/07/2023	EP	
Committee opinion	<b>EMPL</b>	<a href="#">PE745.486</a>	19/07/2023	EP	
Committee opinion	<b>PECH</b>	<a href="#">PE739.691</a>	19/07/2023	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A9-0306/2023</a>	26/10/2023	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2024)001487	13/03/2024	CSL	
Text agreed during interinstitutional negotiations		<a href="#">PE759.952</a>	13/03/2024	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0309/2024</a>	23/04/2024	EP	Summary

## Prohibiting products made with forced labour on the Union market

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**PURPOSE:** to lay down rules prohibiting the placing on the EU market of products made with forced labour, as well as their export from the EU.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** forced labour, including forced child labour, continues to be a major global issue, with the ILO estimating the global number of people in a situation of forced labour at around 27.6 million in 2021. 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.

The eradication of forced labour is a priority for the Union. However, there is no Union legislation that empowers Member States authorities to directly detain, seize, or order the withdrawal of a product on the basis of a finding that it was made, whether in whole or in part, with forced labour.

**CONTENT:** the objective of this proposal is to effectively prohibit the placing and making available on the EU market and the export from the EU of products made with forced labour, including forced child labour.

The prohibition covers domestically produced and imported products. 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.

The prohibition will contribute to the international efforts to eradicate forced labour. As for companies, the Regulation will act as an additional incentive to ensure that their supply chains are forced-labour free.

### Designated competent authorities

EU Member States will be required to designate competent authorities responsible for implementing and enforcing the Regulation, with the necessary powers and resources. Member States' customs authorities will be in charge of enforcement at the EU borders. They will rely on the decisions by Member States' competent authorities to identify the products concerned and carry out controls for imports and exports.

### Investigative process

The proposal puts in place an investigative process which will be carried out in two phases. In the preliminary phase, the authorities assess if there are well-founded reasons to suspect that products have been likely made with forced labour. If they determine that there is a substantiated concern of forced labour, they will proceed to the investigation phase.

Competent authorities will in all phases have to follow a risk-based approach. This means that they should focus their enforcement efforts where they are likely to be most effective, namely 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.

In carrying out investigations, competent authorities will examine all the information available to them. This includes: (i) independent and verifiable information on risks that forced labour has been used in the production process; (ii) information on market surveillance and compliance of products shared by other Member States; (iii) submissions made by third parties including civil society; (iv) information on whether a company carries out forced labour due diligence in its operations and supply chains.

### Database and platform

The proposal also provides for the creation of a database of forced labour risk areas or products. Furthermore, a new platform (EU Forced Labour Product Network) will be created to ensure structured coordination and cooperation between competent authorities and the Commission.

### Non-compliance and penalties

If the authorities have established that a product was made by forced labour, it cannot be sold in the EU, or exported from the EU. In case the product is already on the market, the company in question will be required to withdraw it from the market. It will also be required to dispose of the products. The economic operator concerned will bear the costs of disposing of the prohibited product. This will provide a strong deterrent and incentive for companies to comply. Furthermore, if a company does not follow the decision of a Member State under this Regulation, they face penalties under national law.

## Prohibiting products made with forced labour on the Union market

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The Committee on International Trade and the Committee on the Internal Market and Consumer Protection adopted the report by Samira RAFAELA (Renew, NL) and Maria-Manuel LEITÃO-MARQUES (S&D, PT) 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.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

## Extended scope

Members proposed 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.

## Remediation

A new article has been included concerning remediation for victims by the economic operator. Remedial measures may include financial and non-financial compensation.

## High-risk products

Members stated that products coming from specific geographical high-risk regions or countries where forced labour practices are systemic and widespread should be presumed to be in violation of the Regulation and should therefore be automatically subject to an investigation. Economic operators have the burden to disprove such presumption.

## Guidelines

The amended text stated that the Commission should issue guidelines no later than 12 months (as opposed to 18 months as proposed by the Commission) after the entry into force of this Regulation, which shall cover guidance on:

- due diligence in relation to forced labour, including forced child labour and forced women and girls labour;
- remediation measures;
- meaningful stakeholder engagement;
- requirements that economic operators need to adhere to in order to prove that they have eliminated forced labour from their supply chains and corrective actions adopted to prevent future abuses.

## Union Network Against Forced Labour Products

Members specified that the work of the Union Network Against Forced Labour Products should be coordinated by the Commission. The Network should, inter alia, aim to: (i) streamline the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations; (ii) facilitate capacity building activities, such as the organisation of training programmes for competent authorities and other relevant stakeholders; (iii) promote exchanges of personnel between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations; (iv) assist in the organisation of information campaigns and voluntary mutual visit programmes between competent authorities, (v) involve and facilitate the diplomatic representations of the Union to assist in the information gathering efforts of this Regulation.

## Penalties

In order to ensure that penalties are effective and fair and to prevent a distorted approach to penalties in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. The Commission should define the method for the calculation of financial penalties and the thresholds applicable.

## Evaluation and review

By one year after the date of application and every four years thereafter, the Commission should carry out an evaluation of this Regulation taking account of its objectives 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.

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

Lastly, the Commission should continuously monitor the impact of this Regulation on victims of forced labour, also paying particular regard to the situation of women and children.

## Prohibiting products made with forced labour on the Union market

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The European Parliament adopted by 555 votes to 6, with 45 abstentions, a legislative resolution on prohibiting products made with forced labour on the Union market.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

### Prohibition of products made with forced labour

Economic operators should not place or make available on the Union market products that are made with forced labour, nor should they export such products. Products offered for sale online or by other means of distance selling will be deemed to be made available on the market if the offer is targeted at end-users in the EU.

### Database of forced labour risk areas or products

The Commission should establish a database, with the assistance of external expertise if needed. This database should provide an indicative, non-exhaustive, evidence-based, verifiable and regularly updated information of forced labour risks in specific geographic areas or with respect to specific products or product groups including with regard to forced labour imposed by state authorities. It should also prioritise the identification of widespread and severe forced labour risks.

The database should be based on independent and verifiable information, from international organisations, in particular the International Labour Organization and the United Nations Organization, or institutional, research or academic organisations.

In addition, the Commission:

- should set up a dedicated centralised mechanism for the submission of information. This mechanism should be available in all official languages of the institutions of the Union, and it should be user friendly and free of charge;
- should develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular the micro, small and medium-sized enterprises;
- publish, and regularly update, guidelines which include guidance for economic operators on the due diligence in relation to forced labour, including forced child labour, and guidance for economic operators on best practices to eliminate and remedy different types of forced labour;
- establish a single website making available to the public, in all official languages of the EU institutions, items such as the list and contact details of designated competent authorities, a list of publicly available sources of information relevant to the implementation of the Regulation, any decision to ban a product and any withdrawal of a ban.

#### Investigations

When identifying potential violations of the prohibition, the Commission or the competent authorities should follow a risk-based approach and assess all information available to them. In order to implement the risk-based approach in the prioritisation of their investigations, the Commission and competent authorities should take into account the share of the suspected part in the final product, the quantity and volume of products concerned, and the scale and severity of the suspected forced labour, including whether forced labour imposed by state authorities could be a concern. The Commission and competent authorities should also take into account the size and economic resources of the economic operators and the complexity of the supply chain, and focus to the extent possible on the economic operators and where relevant product suppliers that are closer to the risk of forced labour and have the highest leverage to prevent, mitigate and bring to an end the use of forced labour.

Before initiating an investigation, the lead competent authorities should be able to request information from economic operators under assessment but also from other relevant stakeholders, including the persons or associations having submitted relevant information to competent authorities. They should be able to opt for not requesting additional information from economic operators if they assess that this could lead to an attempt by those economic operators to hide a situation of forced labour and thus endanger the investigation. The lead 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 during the preliminary phase of the investigation, they establish that there is a substantiated concern of a violation of the prohibition.

#### Decisions

Lead competent authorities should assess all information and evidence gathered, and, on that basis, establish whether the products concerned have been placed or made available on the market or are being exported in violation of the Regulation. They should endeavour to adopt their decisions within 9 months from the date they initiated the investigation.

Where lead competent authorities establish that the products concerned have been placed or made available on the market or are being exported in violation of the Regulation, they should without delay adopt a decision containing:

- a prohibition to place or make the products concerned available on the Union market and to export them;
- an order for the economic operators that have been subject to the investigation to withdraw from the Union market the products concerned that have already been placed or made available on the market or to remove content from an online interface referring to the products or listings of the products concerned;
- an order for the economic operators that have been subject to the investigation to dispose of the products concerned.

In case of perishable products, the disposal should be done by donating the products concerned for charitable or public interest purposes or, when that is not possible, by rendering those products inoperable.

If the economic operator has failed to comply with the decision, the competent authority should impose either directly, in cooperation with other authorities or by application to the competent judicial authorities, penalties on the economic operator.

Transparency				
CAVAZZINI Anna	Shadow rapporteur	IMCO	05/03/2024	Tony's Chocolonely
WARBORN Jörgen	Shadow rapporteur	INTA	23/02/2024	European Solar Manufacturing Council
GLUCKSMANN Raphaël	Shadow rapporteur	INTA	19/12/2023	Decathlon SE
CAVAZZINI Anna	Shadow rapporteur	IMCO	13/12/2023	First Solar European Technology Center AB First Solar GmbH
GLUCKSMANN Raphaël	Shadow rapporteur	INTA	12/12/2023	Altana Technologies, Inc.
LEITÃO-MARQUES Maria-Manuel	Rapporteur	IMCO	07/12/2023	Altana Technologies, Inc.

RAFAELA Samira	Rapporteur	INTA	27/11/2023	Österreichischer Gewerkschaftsbund Österreichische Bundesarbeitskammer European Centre for Constitutional and Human Rights International Labour Organization
GLUCKSMANN Raphaël	Shadow rapporteur	INTA	21/11/2023	Altana Technologies, Inc.
LEITÃO-MARQUES Maria-Manuel	Rapporteur	IMCO	17/11/2023	DIGITALEUROPE
LEITÃO-MARQUES Maria-Manuel	Rapporteur	IMCO	15/11/2023	Global Counsel Limited
ROTH NEVE?ALOVÁ Katarína	Member	31/05/2023	FEDIOL	
MANDERS Antonius	Member	08/11/2022	Koninklijke Vereniging MKB-Nederland Vereniging VNO-NCW	