



**2022/0269(COD)**

19.7.2023

## **OPINION**

of the Committee on Employment and Social Affairs

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

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

Rapporteur for opinion (\*): Mounir Satouri

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

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## SHORT JUSTIFICATION

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

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

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

In June 2022, the European Parliament therefore called for an instrument banning the import and export of products made or transported by forced labour. In September 2022, the European Commission published the proposal on prohibiting products made with forced labour on the Union Market. The Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour.

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

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

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

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

## AMENDMENTS

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

Amendment 1

### Proposal for a regulation

#### Recital 1

*Text proposed by the Commission*

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

*Amendment*

(1) As recognised in the Preamble to the 2014 Protocol to Convention No. 29 on forced labour ('ILO Convention No. 29') of the International Labour Organization ('ILO'), forced labour constitutes a serious violation of human dignity and fundamental human rights, *contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all*. The ILO declared the elimination of all forms of forced or compulsory labour as a principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, *including the supplementing* 2014 Protocol to Convention No. 29 *and the Forced Labour (Supplementary Measures) Recommendation No. 203* and the ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions<sup>16</sup> *and issues recommendations to prevent, eliminate, and remedy forced labour*<sup>16a</sup>. Forced labour *includes work and services, which is performed or provided along the value chain, and is exacted from any person under the threat of a penalty and for which the person has not offered himself*

*or herself voluntarily.* <sup>17</sup> *According to the ILO and the UN, some economic activities in certain productive sectors such as processing, agriculture, garment and fisheries, and in certain services sector, such as transportation, storage and logistics, cleaning and seasonal work have a higher occurrence of forced labour*<sup>17a</sup>. *This definition applies to work or service exacted by governments and public authorities as well as private bodies and individuals. The ILO has developed several indicators used to identify and indicate cases of forced labour, such as threats and actual physical and sexual harm, abuse of vulnerability, abuse of working and living conditions and excessive overtime, deception, restriction of movement or confinement to the workplace or a limited area, isolation, debt bondages, withholding wages or excessive wage reduction, retention of passports and identity documents or threat of denunciation to the authorities when the worker has an irregular immigration status* <sup>17b</sup>. *Forced labour is very often linked to poverty and discrimination. The manipulation of credit and debt, either by employers or by recruiting agents, is still a key factor that traps vulnerable workers in forced labour situations*<sup>17c</sup>. *The European Court of Human Rights has repeatedly found that, under Article 4 of the European Convention on Human Rights, initial consent and voluntariness become null and void if there is an abuse of position of vulnerability*<sup>17d</sup>. *According to the ILO supervisory bodies, prison labour, including where it is performed for private companies, is not in itself constitutive of forced labour provided that it is done on a voluntary basis, for the benefit of the prisoner and approximates the conditions of a free labour relationship. Community work as an alternative penal sanction to imprisonment should always be in the public general interest and should, under no circumstances, be abused by States as*

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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).

*means to degrade the convicted person or deprive the person of their dignity<sup>17e</sup>. In cases in which work or service is imposed by exploiting the worker's vulnerability, under the threat of a penalty, such threat does not need to take the form of a penal sanction but might take the form also of a loss of rights or benefits.*

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

***16a ILO Forced Labour (Supplementary Measures) Recommendation, 2014.***

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

***17a UNODC (United Nations Office on Drugs and Crime), “Global Report on Trafficking In Persons ” 2020, [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf)***

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

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

*17b*

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_203832.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf)

<sup>17c</sup> ILO, *the Profits and Poverty: The economics of forced labour*:

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

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

<sup>17e</sup>

[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_089199.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_089199.pdf) Page 27

## Amendment 2

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.<sup>18</sup> Vulnerable and marginalised groups in a society are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of *a* lack of good governance of certain economic operators.

*Amendment*

(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.<sup>18</sup> Vulnerable and marginalised groups in a society, ***such as women, children, ethnic minorities, persons with disabilities, lower casters, indigenous and tribal people, migrants, especially if they are undocumented, with a precarious status and in the informal economy***, are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of the ***absence or*** lack of good governance of certain economic operators ***and a demonstration of a state's failure to enforce social and labour rights, particularly for vulnerable and marginalised groups. Forced labour can***

*also take place as a result of authorities' tacit consent. Women and girls account for 11.8 million of the total in forced labour. More than 3.3 million of all those in forced labour are children. Between 2016 and 2021, the estimated number of people in forced labour increased by 2.7 million<sup>18a</sup>. Migrant workers who are not protected by law or are unable to exercise their rights face a higher risk of exposure to forced labour than other workers do. According to the ILO, 15 % of all adults in forced labour are migrants<sup>18b</sup>. The Union's Agency for Fundamental Rights has found that this is also the case within the Union. Abusive employers use the weak position of migrant workers to force them to work for endless hours with no or little pay, often in dangerous settings, and without the minimum safety equipment required by law<sup>18c</sup>. The vast majority of forced labour occurs in the private sector, in particular through forced labour exploitation (17.3 million people), which accounts for 86 % of all forced labour cases<sup>18d</sup>. The obligations of economic operators deriving from this Regulation should be predictable and clear in order to ensure full and effective compliance and contribute to bringing forced labour to an end.*

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

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

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

<sup>18b</sup> *The 2021 Global Estimates of Modern Slavery,* <https://www.ilo.org/wcmsp5/groups/public>



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ipecc/documents/publication/wcms 854733  
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[https://fra.europa.eu/en/content/protectin  
g-migrant-workers-exploitation-fra-  
opinions](https://fra.europa.eu/en/content/protectin<br/>g-migrant-workers-exploitation-fra-<br/>opinions)

18d *The 2021 Global Estimates of Modern  
Slavery,*

[https://www.ilo.org/wcmsp5/groups/public  
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### Amendment 3

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

*Text proposed by the Commission*

*Amendment*

**(2a) The Office of the UN High Commissioner for Human Rights (OHCHR) concluded that the People's Republic of China (PRC) has committed 'serious human rights violations' against the Uyghur and 'other predominantly Muslim communities' in what the PRC refers to as the Xinjiang Uyghur Autonomous Region (XUAR). This includes 'torture, sexual violence, ill-treatment, forced medical treatment, as well as forced labour and reports of deaths in custody' committed in camps and other detention facilities.**

### Amendment 4

#### Proposal for a regulation Recital 3

*Text proposed by the Commission*

*Amendment*

(3) The eradication of forced labour is a priority for the Union. Respect for human dignity and the universality and

**(3) The Union aims to be a global leader on responsible business conduct as well as business and human rights. The**

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>

***prohibition of the use of forced and compulsory labour in all its forms is considered as a peremptory norm of international law<sup>18a</sup> from which no exception is permitted.*** The eradication of forced labour is *therefore* a priority for the Union *that stems from its principles and international human rights commitments.* Respect for human dignity and the universality and indivisibility of human rights are *also* firmly enshrined in Article 21 of the Treaty on European Union. ***The prevention and elimination of forced labour including forced child labour are prerequisites of Union's external commercial and economic relations.*** Article 5 of the Charter of Fundamental Rights of the European Union ***explicitly prohibits slavery, servitude, forced and compulsory labour and trafficking in human beings*** and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights has repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.<sup>19</sup> ***The Charter of Fundamental Rights recognises the right of every worker to fair and just working conditions in Article 31, which respect his or her health, safety and dignity, and the right of an effective remedy and fair trial in Article 47. The European Social Charter (1961) and the Revised European Social Charter (1996) require contracting parties to protect effectively the right of the worker to earn his living in an occupation freely entered upon. In addition, the European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour especially regarding the practices of People's***

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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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18a

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

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

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

## Amendment 5

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour.<sup>20</sup> They are therefore legally obliged to prevent and eliminate the use of forced labour and to report regularly to the ILO.

*Amendment*

(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour.<sup>20</sup> They are therefore legally obliged to prevent and eliminate the use of forced labour and to report regularly to the ILO. ***However, there are Member States, which have not yet ratified the Protocol to ILO Convention No. 29, despite Council Decisions calling on Member States for a ratification and implementation<sup>20a</sup>. The ILO estimates that there are 880 000 forced labour victims inside the Union, in addition to the forced labour involved inter alia in the Union's imports from the rest of the world.<sup>20b</sup> Moreover, there continue to be shortcomings in the implementation of the fundamental ILO Conventions.<sup>20c</sup> It is necessary that Member States fully implement the fundamental ILO conventions and correctly transpose all the Union legislation aimed at combating forced labour, labour rights violations***

*and human trafficking in order to enforce the import and export ban of any product or service using forced labour. This Regulation aims to legally bind Member States to prevent and bring to an end the use of forced labour, to provide to victims protection and access to remedy and effective remediation, such as compensations, to penalise non-compliance with decisions referred to in Article 6(4). According to the ILO, remediation remains one of the key policy priorities for addressing forced labour. In that regard, Protocol to ILO Convention No. 29 stipulates that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, should have access to appropriate and effective remedies, such as compensations. The third pillar of the UN Guiding Principles on Business and Human Rights stipulates that remediation is a fundamental right and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.*

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[https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms\\_195135.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf)

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*<sup>20a</sup> Council Decision (EU) 2015/2071 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters (OJ L 301, 18.11.2015, p. 47) and Council Decision (EU) 2015/2037 of 10 November*

*2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters relating to social policy (OJ L 298, 14.11.2015, p. 23).*

*<sup>20b</sup> ILO 2012 Global Estimate of Forced Labour:*

*[https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms\\_184975.pdf](https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms_184975.pdf)*

*<sup>20c</sup> The ILO supervisory bodies' comments on the application of Conventions on forced labour can be found under (<https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO:::>)*

## Amendment 6

### Proposal for a regulation Recital 5

#### *Text proposed by the Commission*

(5) Through its policies and legislative initiatives the Union *seeks* to eradicate the use of forced labour. The Union promotes due diligence in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the value chains of undertakings established in the Union.

#### *Amendment*

(5) Through its policies and legislative initiatives the Union *must intensify its efforts* to eradicate the use of forced labour. The *eradication of child labour and forced labour is inherently linked to the promotion of decent working conditions, social protection, social dialogue, freedom of association, collective bargaining, right to organise and take collective action, and sustainable business conduct. Bringing to an end forced labour does not mean disengagement as first resort. The* Union promotes due diligence, *including through enforceable legislation*, in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that

forced labour does not find a place *neither* in the value chains of undertakings established, *nor in goods and services that are to be made available* in the Union. *ILO guidance<sup>1a</sup> provides comprehensive information, tools and data collection to combat forced labour of adults and children, as well as sector specific guidance which should be considered for the identification of risk relating to own operations and value chains. When implementing legislation and policies aimed at eradicating forced labour, the Union should make relevant data publicly accessible without undue delay. It is indeed crucial to identify the origin of the product as well as its storage and transport points and the economic operators along its value chain to effectively fight against forced labour. In this regard, information from customs authorities' are decisive risk indicators since forced labour exists in every region of the world. The highest number of people in forced labour are in Asia while when calculating forced labour as proportion of the population, the highest number is in the MENA region<sup>1b</sup>.*

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<sup>1a</sup> [https://ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182096.pdf](https://ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf)

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

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

*Text proposed by the Commission*

*Amendment*

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

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*1a*

***[https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_854733.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf) and <https://respect.international/wp-content/uploads/2018/06/The-Global-Business-of-Forced-Labour-Report-of-Findings-University-of-Sheffield-2018.pdf>***

**Amendment 8**

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

*Text proposed by the Commission*

*Amendment*

**(5b) Meaningful stakeholder engagement is essential to tackle forced labour. It includes engagement of**

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

## Amendment 9

### Proposal for a regulation

#### Recital 17

*Text proposed by the Commission*

(17) The prohibition should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.<sup>31</sup>

*Amendment*

(17) ***The market ban, which enables the prohibition of import and export of products and services made with forced labour,*** should contribute to the international efforts to abolish forced labour. The definition of ‘forced labour’ should therefore be aligned with the definition laid down in ILO Convention No. 29. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination<sup>31</sup>. ***Article 3(a) of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour refers to all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or***



*compulsory recruitment of children for use in armed conflict. The UN Convention on the Rights of Persons With Disabilities prohibits exposing persons with disabilities to forced labour and requires that persons with disabilities are protected, on an equal basis with others, from forced or compulsory labour. The principle of equal treatment should also apply in sheltered workshops. Where products or services originating from geographic areas, production sites or economic activities in certain sectors in specific areas with systematic and wide spread forced labour practices listed in the database under Article 11 of this Regulation, competent authorities should presume that they were manufactured or provided using forced labour. In such cases, it should be the responsibility of the economic operator to demonstrate that its product or service was manufactured or provided without using forced labour, and that, in case of a decision under Article 6(4), any use of forced labour was remediated. In all cases, competent authorities should ensure that the burden of proof is not disproportionately high. The Commission, after engaging with relevant experts, including from the ILO, OECD, EEAS, social partners and civil society, should engage in the efforts to bring to an end forced labour by providing, in the database under Article 11 of this Regulation, regularly updated information on forced labour risks in specific geographic areas, production sites and economic activities in certain sectors in specific areas. The database should be clear and transparent in order to enable economic operators, and in particular SMEs and micro-enterprises, to use the data for their due diligence. Such data should be freely and easily accessible to the public, in a format also accessible to persons with disabilities and in all working languages of the Union.*

<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.

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

## Amendment 10

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

#### *Text proposed by the Commission*

(a) ‘forced labour’ means ***forced or compulsory labour as defined in*** Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour;

#### *Amendment*

(a) ‘forced labour’ means ***all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself or herself voluntarily in accordance with*** Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour; ***whereby forced labour can occur along the value chain;***

## Amendment 11

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

#### *Text proposed by the Commission*

(b) ‘forced labour imposed by state authorities’ means the use of forced labour ***as described in*** Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;

#### *Amendment*

(b) ‘forced labour imposed by state authorities’ means the use of forced labour:

***(i) as a means of political coercion or education or as a punishment for holding or expressing political views or opinions ideologically opposed to the established political, social or economic system;***

***(ii) as a method of mobilising and using labour for purposes of economic***

*development;*  
*(iii) as a means of labour discipline;*  
*(iv) as a punishment for having participated in strikes;*  
*(v) as a means of racial, social, national or religious discrimination;*  
*in accordance with* Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;

## Amendment 12

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

*Text proposed by the Commission*

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

*Amendment*

(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements *in accordance with Union and applicable national legislation*, recommendations or practices *in line with international standards, voluntary guidelines supplementing the former* to identify, prevent, bring to an end *and remediate* the use of forced labour with respect to products *and services, whereby bringing to an end forced labour does not mean disengagement as first resort;*

## Amendment 13

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

*Text proposed by the Commission*

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

*Amendment*

(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations, *as well as of social partners, in particular those guidelines and recommendations that relate to*

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

## **Amendment 14**

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

*Text proposed by the Commission*

*Amendment*

#### **Article 10a**

##### **Remediation**

- 1. Member States shall ensure access to remedy and effective remediation to victims whenever Article 3 is violated.**
- 2. Following a decision of prohibition in accordance with Article 6, competent authorities shall determine, after engaging with victims and other relevant stakeholders, such as victims' representatives, workers' representatives and trade unions, non-governmental organisations and civil society, the remediation. Economic operators, with the support of competent authorities concerned, shall also develop measures to prevent future reoccurrence.**
- 3. In order to lift the decision of prohibition taken in accordance with Article 6, evidence of remediation needs to be provided to the competent authority.**

## **Amendment 15**

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

*Text proposed by the Commission*

*Amendment*

#### **Article 10b**

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

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

## Amendment 16

### Proposal for a regulation Article 11 – title

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 17

### Proposal for a regulation Article 11 – paragraph 1

*Text proposed by the Commission*

1. The Commission shall *call upon external expertise to* provide an indicative, non-exhaustive, *verifiable* and regularly updated database of forced labour risks in specific geographic areas *or* with respect to specific products including with regard to forced labour imposed by state authorities. The database shall be based on the

*Amendment*

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

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.

***certain sectors in specific areas*** with respect to specific products **and services** including with regard to forced labour imposed by state authorities.

***The Commission and the competent authorities designated in accordance with Article 12 shall presume that products or services originating from geographic areas, production sites or economic activities in certain sectors in specific areas with systematic and wide spread forced labour practices listed in the database, were manufactured or provided using forced labour. It shall be the responsibility of the economic operator concerned to demonstrate that its product or service was manufactured or provided without using forced labour. For the purpose of applying the presumption, the database shall include a dedicated list with evidence-based information.***

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

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

***The database must be clear and transparent in order to enable economic operators, and in particular SMEs and micro-enterprises, to use the data for their due diligence. Such data shall be freely and easily accessible to the public, in a format also accessible to persons with disabilities. Information from customs' authorities related to the products or services concerned such as origin, places***

*of storage and transportation points shall be included in the database.*

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

## **Amendment 18**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 19**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*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.

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

## **Amendment 20**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 21**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

## **Amendment 22**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

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



*- representatives of civil society  
organizations and other relevant experts.*

### **Amendment 23**

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

*Text proposed by the Commission*

(b) conduct joint investigations;

*Amendment*

(b) conduct joint investigations *inside the Union as well as in third-countries, provided that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspection are to take place has been officially notified and has raised no objection;*

### **Amendment 24**

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

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 25**

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

*Text proposed by the Commission*

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

*Amendment*

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

### **Amendment 26**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 27**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 28**

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 29**

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

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 30**

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

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

*Text proposed by the Commission*

*Amendment*

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

### **Amendment 31**

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

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

*Text proposed by the Commission*

*Amendment*

**(fd) set up a contact point to offer the possibility of reporting information regarding alleged or suspected violations of Article 3 and establishing follow-up procedures for the purpose of facilitating coordination throughout the referral.**

### **Amendment 32**

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

#### **Article 24 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

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

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

### **Amendment 33**

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

*Text proposed by the Commission*

*Amendment*

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

## PROCEDURE – COMMITTEE ASKED FOR OPINION

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

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

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

0	-

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

Key to symbols:

+ : in favour

- : against

0 : abstention