

Prohibiting products made with forced labour on the Union market

2022/0269(COD) - 23/04/2024 - Text adopted by Parliament, 1st reading/single reading

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.