Basic information

2014/0258(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol **Subject** 4.15.12 Workers protection and rights, labour law 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	STEVENS Helga (ECR)	10/11/2014
	Shadow rapporteur POST Soraya (S&D) HYUSMENOVA Filiz (ALDE)	

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	REICHERTS Martine

Key events

Date	Event	Reference	Summary
11/09/2014	Preparatory document	COM(2014)0559	Summary
10/03/2015	Legislative proposal published	06731/2015	Summary
25/03/2015	Committee referral announced in Parliament		
25/06/2015	Vote in committee		

08/07/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0226/2015	Summary
06/10/2015	Decision by Parliament	T8-0325/2015	Summary
06/10/2015	Results of vote in Parliament		
10/11/2015	Act adopted by Council after consultation of Parliament		
10/11/2015	End of procedure in Parliament		
18/11/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0258(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 082-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/01138

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE557.176	13/05/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0226/2015	08/07/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0325/2015	06/10/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	06731/2015	10/03/2015	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2014)0559	11/09/2014	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 2015/2071 OJ L 301 18.11.2015, p. 0047 Summary

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 06/10/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 651 votes to 5, with 37 abstentions, a legislative resolution on the draft Council decision 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.

Parliament gave its consent to the draft Council Decision.

To recall, the aim of the 2014 Protocol to the Forced Labour Convention was to remedy the gaps in implementation of the 1930 Protocol and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The draft Council Decision authorises Member States to ratify, in the interest of the EU, those parts of the Protocol that fall into areas of EU competence, and recommends them to make efforts to do so by the end of 2016.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 08/07/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Helga STEVENS (ECR, BE) on the draft Council decision 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.

The committee recommended that the Parliament **gave its approval** to the draft Council Decision.

To recall, the aim of the 2014 Protocol to the Forced Labour Convention was to remedy the gaps in implementation of the 1930 Protocol and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The draft Council Decision authorises Member States to ratify, in the interest of the EU, those parts of the Protocol that fall into areas of EU competence, and recommends them to make efforts to do so by the end of 2016.

The report stated that the 2014 Protocol concerned fundamental rights, and that the ratification of this protocol was an important step in the fight against trafficking and of ensuring the rights of victims of crime all over Europe.

The ratification of the Protocol by Member States would make it easier to fight against traffickers. Therefore Members encouraged Member States to ratify the Protocol swiftly.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 11/09/2014

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to judicial cooperation in criminal matters.

PROPOSED ACT: Council Decision.

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: the **Forced Labour Convention, 1930 (No 29)** of the ILO is one of the ILO's eight fundamental Conventions that make up the core international labour standards, and it is considered a human rights instrument.. Yet, more than 80 years later, despite almost universal ratification of the Convention, the practice still exists, albeit in different forms to those that provoked such concern in the early twentieth century. The ILO estimates that at least 20.9 million people globally are victims of forced labour.

In 2014, the International Labour Conference adopted the **Protocol on the forced labour convention** seeks to address gaps in implementation and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The European Union (EU) is committed to **promoting human rights and decent work and to eradicating trafficking in human beings**, both internally and in its external relations. In ratifying ILO Conventions and related Protocols, EU Member States send an important signal on the coherence of the EU's policy in promoting fundamental principles and rights at work and improving working conditions worldwide.

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation**.

The Protocol is a binding international agreement, subject to ratification, and is linked to the Convention. It creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention.

In accordance with case law of the Court of Justice of the European Union (ECJ), and more specifically on concluding and ratifying an ILO Convention, Member States are not able to decide to ratify the Protocol outside the framework of the EU's institutions, as parts of the Protocol fall into areas of EU competence. However, the EU as such cannot ratify an ILO Protocol, because under the ILO rules only States can be parties to such Protocols.

The Protocol's provisions strengthen the international legal framework by establishing obligations to **prevent forced labour** and to provide victims with protection and access to remedies, such as compensation.

The Protocol sets out the **measures that ILO Member States must take to prevent forced labour**, namely:

- educating and informing people, especially those who are particularly vulnerable, and employers;
- making efforts to ensure that the coverage and enforcement of legislation relevant to the prevention of forced labour apply to all workers and all sectors of the economy and that labour inspection services are strengthened;
- protecting people, especially migrant workers, from potentially abusive and fraudulent recruitment and placement practices;
- supporting due diligence by both the public and private sectors; and
- addressing the root causes heightening the risks of forced labour.

The Protocol addresses areas of EU law that are already subject to an advanced degree of regulation: (i) certain aspects relating to judicial cooperation in criminal matters, in respect of which EU law sets minimum standards on anti-trafficking and victims' rights; (ii) certain aspects relating to rules on asylum and immigration.

The Commission proposes that the Decision should be based on the one hand on **Article 218(6) TFEU, in conjunction with Article 82(2) TFEU**, which provides the main legal basis for EU legislation on judicial cooperation in criminal matters relevant to addressing trafficking in human beings and victims' rights.

The provisions of the draft Protocol other than the provisions related to judicial cooperation in criminal matters will be subject to a Decision adopted in parallel to this Decision.

The Decision recommends that Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably **by 31 December 2016**.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 11/09/2014 - Preparatory document

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to judicial cooperation in criminal matters.

PROPOSED ACT: Council Decision.

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: the **Forced Labour Convention, 1930 (No 29)** of the ILO is one of the ILO's eight fundamental Conventions that make up the core international labour standards, and it is considered a human rights instrument.. Yet, more than 80 years later, despite almost universal ratification of the Convention, the practice still exists, albeit in different forms to those that provoked such concern in the early twentieth century. The ILO estimates that at least 20.9 million people globally are victims of forced labour.

In 2014, the International Labour Conference adopted the **Protocol on the forced labour convention** seeks to address gaps in implementation and to make progress on preventing trafficking for labour exploitation and protecting and compensating victims of forced labour.

The European Union (EU) is committed to **promoting human rights and decent work and to eradicating trafficking in human beings**, both internally and in its external relations. In ratifying ILO Conventions and related Protocols, EU Member States send an important signal on the coherence of the EU's policy in promoting fundamental principles and rights at work and improving working conditions worldwide.

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation**.

The Protocol is a binding international agreement, subject to ratification, and is linked to the Convention. It creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention.

In accordance with case law of the Court of Justice of the European Union (ECJ), and more specifically on concluding and ratifying an ILO Convention, Member States are not able to decide to ratify the Protocol outside the framework of the EU's institutions, as parts of the Protocol fall into areas of EU competence. However, the EU as such cannot ratify an ILO Protocol, because under the ILO rules only States can be parties to such Protocols.

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The Protocol addresses areas of EU law that are already subject to an advanced degree of regulation: (i) certain aspects relating to judicial cooperation in criminal matters, in respect of which EU law sets minimum standards on anti-trafficking and victims' rights; (ii) certain aspects relating to rules on asylum and immigration.

The Commission proposes that the Decision should be based on the one hand on **Article 218(6) TFEU, in conjunction with Article 82(2) TFEU**, which provides the main legal basis for EU legislation on judicial cooperation in criminal matters relevant to addressing trafficking in human beings and victims' rights.

The provisions of the draft Protocol other than the provisions related to judicial cooperation in criminal matters will be subject to a Decision adopted in parallel to this Decision.

The Decision recommends that Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably **by 31 December 2016**.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 10/03/2015 - Legislative proposal

PURPOSE: to authorise Member States to ratify, in the interest of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to judicial cooperation in criminal matters.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

CONTENT: the proposed Decision seeks to authorise the Member States to **ratify the Protocol**, with regard to matters relating to judicial cooperation in criminal matters, **to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO)**.

The Forced Labour Convention, 1930, of the International Labour Organisation, which the Protocol of 2014 supplements, is a fundamental ILO Convention and has a bearing on rules which make reference to core labour standards. The Union promotes the ratification of international labour conventions, classified by the International Labour Organisation (ILO) as up to date, to contribute to the Union's efforts to promote human rights and decent work for all and to eradicate trafficking in human beings both inside and outside the Union.

Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably by 31 December 2016.

For details of the main provisions of this Protocol, *please refer to the summary of the Commission's initial legislative proposal dated 11.09.2014*.

Forced Labour Convention (1930) of the International Labour Organisation (ILO): matters related to judicial cooperation in criminal matters. Authorisation for Member States to rafify the 2014 Protocol

2014/0258(NLE) - 10/11/2015 - Final act

PURPOSE: to authorise Member States to ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to judicial cooperation in criminal matters.

NON LEGISLATIVE ACT: Council Decision (EU) 2015/2071 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.

CONTENT: by this Council Decision, Member States **are authorised to ratify the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation (ILO) with regard to matters related to judicial cooperation in criminal matters**.

Member States should take the necessary steps to deposit their instruments of ratification of the Protocol with the Director-General of the International Labour Office as soon as possible, preferably by 31 December 2016.

To recall, the Union is promoting the ratification of international labour conventions, classified by the International Labour Organisation (ILO) as up to date, to contribute to the Union's efforts to promote human rights and decent work for all and to eradicate trafficking in human beings both inside and outside the Union.

The Forced Labour Convention, 1930, of the International Labour Organisation, which the Protocol of 2014 supplements, is a fundamental ILO Convention and has a bearing on rules which make reference to core labour standards.

The 2014 Protocol covers the area of **protection of victims of crime** governed by Article 82(2) of the Treaty on the Functioning of the European Union (TFEU). The Union has already adopted common rules which cover this area to a large extent, in particular through Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime. The Protocol may affect those common rules.