

---

# *European Parliament Committees Adopt Their Position on the Proposed EU Forced Labour Regulation*

December 7, 2023

On October 16, 2023, the Committee on International Trade (INTA) and the Committee on Internal Market and Consumer Protection (IMCO) of the European Parliament adopted their position (the Committee Position; see [here](#) and [here](#)) on the [Proposed Regulation](#) on prohibiting products made with forced labour from circulating on the EU market (the Proposed Regulation or EU Forced Labour Regulation). Published by the European Commission (Commission) in September 2022, **the Proposed Regulation seeks to effectively prohibit the placing and making available on the EU market of products made with forced labour, as well as the export of such products from the EU.**

The Proposed Regulation **covers all types of EU and non-EU products (including components), regardless of their sector or origin.** National competent authorities (NCAs) will be able to investigate whether forced labour has been used, in whole or in part, at any stage of the supply chain of these products. **In case of infringement of the forced labour prohibition, these authorities are to prohibit the placing of the products in question on the EU market or their export from it.** Companies will have to withdraw any products already placed on the market and dispose of them. Noncompliance will result in fines for the companies involved.

**The Committee Position includes some important amendments to the Proposed Regulation:** among other things, it provides for investigatory powers for the Commission, in addition to those of national competent authorities, reverses the burden of proof in investigations relating to high-risk areas or products, provides for the communication of Commission or NCA decisions to the public, and updates certain definitions in the initially proposed text.

# 1. Background

The origins of the Proposed Regulation, which follows similar international and national legislation enacted by other countries and organizations,<sup>1</sup> date to the Commission President's State of the Union address on September 15, 2021, when this initiative was first announced. The general elements of this proposal were laid down in the Commission [Communication on Decent Work Worldwide](#) in February 2022.

The Proposed Regulation complements current and proposed EU legislation. Notably, Art. 5(2) of the EU Charter of Fundamental Rights explicitly prohibits forced labour. Forced labour is also punishable under [Directive 2011/36/EU on combating human trafficking and protecting its victims](#). The Proposed Regulation is intended to supplement this Directive, which establishes the liability of legal persons, accompanied by administrative and criminal sanctions, in cases of labour exploitation (including forced labour). Furthermore, the Proposed Regulation also relates to the Commission [proposal](#) for a Corporate Sustainability Due Diligence Directive (CS3D, discussed in more detail in our [client alert](#)). As explained in **Section 8** below, compliance with due diligence requirements set out in the CS3D will impact the operation of the Proposed Regulation.<sup>2</sup>

## 2. Subject matter and scope

The Proposed Regulation prohibits market operators (including individuals, entities and associations) from **(a)** placing or making available on the EU market products that are made with forced labour and **(b)** exporting such products from the EU market.<sup>3</sup>

The prohibition covers products, including their components, for which forced labour has been used in whole or in part at any stage of their extraction, harvest, production or manufacture. This includes working or processing related to a product, at any stage of its supply chain.<sup>4</sup> **All types of EU and non-EU products are covered, regardless of their sector or origin.**<sup>5</sup> Products originating in a particular country can be covered even if forced labour did not take place in that specific country.

assessment will be based on all relevant factual and verifiable information available to these authorities. Individuals or entities (including associations) will also have the opportunity to submit The Proposed Regulation, however, does not cover the withdrawal of products that have reached the end

---

<sup>1</sup> For instance, see the International Labour Organization Convention on Forced Labour, 1930 (No. 29), the Protocol of 2014 to that Convention, as well as the Convention on the Abolition of Forced Labour, 1957 (No. 105). For the United States, see Section 307 of the Tariff Act of 1930 (19 USC §1307), as well as the Uyghur Forced Labour Prevention Act (UFLPA), which was signed into law in December 2021; for the United Kingdom, see notably the Modern Slavery Act 2015.

<sup>2</sup> European Commission, Explanatory Memorandum to Proposal for a regulation of the European Parliament of the Council on prohibiting products made with forced labour on the Union market, September 14, 2022, COM(2022)453, p. 1-2, available at [https://single-market-economy.ec.europa.eu/system/files/2022-09/COM-2022-453\\_en.pdf](https://single-market-economy.ec.europa.eu/system/files/2022-09/COM-2022-453_en.pdf).

<sup>3</sup> Art. 1 and 3.

<sup>4</sup> Art. 1, 3 and 2(g). See also Recital 16.

<sup>5</sup> Ibid.

users in the EU market, irrespective of whether the products have reached these end users as consumers or in the course of the users' industrial or professional activities.<sup>6</sup>

The Committee Position updated the definition of forced labour to cover “*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, including forced child labour; whereby forced labour can occur along the value chain.*”<sup>7</sup> This is in accordance with the definition of Art. 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization (ILO).

**The Proposed Regulation also provides for certain obligations as regards state-imposed forced labour.** This is defined as 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 mobilizing and using labour for purposes of economic development; **(iii)** as a means of labour discipline; **(iv)** as a punishment for having participated in strikes; or **(v)** as a means of racial, social, national or religious discrimination.<sup>8</sup> This definition is based on Art. 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the ILO.

### ***3. Investigations***

The Proposed Regulation requires EU Member States to designate NCAs responsible for enforcing its provisions, by carrying out investigations and issuing decisions.<sup>9</sup> The Commission's initial proposal was that the Proposed Regulation would be enforced only by NCAs, with the Commission having mainly information-gathering functions. The Committee Position, however, provides that in addition to the NCAs, the Commission will also have investigatory and decision-making powers and will be responsible for enforcing the Proposed Regulation.<sup>10</sup>

**In particular, based on the Committee Position, the Commission and the NCAs will be responsible for investigating suspected violations of the prohibition of placing or making available on the EU market products that are made with forced labour or of exporting such products from the EU market (the forced labour prohibition).** These investigations will be divided into two phases: **(a)** a preliminary phase and **(b)** a main investigation phase.

#### ***a) Preliminary phase***

**In the preliminary phase, the Commission and the NCAs will follow a risk-based approach in assessing the likelihood that economic operators violated the forced labour prohibition.** That

---

<sup>6</sup> Art. 1(2) and 2(ma).

<sup>7</sup> Art. 2(a).

<sup>8</sup> Art. 2(b).

<sup>9</sup> Art. 12.

<sup>10</sup> Art. 4-6.

relevant information to the Commission or the NCAs, through a dedicated centralized mechanism to be set up by the Commission.<sup>11</sup>

In their assessment, the Commission and the NCAs are supposed to focus on the economic operators and relevant product suppliers involved in the steps of the supply chain as close as possible to where the risk of forced labour is likely to occur. They should also consider factors such as the size and economic resources of the economic operators, the share of forced labour component in the final product, the quantity of products concerned, the scale of suspected forced labour and whether state-imposed forced labour could be a concern.<sup>12</sup>

In the context of their investigation, **the Commission and the NCAs may request information from the economic operator concerned and relevant product suppliers, as well as from other stakeholders, including the individuals or entities that originally submitted information to them.**<sup>13</sup> The Committee Position clarifies that the economic operator concerned will have a **right to be heard** in the context of the preliminary investigation.<sup>14</sup> Nevertheless, the Commission and the NCAs may refrain from requesting information from the economic operator and the relevant product suppliers if they have a well-founded reason to believe that this represents a risk to the investigation.<sup>15</sup>

Within 30 working days from the date of receipt of the information described above, the Commission and the NCAs should conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of the forced labour prohibition.<sup>16</sup> In cases where it was not possible to gather information and evidence, or where the Commission or the NCAs have refrained from requesting information in order not to jeopardize the investigation, these authorities may come to a **conclusion on the basis of any other facts available.**<sup>17</sup>

If the Commission or the NCAs determine, at the end of a preliminary investigation, that there is no substantiated concern of a violation of the forced labour prohibition, they will close the case. The same should happen if these authorities determine that the reasons that motivated the existence of such a concern have been eliminated, e.g., due to the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.<sup>18</sup> By contrast, **if a substantiated concern remains, the Commission or the NCAs are charged with proceeding to the main investigation phase.**<sup>19</sup>

---

<sup>11</sup> Art. 4(1) and 10.

<sup>12</sup> Art. 4(2).

<sup>13</sup> Art. 4(3).

<sup>14</sup> Art. 4(2a).

<sup>15</sup> Art. 4(3a).

<sup>16</sup> Art. 4(5).

<sup>17</sup> Art. 4(5a).

<sup>18</sup> Art. 4(7).

<sup>19</sup> Art. 5(1).

## ***b) Main investigation***

Within two days of the decision to open the main phase of the investigation, the Commission or the NCAs should inform the economic operators concerned. These operators will have the opportunity to submit additional documents or information to these authorities.<sup>20</sup> The Commission or the NCAs will also be able to request any relevant information from the economic operators in question, from relevant product suppliers and from other stakeholders.<sup>21</sup>

Furthermore, **the Commission and the NCAs will also be able to carry out all necessary checks and inspections**, including investigations in third countries, provided that the economic operators concerned give their consent and that the government of the EU Member State or third country in which the inspections are to take place has been officially notified and raises no objection.<sup>22</sup>

If the Commission or the NCAs have not been able to gather information and evidence from the economic operators concerned, from the relevant product suppliers, or on the basis of necessary checks and inspections, as described above, they may **establish an infringement of the forced labour prohibition on the basis of any other facts available**.<sup>23</sup>

In the context of the investigation, the Commission or the NCAs will prioritize the economic operators under investigation and relevant product suppliers involved in the steps of the supply chain as close as possible to where forced labour likely occurs and with the highest leverage to prevent, mitigate, bring to an end and remediate the use of forced labour. The Commission or the NCAs will also take into account the size and economic resources of the economic operators, in particular whether the operator is an SME, the quantity of products concerned, the complexity of the supply chain and the scale of suspected forced labour.<sup>24</sup>

According to the Committee Position, economic operators and relevant product suppliers must submit information within 30 working days from the Commission's or the NCA's request. Extensions of that time limit are also possible, upon a justified request.<sup>25</sup>

The Commission or NCAs will assess all information and evidence gathered within 90 working days from the date they initiated the investigation, to determine whether the forced labour prohibition has been infringed. Extensions of this deadline are also possible.<sup>26</sup>

## ***4. Burden of proof in high-risk sectors/areas***

The burden of proof of establishing an infringement of the forced labour prohibition lies with the Commission or NCAs, as a rule.<sup>27</sup>

---

<sup>20</sup> Art. 5(2).

<sup>21</sup> Art. 5(3), (6a) and (6b).

<sup>22</sup> Art. 5(6).

<sup>23</sup> Art. 6(2).

<sup>24</sup> Art. 5(3).

<sup>25</sup> Art. 5(4).

<sup>26</sup> Art. 6(1).

<sup>27</sup> Art. 5(1) and 6(1).

However, the Proposed Regulation also provides that **the Commission will create a non-exhaustive and regularly updated database of forced labour risks in specific geographic areas and sectors, or as regards specific products, including with respect to forced labour imposed by state authorities.**<sup>28</sup> This database should be based on independent and verifiable information, including reports from international organizations (such as the ILO), civil society, business organizations and social partners, and relevant experience from implementing EU legislation setting out due diligence requirements with respect to forced labour.<sup>29</sup>

Notably, the database in question will identify specific economic sectors in particular geographic areas, where there is high risk of forced labour imposed by state authorities.<sup>30</sup> Based on this database information, the Commission will then be able to adopt delegated acts to supplement the Proposed Regulation, by listing these high-risk economic sectors and geographic areas.<sup>31</sup>

**As regards products coming from the geographic areas and the economic sectors listed in the delegated act, the Committee Position provides for a reversal of the burden of proof:** in these cases, economic operators under investigation will have to demonstrate to the Commission or to the NCAs that the forced labour prohibition has not been infringed.<sup>32</sup>

## ***5. Adoption of a Commission or NCA decision, compliance and penalties***

If an infringement of the forced labour prohibition is established, the Commission or the NCA is to adopt a decision that:

- a) prohibits placing or making the products or product components concerned available on the EU market and exporting them;**
- b) orders the economic operators concerned to withdraw from the EU market the relevant products or product components that have already been placed or made available there.**

If the products in question are perishable, economic operators will have to donate them to charitable or public interest organizations; if they are not perishable, the products will need to be recycled. If both of these options are unavailable, economic operators will have to dispose of the products in accordance with the law.<sup>33</sup>

The decision will set a time limit of at least 30 working days for economic operators to comply with it.<sup>34</sup> **Where economic operators have demonstrated that they** have complied with this decision

---

<sup>28</sup> Art. 11(1) and (1b).

<sup>29</sup> Art. 11(1a).

<sup>30</sup> Art. 10(1b).

<sup>31</sup> Art. 11a.

<sup>32</sup> Art. 5(da) and 6(2a).

<sup>33</sup> Art. 6(4).

<sup>34</sup> Art. 7(1).

and have **eliminated forced labour** from their operations or supply chain as regards the products concerned, **the Commission or the competent NCAs will withdraw their decision for the future** and inform the economic operators concerned.<sup>35</sup>

The Committee Position provides for an additional condition for this withdrawal, i.e., the **remediation of the relevant forced labour cases**.<sup>36</sup> This includes both the provision of remedies to victims of forced labour (e.g., public apologies, restitution, rehabilitation, compensation, contribution to investigations, and compliance with measures adopted by relevant public authorities), as well as the prevention of additional harm. This prevention can be achieved, e.g., by injunctions or guarantees of non-repetition.<sup>37</sup>

According to the Committee Position, **the Commission or NCA decisions finding an infringement** of the forced labour prohibition, as well as the decisions to withdraw them, **will be communicated to the public**.<sup>38</sup>

If economic operators do not comply with a decision issued by the Commission or the NCAs, these authorities will have to ensure compliance.<sup>39</sup> In addition, EU Member States will need to provide for appropriate penalties, in the form of pecuniary fines, in cases of noncompliance.<sup>40</sup>

## ***6. Review of decisions***

**Economic operators will be able to request a review of a Commission or NCA decision finding an infringement of the forced labour prohibition.** The time limit for this request will be 15 working days from the date of receipt of that decision; in case of perishable goods, that time limit will be five working days.<sup>41</sup>

The request for review should contain **substantial new information** that was not brought to the attention of the competent authority during the investigation. The request for a review delays enforcement of the Commission or NCA decision until the authority in question decides on the request.<sup>42</sup> The Commission or the NCA is to decide on the request for review within 15 working days from the date of receipt of the request; in case of perishable goods, this time limit will be shortened to five working days.<sup>43</sup>

Decisions adopted by the Commission or the NCAs are subject to **judicial review**.

---

<sup>35</sup> Art. 6(6).

<sup>36</sup> Ibid.

<sup>37</sup> Art. 2(ba) and Recital 4.

<sup>38</sup> Art. 9(2a).

<sup>39</sup> Art. 6(5).

<sup>40</sup> Art. 30(2).

<sup>41</sup> Art. 8(1).

<sup>42</sup> Art. 8(2).

<sup>43</sup> Art. 8(3).

## ***7. Customs authorities***

Products entering or leaving the EU market are subject to controls by customs authorities. **The Commission or the NCA should communicate to the competent customs authority any decision adopted under the Proposed Regulation**, as well as any amendments to or withdrawals of such a decision.<sup>44</sup>

Customs authorities are to be provided with information identifying the product, as well as information about the manufacturer and the product suppliers, as regards products entering or leaving the EU market.<sup>45</sup>

Where customs authorities identify a product entering or leaving the EU market that may be in violation of the forced labour prohibition, based on a Commission or an NCA decision, they should **suspend the release for free circulation or the export** of that product and immediately notify the NCA or the Commission.<sup>46</sup>

These authorities must then respond to the customs authorities within four working days (two working days in case of perishable goods) and either request that the customs authorities maintain the suspension or approve the release for free circulation or export of the product. If the Commission or NCAs do not respond within that time limit, the products will be released for free circulation or exported. The release for free circulation or export will not be deemed proof of compliance with the Proposed Regulation.<sup>47</sup>

By contrast, if the Commission or the NCAs conclude that a product that has been notified to them by a customs authority has been identified as violating the forced labour prohibition, they should require customs authorities not to release it for free circulation nor to allow its export. These products will be donated, recycled or, if these options are not possible, disposed of in accordance with the law.<sup>48</sup>

## ***8. Relationship to the CS3D and due diligence obligations***

The Proposed Regulation is intended to supplement the Commission's CS3D proposal, as noted above. The main aim of both instruments is to ban from the EU market products that do not comply with certain human rights (and in the case of the CS3D, environmental) standards. However, the approach of these two instruments is different:

- a) CS3D:** The CS3D addresses corporate behavior and due diligence processes for the companies falling within its scope. It focuses on establishing a system within company law and corporate governance to address human rights and environmental abuses in companies' own operations, their subsidiaries' operations and their value chains.

---

<sup>44</sup> Art. 15(3) and (5).

<sup>45</sup> Art. 16(1) and (2).

<sup>46</sup> Art. 17.

<sup>47</sup> Art. 18.

<sup>48</sup> Art. 19.



Companies are required to engage with business partners in their value chains to remedy the violations. Disengagement remains the last resort where adverse impacts cannot be mitigated. **While the CS3D provides for sanctions in case of noncompliance with the due diligence obligations it imposes, it does not require EU Member States or companies to prohibit the placing and making available of products on the EU market.**

**b) Proposed Regulation:** The Proposed Regulation complements the CS3D by providing for a mechanism to prevent the placing or making available on the EU market of products that are made with forced labour (as well as the export of these products). **By contrast to the CS3D, the Proposed Regulation does not impose on economic operators an obligation to carry out due diligence as such. However, the carrying out of due diligence by economic operators is an element that will be taken into account by the Commission or the NCAs to assess (i) whether these operators have infringed the forced labour prohibition<sup>49</sup> and (ii) whether an investigation should proceed to the main phase or not.<sup>50</sup>**

This due diligence should be carried out in accordance with, among other things, applicable EU or EU Member State legislation; guidelines or recommendations of the United Nations, ILO, and OECD or other relevant international organizations; and relevant guidance to be issued by the Commission.<sup>51</sup> This means that **market operators' compliance with the due diligence obligations set out in the CS3D will also affect the Commission's or NCA's assessment of a potential infringement of the forced labour prohibition under the Proposed Regulation.**

According to the Committee Position, the Commission will issue **guidelines** on the Proposed Regulation no later than 12 months before the date of application of this legislation. These guidelines should also cover due diligence in relation to forced labour, which will take into account applicable EU and international legislation and other standards, as well as the size and economic resources of economic operators, different types of suppliers and sectors, and the particular risks associated with forced labour imposed by state authorities.<sup>52</sup>

## ***9. Cooperation and exchange of information***

The enforcement system of the Proposed Regulation is facilitated by cooperative mechanisms. **NCA decisions will be recognized and enforced by NCAs in other EU Member States** insofar as they relate to products with the same identification and from the same supply chain for which forced labour has been found. **According to the Committee Position, Commission decisions will be enforced by NCAs in all Member States.**<sup>53</sup>

---

<sup>49</sup> Art. 4(1)(e).

<sup>50</sup> Art. 4(3) and (7).

<sup>51</sup> Ibid.

<sup>52</sup> Art. 23.

<sup>53</sup> Art. 14(1).

To facilitate investigations, the Commission, NCAs and customs authorities are to **exchange information via an information and communication system** already provided by EU law for market surveillance purposes.<sup>54</sup> The Proposed Regulation also provides for the creation of a Union Network Against Forced Labour Products that should ensure coordinated efforts between NCAs and the Commission.<sup>55</sup>

## *10. Evaluation and review*

**Within one year after the date of application of the Proposed Regulation, the Commission will carry out an evaluation of this legislation in order to assess whether and how it has achieved its objectives.** This review will be repeated every four years thereafter. The Commission is to submit a report to the European Parliament, to the Council of the EU (Council), and to the European Economic and Social Committee and propose changes to the legislation, where appropriate. According to the Committee Position, this report will also assess whether the scope of the Proposed Regulation should be enlarged to include services ancillary to the extraction, harvesting, production or manufacturing of products.<sup>56</sup>

## *11. Next steps in the legislative procedure*

The next plenary session of the European Parliament will vote on the Committee Position. The text adopted by the plenary session will constitute the Parliament's negotiating position; it is likely that this adopted text will be very close to the Committee Position.

The Council has not yet adopted its position on the Proposed Regulation. Once it does so, negotiations with the European Parliament will start to agree on a final text for the Regulation. It is unlikely that these negotiations will take place before the end of 2023.

## *12. Key implications for business*

The Proposed Regulation is expected to significantly change the way companies that import and export products to/from the EU do business. **Companies will need to identify, prevent, mitigate and account for forced labour risks in their supply chain or face investigations at the national level and, potentially, at the EU level as well.** Noncompliance can lead to product withdrawals, import and export prohibitions from/to the EU, fines, and reputational risks for the companies involved.

**One key question is whether the eventual EU regime will rely primarily on Commission and NCA decisions that are specific to individual economic operators, or whether the EU will instead apply blanket presumptions (i.e., the reversal of burden of proof described above) that products from certain regions of the world deemed “high-risk” are produced with forced**

---

<sup>54</sup> Art. 22(1); see also Regulation (EU) 2019/1020, Art. 34.

<sup>55</sup> Art. 24.

<sup>56</sup> Art. 30a.

**labour.** The former is akin to the patchwork of Withhold Release Orders that the United States has historically relied on to limit the importation of products of forced labour; the latter is similar to the U.S. Uyghur Forced Labour Prevention Act, which has significantly affected trade flows from China and caused certain industries to restructure global supply chains in a short period of time. These two approaches (which are not mutually exclusive) would have significantly different consequences for EU companies—particularly those that rely on imports with inputs from regions of the world that are targets of accusations of forced labour. In addition, the two different approaches could have significant implications for EU foreign policy.

Even though the legislative process is still ongoing and the Commission is expected to issue more detailed guidance, companies **can already take measures to prepare for the application** of the Proposed Regulation and other EU legislation under consideration, such as the CS3D. These measures include:

- Designating a **specific person or team within your organization as responsible for human rights due diligence**, including for monitoring and addressing forced labour issues. This could be a dedicated role, or a responsibility assigned to an existing team.
- Developing or updating a **company policy statement** on your commitment to respect human rights, including labour rights.
- Developing a set of **risk indicators that can help you identify potential instances of forced labour in your supply chain**, based on due diligence guidelines or recommendations issued by international organizations, such as the UN, ILO or OECD. These indicators could include red flags such as excessive recruitment fees, withholding of passports and lack of freedom of movement for workers. This can help you identify potential issues early on, enabling you to take action before they become more serious.
- Implementing **robust due diligence procedures** to assess and mitigate the risk (or perceived risk) of forced labour in your supply chain. These procedures should take account of applicable international standards and could include conducting thorough assessments of suppliers, including site visits, reviewing policies and practices related to forced labour, and verifying compliance with local laws and regulations. These risk indicators and due diligence procedures will have to be reviewed regularly and updated, taking account of the development of the Proposed Regulation and the CS3D.
- Ensuring that relevant **staff members are trained** on the due diligence procedures and risk indicators discussed above, as well as on the conduct of investigations into potential cases of forced labour. This could include training on interviewing techniques, data collection and engagement with external stakeholders, such as local NGOs.
- Developing a **comprehensive understanding of your entire supply chain**, including all tiers of suppliers, subcontractors and other business partners, so as to identify potential risks and vulnerabilities related to forced labour. Mapping out your full supply chain can also help you identify opportunities to improve efficiency and reduce costs.

- Using your due diligence procedures to **proactively identify any potential risks of forced labour in your supply chain**. This could involve conducting risk assessments, audits and inspections to identify any gaps or areas of concern.
- If potential risks are identified, conducting **thorough investigations**, which may involve engaging in frank conversations with suppliers, requesting copies of their policies on forced labour, conducting site visits to assess working conditions and worker treatment, or engaging with independent, third-party auditors. In some cases, companies may need to consider alternative suppliers (at least for the EU market and other markets with stringent forced labour restrictions).
- Keeping a **comprehensive database of all identified risks** of forced labour in your supply chain, and the associated remedial efforts. This will help you track progress over time and share appropriate information internally and externally, to reduce investigating efforts. This can also be useful for demonstrating your company's track record of commitment to supply chain integrity.
- Developing or updating **contractual clauses with suppliers and customers**, covering both compliance with relevant human rights and labour rights legislation and standards, as well as the provision of appropriate documentation and cooperation in the context of investigations, audits and inspections.

## *How can WilmerHale help?*

WilmerHale has extensive experience regarding the substantive issues raised by the proposed EU Forced Labour Regulation; the interpretation and application of US laws restricting imports associated with forced labour (such as the Uyghur Forced Labour Prevention Act); US, EU and Member State criminal laws that could be relevant in the forced labour context; and the UN, ILO, OECD and other international guidelines on forced labour. We have extensive experience assisting clients in the development of appropriate compliance policies and due diligence procedures, as well as in representing companies in a wide range of sectors in international trade and regulatory investigations. Our team is also highly experienced in helping stakeholders navigate complex decision-making processes involving political and strategic issues, such as the ones companies will face when the Regulation becomes operative. We are deeply involved in policy debates surrounding the proposed EU Forced Labour Regulation as well as similar proposals in the United States and other jurisdictions. In addition, WilmerHale can assist clients in making representations to the Commission as it develops implementing legislation and guidelines for the proposed EU Forced Labour Regulation, in voicing concerns that they may have, and in seeking solutions before final implementing legislation and/or guidelines are adopted. For further information, please contact a member of our European team or a member of our trade team in the United States.

---

## Contributors

---



**Christian  
Duvernoy**  
PARTNER

[christian.duvernoy@wilmerhale.com](mailto:christian.duvernoy@wilmerhale.com)

+32 2 285 49 06



**Brent J. Gurney**  
PARTNER

[brent.gurney@wilmerhale.com](mailto:brent.gurney@wilmerhale.com)

+1 202 663 6525



**Prof. Dr. Hans-  
Georg Kamann**  
PARTNER

[hans.georg.kamann@wilmerhale.com](mailto:hans.georg.kamann@wilmerhale.com)

+49 69 27 10 78 204



**Jeffrey I. Kessler**  
PARTNER

[jeffery.kessler@wilmerhale.com](mailto:jeffery.kessler@wilmerhale.com)

+1 202 663 6612



**Frédéric Louis**  
PARTNER

[frederic.louis@wilmerhale.com](mailto:frederic.louis@wilmerhale.com)

+32 2 285 49 53



**Dr. Stefan Ohlhoff**  
PARTNER

[stefan.ohlhoff@wilmerhale.com](mailto:stefan.ohlhoff@wilmerhale.com)

+49 30 20 22 63 55



**David J. Ross**  
PARTNER

[david.ross@wilmerhale.com](mailto:david.ross@wilmerhale.com)

+1 202 663 6515



**Geoffroy Barthet**  
COUNSEL

[geoffroy.barthet@wilmerhale.com](mailto:geoffroy.barthet@wilmerhale.com)

+32 2 285 49 22



**Georgia Tzifa**  
COUNSEL

[georgia.tzifa@wilmerhale.com](mailto:georgia.tzifa@wilmerhale.com)

+32 2 285 49 65



**Mariia Shulha**  
VISITING FOREIGN  
LAWYER