

SOCIAL ECONOMY & HUMAN RIGHTS

Regulation (EU) 2024/3015

Relating to the prohibition of products made with forced labour on the Union market

VdA EXPERTISE



January 2025

The Regulation (EU) 2024/3015 of the European Parliament and of the European Council, of 27 of November 2024, on prohibiting products made with forced labour on the Union market, brings a new set of obligations to companies

Framework

The use of forced labour and child labour is a reality widespread all over the world. The International Labour Organization (“ILO”) estimates that about 27,6 million people were in situations of forced labour globally, of which 3.3 million are children.

This Regulation prohibiting products made with forced labour on the Union market (“FLR”), adopted on 27 of November and that entered into force on 13 of December 2024, comes as a response to the crescent preoccupation relating to human rights abuses in global chain of activities, envisaging that companies act as active agents in the defence and promotion of human rights, ensuring that the products they produce and/or commercialize are free from forced labour in all phases of the supply chain from raw-materials to end product. The Regulation, thus, supplements the Corporate Sustainability Due Diligence Directive relating to human rights and the environment, that was adopted on 13 of June 2024 (“CSDDD”: Directive 2024/1760).

Objective

The main objective of this Regulation is to prohibit economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour.

Scope of Application

This prohibition is applicable to **all products**, of any type, including their components, regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported. The provision of transport services is not included.

The prohibition comprehends the placing in the market as well as the export of products made with forced labour, made internally or imported, and such products must be removed from the Union market. Distance sales, including online selling, are also included within the scope of this Regulation.

All economic operators, irrespective of size or sector of activity, are within the scope of the Regulation and may be severally punished in case of breach of the rules laid down by the Regulation.

Fundamental Concepts

The notion of **forced labour** used in the Regulation is aligned with the ILO’s definition that considers as forced or compulsory labour 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 voluntarily.

The concept of **economic operators** includes any natural or legal person or association of persons placing or making available products on the Union market or exporting products.

Database of Risk Areas or Products

The Commission shall establish an indicative database of forced labour risks in specific geographic areas or with respect to specific products with a particular focus on widespread and severe forced labour risks. This database will be based on verifiable information from international institutions, such as the ILO and the UN, as well as research or academic institutions

Several indicators used to identify and indicate cases of forced labour shall be used, 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.

This database shall be made available by the Commission by 14 of June 2026.



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.

(extract from Whereas 1) of the Regulation)

Single Information Submission Point

A centralised mechanism for the submission of information on alleged breaches to the Regulation is established. The rules applicable to the protection of whistleblowers are to be altered so as to also include the persons reporting such breaches.

Any person with reasoned suspicions of resource to forced labour in the manufacture or marketing of products may submit information on the economic operators or products concerned to this Single Point.

The competent authority shall initiate an investigation procedure for all denounces considered to be founded.

Duty of Due Diligence

The Regulation sets forth strict rules that oblige companies to adopt due diligence practices, ensuring that the suppliers and subcontracted in its supply chains do not use forced labour.

The due diligence process is risk-based and must be carried out to identify and address the use of forced labour in all phases of the productive process, from raw-materials to end products.

Due diligence in relation to forced labour means the efforts by economic operators 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 placed or to be made available on the Union market or to be exported.

Violation of the prohibition on products made with forced labour

The lead competent authorities shall bear the burden of establishing whether forced labour has been used at any stage of the production, manufacture, harvest or extraction of a product placed or made available on the Union market or for export, including in the working or processing related to the product, on the basis of all information and evidence gathered during the investigation, including its preliminary phase.

The economic operators concerned shall be heard during the procedure and must provide all information that may be requested.

Where the lead competent authority establishes that economic operators have violated the prohibition of products made with forced labour, it shall prohibit the placing and making available of such products on the Union market and their export from the Union. The economic operators that have been investigated must withdraw from the Union market the products concerned and already made available.

Control Mechanisms at Borders

Where the competent authorities conclude that a product has been considered by a decision that determines a violation of the prohibition of products made with forced labour, they should communicate to customs authorities, which shall refuse its entry to or exit from the Union market.

Economic operators will be obliged to submit to the customs authorities information enabling the identification of products, as well as information on the manufacturer or producer and product suppliers. The Commission will specify which is the information that the economic operators must provide to the customs authorities.

Union Network against Forced Labour Products

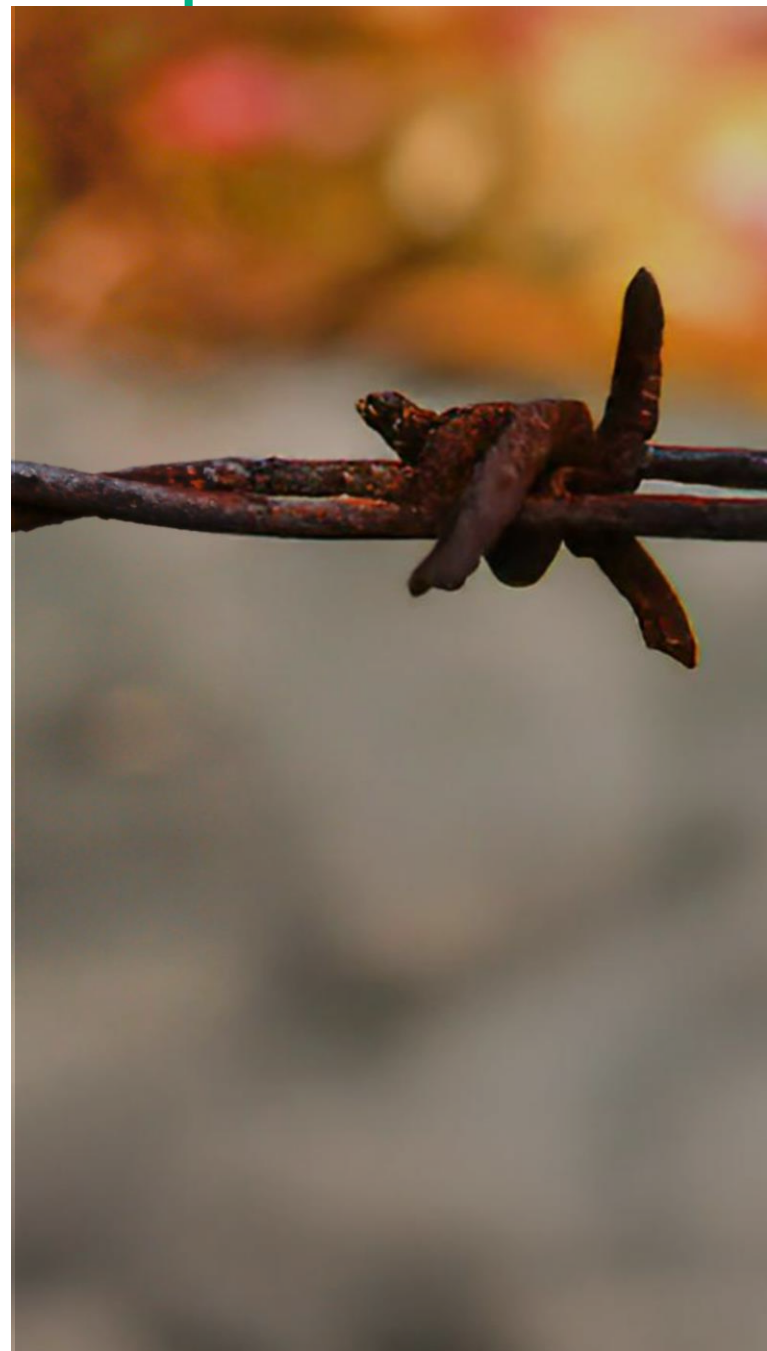
An Union Network is established, envisaging to serve as a platform for the coordination and cooperation between the competent authorities of the Member States and the Commission, and for streamlining the coherent enforcement of the Regulation, within the Union market.

Forced Labour Single Portal

A single website is established and regularly updated, making available to the public several information relating to forced labour, among which guidelines from the Commission, the database, decisions to ban a product, as well as a list of sources relevant for the implementation of the Regulation.

Date of Application

The Regulation shall apply from 14 December 2027, exception made to some provisions addressed to the Commission and Member States which are already in force.



Contacts



ISABEL GIÃO DE ANDRADE

IGA@VdA.PT