

Guidelines on the application of the EU Regulation on prohibiting products made with forced labour on the EU market

July 2026

On November 19th 2024, the Council of the European Union (EU) adopted the [EU Regulation on prohibiting products made with forced labour on the EU market](#) ("Forced Labour Regulation" - FLR), which introduces a ban on placing and making available on the Union market or exporting from the Union market products made with forced labour. It has been published in the EU's Official Journal on December 12th 2024, which marks its enforcement, and will be applicable as of December 14th 2027 (see [ICI's summary](#)).

On June 30th, the European Commission published its [Guidelines](#) on the application of the FLR, as part of its "[preparedness package and single portal](#)". They address the competent authorities responsible for implementing the Regulation (which is the European Commission in cases of forced labour outside of the EU), customs authorities, economic operators, consumer associations, civil society organisations, trade unions and any other stakeholders.

This follows a call for evidence open between February 6th and March 6th 2026 (which received 160 contributions), and to which [ICI contributed](#), on the basis of its [Recommendations for Guidelines on Due Diligence in relation to forced labour in the cocoa sector](#), developed in close collaboration with the European Cocoa Association (ECA) and through a multistakeholder consultation process.

Main elements of the Guidelines

The Guidelines are intended purely as a guidance document, and only the text of the Regulation itself has legal force. They may be changed and updated over time as needed.

Scope	The Regulation applies to all products that are placed or made available on the EU market as from December 14th 2027, even if the products or their components were produced or imported into the EU before that date.
Definition of forced labour	- The Regulation uses the definition of forced labour from ILO Convention No 29, which covers all work or service that is exacted from a person under coercion and for which the person has not offered themselves voluntarily. - To determine if a situation constitutes forced labour, both <i>involuntariness</i> and <i>coercion</i> <i>must occur simultaneously at some point in the analyzed period</i>.
Types of forced labour	The Regulation distinguishes between 2 categories of forced labour – privately imposed and state imposed and also treats forced child labour as a separate consideration. Forced child labour is defined as work performed by a child (any individual under the age of 18) during a specified reference period falling under one of the following categories: work performed for a third party where the child or parents are subject to coercion; work performed with or for the child's parents, where the parents are themselves in a situation of forced labour or where the child or parents are subject to coercion; work performed in the worst forms of child labour referred to by ILO Convention 182 as all forms of slavery or practices similar to slavery. Note: While the latter formulation is ambiguous, it does not mean that all worst forms of child labour are in scope of the Regulation, but only those related to slavery or similar practices.

Investigations	- Competent authorities should use specific criteria when identifying the products and the economic operators that should be subject to investigations. <u>Criteria for identifying products and prioritizing cases for investigations</u> - Scale and severity: While all instances of forced labour can be considered severe, some situations can be considered particularly severe based on elements such as: the number of forced labour indicators that are present; the difficulty or impossibility of remediating the situation; the long duration or recurring nature of the forced labour practices; the systemic nature of the alleged forced labour, such as the involvement of the state itself in imposing, or being complicit in, the forced labour. - Quantity or volume of products placed or made available: Depending on the availability of data, aspects such as physical quantity or volumes and monetary worth or sales volumes, need to be considered when assessing the quantity or volume of the affected products. - Share of the part of the product suspected to have been made with forced labour in the final product: understood in terms of the physical, functional or economic significance of the respective part or component in relation to the final product. <u>Identification of economic operators for the investigation phases</u> - Proximity to the alleged forced labour and leverage: Competent authorities must consider which economic operators are closest to the stages of the value chain where the forced labour is suspected. In cases of forced labour occurring outside of the EU, such economic operators may lack a clear link with the EU market. Importers are therefore likely to be key actors. Competent authorities will also consider the economic operators with the highest leverage to prevent, mitigate and bring to an end forced labour. - Size and economic resources : Will be considered, in addition to the risk of circumvention through outsourcing to smaller enterprises. - Complexity of the supply chain: May require more extensive analysis to detect the forced labour case.
Preliminary investigations	<u>Requesting information from economic operators:</u> - Economic operators under assessment could be asked on the actions to prevent, mitigate, and bring to an end the risks of forced labour in their operations. Due diligence is a useful approach for economic operators to demonstrate that the products under assessment were not made with forced labour, but is not imposed by the Regulation. Other approaches such as product traceability, responsible purchasing practices, certification schemes and worker-driven monitoring can also be effective. - Examples of information on the economic operators' actions to identify, prevent, mitigate, bring to an end or remediate risks of forced labour: Corporate policies; training materials for management, employees and suppliers; Procurement policies; Sectoral risk-assessment; Documentation evidencing the establishment of preventive measures, and/or grievance mechanisms; Reports on due diligence efforts undertaken (incl. those in compliance with the CS3D and the CSRD). - Examples of information about the product : ▪ Identification of the product: Incl. information gathered with traceability tools; Product traceability evidence; Documentation linking the finished product to its raw material source.

	▪ Supply chain structure and actors: Description of the supply chain covering all stages of production; List of manufacturers, producer and suppliers with regard to key production steps; Supply chain maps showing both direct and indirect suppliers; Information on ownership structures and relationships between suppliers. ▪ Facility and location information: Identification at key harvest, production, manufacturing stage. <u>Requesting information from 'other product suppliers and other stakeholders':</u> - Will be requested where needed, incl from product manufacturers, affected workers, trade unions, public authorities, communities representing the affected victim groups, etc. <u>Assessment and conclusion of the preliminary phase:</u> - Conclusion on substantiated concerns: If, having regard to all the information received, the lead competent authority's concerns do not amount to a substantiated concern, it must not launch an investigation. Where the economic operator demonstrates, within 30 days, that it is taking appropriate steps to address the forced labour situation, it may be granted a reasonable period to complete such step which may result in the absence of substantiated concerns and further investigations.
Decision	<u>Establishing a violation:</u> - Burden lies on the lead competent authority. To that end, it must provide credible evidence that (i) forced labour was used to make the products under investigation and (ii) the economic operators under investigation have made those products available on the EU market or exported them from the EU. This may, however, present evidentiary challenges, and will therefore require a combination of different types of evidence, including indirect and circumstantial evidence, such as : written testimonies; Reports and documents from existing company-based, community-based or sector-based grievance mechanism; social audits; Photos/videos of working conditions; Notes of conversations and copies of messages and e-mail correspondence; Employee agreements/contracts, payrolls and financial records; Satellite imagery and geolocation of facilities; Public reports, research and publications; Media reports; sectoral risk-mapping; Product traceability information (The complete lack of, or inability to provide, traceability information where a product, raw material or component may have been mixed with one at high risk of forced labour, may weigh negatively in the overall assessment of evidence); Information indicating the participation of a relevant economic operator or supplier in state-imposed forced labour programs. <u>Content of the decision:</u> - General prohibition: detailing the specific products concerned, a description of the findings of the investigation and information needed by customs authorities to identify the product or economic operators named. - An order to withdraw the products: Will be expressively addressed to the relevant economic operators who have been under investigation. - An order to dispose the product

Guidelines for economic operators:

Link with the CS3D	- Other EU law, such as the EU Sustainability Due Diligence Directive (CS3D) and the EU Sustainability Reporting Directive (CSRD) can help showcasing economic operator's efforts to identify and address forced labour risks during potential investigations.
Due diligence in relation to forced labour	- Companies can decide to carry out due diligence or use alternative approaches, as suggested above. - When choosing to conduct due diligence, the Guidelines stress that the OECD six-step due diligence framework offers a recognised and structured approach. <u>Step 1: Integrate forced labour due diligence into company policies and risk management systems</u> - Where a company's risk assessment identifies significant forced labour risks (severe + likely), the company should develop specific policies to address those risks, reflecting local context, sector specific risk factors and operational specificities. - Companies should communicate key aspects of their forced labour policies and expectations to suppliers and other relevant business partners, e.g in contracts or written agreements. - Where possible, companies should consider using collaborative approaches to due diligence through sustainability initiatives at industry, multi-industry, or multi-stakeholder level. - Provide appropriate resources and training to enable suppliers and business partners understand the requirements and implement effective due diligence systems. <u>Step 2: Identify and assess forced labour risks</u> - Conduct a scoping exercise: Of their operations and, where necessary, their business relationships, to identify general areas where forced labour risks are most likely to occur or be most significant. The EU data base of forced labour risks can be used as a basis. - Conduct an in-depth assessment: In the areas where products with the most significant forced labour risks have been identified. Examples of forms of assessment include document reviews, supplier self-assessments, on-site inspections and audits, worker interviews and stakeholder engagement. - Assess the company's involvement in the forced labour risk identified: Key factor to take into account as part of an overall assessment. - Prioritizes the most significant risks: Companies should identify the risks that can be addressed immediately in full or in part and take swift internal measures, e.g updating contractual terms, amending audit protocols, etc. <u>Step 3: Prevent, mitigate, bring to an end forced labour risks</u> - Adopt appropriate measures: Companies should focus first on prevention, or where not possible, mitigation. If companies identify an actual forced labour impact in the operations or supply chains of a product, according to the Regulation they must not place it or make it available on the EU market, nor export it. Possible measures may include: Develop and implement prevention or corrective action plans; Adapt or modify business practices; use an increase leverage to affect change in other companies (e.g. building due diligence expectations into contracts, linking business incentives to due diligence performance, and engaging with business partners or authorities in the country where the forced labour risks may occur).

A company's limited leverage does not reduce its responsibility to prevent or address forced labour risks. Where leverage is limited, companies should actively seek ways to build their leverage through collaborative approaches (such as collective industry programmes for corrective action or remediation), capacity building and support or collaboration with the supply chain partner which has leverage over the partner at the level of which the forced labour was identified.

- **Support business relationships:** Companies should make proportionate support suppliers and other business partners in the identification, prevention and mitigation of risks (e.g. collaborate on the development and implementation of corrective action plans; Provide technical guidance and training; Capacity-building; Financial support).
- **Disengagement from the business relationship:** Should be considered at last resort, when identifying a forced labour risk that cannot be addressed, in particular when it is irremediable or previous attempts to prevent and mitigate have failed. In such cases, responsible disengagement should be ensured.

Note: The European Commission encourages collective efforts to prevent forced labour risks, and address them where needed.

Step 4: Monitor and assess implementation of results

- Companies should conduct ongoing monitoring to assess the implementation and effectiveness of their due diligence measures and, where relevant, of any industry or multi-stakeholder initiatives to which they are part.
- Where possible, it should be based on qualitative and quantitative indicators, such as the proportion of preventive or corrective actions implemented; the proportion of stakeholders who consider that the risks have been adequately addressed or that the grievance mechanisms are effective.

Step 5: Communicate how risks are addressed

- Companies should communicate relevant information publicly. Where possible, they should also communicate on timelines and benchmarks for improvement.

Step 6: Provide or cooperate in remediation

- **Provide or cooperate in the remediation of forced labour impacts:** Where the forced labour risks identified and addressed in the best possible manner *do* materialise in forced labour situations, companies should be ready to engage in remediation, such as restitution, rehabilitation, financial or non-financial compensation, guarantees of non-repetition, satisfaction, internal accountability or disciplinary measures.

The degree to which companies are responsible for remediation depends on their involvement in the impact: companies that cause or (jointly) contribute should provide or cooperate in the remediation; companies that have not caused or contributed may use their influence to encourage the business partner causing the impact to remediate it.

- **Provide or cooperate with remediation mechanisms:** Where appropriate, companies should provide or cooperate with legitimate remediation mechanisms.

	- Establish operational-level grievance mechanisms: Companies should establish operational-level grievance mechanisms that meet the UNGP criteria, in addition to ensuring that there is a clear process for receiving and addressing the complains. Note: These steps are aligned with the CS3D due diligence expectations. Note: Companies undertaking effective due diligence across their supply chains and engage in collaborative programs are well prepared to meet the FLR requirements.
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Submitting information about possible violations:

Submission	- Information can be submitted via the single information submission point, which will be accessible via the Single Portal from 14 December 2027. Information should be submitted in good faith, providing the reasons and evidence substantiating their allegations. - The allegations that a product was made with forced labour should be explained, including information on where the forced labour is alleged to have taken place and which work-related activity it concerns; how long the alleged forced labour has been ongoing; why the alleged conduct meets the definition of 'forced labour'; - The type and number of workers/victims affected by the violation (including whether children are involved); the contact details of any person or organisation being able to testify.
Evidence	- Submissions should include information on the economic operators and/or products concerned by the allegations. - Most useful information in relation to economic operators: ▪ the contact details of the economic operator(s) ▪ if possible, a description of the business activities of the economic operator(s) under allegation; ▪ if possible, an explanation of any link between the petitioner and the economic operator(s) under allegation - Most useful information in relation to the products: ▪ description of the product(s) and their link with the EU market (e.g. point(s) of manufacturing or importation into the EU, point(s) of sale in the EU or of export from the EU) ▪ if relevant, the description of the parts alleged to be made with forced labour; ▪ if possible, sample photographs of the product(s) concerned; ▪ if possible, information on the product's supply chain, including manufacturers or producers making the finished product(s) and, if relevant, information on suppliers of inputs and raw materials indicating which part(s) of the supply chain is allegedly affected by the forced labour; ▪ if available, product identification information (e.g. description, name or brand of the product, type, reference, model, batch or serial number)