

# A model law with the key elements for an EU Regulation to prohibit the import and export of products made or transported with forced labour

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In September 2022, the European Commission published a [Proposal for a Regulation on prohibiting products made with forced labour on the Union market](#). To help shape the design of the Regulation, we set out [a model law](#) with the key elements to include in it, which was launched on 10th November by the Greens/EFA Group in the European Parliament.

We drafted the model law through an analysis of existing or proposed mechanisms under EU law that relate to the seizure or banning of the entry of products, which were considered most relevant to forced labour bans, as well as the US Uyghur Forced Labor Prevention Act - a unique tool to address state-imposed forced labour. Through this analysis, we identified areas in existing EU and US legislation that can be adapted or considered in the design of the forced labour prohibition.

| Existing or proposed instrument                                  | Relevant areas for a forced labour prohibition instrument                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EU Market Surveillance and Compliance Regulation                 | Market prohibition tools<br>Obligations of economic operators<br>Definition of placing products on the market<br>Obligations and powers of customs authorities<br>Definition of economic operator (including online sale)<br>Product withdrawal mechanism<br>Pre-export control powers<br>Exchange of information and international cooperation |
| EU Batteries Regulation proposal                                 | Market prohibition mechanism<br>Supply chain due diligence obligations<br>Traceability system and categories                                                                                                                                                                                                                                    |
| EU Union Customs Code (UCC)                                      | Customs risk management framework and priority control areas<br>Cooperation and exchange of information                                                                                                                                                                                                                                         |
| EU Illegal, Unreported, and Unregulated Fishing (IUU) Regulation | Risk classification process and purpose<br>Certification<br>Carding system<br>Penalties                                                                                                                                                                                                                                                         |
| EU Deforestation Regulation proposal                             | Due diligence obligation<br>Traceability and disclosure information standards<br>Country risk classification<br>Obligations for SMEs<br>Enforcement measures                                                                                                                                                                                    |
| EU Conflict Minerals Regulation                                  | Supply chain due diligence<br>Mapping and transparency<br>Enforcement measures                                                                                                                                                                                                                                                                  |
| EU Intellectual Property Rights Enforcement Regulation           | Process of verification with product owner<br>Single entry point complaint procedure<br>Information sharing                                                                                                                                                                                                                                     |
| EU product standards                                             | Prohibitions & Restrictions system                                                                                                                                                                                                                                                                                                              |
| EU General Product Safety Directive                              | Identification procedures and pre and post market measures<br>Enforcement measures and cooperation between custom authorities and at EU level                                                                                                                                                                                                   |
| EU Toy Safety Directive                                          | Conformity assessment and identification procedures<br>Enforcement measures and cooperation between custom authorities and at EU level                                                                                                                                                                                                          |

The key elements of the [model law](#) we propose are structured as follow:

| Chapter                                                                       | Articles                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Chapter I<br>General Provisions                                               | Article 1 Subject matter and scope<br>Article 2 Definitions<br>Article 3 Prohibition<br>Article 4 Evidence of forced labour                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Chapter II<br>Obligations of Member States<br>and their competent authorities | Article 5 Competent authorities<br>Article 6 Complaint procedure<br>Article 7 Safeguarding of affected rights-holders<br>Article 8 Investigation<br>Article 9 Review of the decision to seize<br>Article 10 Final decision<br>Article 11 Declaration of presumption of forced labour<br>Article 12 Rebuttal of presumption by economic operators<br>Article 13 Penalties<br>Article 14 Customs authorities<br>Article 15 Traceability requirements<br>Article 16 Remediation<br>Article 17 Monitoring<br>Article 18 Support for SMEs<br>Article 19 Support for stakeholders |
| Chapter III<br>Coordinated enforcement                                        | Article 20 Database of forced labour risk areas or products<br>Article 21 Guidelines<br>Article 22 International cooperation and exchange of information<br>Article 23 Coordination body                                                                                                                                                                                                                                                                                                                                                                                    |
| Chapter IV<br>Final provisions                                                | Article 24 Committee procedure<br>Article 25 Entry force and date of application<br>Article 26 Review and annual reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

During the drafting process of the model law, the European Commission's own proposal for the Regulation was published. We considered this proposal in the drafting process and replicated some aspects of it.

We hope this model law inspires policymakers working on the proposal, and all other stakeholders involved in the debate.

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URL: <https://www.biicl.org/blog/50/a-model-law-with-the-key-elements-for-an-eu-regulation-to-prohibit-the-import-and-export-of-products-made-or-transported-with-forced-labour>