

Policy Hub Assessment on Forced Labour Implementation

Lessons learned & areas where clarity is needed within the guidelines

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Forced Labour is an abhorrent abuse of human rights. Policy Hub and its members are committed to supporting strong, effective measures to eliminate it from global value chains and to support those people who are victims of it. The Forced Labour Regulation (EUFLR) represents a major step in EU efforts to address and remediate forced labour in global supply chains. To deliver on this ambition, the forthcoming implementation **guidelines must provide clarity, consistency, and feasibility for competent authorities, economic operators, and rightsholders in the supply chain.**

The Policy Hub has been engaging with its members on the Forced Labour Regulation since the Commission's proposal and has consistently highlighted to policymakers the need for a holistic, practical and well-thought-through approach. Given the complexity of the issue and its links to broader structural factors, we have highlighted the importance of clear and robust guidance, as well as careful case-by-case assessments and advocate for a flexible approach with reasonable timelines due to the complex nature of the topic.

Based on member engagement, the following recommendations came from a cross-sector experience, assessment of the lessons from other jurisdictions, and identification of priority areas where guidance is essential to ensure effective, proportionate, and worker-centred enforcement.

It is vital to approach this topic with humility and a clear recognition that forced labour is a grave crime and a profound violation of human rights. When reflecting on implementation, it is essential to draw on lessons from forced labour regulations already in force in other jurisdictions, such as Section 307 of the Tariff Act, the Uyghur Forced Labor Prevention Act (UFLPA), and the Countering America's Adversaries Through Sanctions Act (CAATSA) in the United States. Our focus is not only on administrative inconvenience, but on how enforcement systems can be designed to more effectively protect people at risk and give certainty to businesses. Experience with these frameworks shows that a lack of clarity and consistency in guidance can inadvertently lead to fragmented compliance approaches with significant enforcement challenges that are costly and time-consuming for all actors. Under the UFLPA, for instance, limited and sometimes unclear information from the US Customs and Border Protection (CBP), especially on how to avoid a ban and the documents to provide, can lack clarity. This has resulted in importers (usually brands) interpreting requirements for UFLPA compliance differently, leading to multiple documentation requests in many different formats across the value chain. We raise these observations not to minimise the seriousness of forced labour, but to highlight the importance of clear, robust, and coherent guidance that strengthens enforcement while supporting meaningful action to prevent and remediate harm.

Below, we outline the areas we consider fundamental for the upcoming work on the guidelines for the implementation of the Forced Labour Regulation:

Learn from the lessons of other jurisdictions: avoid fragmentation and overly burdensome documentation

Experience with UFLPA and Section 307 enforcement in the United States shows that when authorities lack harmonised documentation standards, suppliers face duplicate or inconsistent requests, causing delays and diverting resources away from substantive due diligence and remediation. We recognise that these challenges are minor compared with the human rights abuses the rules seek to address, yet they can unintentionally slow down the very activities that are essential to protecting people at risk. With this in mind, and in the spirit of supporting an effective and credible EU approach, the EU should avoid these pitfalls by:

- Establishing common templates for evidence requests, documentation and verification.
- Aligning minimum evidence requirements and acceptable formats across all Member States.

- Prioritising risk-based assessments over excessive documentation that may not meaningfully improve worker outcomes.
- Ensure guidelines are up to date, regularly reviewed, and grounded in international frameworks. We also call for aligning with and complementing the planned EU database on forced labour risk areas and products, and include a notification system to alert operators to material updates.

These steps will reduce administrative burdens and enhance legal certainty for operators

Ensure the investigation process is clear & transparent

The key priority should be to ensure that the investigation process is clear and transparent, and genuinely supports effective action to address forced labour. For both coordination among authorities and legal certainty for economic operators, it is essential that the guidelines describe in a transparent way the methodology that will be followed throughout investigations. This should include a clear explanation of:

- How will the investigation operate end-to-end: from screening and opening a case through the information and documents to be provided, including timelines and communication?
- Which risk indicators or information sources could trigger the opening of an investigation? Could economic operators also access the information source that has triggered the investigation?
- What verification methods can be used (including whether and when field inspections occur), operator communications and timelines, the content of the decision, and the possibility to request a review of the decision;
- Level and type of evidence that will be considered sufficient to meet the requirements set by competent authorities, and what is not required as part of the evidence requirements;
- How will different pieces of evidence be evaluated, and how will conflicting information be addressed?
- How and at what point will the investigation process be complete? What could the content of the decision look like, and circumstances for a review of the decision?
- In which circumstances and after what period of time could products be released?
- Which elements or findings will lead to a second phase of the investigation and possible priority treatment?
- How authorities will evaluate whether due diligence measures on forced labour have been applied in a manner that effectively mitigates, prevents, and brings to an end the risk of forced labour, as referred to in Article 17 (5).
- What constitutes responsible disengagement, acknowledging its interaction with the CSDDD? Disengagement should be framed as a measure of last resort, targeted and time-bound, and linked to remediation pathways, including the possibility of re-entry following verified and sustained improvements. Further work is needed on ensuring the guidelines from July 2021 [on due diligence for Union businesses to address the risk of forced labour in their operations and supply chains](#) are updated and well capture the concept and consideration of responsible disengagement.
- Clarify what is not required as part of the evidence requirements, e.g. individualised farm-level data in sectors where blending occurs early in the supply chain, nor detailed

information for recycled fibres beyond the collecting and sorting stages, including traceability or visibility requirements related to feedstock origin.

- How the outcome of the assessment will be communicated to the operator. It is essential to clearly communicate the assessment outcome to the operator, providing sufficient detail to minimise the risk of misinterpretation.
- How to protect personal data by outlining GDPR-compliant procedures.

A clear and transparent process is fundamental so that authorities apply the guidelines consistently across cases and locations, and so that operators have visibility on what is expected from them and can adapt their due diligence systems accordingly. When it comes to the submission of information on alleged cases of forced labour, the guidelines should also specify that substantiated evidence needs to be directly linked to the company and provide proof of a causal effect (directly causing or contributing to a supplier's breach of the Forced Labour Regulation).

Additionally, it will be relevant to include in the guidelines clarity on the role of certification schemes to support the requirements. We call on the European Commission to engage with the OECD, which has extensive expertise on due diligence and the effectiveness of multi-stakeholder initiatives. Further alignment with ongoing OECD discussions, including work on fitness criteria for MSIs, could provide a credible foundation for defining what a substantial system entails.

Legal Status and Evidentiary Value of Human Rights Due Diligence in Enforcement

Greater legal clarity is needed on the role and evidentiary value of Human Rights Due Diligence in both the preliminary and formal investigation phases. If HRDD is presented as an indicator of awareness and action, it must be specified whether and how competent authorities will assess its quality, effectiveness, and outcomes. The key question is whether HRDD constitutes merely contextual information, mitigating evidence, or a substantive defence against further proceedings. Clear criteria are required on what must be demonstrated: reasonable efforts, effective risk mitigation systems, measurable progress, or the actual elimination or reduction of forced labour risks. Legal certainty for operators depends on understanding in which circumstances robust HRDD can limit, suspend, or prevent escalation of an investigation. One way to provide clarity on the types of evidence required during the investigative process would be to structure the level of detail around the 11 ILO indicators of forced labour (or, at a minimum, those identified as relevant through the company's CSDDD risk scoping).

In practice, best practice often involves entity-specific investigations at the supplier level, including documentation reviews and on-site or operational assessments. However, such approaches may not be feasible for many suppliers due to limitations linked to the EU SME protective framework included in CSDDD. In these cases, the European Commission should provide clear guidance on alternative approaches and what would constitute an acceptable second-best practice for companies addressing forced labour risks in their supply chains.

Additionally, when it comes to the assessment of remediation in the investigation stages, the guidelines should provide more granularity on the assessment itself and the role it will have in the different stages. More precisely, where, during the pre-investigation stage, an operator provides credible and verifiable evidence that forced labour risks or indicators have been effectively mitigated, prevented, or remediated, competent authorities should be required to assess whether initiating a full investigation is necessary and proportionate. During these preliminary phases, company policies, codes of conduct, audit and assessment reports, worker surveys, and evidence of other dialogue that

demonstrate active stakeholder engagement should be considered types of communication operations that could provide proof of effective HRDD and remediation.

Enforcement action should be guided by added value and impact. If the underlying issue has already been adequately addressed and corrective measures are demonstrably effective, authorities should consider whether proceeding to a formal investigation would meaningfully contribute to remediation, deterrence, or risk prevention. The guidelines should therefore introduce a clear proportionality test at the pre-investigation stage, ensuring that formal proceedings are reserved for cases where outstanding risks, insufficient remediation, or systemic concerns justify further action.

The guidelines should also clearly define who qualifies as “affected stakeholders” to guide remediation, communications, and impact assessments.

Finally, coherence with corporate reporting obligations under the CSRD must be ensured. Companies that transparently disclose forced labour risks and remediation efforts should not be placed at a disproportionate enforcement disadvantage compared to those that remain silent. Clear safeguards are needed to avoid creating disincentives for transparent reporting, particularly in complex contexts such as state-imposed forced labour. The interaction between self-disclosure, third-party reporting, and the initiation or prioritisation of investigations must therefore be defined to preserve both legal certainty and incentives for honest reporting.

Ensure consistency with international norms

The guidelines on due diligence in relation to forced labour should be consistent with relevant and well-recognised HRDD frameworks, such as the UNGPs and OECD guidelines, which have been formed on the basis of best practice and credible accompanying tools.

On this note, we welcome the use of independent and verifiable sources to identify forced labour risk indicators, including reports from international organisations, in particular the ILO, as well as contributions from civil society, business organisations, trade unions, and lessons learned from the implementation of Union due diligence legislation on forced labour (Article 11(e)). However, we call on the Commission to better clarify what counts as “independent and verifiable information”, clarity on the threshold on what constitutes evidence, and the timeframe of such that is deemed valid (i.e. worker statements, photos, time period etc.).

In this context, it would be useful for the guidelines to explicitly refer to the **ILO Indicators of Forced Labour**, including the 2025 Revised Edition, as a key reference for the EU’s assessment framework. It is advisable that guidelines provide which documents and interview questions are used to verify each of the ILO indicators.

Ensure clear communication between/among authorities and operators

Operators must be informed as early as possible when allegations are filed through the Single Information Submission Point. Regular communication throughout the assessment is essential to allow meaningful corrective action. All information necessary for the proper functioning of the system should be provided with sufficient lead time to allow operators to prepare:

- A transparent methodology will ensure consistency across the EU and allow companies to build due diligence systems that meet expectations.
- The guidelines should specify the format and process for communication, disclosing specific reasons for investigating a product.

Regarding coordination & communication among competent authorities:

- Define mechanisms to ensure coordination and collaboration between the different competent authorities and investigators, so that decisions are as harmonised as possible across the EU.
- These mechanisms should include tools to share approaches, reasoning and case experience among authorities. Experience with UFLPA has shown that when ports or authorities apply rules differently, or rely on different interpretations without a shared rationale, this leads to inconsistencies, uncertainty and additional costs for all stakeholders involved.
- A potential avenue will be the use of shared templates/checklists and regular coordination, to make sure similar cases receive harmonised treatment regardless of entry point or individual officer.
- Consistency should also be ensured in the verification procedures applied by customs and investigators. This requires common guidance on how evidence is assessed, shared templates and checklists for verifications, and regular coordination between authorities to align practices. Verification steps, documentation requests and the treatment of similar cases should not depend on the individual officer or the point of entry, but follow harmonised procedures agreed at the EU level.

Regarding bilateral communication between operators & authorities:

Because operators must respond within tight time frames during preliminary assessments and investigations, clear guidance is needed on:

- Expected timelines for responses. The guidelines should clearly address the timelines for engagement with competent authorities and for the submission of evidence. Practical examples illustrating how these timelines operate in practice would be particularly useful. Relevant precedents can be found in the context of NCP procedures, which could be reflected upon to provide greater clarity and legal certainty for operators.

Additionally, while the maximum duration until a decision may extend to ten months, guidance is needed on the types of cases that justify such length, the expected average timeframe, and the binding deadlines applicable to competent authorities. It should also be clarified what legal consequences follow if authorities fail to respect procedural deadlines.

- Clarity on the exact documents required, preferably using standardised request templates
- How and in what operators can request clarifications?
- What information do authorities most provide when initiating an investigation?

Regular and transparent communication reduces uncertainty, supports due processes, and improves the quality of evidence provided.

Acknowledgement and recommendations when engagement upstream is not possible

Acknowledgement that the burden of proof resides with the competent authorities, not the operator, and there must be rebuttable presumptions applied such as state-sponsored forced labour.

Where an operator is unable to engage with actors in the value chain, the guidelines should set out:

- What is realistically expected from companies in such circumstances?
- What types of alternative evidence are acceptable (area-based assessments, authoritative third-party data, grievance mechanism reports)
- What sources of information and risk indicators can be relied upon in the absence of direct engagement?

- How will these limitations be taken into account in the assessment?

In such cases, guidelines should allow indirect checks using shipping data, recruitment-agent records, credible third-party reports, and certification documents; prioritise by severity and likelihood.

Clear guidance is needed on how to identify, prioritise and document potential forced labour risks when access to actors may be constrained by law, government, or the regulatory framework in place.

Guidance for state-imposed forced labour

It is also fundamental to provide more detailed guidance on situations where state-imposed forced labour exists. The guidelines should explicitly reflect this specific scenario and set out clear expectations for economic operators, recognising that their room for manoeuvre is very different when the state itself is involved. In particular, the guidelines should:

- Cover how to identify and document credible indications of state-imposed forced labour, including relevant sources of information (even more important in the scenario where engagement with smaller suppliers is not allowed and hence the contact with the region is lost);
- Take into account where there may be limited access and give the ability to rely on triangulated independent sources and indicator-based assessments;
- Set realistic expectations for influence, define when to reduce or cease sourcing, and provide a short communication pack.
- Cover expectations on repercussions and impacts on sourcing decisions in a way that is consistent with the logic and objectives of the Regulation.
- Cover best practices on engaging with customs and other competent authorities, including what type of information must/shall be shared, in which format and through which channels.

Clear guidance in this area is essential to ensure that similar cases are treated consistently, that companies understand what is expected from them and that cooperation with customs authorities is effective.

Ensure that all information is easily accessible

Finally, it is important that the guidelines include a clear and user-friendly structure or index that brings together, all in one place, all key elements for implementation. This should provide an overview of the information and data required at each stage of the process, the preferred enforcement and engagement strategies, and the main steps to be followed by economic operators and authorities.

The guidelines should be produced as soon as possible and in consultation with businesses and the different stakeholders in the value chain so that they can be used to support efforts towards compliance.

We also call on the European Commission to implement outreach activities once the guidelines have been published, such as webinars organised by the Commission and local training organised by national authorities, to support training and capacity building. These efforts on building knowledge and capacity on the elements included in the guidelines are essential to help economic operators address forced labour risks, particularly in the lower tiers of the supply chain, where leverage and direct relationships are more limited.