

FESI Overview of EU Forced Labour Regulation Guidelines July 2026

1. INTRODUCTION

Added (as advocated by FESI): Obligation of results rather than means: No due diligence is imposed but it is recognised as useful to address forced labour. Also aims to clarify how due diligence can help companies comply.

2. LEGAL FRAMEWORK

(Added) International standards: Guidelines take into account principles and standards as per OECD guidelines for responsible business practice; ILO guidelines on combating forced labour; UN guiding principles on business and human rights.

3. SCOPE

Definition of forced labour: As per Article 2 of ILO Forced Labour Convention, 1930 (30): work or service exacted from person under coercion for which person has not offered themselves voluntary.

Scope: all operators importing or exporting products under 'release for free circulation' and 'export'. Online products are included. Services are not.

Types of forced labour: 1) Privately imposed 2) State-imposed 3) Forced Child Labour

Investigative authorities: Commission when suspected forced labour took place outside of the EU, member state authorities when suspected forced labour took place within the EU.

Scope of investigative process: i) Establish whether forced labour was used in production of products
ii) Establish whether operators have made them available or exported them from the EU.

4. INVESTIGATIVE PROCESS

a) PRELIMINARY INVESTIGATIONS

Risk-based approach for investigations: Based on i) scale and severity; iii) quantity or volume placed on the market; iii) share or part of the product suspected to have been made with forced labour.

Risk-based approach for operators:

- i) Proximity of alleged forced operator (for non-EU cases, importers will be considered)
- ii) Size and resources of operator
- iii) Complexity of supply chain: not an element to determine which operators to focus on **added (partially reflecting FESI's request)**, but reminder for authorities that 'complex' supply chains generally involve more risks.

Assessing information:

- Information submitted via single information submission point
- Information in forced risk database
- Risk indicators of forced labour
- Information from other authorities
- Information from stakeholders
- Information gathered by the Commission and other authorities

Request for information during preliminary investigation: When requesting evidence, authorities must consider:

- i) Size of operators and what information they can access
- ii) **Added (as advocated by FESI)** which information they may have already submitted to respect once-only principle not to be requested same information multiple times.

Evidence by operators: They can demonstrate i) how they address forced labour risk ii) why authorities concerns are not relevant for their products

Important: authorities may ask for information from other stakeholders during investigations.

Situation where a request for information is not made:

- When there is high risk of evidence disappearing
- When parallel criminal investigation could be jeopardised
- When victims could be put at risk of retaliation

Non-cooperation by operators:

If the operator was not contacted or where the operator fails to cooperate, the authority will not be able to consider the submission. In that case, investigations will be based on other available facts.

Added (as advocated by FESI): Non-cooperation not automatically triggered if operators submit valid justification on not being able to submit certain information.

Added (as advocated by FESI): Operators that were not contacted during pre-investigations must be given (before the wording was 'will be given') the chance to submit evidence during formal investigations.

Conclusion of preliminary investigations:

Authorities have 30 days from when they receive all the information from the authorities to conclude if there is substantiated concern and move forward with the formal investigation.

Kept (as advocated by FESI): If operator can demonstrate they are taking appropriate steps (before the wording was: mitigate, prevent and bring to an end) to address forced labour in question, the lead authority may decide to grant reasonable period to end forced labour.

Removed (as advocated by FESI): request to show generic 6 step due diligence as evidence.

Added: For state imposed forced labour, responsible disengagement may be the only way forward.

b) FORMAL INVESTIGATIONS

Starts if there is substantiated concern. Authorities have 3 days to inform operators from the day they decide to start investigations.

Authorities must communicate the following: (i) possible consequences (ii) description of products under investigation. Removed (contrary to FESI ask): detailed description of product.(iii) right of operators to be heard and submit information.

Deadline to submit information: 30-60 days. **Kept (as advocated by FESI):** Operators can ask an extension if they have a valid reason.

Inspections: authorities may conduct **(added)**: unannounced checks.

Confidentiality: information gather by authorities will be confidential. In case of breach, identity of supplier or manufacturer may be disclosed if helpful to identify banned product.

Outcome: authorities must establish if there has been a violation within (ideally) 9 months.

Authorities requests: may request (i) actions to identify, prevent, remediate risks **(added, as advocated by FESI)** in relation to the product under investigation (ii) working conditions on the site of alleged (iii) products under assessment.

Operators' duties: (i) provide all requested information (ii) ensuring accurate information (iii) meet deadline, or inform authorities about difficulty to meet deadline

List of evidence that may be requested: non-exhaustive, authorities may ask for more. Operators may also submit other information/evidence.

Full example list on pages 25, 26, 27 of Commission guidelines: **(examples suggested by FESI also added).**

Evidentiary standards: examples of evidence that may be taken into account to establish a violation of forced labour ban:

-Interview transcripts – Written testimonies – Reports from companies grievance mechanisms – Social audits (excluding those in which workers are under threat/surveillance – Photos of working conditions – Copies of messages – Employee contracts record – Company public statements – Satellite images – Laboratory tests including isotopic tests – Information gathered through traceability tools – Public reports/publications – Internal studies – Media articles – results of surveys – Sectoral risk mapping – Information on products under investigation – Product traceability info – Documents of public bodies – Information proving involvement of operators in state imposed forced labour programmes

Content of the decision:

- General prohibition on placing or exporting banned product on the market.
- Order to withdraw products from the market to operators who have been under investigation.
- Order to dispose of the banned product.

Deadline to dispose of product must be of at least 30 days.

c) REVIEW OF THE DECISION

How it works: following a ban, operators may request to review decision for the banned product if they demonstrate that (i) they complied with decision (ii) they eliminated forced labour.

Deadline to review decision: Relevant authorities have 30 days to decide

d) COORDINATION AMONG AUTHORITIES

Authorities have duty of mutual assistance. The Union Network .Against Forced Labour Products and the ICSMS will facilitate the process.

Duty applies: when Commission or competent authority discovers information in a country where it is not competent.

5. ENFORCEMENT AND PENALTIES

Disposal: either by recycling or rendering them inoperable

Added: apparel, clothing accessories and footwear can be destroyed as derogation from ban on destruction of unsold goods (Delegated Regulation 2026/296).

Added (following FESI clarification request): Disposal of products sold online: also need to be disposed of and withdrawn from listing. If operator uses intermediary service such as online marketplace, the authorities may also issue order to provider of this service to restrict listing.

Penalties: imposed not for violation of forced labour, but only if ban is not respected for:

- Placing banned products on the market
- Failing to withdraw or dispose banned products

Penalty calculation: based on:

- Extent to which products have been withdrawn
- Extent to which products have been disposed of
- Intentional or negligent character of non-compliance

Exact calculation determined by authorities

6. GUIDANCE ON DUE DILIGENCE

This section was added almost from scratch (from page 49 of Commission guidelines).

Voluntary nature of due diligence:

(Clarified, as advocated by FESI). the Regulation itself does not impose due diligence. Due diligence is nonetheless important to prevent and address forced labour.

Recap of other EU due diligence legislation to address interlink:

(Partly added as per FESI request, but limitation imposed by Omnibus I on certain information requests not mentioned) CSDDD, CSRD, Conflict Mineral Regulation and Deforestation mentioned.

Meaningful stakeholder engagement: separate section to clarify importance to prevent forced labour.

OECD six-step due diligence framework recap:

- 1) Embed responsible business conduct into policies
- 2) Identify & assess adverse impact
- 3) Cease, prevent, mitigate
- 4) Track
- 5) Mitigate

List of good practices to conduct forced labour due diligence

(Added) **State imposed forced labour:** in situation where it may be present, companies should check for indirect evidence (independent research, reports from international organisations, expert risk analysis, credible civil society data, EU database on forced labour risk).

7. SUBMITTING INFORMATION ON FORCED LABOUR

Where to submit: forced Labour Single Portal from 14 December 2027.

Who can submit: any natural or legal person or any association that does not have a legal personality.

Non-valid information: the Commission will discard information that is incomplete, unfounded or made in bad faith.

Information to be included:

- If it's privately or state imposed forced labour
- Where and which activity it concerns
- How long it has been ongoing
- Why the allegation meets definition of forced labour
- Type or number of victims involved
- Contact details of people or organisations willing to testify

Evidence that can be sent: See section 4.7 of guidelines (same as evidence for operators under investigation).

Information to be included on operator: contact details of operators; description of business activities under allegation; description of link between petitioner and operator under allegation.

Information to be included on product: description of product; photos of product; information on products' supply chain.

Dialogue with petitioners: Commission may contact them to ask for more information.