



May 15, 2023

To Mr. Pascual Navarro Rios,  
Secretary of State for the European Union, Ministry  
of Foreign Affairs, European Union and Cooperation  
[secretaria.ue@maec.es](mailto:secretaria.ue@maec.es)

**Re: EU Forced Labour Regulation**

Dear State Secretary Navarro Rios,

We are writing on behalf of the undersigned civil society organisations and trade unions to share our concerns about the slow pace of engagement at the Council level, on the proposed EU [Forced Labour Regulation \(FLR\)](#).

With the European Parliament actively defining its own position, it is of utmost importance that, during the Spanish Presidency, the Council opens avenues for concrete discussions amongst Member States with the goal of agreeing, during your Presidency, on a General Approach that would centre the regulation around remediation of forced labour.

As described in a [joint statement](#) by 75 nongovernmental organisations, the proposed regulation could contribute to creating conditions for EU companies to meaningfully address forced labour in their value chains, both inside and outside the EU.

But the draft published by the European Commission falls short of attaining this objective. It has the following serious gaps:

- Forged as a product-based legislation, it does not provide remediation to workers who have experienced forced labour. As a result, it fails to put workers and their complaints about working conditions that amount to forced labour at the centre of the legislation’s architecture.
- Targeting product lines only is a narrow and flawed approach to tackling forced labour. The underlying systemic causes that create working conditions that rise to the level of forced labour are not isolated to product lines within a production site. As a result, the proposed regulation

fails to address forced labour in full production sites and does not cover group-wide bans that could have a greater impact. In particular, it does not explicitly address State-Imposed Forced labour (SIFL) such as in the Xinjiang Uyghur Autonomous Region or in Turkmenistan.

- While foreseeing some transparency requirements, it does not require sufficient transparency and traceability, including at raw material level. It also does not formally require a revision of the EU Custom Code that would allow civil society organisations, trade unions and companies alike to monitor trade data to identify forced labour cases in supply chains, as is the case in the US.
- The proposed evidentiary threshold is too high and will hinder meaningful enforcement.
- The enforcement could gain effectiveness by centralising at least the complaints mechanism, and some investigations, at the EU level as opposed to the Member States.
- Fails to sufficiently clarify buyers' responsibilities to conduct robust due diligence, especially fair purchasing practices, the need for living wages, support for remediation, and responsible disengagement, and lacks provisions to disincentivize "cut and run" by buyers identifying forced labour in their supply chains. This would be in particular important for companies that are not subject to the upcoming Corporate Sustainable Due Diligence Directive rules. In the absence of such provisions, companies can continue doing the very minimum though many reports have already documented serious problems with the use of standard social audits as a tool to detect forced labour.
- Does not foresee concrete cooperation mechanisms (at the investigation level in particular) with other forced labour ban institutions in the US or Canada for example that could streamline investigations and enforcement efforts, avoid circumventions by companies, and increase efficiency and savings for competent authorities in the EU.
- Fails to carry concrete protections for whistle-blowers and human rights defenders, especially requiring companies to refrain from using SLAPP to silence journalists, workers, or nongovernmental organisations who file complaints of forced labour.

While the initial proposal was already published in September 2022 by the European Commission, thus far the file has not been prioritised at Council Working Party level.

Though we understand that the legislative workload is heavy for all member states, the upcoming end of the EU legislative term in June 2024 should create a sense of urgency around important pieces of legislation such as the proposed EU FLR.

Therefore, we strongly urge the Spanish Presidency to take the following measures:

- Commit to speed up the discussion at Council level and prioritise the proposed EU FLR at the Council Working Party level during its own Presidency, and until then, press upon the Swedish Presidency to step up its engagement on this issue.
- Urge all actors to advocate for a robust worker-centric EU FLR as a priority.
- Sponsor a Council roundtable on the proposed regulation, inviting -rights organisations, unions, migrant workers' rights groups and specialised child rights organisations to brief all Council members and, more generally, engage with stakeholders on the issue to better understand the various points of view.
- Address the above-mentioned gaps in discussions and negotiations around the proposed EU FLR.
- Open discussions with the Belgian Presidency for a smooth transition in the treatment of the file, with the aim to successfully adopt this legislation before the next EU Parliament elections

We hope that your timely and urgent prioritisation of the proposed EU FLR will help finalise a General Approach as soon as possible at the Council level and no later than before the end of the Spanish Presidency so that the file can conclude dialogues before June 2024.

We thank you for your consideration of this important matter and stand ready to discuss the proposed EU FLR and the concerns raised in this letter.

Sincerely,

Signatories:

- AK EUROPA
- Anti-Slavery International
- Brussels Office of the Austrian Trade Union Federation (ÖGB)
- Business & Human Rights Resource Centre
- Clean Clothes Campaign Europe
- Environmental Justice Foundation
- European Centre for Constitutional and Human Rights
- European Trade Union Confederation
- Fair Trade Advocacy Office
- Finnwatch
- Human Rights Watch
- IndustriAll European Trade Union
- International Federation for Human Rights
- La Strada International
- Platform for International Cooperation on Undocumented Migrants
- Terre des Hommes International Federation
- World Uyghur Congress

*Letter sent in copy to Ms. Cecilia Robles,  
Director General of the UN, International Organisations and Human Rights, Ministry of Foreign Affairs,  
European Union and Cooperation  
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