



EUROPEAN COMMISSION

*Brussels, 16.2.2023
C(2023) 1276 final*

Dear President,

The Commission would like to thank the Poslanecká sněmovna for its Opinion on the proposal for a Regulation on prohibiting products made with forced labour on the Union market {COM (2022) 453 final}. It appreciates the interest expressed by the Poslanecká sněmovna in the proposal and welcomes its support for the initiative to deepen the protection of human rights and the fight against modern slavery.

The Commission takes note of the concerns expressed by the Poslanecká sněmovna. Regarding the possible difficulties in cases of investigations subject to the consent of governments and economic operators in third countries, the Commission would like to point out that forced labour is a global problem and the efforts to combat it need to rely on international cooperation. Hence, the proposal builds on internationally agreed definitions and standards and includes provisions on international cooperation. This cooperation will support the implementation of the market prohibition by means of dialogue with third countries, either based on existing dialogue structures or others to be created ad hoc as means for engagement. Under the proposed system, requests for checks and inspections can be addressed to governments and companies in the context of investigations. In cases where State authorities or companies do not cooperate or submit requested information during an investigation, competent authorities will be able to take decisions based on facts available.

Regarding a possible increase in the administrative and financial burden on Member States' competent authorities as well as on economic operators, the Commission notes that the initiative proposes a system that combines decentralised enforcement and strong coordination at EU level and provides an important role to both Member States and the Commission in ensuring effective implementation and enforcement. National competent authorities will be empowered to withdraw from the EU market products made with forced labour following an investigation. The Commission will put in place several tools

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– such as a database of forced labour risks, implementation guidelines and IT tools for exchanging information – to facilitate the implementation and enforcement tasks of the Member States. Costs for national authorities will depend, for instance, on whether they already have administrative structures in charge of performing tasks such as the ones required by the proposed regulation; the Member States will have flexibility when designating a specific competent authority to do so in a way that best reflects their national circumstances and structures. Also, enforcement will rely on existing market surveillance and customs authorities, to limit any additional administrative costs for the Member States.

The proposal does not introduce specific due diligence procedures and all types of proof can be used for demonstrating compliance with the proposal's requirements. Consequently, additional costs for economic operators will be limited especially where operators already perform due diligence in relation to forced labour (either as part of requirements under different legislation, on a voluntary basis, or to fulfil requirements from business partners).

Regarding the Poslanecká sněmovna's concern that competent authorities and economic operators will not have sufficient time to prepare for the new obligations under the future regulation, it is currently proposed that the regulation will apply 24 months after its entry into force. The Commission considers that this will give sufficient time for the Member States and the Commission to set up the system and tools necessary for ensuring effective implementation, while also allowing companies to prepare to comply with the new requirements.

The proposal is now in the legislative process involving the European Parliament and the Council. The Commission hopes that an agreement can be reached swiftly, given the broad consensus on the need to act decisively against forced labour.

The Commission hopes that these clarifications address the issues raised by the Poslanecká sněmovna and looks forward to continuing the political dialogue in the future.

Yours sincerely,

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Executive Vice-President*

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Vice-President*