

NOVEMBER 2022

# CONSULTATION RESPONSE FOR THE INITIATIVE “EFFECTIVELY BANNING PRODUCTS PRODUCED, EXTRACTED OR HARVESTED WITH FORCED LABOUR”

The Danish Institute for Human Rights (the Institute) is grateful for the opportunity to give feedback on the European Commission’s initiative “Effectively banning products extracted or harvested with forced labour” published on 14 September 2022 (the Proposal) and makes the following comments.

## KEY RECOMMENDATIONS

### **Policy coherence**

The Proposal should be complementary with the Corporate Sustainability Due Diligence Directive and ensure that the two measures are mutually reinforcing and incentivise the broadest range of economic operators to undertake human rights due diligence aligned with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. The Proposal should:

- Clarify the definitions and requirements of due diligence to ensure that importers are incentivised to undertake risk based due diligence in line with the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.
- Amend the definition of “due diligence in relation to forced labour” in Article 2(c) to make specific reference to the process of human rights due diligence as outlined in the UN Guiding Principles on Business and Human Rights.
- Clarify that being subject to a Member State law transposing the requirements of the Corporate Sustainability Due Diligence Directive or any other due diligence law is not a sufficient ground to entitle a Competent Authority to conclude that appropriate due diligence has been undertaken under Article 4(6).

- Clarify the interlinkages with the Sustainable Finance Disclosure Regulation (SFDR) and in particular the use of Principal Adverse Impacts including related to social sustainability as detailed in the regulatory technical standards.
- Ensure that it is mutually reinforcing of efforts to address forced labour within the EU itself.

### **Remedy and remediation**

The Proposal should include requirements and incentives for economic operators to provide and/or cooperate in remedy and remediation to those working in conditions of forced labour.

The proposal should:

- More strongly incentivise economic operators to provide remediation by specifying that the grounds for lifting an enforcement decision under Article 6(6) would be that the economic operator is required to ensure that those affected have received remedy.
- Empower Competent Authorities to order corrective actions, including with respect to the provision of remediation addition to the power issue penalties under Article 12(6).

### **Incentives for companies to engage with the issue of forced labour**

The Proposal should provide sufficient incentives for companies to use their leverage to mitigate the risk of forced labour before cutting ties with their suppliers, or otherwise see to address underlying conditions of forced labour. The Proposal should:

- Amend Article 4(6) to clarify how the conduct of due diligence and adoption and carrying out of measures suitable and effective to bring an end to forced labour should be considered by a Competent Authority. This should include clarifying whether such considerations are sufficient to preclude a finding that there has been a violation of the prohibition against the import of products produced using forced labour, or how a Competent Authority can and should monitor the conditions of workers linked to the products under investigation.
- Amend Article 6(6) to clarify what is required to show that forced labour has been “eliminated” in satisfaction of the requirement in Article 6(6), and how a Competent Authority should decide that the requirement is met. This should include clarifying what may constitute evidence and whether there will be ongoing monitoring to ensure that forced labour issues do not recur and avoid the possibility that an economic operator will implement a temporary solution, or simply drop a supplier, to meet this requirement at the expense of meaningful engagement.

- Consider mechanisms which take inspiration from the Batteries Regulation and Deforestation Regulation in order to incentivise engagement and the exercise of leverage to prevent or mitigate risks of forced labour.

### **Burden on Competent Authorities**

Under the current terms of the Proposal, Competent Authorities bear a heavy burden to investigate and prove that there has been a violation of the prohibition against the import of products produced using forced labour. The Proposal should:

- Consider implementing a model which alleviates some of this burden by reversing the onus of proof on a preliminary finding that there are good grounds to suspect that particular products have been produced using forced labour. Under such a model, an economic operator would be required to show that products have not been produced using forced labour. This model can be found in similar measures such as that set out in section 307 of the US Tariff Act.

## **1. INTRODUCTION**

The Proposal aims to effectively prohibit the placing and making available on the EU market and the export from the EU of products made with forced labour, covering both domestic and imported products. It does so by placing a ban on the import of such products (Article 3) and establishing a regime under which national Competent Authorities are empowered to investigate, and are required to prove, that products have been produced using forced labour. Following such a decision, the Competent Authority may make orders to withdraw products from the EU market and for the relevant economic operator to dispose of them.

While the Institute welcomes the Commission's strong stance on the eradication of forced labour, when designing an initiative to address this pressing issue, the utmost care must be taken to ensure that any such measure would be likely to minimise and mitigate instances of forced labour rather than focusing only on the protection of European consumers. The Proposal should adopt a human rights based approach by having a specific focus on rightsholders and victims of human right abuses. Given that the Proposal has been published without a full impact assessment, it is critical that the Commission is alive to the potential for misalignment with other initiatives in force and under development, and the need to ensure that they are mutually reinforcing. In particular,

any such measure should be coherent with other parallel regulatory developments such as the proposed Corporate Sustainability Due Diligence Directive (CSDDD).

The Explanatory Memorandum to the Proposal notes that “The EU’s 2020-2024 action plan on human rights and democracy includes as a priority on the part of the EU and Member States to promote the eradication of forced labour and the implementation of international standards on responsible business conduct, such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the Organisation for Economic Cooperation and Development Guidelines on Multinational Enterprises and Due Diligence (OECD GL). This proposal is in line with the priorities of that action plan.” In order to meet this ambition, the Proposal should more explicitly refer to the requirements of these key international frameworks and ensure its alignment with them. Consistent with the EU’s commitment to decent work worldwide, it is critical that any proposal placing a ban on the import of products produced using forced labour does not only seek to exclude products produced using forced labour from the EU market, but also addresses the underlying issue of forced labour. It can do this by incentivising importers to engage with their suppliers to prevent, mitigate or cease harms arising from forced labour in their supply chain and encouraging the conduct of effective human rights due diligence aligned with the UNGPs and OECD GL. The Proposal covers forced labour at extraction, harvest, production and manufacturing process and applies to all products, regardless of the size of the economic operators. Given this broad personal and material scope, the Proposal should aim to encourage the broadest possible range of economic operators to conduct human rights due diligence aligned with the UNGPs and OECD GL.

The Proposal must not inadvertently exacerbate the adverse impacts on rightsholders by triggering immediate disengagement at the expense of encouraging companies to use leverage to ameliorate the situation of exploited workers. While the proposal does not expressly require disengagement on finding that there has been forced labour, it is not clear that adequate incentives have been given for companies to engage with suppliers where there is a finding or allegation that products have been produced using forced labour. In this way, the Proposal fails to place rightsholders at the centre of its approach, and in so doing risks having only a cosmetic effect. In addition, the Proposal has a number of critical omissions, including a failure to make express provision for corrective actions to be taken, including provision of remediation for those in a situation of forced labour.

A recent [briefing from the Modern Slavery Policy and Evidence Centre](#) assessing the evidence on the effectiveness of forced labour bans found that “There is limited evidence on the effectiveness of import bans at reducing forced labour taking place in supply chains, with little robust research on this topic”. The briefing further found that “The drivers of forced labour in supply chains are complex and any single regulatory intervention, such as an import ban, is unlikely on its own to be effective at reducing forced labour in a sustainable way, meaning import bans should be carefully considered alongside other regulatory and non-regulatory levers.” Accordingly, it is critical that the Proposal and other interdependent regulatory initiatives such as the CSDDD are aligned and mutually reinforcing.

Finally, the Proposal places a heavy burden on national competent authorities to investigate and prove that products have been produced using forced labour. As noted in section 5 below, an alternative model may be to shift the burden to an importer to show that products are compliant once there has been a preliminary finding that there is that there are good grounds to suspect that particular products have been produced using forced labour.

## 2. POLICY COHERENCE

The recitals to the Proposal refer to a range of existing and proposed EU and other measures which regulate the issue of forced labour. These include trade policy, import controls such as the Conflict Minerals Regulation (2017/821), measures specifically targeted at forced labour and trafficking such as the Anti-Trafficking Directive (2011/36/EU) and international legal instruments, as well as cross-cutting measures such as the forthcoming proposed CSDDD and Corporate Sustainability Reporting Directive (CSRD) (see Recitals 3-10). There are clear interdependencies between the Proposal and the instruments referred to in the recitals, in particular the CSDDD. The Explanatory Memorandum to the Proposal notes that forced labour impacts are covered by the CSDDD (EM, p1), but that the CSDDD does not provide for measures specifically intended to prevent the placing and making available on the EU market of products produced using forced labour (EM, p2). While the intention of the Proposal is to address this apparent gap, **there are key areas of misalignment between the approach to due diligence outlined in the Proposal and the CSDDD which should be addressed.**

For example, the Proposal requires that competent authorities adopt a risk-based approach, focused on economic operators involved in the steps of the value chain where there is a higher

risk of forced labour with respect to the products under investigation when undertaking a preliminary investigation (see Article 4(1) and (2)). By contrast, the scope of due diligence across the value chain required under the CSDDD is delimited by reference to an “established business relationship”, rather than approaching a risk-based approach, prioritising areas of the value chain where there are most severe risks.

These misalignments have significance when you consider how the conduct of due diligence of by economic operators is used in the Proposal as grounds for a Competent Authority to conclude that there is no substantiated concern of a violation of the prohibition on the import of products produced using forced labour, or for avoiding a full investigation into specified products. A Competent Authority, is required to take a risk-based approach, considering the most severe risks across the value chain, when undertaking a preliminary investigation under the Proposal, but companies required to comply with the CSDDD are permitted to take a more circumscribed approach limited to established business relationships.

This means that the scope of an investigation conducted by a Competent Authority could potentially be wider than the due diligence required to be undertaken by an economic operator, which creates risks that the economic operator will not have identified risks of forced labour which are subsequently identified by a Competent Authority.

The Proposal notes that carrying out due diligence in relation to forced labour should lower risks of forced labour occurring in its operations and value chains (see Recital 22). Appropriate due diligence means that forced labour issues in the value chain have been identified and addressed in accordance with EU legislation and international standards (Recital 22 and Article 4(3)). A Competent Authority may conclude that there is no substantiated concern of a violation, and accordingly refrain from undertaking a full investigation, if there exists “applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour being applied in a way that mitigates, prevents and brings to an end the risk of forced labour” during the preliminary investigation phase (see Recital 22 and Article 4(7)).

However, as a result of the difference in approach to due diligence between that required of a Competent Authority in the Proposal and the CSDDD outlined above, compliance with the CSDDD cannot, in isolation, be considered sufficient evidence of the conduct of due diligence capable of

identifying forced labour risks across the value chain sufficient to entitle a Competent Authority to conclude that there is no substantiated concern of a violation. In this way, the exercise of due diligence by a company in accordance with the CSDDD may not effectively protect an economic operator from a finding that there has been a violation of the prohibition on the import of products produced using forced labour. Further, while it is positive that Competent Authorities consider due diligence efforts of companies before and during investigations, being subject to a due diligence obligation, or indeed even the conduct of due diligence cannot be proof that forced labour does not exist. **The Proposal should ensure that importers are incentivised to undertake risk based due diligence in line with the UNGPs and OECD GL and clarify that being subject to a Member State law transposing the requirements of the CSDDD or any other due diligence law is not sufficient grounds to entitle a Competent Authority to conclude that appropriate due diligence has been undertaken.**

In addition, there are misalignments with respect to personal scope. The Proposal applies to all companies importing products to the single market, regardless of size or sector, but the CSDDD takes a more circumscribed approach, applying only to large companies which meet employee and turnover thresholds, and over time, medium sized companies which operate in “high impact” sectors. Given the more limited personal scope of the CSDDD, **the Proposal should ensure that it provides incentives for smaller companies falling outside the scope of the CSDDD to undertake human rights due diligence aligned with the requirements of the UNGPs to ensure that the two measures are mutually reinforcing and provide a multiplier effect, incentivising the broadest range of companies possible to undertake due diligence aligned with the UNGPs and OECD GL.** To do so would be consistent with the commitment stated in the Explanatory Memorandum to the proposal stating that “combating forced labour and promoting corporate sustainability due diligence standards are priorities of the EU’s agenda on human rights” (EM, p1).

Key international standards such as the UNGPs and the OECD GL, each emphasise that in the case of adverse human rights impacts linked to their business relationships businesses should prioritise engagement with business partners, using available leverage to prevent, mitigate or cease adverse human rights impacts. They each advocate a risk-based approach to the conduct of due diligence. **One concrete action to address the above misalignments which should be considered is amending the definition of “due diligence in relation to forced labour” in article 2(c) to make**

**specific reference to the process of human rights due diligence as outlined in the UNGPs as follows:**

‘due diligence in relation to forced labour’ means the efforts by economic operator to implement due diligence in line with the UN Guiding Principles on Business and Human Rights, mandatory requirements, voluntary guidelines, recommendations or practices to identify, prevent, mitigate or bring to an end the use of forced labour with respect to products that are to be made available on the Union market or to be exported.

Further, **the proposal does not clarify interlinkages with the Sustainable Finance Disclosure Regulation (SFDR) and in particular the use of Principal Adverse Impacts including related to social sustainability as defined by the Regulatory Technical Standard. This should be clarified further.**

In addition, **the Proposal should ensure that it is mutually reinforcing of efforts to address forced labour not only in global supply chains, but within the EU itself including through leveraging the requirement to conduct due diligence to address risks of forced labour to encourage the conduct of broader human rights due diligence on the whole of the value chain, including operations and business relationships within the EU.**

Lastly, neither the Proposal nor the CSDDD provide an express requirement to undertake corrective action or provide remediation to those working under conditions of forced labour. For more on this point, please see Section 3 below.

### **3. REMEDY AND REMEDIATION**

The Proposal specifies that a Competent Authority shall take into account where an economic operator demonstrates that it undertakes due diligence and adopts and carries out measures suitable and effective for bringing an end to forced labour (see Article 4(6)), However, the Proposal does not specify how these matters should be considered, whether such considerations are sufficient to preclude a finding that there has been a violation of the prohibition against the import of products produced using forced labour or how a Competent Authority can and should monitor the conditions of workers linked to the products under investigation.



Alone, this provision may not be sufficient to address underlying conditions of workers in conditions amounting to forced labour. Critically, the Proposal does not require corrective actions to avoid reoccurrence or require remediation to be provided to affected workers, including as a condition of lifting an enforcement decision.

Article 6(6) states that a decision may be lifted if an economic operator shows that it “eliminated” forced labour from its supply chain. This risks setting the incentive for economic operators not to focus on remedying the situation, but on simply dropping suppliers where forced labour occurs and thereby eliminating forced labour from their own supply chain. In its current form, the proposal does not improve the situation for those affected but perversely may exacerbate it. **The Proposal could be a strong lever to incentivize remedy if instead the requirement for lifting an enforcement decision would be that the economic operator ensure that those affected have received remedy and that measures have been taken to avoid reoccurrence of forced labour in the future. In determining what remediation is sufficient to justify the lifting of an enforcement decision, affected stakeholders should be considered.**

In its recitals, the Proposal refers to a requirement under the proposed CSDDD for companies “to engage with business partners in their value chains to remedy the violation” (EM, p2). However, although the CSDDD’s enforcement mechanisms include administrative enforcement and civil liability, it is not fully aligned with the UNGPs approach to remedy, and under the proposed CSDDD companies are not necessarily required to provide remedy for victims of human rights abuses. Accordingly, there is no express obligation on companies falling within the scope of the CSDDD to establish an operational level grievance mechanism available to those in a situation of forced labour, or otherwise provide remediation through alternative means other than via litigation under the civil liability provision. For further explanation of the CSDDD’s limited approach to remedy and remediation, please see recent analysis by the DIHR: [Legislating for Impact: Analysis of the Proposed EU Corporate Sustainability Due Diligence Directive](#), section 3.2.6. This discloses a gap between the Proposal and the CSDDD, as neither measure expressly requires a company which has been linked to instances of forced labour to undertake specific corrective actions, such as providing remedy or remediation to workers.

The lack of a remediation mechanism is also a feature of the equivalent US import restriction established by Section 307 of the Tariffs Act, which provides that “[a]ll goods, wares, articles, and

merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor ... shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited". Under that regime, goods suspected of being produced using forced labour may be the subject of a Withhold Release Orders (WROs) which will stop goods at the border.

There is [some reporting](#) which suggests that the issuing of WROs has provided an incentive to improve conditions for workers and provide remediation, such as the reimbursement of recruitment fees in the case of WROs issued against Top Glove, and other Malaysian manufacturers of latex gloves. However, it is unclear whether this could have been achieved in the absence of additional pressure from investigative journalists and civil society actors. By not including express requirements for corrective actions, including remediation to be provided to affected workers, the Proposal does not provide a clear means of requiring economic operators to address underlying conditions of forced labour.

The lack of express provision for corrective action or remediation represents a departure from the [European Parliament's resolution of 9 June 2022](#), which "calls on the Commission to ensure that the new EU instrument requires the responsible companies to provide remediation to the affected workers prior to import restrictions being lifted; calls for the monitoring of remediation and corrective actions to be undertaken in cooperation with relevant stakeholders, including civil society organisations and trade unions". While the recitals to the Proposal references various resolutions made by the European Parliament condemning forced labour (see Recital 13) the Proposal itself does not reference the 9 June 2022 resolution.

**The Proposal already requires that Competent Authorities be empowered to issue penalties under Article 12(6), and it is suggested that this be broadened to include the power to order corrective actions, including with respect to the provision of remediation as a means of supplementing the use of remediation requirements tied to the lifting of enforcement decisions.**

#### **4. ADEQUATE INCENTIVES**

As noted in section 3 above, under Article 4(6) whether an economic operator demonstrates that it carries out due diligence and adopts and carries out measures suitable and effective for bringing an end to forced labour is a relevant consideration for a Competent Authority. However, given the

lack of clarity around how these matters should be considered, it is not certain that the Proposal provides sufficient incentives for companies to use their leverage to mitigate the risk of forced labour before cutting ties with their suppliers, or otherwise address underlying conditions of forced labour.

Consistent with the UNGPs, disengagement with a business relationship should be an option of last resort, either after failed attempts at mitigation or where steps taken to mitigate an impact are not feasible because of the severity of the impact. Adopting an approach which prioritises engagement rather than triggering immediate disengagement on discovering an adverse human rights impact creates the potential for a company to positively exercise leverage to improve respect for human rights for affected rightsholders. It also helps to prevent unintended consequences such as pushing workers in situations of vulnerability into the informal economy or worsened conditions, which is known to be a negative outcome of 'zero-tolerance' approaches to child labour.

The recitals to the CSDDD are clear in their intention that companies should prioritise engagement with business relationships in the value chain instead of terminating the business relationship, with disengagement a last resort option. Further, they make plain that prevention, mitigation and cessation of adverse human rights impacts must take into account the interests of rightsholders who are adversely affected by business activities (see in particular CSDDD Recitals 32, 36 and 41). Indeed, while acknowledging the EU's zero tolerance policy on child labour, the recitals note that "Terminating a business relationship in which child labour was found could expose the child to even more severe human rights impacts. This should therefore be taken into account when deciding what appropriate action to take" (CSDDD Recital 32).

The Proposal also does not expressly require economic operators to immediately disengage with their suppliers when they found any risk of forced labour in their supply chains. However, in the absence of adequate incentives, in practice, it is difficult to expect companies to make voluntary efforts to improve the working conditions of workers in their supply chains while the products are prohibited to be traded.

Article 6(6) provides that following a decision by a Competent Authority that there has been a violation of Article 3 and an order to withdraw and dispose of products, where an economic

operator provides evidence that such an order has been complied with and that that have eliminated forced labour from their operations or supply chain with respect to the products concerned, the Competent Authorities shall withdraw their decision for the future and inform the economic operators. In order for such a provision to provide an incentive to address instances of forced labour, **the proposal should clarify what is required to show that forced labour has been “eliminated” in satisfaction of the requirement in Article 6(6), and how a Competent Authority should decide that the requirement is met, including what may constitute evidence and whether there will be ongoing monitoring to ensure that forced labour issues do not recur.** Article 6(6), if clarified, could provide some incentives to address the root causes of forced labour and ameliorate the situation of those working under conditions of forced labour. However, care must be taken to ensure that an economic operator does not implement a temporary solution, or indeed simply drop a supplier, to meet the requirement to “eliminate” forced labour from its supply chain and thereby avoid a decision restricting the import of future products at the expense of meaningful engagement leading to durable efforts to address forced labour.

Analysis of the effect of Section 307 of the Tariffs Act by the [Corporate Accountability Lab](#) has noted that the issuing of WROs can lead to unintended consequences: “instead of dealing with the underlying forced labour issues, companies may shut down and lay off their workers, leaving workers in a worse situation -- in some cases stranded in foreign countries with no work and no way to pay off debts or return home. Depending on the breadth of the WRO, it can also lead to real economic consequences for local economies”. Without much needed clarification of Article 6(6), the Proposal could incentivise exiting risky relationships and inadvertently worsen the conditions of those working under conditions amounting to forced labour.

Other models incentivising engagement can be found in the proposed Deforestation Regulation and the proposed Batteries Regulation.

Under the Commission’s proposal for a Batteries Regulation, certain economic operators are required to conduct supply chain due diligence in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. In implementing a risk management strategy, economic operators are specifically required to consider their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk (see Commission proposal, Article 39(3)(b)(ii)). Further, in accordance with Article 39(3), if the economic operator pursues risk

mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

The Deforestation Regulation proposal also requires the exercise of due diligence and envisages that the development of risk mitigation measures may also include supporting the compliance with the Regulation of their suppliers, in particular smallholders, through capacity building and investments (see Article 10a(1)).

**In order to incentivise engagement and the exercise of leverage to prevent or mitigate risks of forced labour, mechanisms which take inspiration from the Batteries Regulation and Deforestation Regulation could be considered in the context of the Proposal.**

**The Proposal should also clarify how efforts to address underlying issues of forced labour and remediate are considered by Competent Authorities and ensure that adequate incentives are included. This could be done by including an express power for such Competent Authorities to order corrective actions.** As noted above, the Proposal already requires that Competent Authorities be empowered to issue penalties under Article 12(6), which could be broadened to include the power to order corrective actions.

## **5. BURDEN ON COMPETENT AUTHORITIES**

Finally, the Proposal requires Member States to designate Competent Authorities responsible for carrying out the obligations set out in the Proposal (Article 12) with necessary powers and resources, including the power to impose penalties (Article 12(6)).

The Proposal places a significant burden on Competent Authorities appointed to investigate and render decisions under the Proposal. Competent Authorities are obliged to monitor the market to identify violations of the prohibition on the import of products produced using forced labour under Article 3 (see Recital 19) and bear the onus of proving that forced labour has been used at any stage of production, manufacture, harvest or extraction of a product, including working or processing related to the product on the basis of all information and evidence gathered during the

investigation. In discharging this duty, they are required to first undertake a preliminary investigation, requiring them to assess a range of information specified in Article 4(1) including information submitted by any natural or legal person under Article 10 and information requested from the economic operator under Article 4(3) in undertaking a risk-based investigation to assess whether there is a substantiated concern that products are produced using forced labour. If there has been such a finding, a full investigation should be conducted (Article 5(1) requiring the Competent Authority carry out all necessary checks and inspections including investigations in third countries, provided that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection (Article 5(6)). The Competent Authority may render a decision that there has been a violation of Article 3 which is required to set out the findings of its investigation, as well as all relevant details (Article 7), and allow economic operators to seek review of decisions (Article 8). They are further required to cooperate with other national Competent Authorities (Recital 23 and Article 13) and coordinate with national labour inspectorates, judicial and law enforcement authorities so as not to jeopardise investigations by such authorities (Recital 19 and Article 12(5)). Competent Authorities further bear a range of information obligations under Article 9.

These various stages of investigation, decision making and review, involving information gathering, assessment and coordination with a range of actors, including international coordination with Member State or third country governments represent a significant burden on Competent Authorities.

The Commission should be alive to the fact that Member States will be required to implement a range of measures in the coming years which will impose a heavy regulatory burden on national authorities. This includes appointing or establishing adequately resourced and empowered Supervisory Authorities to monitor and enforce the provisions of the CSDDD, with which the work of the Competent Authority should be coherent.

Given this heavy burden, and the greater visibility that an economic operator is likely to have of the risks present in its own supply chain, **the Commission should consider implementing a model which alleviates some of this burden by reversing the onus of proof on a preliminary finding that there are good grounds to suspect that particular products have been produced using forced**

**labour. Under such a model, an economic operator would be required to show that products have not been produced using forced labour.** This model can be found in similar measures such as that set out in section 307 of the US Tariff Act.