REGULATION (EU) 2024/3015 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 November 2024

on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) As recognised in the Preamble to the 2014 Protocol to Convention No 29 on forced labour (ILO Convention No 29) of the International Labour Organization (ILO), forced labour constitutes a serious violation of human dignity and fundamental human rights, contributes to the perpetuation of poverty and stands in the way of the achievement of decent work for all. The ILO declared the elimination of all forms of forced or compulsory labour as a principle of fundamental rights. The ILO classifies ILO Convention No 29, including the supplementing 2014 Protocol to Convention No 29 and the ILO Convention No 105 on the abolition of forced labour (ILO Convention No 105) as fundamental ILO conventions and issues recommendations to prevent, eliminate, and remedy forced labour, such as the Forced Labour (Supplementary Measures) Recommendation No 203. The ILO has developed several indicators used to identify and indicate cases of forced labour, such as threats and actual physical and sexual harm, abuse of vulnerability, abuse of working and living conditions and excessive overtime, deception, restriction of movement or confinement to the workplace or a limited area, isolation, debt bondages, withholding wages or excessive wage reduction, retention of passports and identity documents or threat of denunciation to the authorities when the worker has an irregular immigration status. Forced labour is very often linked to poverty and discrimination. The manipulation of credit and debt, either by employers or by recruiting agents, is still a key factor that traps vulnerable workers in forced labour situations. According to the ILO supervisory bodies, prison labour, including where it is performed for private companies, does not in itself constitute forced labour, provided that it is done on a voluntary basis, for the benefit of the prisoner and is comparable to the conditions of a free labour relationship. Community work as an alternative penal sanction to imprisonment should always be in the public interest and should, under no circumstances, be abused by states as a means to degrade the convicted person or deprive that person of their dignity. In cases in which work or service is imposed by exploiting the worker's vulnerability under the threat of a penalty, that threat does not need to take the form of a penal sanction but might take the form of a loss of rights or benefits.

(2) The use of forced labour is widespread in the world. It is estimated that about 27,6 million people were in situations of forced labour in 2021. Vulnerable and marginalised groups in society are particularly susceptible to being pressured into performing forced labour. Such groups include women, children, ethnic minorities, persons with disabilities, lower casters, indigenous and tribal people, and migrants, especially undocumented migrants, who have a precarious status and operate in the informal economy. Even when it is not state imposed, forced labour is often a consequence of the absence or lack of good governance with regard to certain economic operators and a demonstration of a state's failure to enforce social and labour rights, particularly for vulnerable and marginalised groups. Forced labour can also take place as a result of authorities' tacit consent. 86 % of all forced labour cases

([1]) OJ C 140, 21.4.2023, p. 75.
([2]) Position of the European Parliament of 23 April 2024 (not yet published in the Official Journal) and decision of the Council of 19 November 2024.

欧洲议会和欧盟理事会《第 2024/3015 号条例》

2024年11月27日

关于禁止在欧盟市场投放使用强迫劳动制造的产品并修订《第 (EU) 号指令》2019/1937

(与欧洲经济区相关的文本)

欧洲议会和欧盟理事会，

考虑到《欧洲联盟运行条约》，特别是其中第 114 条和第 207 条，

考虑到欧盟委员会提出的提案，

在立法法案草案送交各国议会后，

考虑到欧洲经济和社会委员会的意见(1)，

按照普通立法程序(2)行事，

鉴于：

(1) 正如 2014 年《关于强迫劳动的第 29 号公约议定书》(国际劳工组织(ILO)第 29 号公约)序言所确认的，国际劳工组织(ILO)认为，强迫劳动构成对人的尊严和基本人权的严重侵犯，助长贫困的长期存在，并阻碍实现人人享有体面工作。国际劳工组织宣布消除一切形式的强迫或强制劳动是一项基本权利原则。国际劳工组织将《第29号公约》(包括补充《第29号公约》的2014年议定书)以及关于废除强迫劳动的《第105号公约》(《国际劳工组织第105号公约》)归类为国际劳工组织基本公约，并提出预防、消除和补救强迫劳动的建议，例如《第203号强迫劳动(补充措施)建议书》。国际劳工组织制定了若干指标，用于识别和指示强迫劳动案件，例如威胁及实际的身体和性伤害、滥用脆弱性、滥用工作和生活条件及过度加班、欺骗、限制行动或禁闭在工作场所或有限区域内、隔离、债务奴役、扣留工资或过度削减工资、扣留护照和身份证件，或在工人处于非正常移民身份时威胁向当局告发。强迫劳动往往与贫困和歧视相关联。由雇主或招聘代理人操纵信贷和债务，仍然是使脆弱工人陷入强迫劳动境地的关键因素。根据国际劳工组织监督机构的意见，监狱劳动，包括为私营公司从事的监狱劳动，其本身并不构成强迫劳动，前提是这种劳动是自愿的、为了囚犯的利益，并且与自由劳动关系的工作条件相当。作为监禁替代刑罚的社区劳动应始终符合公共利益，且在任何情况下都不应被国家滥用来贬低被定罪者或剥夺其尊严。在以处罚威胁利用工人脆弱性而强加工作或服务的情况下，该威胁不必采取刑事制裁的形式，而可能采取丧失权利或福利的形式。

(2) 强迫劳动的使用在世界上十分普遍。据估计，约有2760万人处于2021年强迫劳动的情况。社会中的脆弱和边缘化群体特别容易被迫从事强迫劳动。这些群体包括妇女、儿童、少数族裔、残疾人、低种姓者、土著和部落人民以及移民，特别是无证件移民，他们的身份不稳定，并在非正规经济中活动。即使不是国家强加的，强迫劳动也往往是某些经济经营者缺乏或缺少良好治理的结果，并表明国家未能执行社会和劳动权利，特别是对脆弱和边缘化群体而言。强迫劳动也可能因当局的默许而发生。所有强迫劳动案件中有86%

(1) OJ C 140, 21.4.2023， 第75页。
(2) 欧洲议会2024年4月23日的立场(尚未在《官方公报》上公布)以及欧盟理事会2024年11月19日的决定。

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occur in the private sector, in particular through the forced labour exploitation of 17,3 million people. The obligations of economic operators set out in this Regulation should be predictable and clear in order to ensure full and effective compliance and contribute to bringing forced labour to an end.

(3) The eradication of forced labour in all its forms, including state imposed forced labour, is a priority for the Union. Respect for human dignity and the universality and indivisibility of human rights are firmly enshrined in Article 21 of the Treaty on European Union (TEU). In order to achieve Target 8.7 of the United Nations' Sustainable Development Goals, the Union should uphold and promote its values and contribute to the protection of human rights, in particular the rights of the child. Article 5 of the Charter of Fundamental Rights of the European Union (the 'Charter') explicitly prohibits slavery, servitude, forced or compulsory labour and trafficking in human beings, and Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms provides that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights has repeatedly interpreted Article 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations set out in that Article. The right to effective remedies for violations of fundamental rights is a human right, and a fundamental element in the process of effective prosecution of crimes. Existing Union law, the United Nations Guiding Principles on the Business and Human Rights (UNGPs), the Council of Europe recommendation on human rights and business and the Organisation for Economic Cooperation and Development (OECD) guidelines, such as the Guidelines for Multinational Enterprises on Responsible Business Conduct, affirm that victims have the right to an effective remedy for business-related human rights violations or abuses, including forced labour.

(4) All Member States have ratified the fundamental ILO conventions in the area of forced labour, namely ILO Convention No 29 and ILO Convention No 105, and ILO Convention No 182 on the Worst Forms of Child Labour (ILO Convention No 182). They are therefore legally obliged to prevent and eliminate the use of forced labour and to report regularly to the ILO.

(5) Through its policies and legislative initiatives, the Union seeks to eradicate the use of forced labour and promote decent work and labour rights worldwide. The Union promotes due diligence in line with international guidelines and principles established by international organisations, including the ILO, the OECD and the United Nations, to ensure that forced labour does not have a place in the supply chains of undertakings established in the Union.

(6) Union trade policy supports the fight against forced labour in both unilateral and bilateral trade relationships. The trade and sustainable development chapters of Union trade agreements contain a commitment to ratify and effectively implement the fundamental ILO conventions, which include ILO Convention No 29 and ILO Convention No 105, whereas trade and gender provisions establish a gender lens that is essential for the economic empowerment of women in order to combat gendered forced labour. Moreover, unilateral tariff preferences under the Union's Generalised Scheme of Preferences may be withdrawn for serious and systematic violations of ILO Convention No 29 and ILO Convention No 105.

(7) Forced labour has a distinct impact on vulnerable and marginalised groups, such as children, women, migrants, refugees or indigenous peoples, and therefore an intersectional and gender-sensitive approach is essential to combat forced labour effectively. This Regulation is therefore expected to contribute to the objectives of relevant international agreements and conventions, such as ILO Convention No 182, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, the Beijing Declaration of September 1995, the Global Compact for Safe, Orderly and Regular Migration, the Geneva Convention Relating to the Status of Refugees, the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No 169 on indigenous and tribal peoples.

(8) Directive 2011/36/EU of the European Parliament and of the Council ([3]) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes rules on minimum penalties. Any rules laid down concerning the prohibition of placing and making available on the Union market domestic or imported products made with forced labour, or exporting such products, and the obligation to ensure that such products are withdrawn

([3]) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).

发生在私营部门，特别是通过对1730万人的强迫劳动剥削。本条例为经济经营者规定的义务应当具有可预见性和明确性，以确保充分有效的合规，并有助于终止强迫劳动。

(3) 消除一切形式的强迫劳动，包括国家强加的强迫劳动，是欧盟的优先事项。对人的尊严的尊重以及人权的普遍性和不可分割性庄严载入《欧洲联盟条约》(TEU)第21条。为实现联合国可持续发展目标的具体目标8.7，欧盟应维护和促进其价值观，并为保护人权，特别是儿童权利作出贡献。《欧洲联盟基本权利宪章》("宪章")第5条明确禁止奴隶制、奴役、强迫或强制劳动以及贩运人口，《欧洲保护人权与基本自由公约》第4条规定，不得要求任何人从事强迫或强制劳动。欧洲人权法院多次将《欧洲保护人权与基本自由公约》第4条解释为要求成员国对任何使他人处于该条所述状况的行为予以处罚和有效起诉。对基本权利受到侵犯获得有效补救的权利是一项人权，也是有效起诉犯罪过程中的一个基本要素。现行欧盟法律、联合国《工商业与人权指导原则》(UNGPs)、欧洲委员会关于人权与工商业的建议以及经济合作与发展组织(OECD)的准则，例如《跨国企业负责任商业行为准则》，均确认受害者有权就与工商业相关的侵犯或践踏人权行为，包括强迫劳动，获得有效补救。

(4) 所有成员国均已批准国际劳工组织(ILO)在强迫劳动领域的基本公约，即国际劳工组织(ILO)

第 29 号公约和国际劳工组织(ILO)第 105 号公约，以及国际劳工组织(ILO)《关于最恶劣形式童工劳动的第 182 号公约》(国际劳工组织(ILO)第 182 号公约)。因此，它们在法律上有义务防止和消除使用强迫劳动，并定期向国际劳工组织(ILO)报告。

(5) 欧盟通过其政策和立法举措，力求根除使用强迫劳动，并在全世界促进

体面劳动和劳工权利。欧盟按照国际组织(包括国际劳工组织(ILO)、经合组织和联合国)确立的国际准则和原则促进尽职调查，以确保强迫劳动在欧盟境内设立企业的供应链中无立足之地。

(6) 欧盟贸易政策在单边和双边贸易关系中均支持打击强迫劳动。欧盟贸易协定的贸易与可持续发展章节包含批准和有效实施国际劳工组织基本公约的承诺，其中包括《国际劳工组织第29号公约》和《国际劳工组织第105号公约》，而贸易与性别条款确立了性别视角，这对增强妇女经济权能以打击性别化的强迫劳动至关重要。此外，对于严重和系统性违反《国际劳工组织第29号公约》和《国际劳工组织第105号公约》的行为，可撤销欧盟普遍优惠制下的单边关税优惠。

(7) 强迫劳动对儿童、妇女、移民、难民或土著人民等弱势和边缘化群体有着独特的影响，因此，采取交叉性和性别敏感的方法对于有效打击强迫劳动至关重要。因此，本条例预计将有助于实现相关国际协定和公约的目标，例如国际劳工组织(ILO)第182号公约、欧洲委员会《防止和打击暴力侵害妇女行为和家庭暴力公约》、1995年9月《北京宣言》、《安全、有序和正常移民全球契约》、《关于难民地位的日内瓦公约》、《联合国土著人民权利宣言》以及国际劳工组织(ILO)关于土著和部落人民的第169号公约。

(8) 欧洲议会和理事会第 2011/36/EU 号指令(3)统一了贩运人口(包括强迫劳动或服务)的定义，

并规定了最低处罚规则。关于禁止在欧盟市场投放和提供使用强迫劳动制造的国产或进口产品、或出口此类产品，以及确保此类产品从欧盟市场撤回(禁止使用强迫劳动制造的产品)的义务的任何规则，

(3) 欧洲议会和理事会 2011 年 4 月 5 日关于预防和打击贩运人口及保护受害者的第 2011/36/EU 号指令，并取代理事会第 2002/629/JHA 号框架决定(OJ L 101, 15.4.2011, p.1)。

from the Union market (prohibition of products made with forced labour), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences related to trafficking in human beings, including labour exploitation.

(9) Regulation (EU) 2017/821 of the European Parliament and of the Council ([4]) requires Union importers of minerals or metals falling under the scope of that Regulation to carry out due diligence obligations consistent with Annex II to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, and the due diligence recommendations set out therein. Regulation (EU) 2023/1542 of the European Parliament and of the Council ([5]) contains obligations for economic operators to carry out due diligence in their supply chains, including with respect to labour rights. Regulation (EU) 2023/1115 of the European Parliament and of the Council ([6]) requires due diligence regarding certain commodities and products associated with deforestation and forest degradation, including with respect to human rights.

(10) Directive 2013/34/EU of the European Parliament and of the Council ([7]) requires Member States to ensure that certain economic operators annually publish non-financial statements in which they report on the impact of their activity on environmental, social and employee matters and on respect for human rights, including on forced labour, anti-corruption and bribery matters. Furthermore, Directive (EU) 2022/2464 of the European Parliament and of the Council ([8]) on corporate sustainability reporting amended that requirement by introducing detailed reporting requirements for companies falling within the scope of that Directive regarding respect for human rights, including in global supply chains. The information that undertakings disclose about human rights should include, where relevant, information about forced labour in their value chains.

(11) As a member of the World Trade Organisation (WTO), the Union is committed to promoting a rules-based, open, multilateral trading system. Any measures introduced by the Union that affect trade should be WTO compliant.

(12) In July 2021, the Commission and the European External Action Service published guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains.

(13) As recognised in the communication of the Commission of 23 February 2022 on decent work worldwide for a global just transition and a sustainable recovery, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.

(14) Core priorities of the Union, as enshrined in the EU Action Plan on Human Rights and Democracy 2020–2024, include promoting decent work and a human-centred future of work ensuring respect for fundamental principles and human rights, promoting social dialogue, as well as the ratification and effective implementation of relevant ILO conventions and protocols, strengthening responsible management in global supply chains and access to social protection.

(15) In its resolutions of 9 June 2022 on a new trade instrument to ban products made by forced labour ([9]), of 17 December 2020 on forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region ([10]) and of 16 December 2021 on forced labour in the Linglong factory and environmental protests in

([4]) Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1).
([5]) Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).
([6]) Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 (OJ L 150, 9.6.2023, p. 206).
([7]) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).
([8]) Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p. 15).
([9]) OJ C 493, 27.12.2022, p. 132.
([10]) OJ C 445, 29.10.2021, p. 114.

从联盟市场（禁止强迫劳动产品），不应影响该指令，特别是执法和司法当局调查和起诉与人口贩运有关的犯罪，包括劳动剥削的权限。

(9) 欧洲议会和理事会第(EU)2017/821 号条例(4)要求欧盟矿物进口商

或属于该条例范围内的金属，履行与《经合组织受冲突影响和高风险地区矿产负责任供应链尽职调查指南》附件二及其中所列尽职调查建议相一致的尽职调查义务。欧洲议会和欧盟理事会《第 2023/1542 号条例》(5) 规定了经济经营者在其供应链中开展尽职调查的义务，包括在劳工权利方面的尽职调查。欧洲议会和欧盟理事会《第 2023/1115 号条例》(6) 要求对与毁林和森林退化相关的某些商品和产品开展尽职调查，包括在人权方面的尽职调查。

(10) 欧洲议会和理事会第 2013/34/EU 号指令(7)要求成员国确保

某些经济经营者每年发布非财务报告，报告其活动对环境、社会和雇员事项以及尊重人权(包括强迫劳动、反腐败和贿赂事项)的影响。此外，欧洲议会和欧盟理事会关于企业可持续性报告的《第 2022/2464 号指令》(8) 修订了该要求，对属于该指令范围内的公司引入了关于尊重人权(包括在全球供应链中)的详细报告要求。企业披露的关于人权的信息应酌情包括其价值链中强迫劳动的信息。

(11) 作为世界贸易组织(WTO)成员，欧盟致力于促进基于规则、开放的多边贸易体制。欧盟采取的任何影响贸易的措施都应当符合 WTO 规则。

(12) 2021年7月，欧盟委员会和欧洲对外行动署发布了关于欧盟尽职调查的指导意见

以应对其运营和供应链中的强迫劳动风险。

(13) 正如欧盟委员会2022年2月23日关于全球体面劳动的通讯中所确认的，

全球公正转型和可持续复苏，尽管有当前的政策和立法框架，仍需要采取进一步行动，以实现从联盟市场消除强迫劳动产品的目标，从而进一步促进全球打击强迫劳动。

(14) 欧盟的核心优先事项，如《2020-2024 年欧盟人权与民主行动计划》所载，

包括促进体面劳动和以人为本的工作未来，确保尊重基本原则和人权，促进社会对话，以及批准和有效实施相关国际劳工组织(ILO)公约和议定书，加强全球供应链中的负责任管理和获得社会保护的机会。

(15) 在其2022年6月9日关于禁止强迫劳动制造产品的新贸易工具的决议(9)、2020年12月17日关于强迫劳动与新疆维吾尔自治区维吾尔人状况的决议(10)以及2021年12月16日关于玲珑工厂强迫劳动及环境抗议的决议中，

(4) 欧洲议会和理事会 2017 年 5 月 17 日第(EU)2017/821 号条例，规定欧盟锡、钽和钨及其矿石以及原产于受冲突影响和高风险地区的黄金进口商的供应链尽职调查义务(OJ L 130, 19.5.2017, p.1)。
(5) 欧洲议会和理事会 2023 年 7 月 12 日第(EU)2023/1542 号条例，关于电池和废电池，修订第 2008/98/EC 号指令和第(EU)2019/1020 号条例并废止第 2006/66/EC 号指令(OJ L 191, 28.7.2023, p.1)。
(6) 欧洲议会和欧盟理事会2023年5月31日《第2023/1115号条例》(EU)，关于在欧盟市场投放及从欧盟出口与毁林和森林退化相关的特定商品和产品，并废止《第995/2010号条例》(EU)(OJ L 150, 9.6.2023, p.206)。
(7) 欧洲议会和理事会 2013 年 6 月 26 日第 2013/34/EU 号指令，关于某些类型企业的年度财务报表、合并财务报表和相关报告，修订欧洲议会和理事会第 2006/43/EC 号指令并废止理事会第 78/660/EEC 号和第 83/349/EEC 号指令(OJ L 182, 29.6.2013, p.19)。
(8) 欧洲议会和理事会 2022 年 12 月 14 日第(EU)2022/2464 号指令，就企业可持续发展报告修订第(EU)第 537/2014 号条例、第 2004/109/EC 号指令、第 2006/43/EC 号指令和第 2013/34/EU 号指令(OJ L 322, 16.12.2022, p.15)。
(9) OJ C 493, 27.12.2022，第132页。
(10) OJ C 445, 29.10.2021，第114页。

Serbia ([11]), the European Parliament strongly condemned forced labour and called for a ban on products made with forced labour. It is therefore a matter of public moral concern that products made with forced labour could be available on the Union market or exported to third countries without an effective mechanism to ban or withdraw such products.

(16) To complete the Union legislative and policy framework on forced labour, the placing and making available on the Union market of products made with forced labour or exporting domestically produced or imported products made with forced labour should be prohibited and it should be ensured that those products are withdrawn from the Union market.

(17) Currently there is no Union law that empowers Member States' authorities to directly detain, seize, or order the withdrawal of a product on the basis of a finding that it was made, whether in whole or in part, with forced labour.

(18) In order to ensure the effectiveness of this Regulation, the prohibition of products made with forced labour should apply to products for which forced labour has been used at any stage of the production, manufacture, harvest or extraction of those products, including in the working or processing related to such products. The prohibition of products made with forced labour should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported. This Regulation does not apply to the provision of transport services.

(19) The prohibition of products made with forced labour should contribute to the international efforts to abolish forced labour. The definition of 'forced labour' should therefore be aligned with the definition laid down in ILO Convention No 29 stating that forced or compulsory labour means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily, with the exclusion of any work or service exacted in virtue of compulsory military service laws for work of a purely military character; any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country; any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations; any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population; and minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered to be normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

(20) Based on the definition of forced labour specified in ILO Convention No 29 and used in this Regulation, the ILO indicators of forced labour and the ILO guidelines entitled 'Hard to See, Harder to Count' set out the most common signs that point to the possible existence of forced labour and should be taken into account when implementing this Regulation. However, those indicators may be insufficient for the identification of forced labour imposed by state authorities, which is based on systemic and global coercive policies that require additional, specifically designed indicators.

(21) The definition of 'forced labour imposed by state authorities' should be aligned with ILO Convention No 105, which specifically prohibits the use of forced labour or compulsory labour as a means of political coercion or education or as punishment for the expression of political views or views ideologically opposed to the established political, social or economic system. It also prohibits the use of forced labour as a method of mobilising and using it for the purposes of economic development, as a means of labour discipline, as a punishment for having participated in strikes, or as a means of racial, social, national or religious discrimination.

(22) Distance sales, including online selling, should also fall within the scope of this Regulation. In the case of a product offered for sale online or through other means of distance sales, the product should be considered to be made available on the market if the offer for sale is targeted at end users in the Union. In line with the applicable Union law on private international law, a case-by-case analysis should be carried out in order to establish whether an offer is

([11]) OJ C 251, 30.6.2022, p. 124.

塞尔维亚(11)，欧洲议会强烈谴责强迫劳动，并呼吁禁止使用强迫劳动制造的产品。因此，使用强迫劳动制造的产品可能在欧盟市场上提供或出口到第三国，而缺乏有效的禁止或撤回此类产品的机制，这构成了公共道德关切事项。

(16) 为完善欧盟关于强迫劳动的立法和政策框架，应禁止使用强迫劳动制造的产品在欧盟市场上投放和提供，或出口国内生产或进口的使用强迫劳动制造的产品，并应确保这些产品从欧盟市场撤回。

(17) 目前，欧盟法律未授权成员国主管机关基于产品全部或部分使用强迫劳动制造的认定，直接扣留、扣押或命令撤回产品。

(18) 为确保本条例的有效性，对使用强迫劳动制造的产品之禁止应适用于在其生产、制造、收获或提取的任何阶段使用了强迫劳动的产品，包括与此类产品相关的加工或处理。对使用强迫劳动制造的产品的禁止应适用于所有类型的产品，包括其组件，并应适用于无论部门、原产地、是国内还是进口、投放或提供于欧盟市场或出口的产品。本条例不适用于运输服务的提供。

(19) 对使用强迫劳动制造的产品的禁止应有助于废除强迫劳动的国际努力。因此，"强迫劳动"的定义应与国际劳工组织《第 29 号公约》所规定的定义保持一致，该定义规定强迫或强制劳动是指任何人在任何处罚的威胁下被索取的所有工作或服务，且该人并非自愿提供，但以下情况除外：根据义务兵役法为纯军事性质的工作而索取的工作或服务；构成完全自治国家公民正常公民义务一部分的工作或服务；因法院定罪而向任何人索取的工作或服务，前提是该工作或服务在公共当局的监督和控制下进行，且该人未被雇用或置于私人、公司或协会的支配之下；在紧急情况下索取的工作或服务，即在战争或灾难或灾难威胁(如火灾、洪水、饥荒、地震、暴力流行病或动物流行病、动物、昆虫或植物害虫入侵)以及一般而言任何危及全体或部分人口生存或福祉的情况下；以及由社区成员为该社区的直接利益而执行的、因此可被视为社区成员正常公民义务的轻微社区服务，前提是社区成员或其直接代表有权就此类服务的必要性接受咨询。

(20) 基于国际劳工组织《第 29 号公约》规定并在本条例中使用的强迫劳动定义，国际劳工组织强迫劳动指标和题为"难以看见，更难计数"的国际劳工组织准则列出了表明可能存在强迫劳动的最常见迹象，在实施本条例时应予以考虑。然而，这些指标可能不足以识别国家当局实施的强迫劳动，此类强迫劳动基于系统性和全球性的强制政策，需要额外专门设计的指标。

(21) "国家当局实施的强迫劳动"的定义应与国际劳工组织(ILO)第105号公约保持一致，该公约具体禁止以强迫劳动或强制劳动作为政治胁迫或教育的手段，或作为对表达政治观点或意识形态上反对既定政治、社会或经济制度的观点的惩罚。该公约还禁止以强迫劳动作为经济发展中动员和使用劳动力的方法、作为劳动纪律的手段、作为对参加罢工的惩罚，或作为种族、社会、民族或宗教歧视的手段。

(22) 远程销售，包括在线销售，也应属于本条例的适用范围。对于在线或通过其他远程销售方式要约销售的产品，如果要约销售针对欧盟终端用户，则该产品应被视为在市场上提供。根据适用的欧盟国际私法，应逐案分析以确定要约是否

(11) OJ C 251, 30.6.2022， 第124页。

targeted at end users in the Union. An offer for sale should be considered to be targeted at end users in the Union if the relevant economic operator directs, by any means, its activities to a Member State. For the case-by-case analyses, relevant factors, such as the geographical areas to which dispatch is possible, the languages available and used for the offer or for ordering, means of payment, the use of currency of the Member State or a domain name registered in one of the Member States should be taken into consideration in this regard. In the case of online sales, the mere fact that the interface of economic operators or the interface of providers of online marketplaces is accessible in the Member State in which the end users is established or domiciled is insufficient. The fact that products offered for sale online or through other means of distance sales are deemed to be made available on the Union market if the offer for sale is targeted at end users in the Union empowers competent authorities to check and take the necessary actions in relation to such products pursuant to this Regulation, even though they are not yet actually placed on the Union market at the moment of the offer for sale online or through other means of distance sales. Such products are to comply with the relevant Union law in force at the moment when they are actually placed on the Union market and, in the case of products entering the Union, when they are placed under the customs procedure 'release for free circulation'. The fact that the product, offered for sale online or through other means of distance sales, is deemed to be made available on the market if the offer for sale is targeted at end users in the Union should be without prejudice to rules regarding products entering or leaving the Union market.

(23) There has been an increase in the use of intermediary services, in particular online marketplaces, for the sale of products. In this regard, any information related to the sale of products contravening the prohibition of products made with forced labour established in this Regulation should be considered to be illegal content within the meaning of Article 3, point (h), of Regulation (EU) 2022/2065 of the European Parliament and of the Council ([12]) and should be subject to the obligations and measures set out in that Regulation.

(24) The Commission and the competent authorities of the Member States should identify violations of the prohibition of products made with forced labour. In designating the competent authorities, Member States should ensure that those authorities have sufficient human and financial resources and that their staff have the necessary competences and knowledge, especially with regard to human rights, labour rights, gender equality, supply chain management and due diligence processes. Competent authorities should coordinate closely with national labour inspection authorities and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings in such a way as to avoid jeopardising investigations by such authorities.

(25) In order to ensure the effective implementation of its tasks under this Regulation, in particular with regard to carrying out investigations, the Commission should be able to request the assistance of other Union bodies, offices or agencies with an appropriate mandate. Those tasks could include: processing submissions of information, supporting the allocation of investigations, conducting the preliminary investigations and investigations, facilitating cooperation with and among authorities of Member States, facilitating international cooperation, supporting the development of support tools and, if appropriate, supporting implementation by customs authorities and supporting the Commission in preparing decisions to ban products made with forced labour. This is without prejudice to the Commission's task, in its role as a lead competent authority, to take decisions to prohibit the placing on the market of products made with forced labour. The Commission, in its role as a lead competent authority, should exercise its powers impartially, transparently and with due respect for obligations of professional secrecy and should have the necessary expertise. The Commission should have the means to finance the necessary staff and related costs to carry out the tasks entrusted to it under this Regulation and build the required expertise.

(26) Competent authorities and the Commission should be guided by the principle of proportionality when implementing this Regulation. Competent authorities and the Commission should ensure, in particular, that all the measures and actions carried out during the preliminary phase of the investigation and during the investigation and those set out in the decision are suitable and necessary to achieve the desired purpose and do not impose an excessive burden on economic operators.

(27) In order to ensure cooperation between the Commission and competent authorities designated under this Regulation and authorities designated under other relevant Union and national law and in order to ensure consistency in their actions and decisions, the Commission and competent authorities designated under this

([12]) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

针对欧盟最终用户。如果相关经济经营者以任何方式将其活动指向某一成员国，则销售要约应被视为针对欧盟最终用户。对于个案分析，在此方面应考虑相关因素，例如可发货的地理区域、要约或订购可提供和使用的语言、支付方式、使用成员国货币或在某一成员国注册的域名。就线上销售而言，仅凭经济经营者的界面或在线市场提供商界面在最终用户设立或居住的成员国可访问，并不充分。如果销售要约针对欧盟最终用户，则通过线上或其他远程销售方式要约销售的产品被视为在欧盟市场上提供，这一事实赋予主管机关依据本条例对此类产品进行检查并采取必要行动的权力，即使此类产品在线上或其他远程销售方式要约销售之时尚未实际投放欧盟市场。此类产品在实际投放欧盟市场时，以及对于进入欧盟的产品，在置于"放行进入自由流通"海关程序时，应符合届时有效的相关欧盟法律。通过线上或其他远程销售方式要约销售的产品，如果销售要约针对欧盟最终用户即被视为在市场上提供，这一事实不应影响关于产品进入或离开欧盟市场的规则。

(23) 中介服务，特别是在线市场，在销售中的使用有所增加

产品。在这方面，与销售违反本条例确立的禁止使用强迫劳动制造的产品相关的任何信息，应被视为欧洲议会和欧盟理事会第(EU)2022/2065号条例(12)第3条第(h)点含义内的非法内容，并应受该条例规定的义务和措施约束。

(24) 欧盟委员会和成员国的主管机关应查明违反禁止

使用强迫劳动制造的产品。在指定主管机关时，成员国应确保这些机关拥有充足的人力和财政资源，其工作人员具备必要的能力和知识，特别是在人权、劳工权利、性别平等、供应链管理和尽职调查流程方面。主管机关应与国家劳动监察机关以及司法和执法机关(包括负责打击人口贩运的机关)密切协调，以避免危及此类机关开展的调查。

(25) 为确保本条例下各项任务的有效执行，特别是在开展调查方面，欧盟委员会应能够请求具有适当授权的其他欧盟机构、办事处或机关提供协助。这些任务可包括：处理信息提交、支持调查分配、开展初步调查和调查、促进与成员国主管机关及成员国主管机关之间的合作、促进国际合作、支持开发辅助工具，以及在适当情况下支持海关执行，并支持欧盟委员会拟订禁止使用强迫劳动制造的产品的决定。这不妨碍欧盟委员会作为牵头主管机关作出禁止使用强迫劳动制造的产品投放市场的决定的任务。欧盟委员会作为牵头主管机关，应公正、透明地行使权力，适当尊重职业保密义务，并应具备必要的专业知识。欧盟委员会应拥有为执行本条例赋予的任务提供必要人员及相关费用以及建设所需专业知识的资金手段。

(26) 主管机关和欧盟委员会在实施本条例时应遵循比例原则。

主管机关和欧盟委员会应特别确保，在调查初步阶段和调查期间采取的所有措施和行动以及决定中规定的措施和行动，适合且为实现预期目的所必需，并且不对经济经营者造成过度负担。

(27) 为确保欧盟委员会与本条例指定的主管机关之间以及与其他相关欧盟和国家法律指定的机关之间的合作

条例以及根据其他相关联盟和国家法律指定的当局，并为了确保其行动和决定的一致性，欧盟委员会和根据本条例指定的主管机关

(12) 欧洲议会和欧盟理事会2022年10月19日关于数字服务单一市场并修订第2000/31/EC号指令的第(EU)2022/2065号条例(《数字服务法》)(OJ L 277, 27.10.2022， 第1页)。

Regulation should request information from other relevant authorities, where necessary, regarding whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union or national law setting out due diligence and transparency requirements with respect to forced labour. When requesting information from economic operators, competent authorities should, where possible, follow the Commission's once-only principle, through increased cooperation and dialogue between authorities who are engaged in overseeing product regulation. For the same purposes, and where appropriate, competent authorities designated under this Regulation should inform other relevant authorities, such as market surveillance authorities, of their actions and decisions.

(28) The uniform enforcement of the prohibition of products made with forced labour entering or leaving the Union market can only be achieved through a systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission. Such information exchange and cooperation should be supported by the Commission.

(29) For the collection, processing and storage of information, in a structured form, on issues relating to the investigations, decision-making process, and enforcement of the prohibition of products made with forced labour, the competent authorities should use the information and communication system for market surveillance referred to in Article 34 of Regulation (EU) 2019/1020 of the European Parliament and of the Council ([13]), in accordance with the implementing act that the Commission should be empowered to adopt under this Regulation (the 'ICSMS'). The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this Regulation. It is also possible for competent authorities to use other existing communication systems to communicate with other authorities within their own Member State, as long as it does not affect the obligation of using the ICSMS for the purposes of implementing this Regulation.

(30) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for automated data transfer between the ICSMS and customs systems. Three different data transfers should be distinguished in view of their respective purposes. Firstly, decisions establishing a violation of the prohibition of products made with forced labour should be communicated from the ICSMS to the electronic Customs Risk Management System referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447 ([14]), without prejudice to any future evolution of the customs risk management environment, for use by customs authorities to identify products that may correspond to such a decision. The available interfaces of the customs environment should be used for those first data transfers. Secondly, where customs authorities identify such a product, case management will be necessary to, inter alia, transfer the notification of the suspension, the conclusion of competent authorities and the outcome of the actions taken by customs authorities. The EU Single Window Environment for Customs should support those second data transfers between the ICSMS and national customs systems. Thirdly, customs systems contain information on products entering and leaving the Union market that would be relevant for competent authorities to carry out their duties but that is not accessible to them. The relevant information should therefore be extracted and transmitted to the ICSMS. The three interconnections should be highly automated and easy-to-use, so as to limit any additional burden for customs authorities. The Commission should be empowered to adopt, in cooperation with customs authorities and competent authorities, the implementing acts necessary to determine the procedural rules, practical arrangements and data elements to be transferred between the ICSMS and customs systems and any other ancillary requirement.

(31) The Commission should establish an indicative and non-exhaustive database of forced labour risks to support the work of competent authorities in assessing potential violations of the prohibition of products made with forced labour and help economic operators identify possible forced labour risks in their supply chains. The Commission should be able to resort to external expertise to develop the database. The database should identify forced labour risks in specific geographic areas or with respect to specific products or product groups, with a particular focus on widespread and severe forced labour risks, based on reliable and verifiable information from international institutions, such as the ILO and the UN, and research or academic institutions. That database should be made publicly available through the Forced Labour Single Portal. Where there is reliable and verifiable evidence that products produced by specific economic sectors in specific geographic areas present a high risk of having been made

([13]) Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

([14]) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

本条例应在必要时向其他相关机关请求信息，了解被评估的经济经营者是否依照规定了强迫劳动方面尽职调查和透明度要求的适用欧盟或国家法律，就强迫劳动受到尽职调查要求约束并开展尽职调查。在向经济经营者请求信息时，主管机关应尽可能遵循欧盟委员会的"一次收集"原则，通过参与产品监管的机关之间加强合作与对话来实现。为此目的，并在适当情况下，本条例指定的主管机关应将其行动和决定告知其他相关机关，例如市场监督机关。

(28) 对进出欧盟市场的使用强迫劳动制造的产品之禁止的统一执行

只能通过主管机关、海关和欧盟委员会之间的系统性信息交流与合作来实现。此类信息交流与合作应由欧盟委员会支持。

(29) 为了以结构化形式收集、处理和存储有关

调查、决策过程以及使用强迫劳动制造的产品的禁止规定的执行，主管机关应使用欧洲议会和欧盟理事会第(EU)2019/1020号条例(13)第34条所指的市场监督信息和通信系统，依照欧盟委员会应有权根据本条例通过的实施法案("ICSMS")。欧盟委员会、主管机关和海关应有权访问该系统，以履行其在本条例下的各自职责。主管机关也可以使用其他现有的通信系统与其所在成员国内的其他机关进行通信，只要不影响为实施本条例而使用ICSMS的义务。

(30) 为了优化和减轻进入或离开联盟市场的产品的控制过程，有必要

有必要允许ICSMS与海关系统之间的自动化数据传输。鉴于各自目的不同，应区分三种不同的数据传输。首先，认定违反使用强迫劳动制造的产品的禁止规定的决定，应从ICSMS传送至欧盟委员会实施条例(EU)2015/2447(14)第36条所指的电子海关风险管理系统，不影响海关风险管理环境的未来演变，供海关用于识别可能与该决定相对应的产品。应使用海关环境的现有接口进行这些第一类数据传输。其次，当海关识别出此类产品时，将需要进行案件管理，以便除其他事项外传送暂停通知、主管机关的结论以及海关所采取行动的结果。欧盟海关单一窗口环境应支持ICSMS与国家海关系统之间的这些第二类数据传输。第三，海关系统包含有关进入和离开欧盟市场的产品的信息，这些信息与主管机关履行职责相关，但主管机关无法获取。因此，相关信息应被提取并传输至ICSMS。这三个互连应高度自动化且易于使用，以限制海关的任何额外负担。欧盟委员会应有权与海关和主管机关合作，通过必要的实施法案，以确定ICSMS与海关系统之间传输的程序规则、实际安排和数据要素以及任何其他辅助要求。

(31) 欧盟委员会应建立一个指示性且非穷尽性的强迫劳动风险数据库，以支持

主管机关评估潜在违反使用强迫劳动制造的产品的禁止规定的工作，并帮助经济经营者识别其供应链中可能的强迫劳动风险。欧盟委员会应能够借助外部专业知识来开发数据库。数据库应基于来自国际机构(如国际劳工组织(ILO)和联合国)以及研究或学术机构的可靠和可核实信息，识别特定地理区域或特定产品或产品组方面的强迫劳动风险，特别关注广泛和严重的强迫劳动风险。该数据库应通过强迫劳动单一门户向公众开放。如有可靠和可核实的证据表明特定地理区域内特定经济部门生产的产品存在高度风险系使用

(13) 欧洲议会和欧盟理事会2019年6月20日关于市场监督和产品合规并修订第2004/42/EC号指令及第(EC)第765/2008号条例和第(EU)第305/2011号条例的第(EU)2019/1020号条例(OJ L 169, 25.6.2019， 第1页)。

(14) 2015年11月24日欧盟委员会《第 2015/2447 号实施条例》，规定实施欧洲议会和欧盟理事会《第 952/2013 号条例》(该条例规定欧盟海关法典)某些条款的详细规则(OJ L 343, 29.12.2015, p.558)。

with forced labour imposed by state authorities, those sectors in those areas should be identified in the database established pursuant to this Regulation.

(32) Micro, small and medium-sized enterprises (SMEs) can have limited resources and ability to ensure that the products they place or make available on the Union market are free from forced labour. The Commission should therefore issue guidelines on due diligence in relation to forced labour, which should also take into account the size and economic resources of economic operators. In addition, the Commission should issue guidelines on forced-labour risk indicators, including how to identify them, which should be based on independent and verifiable information, including reports from international organisations, in particular the ILO.

(33) The Commission should prevent an unnecessary administrative burden for SMEs. In addition, the Commission should develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular SMEs. Member States should designate contact points for SMEs for the purposes of this Regulation which can be existing business and human rights helpdesks or due diligence contact points. SMEs should be able to contact the competent authority of the Member State in which they are established, using the information provided in the Forced Labour Single Portal. They should, in particular, be able to liaise with a competent authority to support them throughout the course of an investigation. Sufficient support resources should also be made available online in a clear and understandable way for SMEs.

(34) The Commission should issue guidelines on how to engage in dialogue with competent authorities in order to help economic operators, and in particular SMEs, as well as other stakeholders, to comply with the prohibition of products made with forced labour. Furthermore, the Commission should also issue guidelines to assist any person or association in submitting information.

(35) Taking into account the variety of Union law dealing with forced labour issues, the Commission should provide guidance for economic operators, in particular SMEs, on how to apply the different obligations stemming from Union law.

(36) The Commission should issue guidelines in order to facilitate the implementation of this Regulation by economic operators and competent authorities. Guidelines for economic operators should include guidance on due diligence in relation to forced labour, including for different types of suppliers and sectors of activity, on best practices for bringing to an end and remediating forced labour and on responsible disengagement. Remediation is understood to be the restitution of the affected person or persons or communities to a situation equivalent or as close as possible to the situation they would be in had forced labour not occurred, proportionate to the company's involvement in the forced labour, including financial or non-financial compensation provided by the company to a person or persons affected by forced labour and, where applicable, reimbursement of the costs incurred by public authorities for any necessary remedial measures. Guidance for competent authorities should focus on information relevant for the practical implementation of this Regulation. The guidance on due diligence in relation to forced labour should build on the Guidance on due diligence for Union businesses to address the risk of forced labour in their operations and supply chains published by the Commission and the European External Action Service in July 2021. The guidelines should be consistent with other Commission guidelines in this regard and relevant international organisations' guidelines. The guidelines should be developed in consultation with relevant stakeholders and rely on experience and best practices from relevant Member State authorities. The reports from international organisations, in particular the ILO, as well as other independent and verifiable sources of information, should be considered for the identification of risk indicators.

(37) Since forced labour is a global problem and given the interlinkages of global supply chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of implementing this Regulation. The Commission should, as appropriate, cooperate and exchange information with authorities of third countries, international organisations and other relevant stakeholders to enhance the effective implementation of this Regulation. International cooperation with authorities of third countries, including with countries with similar legislation in place, should take place in a structured way as part of the existing dialogue structures with those countries, or, if necessary, specific dialogue structures that will be created on an ad hoc basis. This cooperation should be able to include exchanges of information on forced labour risks, such as those identified in the database, and on decisions to ban products, but should not include information on ongoing investigations. Union delegations can contribute to disseminating information about this Regulation and to facilitate the submission of information on forced labour risks by relevant stakeholders. International cooperation may also include the development of

对于国家当局实施的强迫劳动，应在根据本条例建立的数据库中识别这些领域中的这些行业。

(32) 微型、小型和中型企业(SMEs)在确保产品方面可能资源和能力有限

其投放或提供于欧盟市场的产品不存在强迫劳动。因此，欧盟委员会应发布关于强迫劳动相关尽职调查的指南，该指南还应考虑经济经营者的规模和经济资源。此外，欧盟委员会应发布关于强迫劳动风险指标的指南，包括如何识别这些指标，该指南应基于独立和可核实的信息，包括来自国际组织特别是国际劳工组织(ILO)的报告。

(33) 欧盟委员会应防止对中小企业造成不必要的行政负担。此外，欧盟委员会

应制定配套措施，以支持经济经营者及其同一供应链中的商业伙伴，特别是中小企业的努力。成员国应为本条例的目的指定中小企业联络点，可以是现有的商业与人权求助台或尽职调查联络点。中小企业应能够使用强迫劳动单一门户中提供的信息，联系其设立所在成员国的主管机关。特别是，它们应能够与主管机关联络，以在调查全过程中获得支持。还应以清晰易懂的方式在线为中小企业提供充足的支持资源。

(34) 欧盟委员会应发布关于如何与主管机关进行对话的指南，以帮助

经济经营者，特别是中小企业，以及其他利益相关者遵守对使用强迫劳动制造的产品之禁止。此外，欧盟委员会还应发布指南，协助任何个人或协会提交信息。

(35) 考虑到涉及强迫劳动问题的欧盟法律多样性，欧盟委员会应提供

关于如何适用欧盟法律产生的不同义务的指南，供经济经营者特别是中小企业参考。

(36) 欧盟委员会应发布指南，以促进经济经营者实施本条例

经济经营者与主管机关。针对经济经营者的指南应包含关于强迫劳动尽职调查的指导，包括针对不同类型供应商和活动领域的指导，关于终止和补救强迫劳动的最佳实践以及负责任脱离的指导。补救应理解为使受影响的人员或社区恢复到若未发生强迫劳动本应处于的同等或尽可能接近的状况，与公司对强迫劳动的参与程度相称，包括公司向受强迫劳动影响的人员提供的财务或非财务补偿，以及在适用情况下，偿还公共当局为任何必要补救措施所产生的费用。针对主管机关的指南应侧重于与本条例实际实施相关的信息。关于强迫劳动尽职调查的指南应建立在欧盟委员会和欧洲对外行动署于2021年7月发布的《欧盟企业尽职调查指南--应对其运营和供应链中的强迫劳动风险》基础之上。该指南应与欧盟委员会在此方面的其他指南及相关国际组织的指南保持一致。该指南应与相关利益攸关方协商制定，并借鉴相关成员国当局的经验和最佳实践。在识别风险指标时，应考虑来自国际组织特别是国际劳工组织(ILO)的报告，以及其他独立且可核实的信息来源。

(37) 鉴于强迫劳动是一个全球性问题，且鉴于全球供应链的相互关联，有必要促进

在强迫劳动方面的国际合作，这还将提高本条例的实施效率。欧盟委员会应酌情与第三国当局、国际组织和其他相关利益攸关方合作并交换信息，以加强本条例的有效实施。与第三国当局的国际合作，包括与已制定类似立法的国家的合作，应作为与这些国家现有对话结构的一部分，或在必要时通过临时设立的特定对话结构，以结构化方式进行。这种合作应能够包括交流关于强迫劳动风险的信息，例如数据库中识别的风险，以及关于禁止产品决定的信息，但不应包括关于正在进行的调查的信息。欧盟代表团可协助传播关于本条例的信息，并促进相关利益攸关方提交关于强迫劳动风险的信息。国际合作还可包括制定

cooperation initiatives and accompanying measures to support relevant stakeholders in their efforts to eliminate forced labour from global supply chains, as well as the creation of enabling environments in third countries to promote and protect human rights.

(38) Any natural or legal person, or any association not having legal personality, should be allowed to submit information to the competent authorities when it considers that products made with forced labour are placed and made available on the Union market and should be informed of the outcome of the assessment of their submission of information. Submissions of information on alleged violations should be made via a single information submission point set up by the Commission and made available on the Forced Labour Single Portal. In order to ensure the ease of use of the submissions of information and the standardisation of the information provided, the Commission should issue guidance on the use of the single information submission point and should be able to adopt implementing acts to specify the procedural rules, templates and details of the submissions of information. Submissions of information that are manifestly incomplete, unfounded or made in bad faith should be discarded. Adequate measures should be put in place to ensure the protection of any person associated with the submission or the information contained therein including from retaliation.

(39) Whistleblowers can bring new information to the attention of competent authorities to help them to detect breaches of this Regulation and enable them to take action. In order to ensure that adequate arrangements are in place to enable whistleblowers to alert the competent authorities to actual or potential breaches of this Regulation and to protect the whistleblowers from retaliation, this Regulation should provide that Directive (EU) 2019/1937 of the European Parliament and of the Council ([15]) is applicable to the reporting of breaches of this Regulation and to the protection of persons reporting such breaches, insofar as they fall within the personal scope of that Directive.

(40) To enhance legal certainty, the applicability, pursuant to this Regulation, of Directive (EU) 2019/1937 regarding reports of breaches of this Regulation and the protection of persons reporting such breaches should be reflected in that Directive. The Annex to Directive (EU) 2019/1937 should therefore be amended accordingly. It is for the Member States to ensure that, from the date of application of this Regulation, that amendment is reflected in the transposition measures adopted in accordance with that Directive. However, the adoption of national transposition measures is not a condition for the applicability of that Directive regarding the reporting of breaches of this Regulation or the protection of reporting persons.

(41) To ensure ease of access to relevant information regarding this Regulation, the Commission should set up a single web portal at Union level, available to the public in all official languages of the institutions of the Union.

(42) When identifying potential violations of the prohibition of products made with forced labour, the Commission or the competent authorities should follow a risk-based approach and assess all of the information available to them. In order to implement the risk-based approach in the prioritisation of their investigations, the Commission and competent authorities should take into account the share of the part of the product suspected to have been made with forced labour in the final product, the quantity and volume of products concerned, and the scale and severity of the suspected forced labour, including whether forced labour imposed by state authorities could be a concern. The Commission and competent authorities should also take into account the size and economic resources of the economic operators and the complexity of the supply chain, and focus to the extent possible on the economic operators and where relevant product suppliers that are closer to the risk of forced labour and have the highest leverage to prevent, mitigate and bring to an end the use of forced labour.

(43) Before initiating an investigation, the lead competent authority should be able to request information from economic operators under assessment and also from other relevant stakeholders, including the persons or associations that have submitted relevant information to competent authorities. The lead competent authority should be able to choose not to request additional information from economic operators if it assesses that this could lead to an attempt by those economic operators to hide a situation of forced labour and thus jeopardise the investigation. The lead competent authority should initiate an investigation where, based on its assessment of all available information or on the basis of any other facts available where it was not possible to gather information and evidence during the preliminary phase of the investigation, it establishes that there is a substantiated concern that there has been a violation of the prohibition of products made with forced labour.

([15]) Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17).

支持相关利益攸关方努力消除全球供应链中的强迫劳动的合作倡议和配套措施，以及在第三国创造有利于促进和保护人权的环境。

(38) 应允许任何自然人或法人，或任何不具有法人资格的协会提交信息

在其认为使用强迫劳动制造的产品被投放和提供在欧盟市场上时，向主管机关提交信息，并应被告知其提交信息的评估结果。关于涉嫌违规的信息提交应通过欧盟委员会设立的单一信息提交点进行，并在强迫劳动单一门户上提供。为确保信息提交的易用性和所提供信息的标准化，欧盟委员会应发布关于使用单一信息提交点的指南，并应能够通过实施法案来规定信息提交的程序规则、模板和细节。明显不完整、无根据或恶意提交的信息应予以丢弃。应采取适当措施确保保护与提交信息或其中所含信息相关的任何人，包括免遭报复。

(39) 举报人可向主管机关提供新信息，以帮助其发现违规行为

本条例的规定并使其能够采取行动。为确保有适当的安排使举报人能够向主管机关举报实际或潜在违反本条例的行为并保护举报人免遭报复，本条例应规定欧洲议会和欧盟理事会第(EU)2019/1937号指令(15)适用于举报违反本条例的行为以及对举报此类行为的人的保护，只要其属于该指令的人员适用范围。

(40) 为增强法律确定性，依据本条例，关于 Directive(EU) 2019/1937 的适用性

违反本条例行为的报告和对报告此类行为的人的保护应反映在该指令中。因此，第(EU)2019/1937号指令的附件应相应修订。成员国应确保自本条例适用之日起，该修订反映在根据该指令通过的转化措施中。然而，国家转化措施的通过并非该指令在举报违反本条例行为或保护举报人方面适用的条件。

(41) 为确保公众易于获取与本条例相关的信息，欧盟委员会应在联盟层面设立一个单一门户网站，以联盟各机构的所有官方语言向公众提供。

(42) 在识别涉嫌违反使用强迫劳动制造的产品的禁止规定时，欧盟委员会或主管机关应遵循基于风险的方法，并评估其可获得的所有信息。为在调查优先排序中实施基于风险的方法，欧盟委员会和主管机关应考虑产品中涉嫌使用强迫劳动制造的部分在最终产品中所占比例、相关产品的数量和规模，以及涉嫌强迫劳动的规模和严重程度，包括国家当局实施的强迫劳动是否可能构成关切。欧盟委员会和主管机关还应考虑经济经营者的规模和经济资源以及供应链的复杂性，并尽可能重点关注更接近强迫劳动风险且具有最高影响力以防止、减轻和终止使用强迫劳动的经济经营者和相关产品供应商。

(43) 在启动调查之前，牵头主管机关应能够向接受评估的经济经营者以及向其他相关利益相关方，包括向主管机关提交相关信息的人员或协会，请求提供信息。如果牵头主管机关评估认为请求经济经营者提供额外信息可能导致这些经济经营者试图隐瞒强迫劳动情况，从而危及调查，则应能够选择不请求提供额外信息。牵头主管机关在根据其对所有可获得信息的评估，或在调查初步阶段无法收集信息和证据的情况下根据任何其他可获得的事实，认定存在有根据的关切，即存在违反使用强迫劳动制造的产品的禁止规定的情形时，应启动调查。

(15) 欧洲议会和欧盟理事会2019年10月23日关于保护举报违反联盟法行为者的指令(EU)2019/1937(OJ L 305,2019年11月26日，第17页)。

(44) In order to increase the effectiveness of the prohibition of products made with forced labour, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour, taking into account, inter alia, the complexity of the process and the number of stakeholders involved.

(45) Before initiating an investigation, the lead competent authority should request the economic operators under assessment to provide information on actions taken to mitigate, prevent, bring to an end risks of forced labour or remediate forced labour cases in their operations and supply chains with respect to the products under assessment. Carrying out due diligence in relation to forced labour should contribute to helping the economic operator to be at a lower risk of having forced labour in its operations and supply chains. Appropriate due diligence in accordance with relevant Union law and international standards can help to identify and address forced labour in the supply chain. That implies that no investigation should be initiated where the lead competent authority considers that there is no substantiated concern of a violation of the prohibition of products made with forced labour, or that the reasons for a substantiated concern have been eliminated, for instance due to, but not limited to, the 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.

(46) The lead competent authority, when requesting information during the investigation, should prioritise to the extent possible and consistent with the effective conduct of the investigation, the economic operators under investigation that are involved in the steps of the supply chain as close as possible to where the risk of forced labour is likely to occur and take into account the size and economic resources of the economic operators and quantity of products concerned, as well as the scale of suspected forced labour.

(47) The lead competent authorities should bear the burden of establishing whether forced labour has been used at any stage of the production, manufacture, harvest or extraction of a product placed or made available on the market or for export, including in the working or processing related to the product, on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic operators should have the opportunity to provide information in their defence to the competent authorities during the investigation. Where, in response to a request for information from a lead competent authority, an economic operator or a public authority refuses or fails, without a valid justification, to provide the information requested, provides incomplete or incorrect information with the objective of blocking the investigation, provides misleading information or otherwise impedes the investigation, including when a risk of forced labour imposed by state authorities is identified, the lead competent authority should be able to establish that the prohibition of products made with forced labour has been violated on the basis of any other relevant and verifiable information gathered during the preliminary phase of the investigation or during the investigation. The lead competent authority should also take those factors into account when reviewing a decision taken on that basis.

(48) Where the lead competent authority establishes that economic operators have violated the prohibition of products made with forced labour, it should without delay prohibit the placing and making available of such products on the Union market and their export from the Union, and require the economic operators that have been investigated to withdraw the products concerned already made available from the Union market and donate perishable products to charitable or public interest causes. In the case of non-perishable products, economic operators should recycle such products, and if that is not possible, they should have the product destroyed, rendered inoperable, or otherwise disposed of in accordance with national law in compliance with Union law, including Union law on waste management. Nevertheless, particular attention should be paid to preventing disruptions to supply chains of strategic or critical importance for the Union and, in this regard, to products, the disposal of which would alter the proper functioning of the internal market and of such supply chains. In those cases, by way of derogation from the obligation to impose an order to have the product concerned disposed of, the lead competent authority should, where appropriate, be able to order the product concerned to be withheld for a defined period, at the cost of the economic operators. When assessing the strategic or critical importance of a product for the Union, the lead competent authority should, in particular, take into account the list of sectors established in the Regulation (EU) 2024/1735 of the European Parliament and of the Council ([16]) and the Commission Recommendation (EU)

([16]) Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1735/oj).

(44) 为提高对使用强迫劳动制造的产品的禁止的有效性，主管机关应给予经济经营者合理的时间，以识别、减轻、预防和终止强迫劳动风险，同时除其他外考虑到过程的复杂性和所涉利益攸关方的数量。

(45) 在启动调查之前，牵头主管机关应要求下列经济经营者

评估，以提供关于为减轻、防止、终止其运营和供应链中与接受评估产品有关的强迫劳动风险或补救强迫劳动案件所采取行动的信息。就强迫劳动开展尽职调查应有助于帮助经济经营者降低其运营和供应链中存在强迫劳动的风险。根据相关欧盟法律和国际标准开展适当尽职调查有助于识别和处理供应链中的强迫劳动。这意味着，如果牵头主管机关认为不存在违反使用强迫劳动制造的产品的禁止规定的有根据的关切，或者有根据的关切的理由已经消除，例如由于但不限于相关立法、指南、建议或与强迫劳动相关的任何其他尽职调查以减轻、防止和终止强迫劳动风险的方式得到适用，则不应启动调查。

(46) 牵头主管机关在调查期间要求提供信息时，应在可能范围内并

与有效开展调查相一致，优先考虑接受调查的经济经营者中参与供应链环节最接近强迫劳动风险可能发生地点的经济经营者，并考虑经济经营者的规模和经济资源、所涉产品数量以及疑似强迫劳动的规模。

(47) 牵头主管机关应承担举证责任，根据调查期间包括初步阶段收集的所有信息和证据，确定在投放或提供到市场或用于出口的产品的生产、制造、收获或提取的任何阶段，包括在与该产品相关的工作或加工过程中，是否使用了强迫劳动。为确保经济经营者的正当程序权利，经济经营者应有机会在调查期间向主管机关提供为其辩护的信息。如果经济经营者或公共当局在回应牵头主管机关的信息请求时，无正当理由拒绝或未能提供所请求的信息，为阻碍调查而提供不完整或不正确的信息，提供误导性信息或以其他方式妨碍调查，包括在识别出国家当局实施的强迫劳动风险时，牵头主管机关应能够根据调查初步阶段或调查期间收集的任何其他相关且可核实信息，认定使用强迫劳动制造的产品的禁止规定已被违反。牵头主管机关在审查据此作出的决定时也应考虑这些因素。

(48) 牵头主管机关认定经济经营者违反了关于产品的禁止规定

使用强迫劳动制造的，应毫不迟延地禁止此类产品在欧盟市场投放和提供以及从欧盟出口，并要求接受调查的经济经营者撤回已投放欧盟市场的相关产品，并将易腐产品捐赠用于慈善或公共利益目的。对于非易腐产品，经济经营者应回收此类产品，如果无法回收，则应按照符合欧盟法律包括欧盟废物管理法律的国内法销毁、使产品无法使用或以其他方式处置产品。然而，应特别注意防止对欧盟具有战略或关键重要性的供应链受到干扰，并在这方面特别注意处置会改变内部市场和此类供应链正常运作的产品。在此类情况下，作为对施加处置相关产品命令义务的减损，牵头主管机关应能够在适当情况下命令在确定期限内扣留相关产品，费用由经济经营者承担。在评估产品对欧盟的战略或关键重要性时，牵头主管机关应特别考虑欧洲议会和欧盟理事会第(EU) 2024/1735 号条例(16) 和欧盟委员会建议(EU) 中确立的行业清单。

(16) 欧洲议会和欧盟理事会2024年6月13日关于建立加强欧洲净零技术制造生态系统措施框架并修订第(EU) 2018/1724号条例的第(EU) 2024/1735号条例(OJ L, 2024/1735, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1735/oj)。

2023/2113 ([17]) as well as the products listed in the Regulation (EU) 2024/1252 of the European Parliament and of the Council ([18]). When assessing whether a derogation from the obligation to impose an order of disposal is appropriate, the lead competent authority should bear in mind the likelihood of the economic operators concerned complying with the conditions for the review of the decision establishing a violation of the prohibition of products made with forced labour within the period defined by the lead competent authority. The period set by the lead competent authority would allow the economic operators concerned to demonstrate that they have eliminated forced labour with regard to the product concerned, by having brought it to an end within their supply chain. Changing a supply chain, in the sense of relying on different suppliers, cannot be considered as a method of eliminating forced labour regarding the product concerned by that decision, since it would result in a different product. If the economic operators concerned provide the evidence demonstrating that they have eliminated forced labour with regard to the product concerned, the lead competent authority should review its decision prohibiting the placing and making available of such products on the Union market, leading to its withdrawal, and therefore lift the withholding of the products concerned. If the economic operators concerned do not provide such evidence, they should comply with the order to dispose of the products concerned after the expiry of the period included in the decision prohibiting the placing and making available of such products on the Union market, which contains the order to withhold the products for a defined period.

(49) In a decision establishing a violation of the prohibition of products made with forced labour, the lead competent authority should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time limit within which the economic operators should comply with that decision, as well as information identifying the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details of the information to be contained in such decisions. The decisions of the lead competent authority should be made publicly available.

(50) In setting a reasonable time limit within which to comply with orders set out in a decision establishing a violation of the prohibition of products made with forced labour, the lead competent authority should take into account the size and economic resources of the economic operators concerned.

(51) To ensure effective enforcement, decisions taken by a lead competent authority in one Member State should be recognised and enforced by competent authorities in the other Member States regarding products with the same identification information from the same supply chain for which forced labour has been found.

(52) Economic operators should be able to request a review of the decisions of lead competent authorities pursuant to this Regulation, after having provided new substantial information which demonstrates that the products placed or made available on the Union market or intended to be exported from the Union market are in compliance with the prohibition of products made with forced labour. The lead competent authority should withdraw its decision for the future where the economic operators demonstrate that they have complied with that decision and eliminated forced labour from their operations or supply chains for the products concerned. Decisions of lead competent authorities pursuant to this Regulation should be subject to judicial review in accordance with the applicable Union and national law.

(53) If the economic operators fail to comply with the decision of the lead competent authority by the end of the established timeframe, the competent authorities should ensure that the products concerned are prohibited from being placed or made available on the Union market, or from being exported or are withdrawn from the Union market and that any perishable products remaining with the relevant economic operators are donated to charitable or public interest causes. Competent authorities should ensure that non-perishable products are recycled, or, if that is not possible, that they are destroyed, rendered inoperable, or otherwise disposed of in accordance with national law, consistent with Union law, including Union law on waste management and on ecodesign for sustainable products at the expense of the economic operators. Where possible, competent authorities should ensure that the disposal or destruction method chosen from all of the available options has the smallest environmental impact possible. Competent authorities of Member States should be responsible for the enforcement of decisions in their own

([17]) Commission Recommendation (EU) 2023/2113 of 3 October 2023 on critical technology areas for the EU's economic security for further risk assessment with Member States (OJ L, 2023/2113, 11.10.2023, ELI: http://data.europa.eu/eli/reco/2023/2113/oj).

([18]) Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) No 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (OJ L, 2024/1252, 3.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1252/oj).

2023/2113(17)以及欧洲议会和欧盟理事会第(EU) 2024/1252号条例(18)所列产品。在评估是否适宜对施加处置命令的义务予以克减时，牵头主管机关应考虑到相关经济经营者在牵头主管机关规定的期限内遵守对认定违反强迫劳动产品禁令的决定进行复审的条件可能性。牵头主管机关设定的期限将使相关经济经营者能够证明其已消除有关产品的强迫劳动，即在其供应链内终止了强迫劳动。改变供应链，即依赖不同的供应商，不能被视为消除该决定所涉产品强迫劳动的方法，因为这将导致产生不同的产品。如相关经济经营者提供证据证明其已消除有关产品的强迫劳动，牵头主管机关应复审其禁止此类产品投放和提供于欧盟市场的决定，予以撤回，并因此解除对有关产品的扣留。如相关经济经营者未提供此类证据，则应在禁止此类产品投放和提供于欧盟市场的决定所载期限届满后，遵守处置有关产品的命令，该决定包含在规定期限内扣留产品的命令。

(49) 在认定违反强迫劳动产品禁令的决定中，牵头主管机关应说明调查结果及支持该结果的信息，并设定经济经营者遵守该决定的合理时限，以及指明该决定所适用产品的信息。应授权欧盟委员会通过必要的实施细则，具体规定此类决定所应包含信息的细节。牵头主管机关的决定应予以公开。

(50) 在设定遵守认定违反使用强迫劳动制造的产品的禁止规定的决定中所列命令的合理期限时，

禁止强迫劳动产品，牵头主管机关应考虑相关经济经营者的规模和经济资源。

(51) 为确保有效执法，一个成员国牵头主管机关作出的决定，应由其他成员国的主管机关就来自同一供应链、已认定存在强迫劳动的具有相同识别信息的产品予以承认和执行。

(52) 经济经营者应能够请求对牵头主管机关的决定进行复审

本 Regulation，在提供了证明投放或提供于欧盟市场或拟从欧盟市场出口的产品符合强迫劳动产品禁令的新实质性信息之后。如经济经营者证明其已遵守该决定并消除了有关产品在其经营或供应链中的强迫劳动，牵头主管机关应撤回其决定，效力及于将来。牵头主管机关依据本 Regulation 作出的决定应依照适用的欧盟法和国内法接受司法审查。

(53) 如果经济经营者在期限届满时未遵守牵头主管机关的决定

在规定时限内，主管机关应确保有关产品被禁止投放或提供于欧盟市场，或被禁止出口，或从欧盟市场撤回，并确保相关经济经营者处剩余的任何易腐产品被捐赠用于慈善或公共利益目的。主管机关应确保非易腐产品被回收利用，或在无法回收利用的情况下，依照国内法、并与欧盟法(包括关于废物管理和可持续产品生态设计的欧盟法)相一致，予以销毁、使其无法使用或以其他方式处置，费用由经济经营者承担。在可能的情况下，主管机关应确保从所有可用选项中选定的处置或销毁方法对环境的影响尽可能小。成员国的

(17) 欧盟委员会2023年10月3日关于欧盟经济安全关键技术领域供成员国进一步开展风险评估的第(EU) 2023/2113号建议(OJ L, 2023/2113, 11.10.2023, ELI: http://data.europa.eu/eli/reco/2023/2113/oj)。

(18) 欧洲议会和欧盟理事会2024年4月11日第(EU)2024/1252号条例，建立确保关键原材料安全与可持续供应的框架，并修订第(EU)第168/2013号、第(EU)第2018/858号、第(EU)2018/1724号和第(EU)2019/1020号条例(OJ L,2024/1252,2024年5月3日，ELI:http://data.europa.eu/eli/reg/2024/1252/oj)。

territory, including decisions adopted by the Commission. After a decision is communicated via the ICSMS, all competent authorities concerned with that decision should proceed with the relevant enforcement actions provided for in this Regulation.

(54) The effect on animal welfare should be considered when enforcing the prohibition of placing and making available on the market or exporting products made using forced labour in order to spare the animals concerned avoidable pain, distress or suffering. In addition, this Regulation should be without prejudice to Union law regarding animal welfare, such as Council Regulations (EC) No 1/2005 ([19]) and (EC) No 1099/2009 ([20]).

(55) Decisions of the lead competent authorities establishing a violation of the prohibition of products made with forced labour should be communicated to customs authorities, who should aim to identify the product concerned from products declared for release for free circulation or export. The competent authorities of the Member States should be responsible for the overall enforcement of the prohibition of products made with forced labour in the Union market as well as products entering or leaving that market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and as Regulation (EU) 2019/1020 covers only manufactured products and its scope is limited to release for free circulation, customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 in the application and enforcement of the prohibition of products made with forced labour. The specific organisation of controls of each Member State should be without prejudice to Regulation (EU) No 952/2013 of the European Parliament and of the Council ([21]) and its general provisions on the control and supervisory powers of customs authorities.

(56) The information currently provided or made available to customs authorities by economic operators includes only general information on products but lacks information on the manufacturer or producer and product suppliers as well as specific information on products. In order for customs authorities to be able to identify products entering or leaving the Union market that breach this Regulation and should accordingly be stopped at the external borders of the Union, economic operators should submit to customs authorities information allowing for the identification of products to which a decision of the lead competent authority relates. This should include information on the manufacturer or producer and the product suppliers as well as any other information on the product itself. To this end, the Commission should be empowered to adopt delegated acts identifying the products for which such information should be provided using, inter alia, the database established under this Regulation as well as the information and decisions of the lead competent authorities encoded in the ICSMS. Moreover, the Commission should be empowered to adopt implementing acts necessary to specify the details of the information to be provided or made available to customs authorities by the economic operators. Such information should include the description, name or brand of the product, specific requirements under Union law for the identification of the product, such as a type, reference, model, batch or serial number affixed on the product, or provided on the packaging or in a document accompanying the product, or the unique identifier of the digital product passport, as well as details on the manufacturer or producer and the product suppliers, including, for each of them, their name, trade name or registered trademark, their contact details, their unique identification number in the country they are established and, where available, their Economic Operators Registration and Identification number. The review of the Union Customs Code will consider introducing in customs legislation the information required to be provided or made available to customs authorities by economic operators for the enforcement of this Regulation and, more broadly, in order to strengthen the transparency of the supply chain. The Commission should issue guidance to and support economic operators, especially SMEs, on how to collect the required information.

(57) Customs authorities that identify a product that may be covered by a decision communicated by the lead competent authority establishing a violation of the prohibition of products made with forced labour should suspend the release of that product and notify the competent authorities immediately. Competent authorities should reach a conclusion within a reasonable timeframe on the case notified to them by the customs authorities, either by confirming or by denying that the product concerned is covered by a decision. Where necessary and duly justified, the competent authorities should be authorised to require maintaining the suspension of the release of the product concerned, taking into account the potential damage for the economic operator. In the absence of a conclusion by competent

([19]) Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97 (OJ L 3, 5.1.2005, p. 1).
([20]) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ L 303, 18.11.2009, p. 1).
([21]) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

领土内，包括欧盟委员会通过的决定。决定通过ICSMS传达后，与该决定相关的所有主管机关应着手采取本条例规定的相关执法行动。

(54) 在执行禁止投放和提供

使用强迫劳动制造的产品投放市场或出口的禁令时，应考虑对动物福利的影响，以避免相关动物遭受可避免的疼痛、痛苦或折磨。此外，本条例不应影响联盟关于动物福利的法律，如理事会第(EC) No 1/2005号条例(19)和第(EC) No 1099/2009号条例(20)。

(55) 牵头主管机关认定违反使用强迫劳动制造的产品的禁止规定的决定

强迫劳动应通报海关，海关应致力于从申报放行进入自由流通或出口的产品中识别有关产品。成员国主管机关应负责在欧盟市场以及进出该市场的产品中全面执行强迫劳动产品禁令。由于强迫劳动是制造过程的一部分且不在产品上留下任何痕迹，且第(EU) 2019/1020号条例仅涵盖制成品且其范围限于放行进入自由流通，海关无法在第(EU) 2019/1020号条例下自主采取行动以适用和执行强迫劳动产品禁令。各成员国对管制措施的具体组织安排不应影响欧洲议会和欧盟理事会第(EU) No 952/2013号条例(21)及其关于海关管制和监督权力的一般规定。

(56) 经济经营者目前向海关提供或使其可获得的信息仅包括

关于产品的一般信息，但缺乏关于制造商或生产商及产品供应商的信息以及关于产品的具体信息。为使海关能够识别进入或离开欧盟市场、违反本条例并因此应在欧盟外部边境被拦截的产品，经济经营者应向海关提交信息，以便识别牵头主管机关的决定所涉及的产品。该信息应包括关于制造商或生产商和产品供应商的信息以及关于产品本身的任何其他信息。为此，应授权欧盟委员会通过授权法案，确定应提供此类信息的产品，除其他外，利用根据本条例建立的数据库以及编码在ICSMS中的牵头主管机关的信息和决定。此外，应授权欧盟委员会通过必要的实施法案，具体规定经济经营者应向海关提供或使其可获得的信息的细节。此类信息应包括产品的描述、名称或品牌，欧盟法律关于产品识别的具体要求，例如附在产品上、或包装上或随附文件中所提供的类型、参考号、型号、批次或序列号，或数字产品护照的唯一标识符，以及关于制造商或生产商和产品供应商的详细信息，包括其各自的名称、商号或注册商标、联系方式、在其设立国的唯一识别号，以及在可获得的情况下，其经济经营者注册和识别号。对《欧盟海关法典》的审查将考虑在海关立法中引入经济经营者为执行本条例而须向海关提供或使其可获得的信息，更广泛而言，以加强供应链的透明度。欧盟委员会应就如何收集所需信息向经济经营者，特别是中小企业，发布指导并予以支持。

(57) 海关发现可能属于牵头主管机关所传达决定涵盖范围的产品

认定违反使用强迫劳动制造的产品的禁止规定的主管机关应暂停放行该产品，并立即通知主管机关。主管机关应在合理时限内就海关通知的案件作出结论，或确认或否认有关产品属于某项决定的范围。在必要且有正当理由的情况下，应授权主管机关要求维持对有关产品放行的暂停，同时考虑对经济经营者的潜在损害。在主管机关未作出结论的情况下，

(19) 2004年12月22日关于运输期间及相关操作中动物保护并修订第64/432/EEC号和第93/119/EC号指令及第1255/97号条例(EC)的第1/2005号理事会条例(EC)(OJ L 3, 5.1.2005, p.1)。
(20) 2009年9月24日关于屠宰时保护动物的理事会第(EC)1099/2009号条例(OJ L 303, 18.11.2009， 第1页)。
(21) 欧洲议会和欧盟理事会2013年10月9日制定联盟海关法典的第(EU) No 952/2013号条例(OJ L 269, 10.10.2013， 第1页)。

authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and formalities are fulfilled. Generally, the release of a product for free circulation or export should not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete assessment of such compliance.

(58) Where the competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition of products made with forced labour, they should immediately inform customs authorities which should refuse its release for free circulation or export. Customs authorities should be able, where a competent authority so requests and on behalf and under the responsibility of that competent authority, to alternatively seize that product and put it at the disposal of and under the authority of that competent authority. In such cases, the relevant competent authority should take all the necessary measures to ensure that the product concerned is disposed of appropriately, including by way of its donation to charitable or public interest causes, its recycling or otherwise its disposal in accordance with national law consistent with Union law at the expense of the relevant economic operator.

(59) The lead competent authority should take into due consideration the risk of disengagement by economic operators who are either related to products or regions in the database, or who have had their product removed from the Union market, as well as the consequences on affected workers. The lead competent authority should therefore, where appropriate, support economic operators in adopting and carrying out suitable and effective measures for bringing forced labour to an end. Responsible disengagement includes complying with collective agreements and articulating escalation measures.

(60) The conditions applicable to products during the suspension of their release for free circulation or export, including their storage or destruction and disposal of in case of a refusal to release such products for free circulation, should be determined by customs authorities, where applicable, pursuant to Regulation (EU) No 952/2013. Should products entering the Union market require further processing, they are to be placed under the appropriate customs procedure allowing such processing in accordance with Articles 220, 254, 256, 257 and 258 of Regulation (EU) No 952/2013.

(61) Where, in order to give effect to the prohibition of products made using forced labour, it is necessary to process personal data pursuant to this Regulation, such processing should be carried out in accordance with Union law on the protection of personal data. Any processing of personal data under the prohibition of products made with forced labour should be subject to Regulations (EU) 2016/679 ([22]) and (EU) 2018/1725 ([23]) of the European Parliament and of the Council.

(62) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the procedural rules and the details of the arrangements for the use of the ICSMS; the procedural rules, templates and details for the submission of information on alleged violations of the prohibition on the placing or making available of products made with forced labour on the Union market or exporting them; the decisions adopted by the Commission establishing that the prohibition on the placing or making available of products made with forced labour on the Union market or exporting them has been violated; the withdrawal of those decisions; the details of the content of those decisions and of the equivalent decisions adopted by the lead competent authorities; and the arrangements and details for providing or making available to the customs authorities certain information on specific products or product groups. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([24]).

(63) The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to the withdrawal of the decisions establishing that the prohibition on the placing or making available or exporting of products made with forced labour has been violated, imperative grounds of urgency so require.

([22]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

([23]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

([24]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

在指定期限内，海关应在所有其他适用要求和手续均已满足的情况下放行产品。一般而言，产品放行进入自由流通或出口不应被视为符合联盟法律的证明，因为此种放行不一定包括对此种合规性的完整评估。

(58) 当主管机关得出结论认为某产品符合一项确立违反

对使用强迫劳动制造的产品的禁止规定，应立即通知海关，海关应拒绝其放行进入自由流通或出口。在主管机关提出请求并代表该主管机关、在其责任下，海关应能够选择扣押该产品，并将其交由该主管机关处置并置于其管辖之下。在此类情况下，有关主管机关应采取一切必要措施，确保有关产品得到适当处置，包括通过捐赠用于慈善或公共利益目的、回收或以其他方式依照符合欧盟法律的国内法处置，费用由有关经济经营者承担。

(59) 牵头主管机关应适当考虑经济经营者脱离相关供应链的风险，

这些经济经营者或与数据库中的产品或地区相关，或其产品已被撤出欧盟市场，同时还应考虑对受影响工人的后果。因此，牵头主管机关应酌情支持经济经营者采取并实施适当且有效的措施，以终止强迫劳动。负责任的脱离包括遵守集体协议并明确升级措施。

(60) 产品在暂停放行自由流通或出口期间适用的条件，包括

在拒绝放行此类产品进入自由流通的情况下对其储存或销毁和处置，应由海关在适用情况下依据(EU) No 952/2013号条例确定。进入欧盟市场的产品如需进一步加工，应按照(EU) No 952/2013号条例第220、254、256、257和258条置于允许此类加工的适当海关程序之下。

(61) 为落实对使用强迫劳动制造的产品的禁止，有必要依据本条例处理

个人数据的，此类处理应依照欧盟个人数据保护法律进行。依据对使用强迫劳动制造的产品的禁止而进行的任何个人数据处理，均应遵守欧洲议会和欧盟理事会(EU) 2016/679号条例(22)和(EU) 2018/1725号条例(23)。

(62) 为了确保实施本条例的统一条件，实施权力应

授予欧盟委员会关于使用ICSMS的程序规则和安排细节的权力；关于提交涉嫌违反禁止在欧盟市场投放或提供使用强迫劳动制造的产品或出口此类产品的信息的程序规则、模板和细节；欧盟委员会通过的认定违反禁止在欧盟市场投放或提供使用强迫劳动制造的产品或出口此类产品的决定；撤销上述决定；上述决定的内容细节以及牵头主管机关通过的同等决定的内容细节；以及向海关提供或使其可获得关于特定产品或产品组的某些信息的安排和细节。上述权力应依照欧洲议会和欧盟理事会第182/2011号条例(24)行使。

(63) 在与以下事项相关的有正当理由的情形中，如有紧急必要性要求，欧盟委员会应立即通过适用的实施法案：

撤销确立违反禁止投放、提供或出口强迫劳动产品的决定，紧急理由要求如此。

(22) 欧洲议会和欧盟理事会2016年4月27日关于在个人数据处理方面保护自然人以及此类数据自由流动并废除95/46/EC指令的(EU) 2016/679号条例(通用数据保护条例)(OJ L 119, 4.5.2016, p.1)。

(23) 欧洲议会和欧盟理事会2018年10月23日《关于欧盟机构、机关、办事处和局处理个人数据时对自然人的保护以及此类数据自由流动的第(EU) 2018/1725号条例》，并废止第(EC) No 45/2001号条例和第1247/2002/EC号决定(OJ L 295, 21.11.2018, p.39)。

(24) 欧洲议会和欧盟理事会2011年2月16日规定成员国对欧盟委员会行使实施权力进行控制的机制规则和一般原则的(EU) No 182/2011号条例(OJ L 55, 28.2.2011, p.13)。

(64) In order to supplement or amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([25]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(65) In order to ensure that the customs authorities are able to act effectively, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of further specifying the additional information identifying the product concerned that economic operators should make available or provide to the customs authorities as regards products entering or leaving the Union market. That information should be information identifying the product concerned, information about the manufacturer or the producer and information about the product suppliers. Customs authorities need to be enabled to obtain information rapidly on specific products identified in the decisions of the lead competent authorities in order to take actions and measures effectively and swiftly. In such cases, delegated acts should be adopted pursuant to an urgent procedure.

(66) Member States should confer on their competent authorities the power to impose and implement effective, proportionate and dissuasive penalties in cases where the economic operator has failed to comply with a decision prohibiting the placing on the market of products made with forced labour. The rules on penalties, applicable in the event of non-compliance with a decision, should be established by Member States, giving due regard to elements such as the gravity and duration of the infringement, previous infringements by the economic operator, the degree of cooperation with competent authorities and any other mitigating or aggravating factor applicable to the circumstances of the particular case. The Commission should issue guidance for Member States on the method for calculating financial penalties and the thresholds applicable and the Union Network Against Forced Labour Products should promote best practices in the application of such penalties.

(67) The Commission should carry out an evaluation of the implementation and enforcement of this Regulation and submit a report thereon to the European Parliament, the Council and the European Economic and Social Committee. The report should assess the contribution of this Regulation to the elimination of products made with forced labour from the Union market and to the fight against forced labour as well as to the cooperation between competent authorities and international cooperation to eliminate forced labour. The report should also assess the impact of this Regulation on businesses, in particular SMEs, and on victims, as well as the overall costs and benefits of the prohibition of products made with forced labour. The report should further assess the alignment of this Regulation with other relevant Union law.

(68) This Regulation respects the right to good administration, enshrined in Article 41 of the Charter, which includes, inter alia, the right of every person to be heard, before any individual measure which would affect him or her adversely is taken. In this regard, the lead competent authority conducting the investigation should inform the economic operators concerned about the initiation of the investigation and the possible consequences thereof. To ensure their right to due process, economic operators should have the opportunity to provide information in their defence to the competent authorities upon their request during the investigation. Economic operators should have the possibility to request the lead competent authority to review the decision affecting them, by providing new substantial information. The decisions adopted by Member States' competent authorities should be subject to judicial review foreseen in applicable national law. The decisions adopted by the Commission under this Regulation are subject to review by the Court of Justice of the European Union in accordance with Article 263 TFEU.

(69) Since the objective of this Regulation, namely, prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour in order to improve the functioning of the internal market, while contributing to the fight against forced labour, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

([25]) OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(64) 为补充或修订本条例的某些非基本要素，应授权欧盟委员会依据《欧洲联盟运行条约》(TFEU)第290条通过授权法案。欧盟委员会在其筹备工作中进行适当磋商(包括专家层面的磋商)尤为重要，且这些磋商应依照2016年4月13日《关于改进立法的机构间协议》(25)所规定的原则进行。特别是，为确保平等参与授权法案的准备工作，欧洲议会和欧盟理事会应与成员国专家同时收到所有文件，且其专家应系统性地有权参加欧盟委员会处理授权法案准备工作的专家小组会议。

(65) 为确保海关能够有效采取行动，按照.....通过法案的权力

应就进一步明确经济经营者在产品进入或离开欧盟市场时应当向海关提供或提交的用于识别相关产品的补充信息，授权欧盟委员会根据TFEU第290条通过授权法案。该信息应为识别相关产品的信息、关于制造商或生产商的信息以及关于产品供应商的信息。海关需要能够迅速获取牵头主管机关决定中所指明的特定产品的信息，以便有效且迅速地采取行动和措施。在此类情况下，应依照紧急程序通过授权法案。

(66) 成员国应授予其主管机关权力，在经济经营者未遵守禁止将使用强迫劳动制造的产品投放市场的决定的情况下，施加并执行有效、相称且具有威慑力的处罚。关于在未遵守决定时适用的处罚规则，应由成员国制定，并适当考虑侵权行为的严重程度和持续时间、经济经营者此前的侵权行为、与主管机关的合作程度以及适用于特定案件情况的其他任何减轻或加重因素。欧盟委员会应就财务处罚的计算方法和适用门槛向成员国发布指导意见，欧盟反强迫劳动产品网络应推广适用此类处罚的最佳实践。

(67) 欧盟委员会应对本条例的实施和执行情况进行评估，并

就此向欧洲议会、欧盟理事会和欧洲经济和社会委员会提交报告。该报告应评估本条例对从欧盟市场消除使用强迫劳动制造的产品、对打击强迫劳动以及对主管机关之间合作和消除强迫劳动的国际合作的贡献。该报告还应评估本条例对企业特别是中小企业以及对受害者(原文为victims)的影响，以及禁止使用强迫劳动制造的产品的总体成本和收益。该报告还应进一步评估本条例与其他相关欧盟法律的一致性。

(68) 本条例尊重《宪章》第41条所载的良好行政权利，其中包括，

除其他外，包括在采取任何将对其产生不利影响的个别措施之前，每个人有获得听证的权利。在这方面，进行调查的牵头主管机关应将调查的启动及其可能产生的后果告知相关经济经营者。为确保其正当程序权利，经济经营者应有机会在调查期间应主管机关的要求向其提供辩护信息。经济经营者应有可能通过提供新的实质性信息，请求牵头主管机关审查影响其的决定。成员国主管机关通过的决定应受适用国内法所规定的司法审查的约束。欧盟委员会根据本条例通过的决定应依照TFEU第263条受欧盟法院的审查。

(69) 鉴于本条例的目标，即禁止经济经营者投放和在.....提供

禁止在欧盟市场投放或从欧盟市场出口使用强迫劳动制造的产品，以改善内部市场的运作，同时促进打击强迫劳动，这一目标无法由成员国充分实现，而是因其规模和影响，在联盟层面能够更好地实现，因此联盟可依照《欧洲联盟条约》第5条所载的辅助性原则采取措施。依照该条所载的相称性原则，本条例不超出实现该目标所必需的范围。

(25) OJ L 123, 12.5.2016， 第1页， ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(70) In order to allow for the prompt application of the measures provided for in this Regulation, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter, objective and scope

1. This Regulation lays down rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour in order to improve the functioning of the internal market, while contributing to the fight against forced labour.

2. This Regulation does not cover the withdrawal of products which have reached end users in the Union market.

3. This Regulation does not create additional due diligence obligations for economic operators other than those already provided for in Union or national law.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'forced labour' means forced or compulsory labour as defined in Article 2 of ILO Convention No 29, including forced child labour;

(2) 'forced labour imposed by state authorities' means the use of forced labour as described in Article 1 of ILO Convention No 105;

(3) 'due diligence in relation to forced labour' means efforts by economic operators to implement 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 placed or to be made available on the Union market or to be exported;

(4) 'making available on the market' means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

(5) 'placing on the market' means the first making available of a product on the Union market;

(6) 'product' means any item that can be valued in money and is capable, as such, of being the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured;

(7) 'product made with forced labour' means a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including in the working or processing related to a product at any stage of its supply chain;

(8) 'supply chain' means the system of activities, processes and actors involved at all stages upstream of a product being made available on the market, namely the extraction, harvesting, production and manufacturing of a product in whole or in part, including in the working or processing related to the product at any of those stages;

(9) 'economic operator' means any natural or legal person or association of persons placing or making available products on the Union market or exporting products;

(10) 'manufacturer' means any natural or legal person who manufactures a product or has a product designed or manufactured, and markets that product under its name or trademark;

(70) 为便于本 Regulation 所规定措施的迅速适用，本 Regulation 应在其于《欧盟官方公报》公布之日的次日起生效，

已通过本条例：

第一章

一般规定

第1条

主题事项、目标与范围

1. 本 Regulation 制定规则，禁止经济经营者在联盟市场上投放和提供使用强迫劳动制造的产品，或从联盟市场出口此类产品，以改善内部市场的运作，同时为打击强迫劳动作出贡献。

2. 本条例不涵盖已到达欧盟市场最终用户手中的产品的撤回。

3. 本条例不为经济经营者创设除联盟法或国内法已规定的尽职调查义务之外的额外尽职调查义务。

第2条

定义

为本条例之目的，适用以下定义：(1)“强迫劳动”指国际劳工组织(ILO)第29号公约第2条所定义的强迫或强制劳动，包括强迫童工；

(2) “国家当局实施的强迫劳动”指国际劳工组织(ILO)第105号公约第1条所述的强迫劳动的使用；

(3) “与强迫劳动相关的尽职调查”指经济经营者为实施强制性要求、自愿性准则、建议或做法所作的努力，以识别、预防、减轻或终止在拟投放或拟在欧盟市场上提供或拟出口的产品方面使用强迫劳动；

(4) “在市场上提供”指在商业活动过程中，为在欧盟市场上分销、消费或使用而供应产品的任何行为，无论是否以支付对价或免费方式进行；

(5) “投放市场”指产品首次在欧盟市场上提供；

(6) “产品”指任何可以货币估价的物品，且其本身能够成为商业交易的对象，无论其是提取、收获、生产还是制造而成；

(7) “使用强迫劳动制造的产品”指在其提取、收获、生产或制造的任一阶段全部或部分使用了强迫劳动的产品，包括在其供应链任一阶段与产品相关的加工或处理中使用强迫劳动的产品；

(8) “供应链”指在产品投放市场之前的全部上游阶段所涉及的活动、过程和参与者的系统，即产品的全部或部分提取、收获、生产和制造，包括在任一上述阶段与产品相关的加工或处理；

(9) “经济经营者”指在欧盟市场上投放或提供产品，或出口产品的任何自然人或法人或人的团体；

(10) “制造商”指制造产品，或委托设计或制造产品，并以自己的名称或商标营销该产品的任何自然人或法人；

(11) ‘producer’ means the producer of agricultural products as referred to in Article 38(1) of the Treaty on the Functioning of the European Union, or the producer of raw materials;

(12) ‘product supplier’ means any natural or legal person or association of persons in the supply chain who extracts, harvests, produces or manufactures a product in whole or in part, or intervenes in the working or processing related to a product at any stage of its supply chain, as a manufacturer or in any other capacity;

(13) ‘end user’ means any natural or legal person residing or established in the Union to whom a product has been made available either as a consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;

(14) ‘importer’ means any natural or legal person or association of persons established within the Union who places a product from a third country on the Union market;

(15) ‘exporter’ means an exporter as defined in Article 1, point (19), of Commission Delegated Regulation (EU) 2015/2446 ([26]);

(16) ‘substantiated concern’ means a reasonable indication based on objective, factual and verifiable information for the Commission or competent authorities to suspect that it is likely that a product was made with forced labour;

(17) ‘lead competent authority’ means the authority responsible, pursuant to Article 15, for assessing submissions of information, conducting investigations, and taking decisions, namely a Member State competent authority or the Commission;

(18) ‘customs authorities’ means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013;

(19) ‘products entering the Union market’ means products from third countries intended to be placed on the Union market or intended for private use or consumption within the customs territory of the Union and to be placed under the customs procedure ‘release for free circulation’;

(20) ‘products leaving the Union market’ means products to be placed under the customs procedure ‘export’;

(21) ‘release for free circulation’ means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;

(22) ‘export’ means the procedure laid down in Article 269 of Regulation (EU) No 952/2013.

Article 3

Prohibition of products made with forced labour

Economic operators shall not place or make available on the Union market products that are made with forced labour, nor shall they export such products.

Article 4

Distance sales

Products offered for sale online or through other means of distance sales shall be deemed to be made available on the market if the offer is targeted at end users in the Union. An offer for sale shall be considered to be targeted at end users in the Union if the relevant economic operator directs, by any means, its activities to a Member State.

([26]) Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

(11) “生产者”指《欧洲联盟运行条约》第38条第1款所指的农产品生产者，或原材料生产者；

(12) “产品供应商”指供应链中全部或部分提取、收获、生产或制造产品，或以制造商身份或以任何其他身份参与供应链任一阶段与产品相关的加工或处理的任何自然人或法人或人的团体；

(13) “最终用户”指居住在欧盟境内或设立于欧盟境内的任何自然人或法人，其作为消费者在贸易、商业、手工业或职业之外获得产品，或作为专业最终用户在其工业或专业活动中获得产品；

(14) “进口商”指设立于欧盟境内的任何自然人或法人或人的团体，其将来自第三国的产品投放欧盟市场；

(15) “出口商”指欧盟委员会授权条例(EU) 2015/2446(26)第1条第(19)点所定义的出口商；

(16) “有根据的关切”指欧盟委员会或主管机关基于客观、事实和可核实信息而产生的合理迹象，表明某产品很可能使用了强迫劳动制造；

(17) “牵头主管机关”指依照第15条负责评估信息提交、开展调查并作出决定的机关，即成员国主管机关或欧盟委员会；

(18) “海关”指第952/2013号条例第5条第(1)点所定义的海关；

(19) “进入欧盟市场的产品”指来自第三国、拟投放欧盟市场或拟在欧盟关税区内供私人使用或消费，并拟置于“自由流通放行”海关程序下的产品；

(20) “离开欧盟市场的产品”指拟置于“出口”海关程序下的产品；

(21) “自由流通放行”指第952/2013号条例第201条规定的程序；

(22) “出口”指(EU)第952/2013号条例第269条规定的程序。

第3条

禁止使用强迫劳动制造的产品

经济经营者不得在欧盟市场上投放或提供使用强迫劳动制造的产品，也不得出口此类产品。

第4条

远程销售

在线或以其他远程销售方式供销售的产品，如果该销售要约针对欧盟最终用户，则应视为已在市场上提供。如果相关经济经营者以任何方式将其活动指向某一成员国，则该销售要约应被视为针对欧盟最终用户。

(26) 2015年7月28日欧盟委员会授权条例(EU)2015/2446，补充欧洲议会和理事会条例(EU)第952/2013号中关于《欧盟海关法典》某些条款的详细规则(OJ L 343,2015年12月29日，第1页)。

Article 5

Competent authorities

1. Each Member State shall designate one or more competent authorities to be responsible for carrying out the obligations set out in this Regulation. Member State competent authorities and the Commission shall work in close cooperation and be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.

2. Where a Member State has designated more than one competent authority, it shall clearly demarcate their respective duties and establish communication and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.

3. No later than 14 December 2025, Member States shall, through the information and communication system referred to in Article 7(1), provide the Commission and the other Member States with the following information:

(a) the names, addresses and contact details of the competent authority or authorities; and

(b) the areas of competence of the competent authority or authorities.

Member States shall regularly update the information set out in points (a) and (b).

4. The Commission shall make the list of competent authorities publicly available on the Forced Labour Single Portal referred to in Article 12 and shall regularly update that list, based on the updates received from Member States.

5. Member States shall ensure that their competent authorities exercise their powers impartially, transparently and with due respect for the obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers, expertise, and resources to carry out investigations, including sufficient budgetary resources.

6. Member States shall ensure that their competent authorities coordinate closely and exchange information with the relevant national authorities, such as labour inspection authorities and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings, and the authorities designated by Member States under Directive (EU) 2019/1937.

7. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 37, either directly, in cooperation with other authorities, or by way of an application to the competent judicial authorities.

CHAPTER II

GOVERNANCE

Article 6

Union Network Against Forced Labour Products

1. A Union Network Against Forced Labour Products (the Network) is hereby established.

2. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and for streamlining the enforcement of this Regulation, within the Union, thereby making enforcement more effective and coherent.

3. The Network shall be composed of representatives from each Member State, representatives from the Commission and, where appropriate, representatives from customs authorities.

4. The Commission shall coordinate the work of the Network. A representative from the Commission shall chair the meetings of the Network.

5. The secretariat of the Network shall be provided by the Commission. The secretariat shall organise the meetings of the Network and provide it with technical and logistical support.

6. Members of the Network shall participate actively to ensure efficient coordination and cooperation, and to contribute to the uniform implementation of this Regulation.

第5条

主管机关

1. 每个成员国应指定一个或多个主管机关，负责履行本条例规定的义务。成员国主管机关和欧盟委员会应密切合作，并负责确保本条例在整个欧盟范围内得到有效和统一实施。

2. 如果某一成员国指定了一个以上主管机关，则应明确划分其各自职责，并建立沟通和协调机制，使这些机关能够密切协作并有效履行职责。

3. 成员国应不迟于2025年12月14日，通过第7条第1款所述的信息和通信系统，向欧盟委员会和其他成员国提供以下信息：

(a) 主管机关的名称、地址和联系方式；以及

(b) 主管机构或各主管机构的职权范围。

成员国应定期更新(a)项和(b)项所列信息。

4. 欧盟委员会应在第12条所述的强迫劳动单一门户上公开主管机关名单，并根据从成员国收到的更新定期更新该名单。

5. 成员国应确保其主管机关公正、透明地行使权力，并适当尊重职业保密义务。成员国应确保其主管机关拥有开展调查所需的权力、专业知识和资源，包括充足的预算资源。

6. 成员国应确保其主管机关与相关国家主管机关密切协调并交换信息，例如劳动监察机关以及司法和执法机关，包括负责打击人口贩运的机关，以及成员国根据(EU)2019/1937号指令指定的机关。

7. 成员国应授予其主管机关依照第37条实施处罚的权力，可以直接实施、与其他机关合作实施，或通过向主管司法机关申请实施。

第二章

治理

第6条

欧盟强迫劳动产品网络

1. 特此设立欧盟反强迫劳动产品网络(以下简称"网络")。

2. 网络应作为成员国主管机关与欧盟委员会之间进行结构化协调与合作的平台，并用于在欧盟范围内简化本条例的执行，从而使执行更加有效和一致。

3. 网络应由每个成员国的代表、欧盟委员会的代表以及酌情包括海关的代表组成。

4. 欧盟委员会应协调网络的工作。欧盟委员会的一名代表应主持网络会议。

5. 网络秘书处应由欧盟委员会提供。秘书处应组织网络会议，并为其提供技术和后勤支持。

6. 网络成员应积极参与，以确保高效协调与合作，并为本条例的统一实施作出贡献。

7. The Network shall have the following tasks:

(a) to facilitate the identification of common enforcement priorities in order to achieve the objective of this Regulation as set out in Article 1;

(b) to facilitate the coordination of investigations;

(c) to follow-up on the enforcement of decisions referred to in Article 20;

(d) upon request from the Commission, to contribute to the development of guidelines referred to in Article 11;

(e) to facilitate and coordinate the collection and exchange of information, expertise and best practices with regard to the implementation of this Regulation;

(f) to contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation;

(g) to promote best practices in the application of penalties provided for in Article 37;

(h) to cooperate, as appropriate, with the relevant Commission services, Union bodies, offices and agencies and Member State authorities on the implementation of this Regulation,

(i) to promote the cooperation, exchange of personnel and visiting programmes among competent authorities and customs authorities, as well as among those competent authorities and competent authorities of third countries and international organisations;

(j) to facilitate the organisation of training and capacity building activities, regarding the implementation of this Regulation, for the Commission and Union delegations in third countries and competent authorities, customs authorities and other relevant authorities of Member States;

(k) upon request from the Commission, to provide assistance to the Commission on the development of a coordinated approach to engagement and cooperation with third countries pursuant to Article 13;

(l) to monitor situations of systemic use of forced labour;

(m) to assist in the organisation of information and awareness-raising campaigns on this Regulation;

(n) to promote and facilitate collaboration with regard to exploring possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;

(o) to collect data on remediation linked to the decisions and evaluation of their effectiveness.

8. Other relevant Member State authorities may attend meetings of the Network on an ad hoc basis. Experts and stakeholders, including representatives from trade unions and other workers' organisations, civil society and human rights organisations, business organisations, international organisations, relevant authorities of third countries, the European Union Agency for Fundamental Rights, the European Labour Authority, the relevant Commission services, Union delegations and Union bodies, offices and agencies with expertise in the areas covered by this Regulation may be invited to attend meetings of the Network or to provide written contributions.

9. The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.

10. The Commission and the Member States shall ensure that the Network has the necessary resources to carry out the tasks referred to in paragraph 7, including sufficient budgetary resources.

11. The Network shall establish its rules of procedure.

7. 该网络应承担以下任务：

(a) 促进识别共同执法优先事项，以实现第1条所规定的本条例目标；

(b) 为便于协调调查；

(c) 跟踪第20条所述决定的执行情况；

(d) 应欧盟委员会请求，协助制定第11条所述指南；

(e) 促进和协调与本条例实施有关的信息、专业知识和最佳实践的收集与交流；

(f) 促进为实施本条例采用统一的基于风险的方法和行政实践；

(g) 推广适用第37条规定的处罚方面的最佳实践；

(h) 酌情与欧盟委员会相关服务部门、欧盟机构、机关和团体以及成员国主管机关就本条例的实施开展合作，

(i) 促进主管机关与海关之间，以及上述主管机关与第三国主管机关和国际组织之间的合作、人员交流和访问项目；

(j) 促进为欧盟委员会和欧盟驻第三国代表团以及成员国主管机关、海关和其他相关机关组织有关本条例实施的培训和能力建设活动；

(k) 应欧盟委员会请求，就根据第13条制定与第三国接触与合作的协调方法向欧盟委员会提供协助；

(l) 监测系统性使用强迫劳动的情况；

(m) 协助组织关于本条例的信息和宣传活动；

(n) 促进和便利在探索利用新技术执行本条例及产品可追溯性方面的合作；

(o) 收集与决定相关的补救数据并评估其有效性。

8. 其他相关成员国主管机关可临时参加网络会议。在条例所涵盖领域具有专长的专家和利益相关方，包括工会和其他工人组织、民间社会和人权组织、商业组织、国际组织、第三国相关主管机关、欧洲联盟基本权利机构、欧洲劳工局、欧盟委员会相关部门、联盟代表团以及联盟机构、办事处和机关的代表，可受邀参加网络会议或提供书面意见。

9. 网络应定期举行会议，并在必要时应欧盟委员会或成员国的正当请求举行会议。

10. 欧盟委员会和成员国应确保网络拥有执行第7款所述任务所需的必要资源，包括充足的预算资源。

11. 网络应制定其议事规则。

Article 7

Information and communication systems

1. For the purposes of Chapters I, III, IV and V of this Regulation, the Commission and competent authorities shall use the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020 in accordance with the implementing act referred to in paragraph 7, point (a), of this Article. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.

2. Decisions communicated pursuant to Article 26(3) shall be entered in the relevant customs risk management environment.

3. The Commission shall develop an interconnection to enable the automated communication of the decisions referred to in Article 26(3) from the information and communication system referred to in paragraph 1 of this Article to the environment referred to in paragraph 2 of this Article. That interconnection shall start operating no later than 2 years from the date of the adoption of the implementing act referred to in paragraph 7, point (b), of this Article.

4. Requests and notifications between competent authorities and customs authorities pursuant to Chapter V, Section II, as well as the ensuing messages shall be exchanged via the information and communication system referred to in paragraph 1.

5. An interconnection between the information and communication system referred to in paragraph 1 and the EU Single Window Environment for Customs shall be established in accordance with Regulation (EU) 2022/2399 for the purposes of exchanging requests and notifications between customs and competent authorities pursuant to Chapter V, Section II of this Regulation. That interconnection shall be established at the latest within 4 years from the date of adoption of the implementing act referred to in paragraph 7, point (a). The requests, notifications and ensuing messages referred to in paragraph 4 shall be exchanged through that interconnection as soon as it is operational.

6. The Commission may extract, from the surveillance system referred to in Article 56(1) of Implementing Regulation (EU) 2015/2447, information on products entering or leaving the Union market related to the implementation of this Regulation and transmit it to the information and communication system referred to in paragraph 1 of this Article.

7. The Commission may adopt implementing acts to specify the procedural rules and the details of the implementation arrangements for this Article, including:

(a) the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership of the information and communication system referred to in paragraph 1;

(b) the functionalities, data elements and data processing, as well as the rules on the processing of personal data, confidentiality and controllership for the interconnection referred to in paragraph 3;

(c) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

Article 8

Database of forced labour risk areas or products

1. The Commission shall establish a database, with the assistance of external expertise if needed. This database shall provide indicative, non-exhaustive, evidence-based, verifiable and regularly updated information on forced labour risks in specific geographic areas or with respect to specific products or product groups, including with regard to forced labour imposed by state authorities. The database shall prioritise the identification of widespread and severe forced labour risks.

2. The database referred to in paragraph 1 shall be based on independent and verifiable information from international organisations, in particular the ILO and the UN, or institutional, research or academic organisations.

The database shall not publicly disclose information that names economic operators directly.

第7条

信息和通信系统

1. 为本条例第一章、第三章、第四章和第五章之目的，欧盟委员会和主管机关应按照本条第7款(a)项所述的实施法案，使用(EU) 2019/1020号条例第34条所述的信息和通信系统。欧盟委员会、主管机关和海关为本条例之目的应有权访问该系统。

2. 依据第26条第3款通报的决定应录入相关海关风险管理环境。

3. 欧盟委员会应开发互联互通，使第26条第3款所述决定能够从本条第1款所述的信息和通信系统自动传输至本条第2款所述的环境。该互联互通应不迟于本条第7款(b)项所述实施法案通过之日起2年内开始运行。

4. 主管机关与海关之间依据第五章第二节提出的请求和通知以及随之产生的消息，应通过第1款所述的信息和通信系统交换。

5. 第1款所述信息与通信系统与欧盟海关单一窗口环境之间的互联应依照(EU) 2022/2399号条例建立，以便海关与主管机关依照本条例第五章第二节交换请求和通知。该互联应最迟在第7款(a)项所述实施法案通过之日起4年内建立。第4款所述请求、通知及随之产生的信息应在该互联投入运行后尽快通过该互联交换。

6. 欧盟委员会可从(EU) 2015/2447号实施条例第56条第1款所述的监控系统中提取与本条例实施相关的进入或离开欧盟市场的产品信息，并将其传输至本条第1款所述的信息和通信系统。

7. 欧盟委员会可通过实施法案，规定本条实施的程序规则和具体安排细节，包括：

(a) 第1款所述信息和通信系统的功能、数据元素和数据处理，以及个人数据处理、保密和管控权规则；

(b) 第3款所述互联互通的功能、数据元素和数据处理，以及个人数据处理、保密和管控权规则；

(c) 根据第6款，传输的数据以及关于其保密性和控制权的规则。

上述实施法案应按照第35条第2款所述的审查程序通过。

第8条

强迫劳动风险区域或产品数据库

1. 欧盟委员会应在必要时借助外部专业知识，建立一个数据库。该数据库应就特定地理区域或特定产品或产品类别的强迫劳动风险，包括国家当局实施的强迫劳动，提供指示性、非穷尽性、基于证据、可核实且定期更新的信息。该数据库应优先识别广泛且严重的强迫劳动风险。

2. 第1款所述的数据库应基于来自国际组织，特别是国际劳工组织(ILO)和联合国，或机构、研究或学术组织的独立且可核实的信息。

数据库不得公开披露直接指明经济经营者名称的信息。

The database shall indicate specific economic sectors in specific geographic areas for which there is reliable and verifiable evidence that forced labour imposed by state authorities exists.

3. The Commission shall ensure that the database is easily accessible, including for persons with disabilities, and made publicly available, in all official languages of the institutions of the Union, by 14 June 2026.

Article 9

Single information submission point

1. The Commission shall set up a dedicated centralised mechanism for the submission of information (single information submission point). The single information submission point shall be available in all official languages of the institutions of the Union. It shall be user-friendly and made available free of charge.

2. Information on alleged violations of Article 3 shall be submitted via the single information submission point by any natural or legal person or any association that does not have a legal personality. Submissions of information shall contain information on the economic operators or products concerned, provide the reasons and evidence substantiating the alleged violations, and where possible, supporting documents. The Commission may adopt implementing acts to specify the procedural rules, templates and details in relation to those submissions of information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

3. The Commission shall discard any submissions of information to the single information submission point that are manifestly incomplete, unfounded or made in bad faith and distribute the retained submissions of information for assessment by the lead competent authority according to the method for the allocation of investigations set out in Article 15.

4. The lead competent authority in charge of the assessment referred to in paragraph 3 shall acknowledge receipt of the submission of information, diligently and impartially assess the information and inform the natural or legal person or association concerned of the outcome of the assessment of its submission of information as soon as possible.

5. The lead competent authority may ask the person or association referred to in paragraph 2 to provide additional information.

6. In cases where there is a significant lapse of time between the submission of information to the single information submission point and a decision to proceed with an investigation pursuant to Chapter III, the lead competent authority shall, to the extent possible, consult the person or association submitting the information to verify whether the situation has, to the best of their knowledge, changed significantly.

7. Directive (EU) 2019/1937 shall apply to the reporting of breaches of this Regulation and the protection of persons reporting such breaches.

Article 10

Support measures for SMEs

The Commission shall develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular SMEs. Where appropriate, information on those measures shall be made available through the Forced Labour Single Portal referred to in Article 12.

Competent authorities shall designate contact points to provide information to SMEs regarding matters related to the application of this Regulation. Those contact points may also provide assistance to SMEs on those matters.

Member States' competent authorities may also organise training sessions for economic operators on forced labour risk indicators and on how to engage in dialogue with those competent authorities throughout an investigation.

数据库应指明特定地理区域内存在可靠且可核实证据表明存在国家当局实施的强迫劳动的特定经济部门。

3. 欧盟委员会应确保该数据库易于访问，包括对残疾人而言，并在2026年6月14日前以欧盟机构所有官方语言向公众开放。

第9条

单一信息提交点

1. 欧盟委员会应设立一个专门用于提交信息的集中机制(单一信息提交点)。单一信息提交点应以欧盟机构所有官方语言提供。其应便于使用并免费提供。

2. 关于涉嫌违反第3条的信息，应由任何自然人或法人或任何不具法人资格的协会通过单一信息提交点提交。信息提交应包含有关经济经营者或产品的信息，提供证明涉嫌违规的理由和证据，并在可能的情况下提供佐证文件。欧盟委员会可通过实施法案规定与这些信息提交有关的程序规则、模板和细节。这些实施法案应依照第35条第2款所述审查程序通过。

3. 欧盟委员会应丢弃向单一信息提交点提交的明显不完整、无根据或恶意提交的信息，并按照第15条规定的调查分配方法，将保留的信息提交分发给牵头主管机关进行评估。

4. 负责第3款所述评估的牵头主管机关应确认收到信息提交，勤勉、公正地评估该信息，并尽快将对其信息提交的评估结果告知相关自然人、法人或协会。

5. 牵头主管机关可要求第2款所述的个人或协会提供补充信息。

6. 如果在向单一信息提交点提交信息与根据第三章决定进行调查之间存在显著的时间间隔，牵头主管机关应尽可能咨询提交信息的个人或协会，以核实据其所知情况是否已发生重大变化。

7. (EU) 2019/1937号指令应适用于对本条例违规行为的举报以及对举报此类违规行为人员的保护。

第10条

对中小企业的支持措施

欧盟委员会应制定配套措施，以支持同一供应链中的经济经营者及其商业伙伴，特别是中小企业的努力。在适当情况下，有关这些措施的信息应通过第12条所述的强迫劳动单一门户提供。

主管机关应指定联络点，就与本条例适用相关的事项向中小企业提供信息。这些联络点还可就上述事项向中小企业提供协助。

成员国主管机关还可为经济经营者组织关于强迫劳动风险指标以及如何在调查过程中与上述主管机关进行对话的培训课程。

Article 11

Guidelines

The Commission, in consultation with relevant stakeholders, shall make available, by 14 June 2026, and regularly update, guidelines which shall include the following:

(a) guidance for economic operators on due diligence in relation to forced labour, including forced child labour, which shall take into account applicable Union and national law, setting out due diligence requirements with respect to forced labour, guidelines and recommendations from international organisations, as well as the size and economic resources of economic operators, different types of suppliers along the supply chain, and different sectors;

(b) guidance for economic operators on best practices for bringing to an end and remediating different types of forced labour;

(c) guidance for competent authorities on the practical implementation of this Regulation, in particular Articles 8, 17 and 18, including benchmarks for assisting competent authorities in their risk-based assessments in the context of investigations and guidelines on the applicable standard of evidence;

(d) guidance for customs authorities and economic operators on the practical implementation of Article 27 and, where appropriate, any other provision laid down in Chapter V, Section II;

(e) information on the risk indicators of forced labour, including how to identify such indicators, which shall be based on independent and verifiable information, including reports from international organisations, in particular the ILO, civil society, business organisations and trade unions, and on experience from implementing Union law setting out due diligence requirements regarding forced labour;

(f) guidance for economic operators on due diligence in relation to forced labour imposed by state authorities;

(g) guidance for economic operators and product suppliers on how to engage in dialogue with competent authorities pursuant to Chapter III, in particular on the type of information to be submitted;

(h) guidance on how to submit information pursuant to Article 9;

(i) guidance for Member States on the method for calculating financial penalties and the applicable thresholds;

(j) further information to facilitate the competent authorities' implementation of and the economic operator's compliance with this Regulation.

The guidance referred to in points (a), (b) and (f), shall focus in particular on assisting SMEs to comply with this Regulation.

The guidelines referred to in the first paragraph shall be consistent with guidelines provided in accordance with other relevant Union law.

Article 12

Forced Labour Single Portal

The Commission shall establish and regularly update a single website (Forced Labour Single Portal), making available to the public, in the same place and in all the official languages of the institutions of the Union, the following items:

(a) the names, addresses and contact details of the competent authorities;

(b) the guidelines;

(c) the database;

第11条

指南

欧盟委员会应与相关利益相关方协商，于2026年6月14日前提供并定期更新指南，该指南应包括以下内容：

(a) 关于经济经营者就强迫劳动(包括强迫童工)进行尽职调查的指导，该指导应考虑适用的欧盟和国内法，规定与强迫劳动相关的尽职调查要求、国际组织的指南和建议，以及经济经营者的规模和经济资源、供应链上不同类型的供应商以及不同行业；

(b) 面向经济经营者的关于终止和补救不同类型强迫劳动的最佳实践指南；

(c) 面向主管机关的关于本条例实际执行的指南，特别是第8条、第17条和第18条，包括协助主管机关在调查中进行基于风险的评估的基准，以及关于适用证据标准的准则；

(d) 面向海关和经济经营者的关于第27条以及酌情包括第五章第二节所规定的任何其他条款的实际执行指南；

(e) 关于强迫劳动风险指标的信息，包括如何识别此类指标，该信息应基于独立和可核实信息，包括来自国际组织特别是国际劳工组织(ILO)、民间社会、商业组织和工会的报告，以及基于实施欧盟法律中关于强迫劳动尽职调查要求的经验；

(f) 面向经济经营者的关于国家当局实施的强迫劳动的尽职调查指南；

(g) 面向经济经营者和产品供应商的关于如何依据第三章与主管机关进行对话的指南，特别是关于应提交的信息类型；

(h) 根据第9条提交信息的指南；

(i) 面向成员国的关于罚款计算方法及适用门槛的指南；

(j) 为便利主管机关执行本条例和经济经营者遵守本条例的进一步信息。

第(a)、(b)和(f)项所指的指南应特别侧重于协助中小企业遵守本条例。

第一段所指的准则应与依据其他相关欧盟法律提供的准则保持一致。

第12条

强迫劳动单一门户

欧盟委员会应建立并定期更新一个单一网站(强迫劳动单一门户)，在同一地点以欧盟机构所有官方语言向公众提供以下内容：

(a) 主管当局的名称、地址和联系方式；

(b) 指南；

(c) 该数据库；

(d) a list of publicly available information sources of relevance for the implementation of this Regulation, including sources which make disaggregated data available on the impact and victims of forced labour, such as gender-disaggregated data or data about forced child labour, allowing age and gender-specific trends to be identified;

(e) the single information submission point;

(f) any decision to ban a product;

(g) any withdrawal of a ban;

(h) the result of reviews.

Article 13

International Cooperation

1. In order to facilitate the effective implementation and enforcement of this Regulation, the Commission shall, as appropriate, cooperate and exchange information with the authorities of third countries, international organisations, civil society representatives, trade unions, business organisations and other relevant stakeholders.

2. International cooperation with the authorities of third countries shall take place in a structured way, for example in the context of existing dialogues with third countries, such as human rights and political dialogues, dialogues on the implementation of the trade and sustainable development commitments of trade agreements or the Generalised Scheme of Preferences, and Union development cooperation initiatives. If necessary, specific dialogues may be created on an ad hoc basis. International cooperation may involve exchanges of information on forced labour risk areas or products, of best practices for bringing forced labour to an end, and of information on decisions to ban products, including their reasons and evidence, in particular with third countries that have similar legislation in place.

3. For the purposes of paragraph 2, the Commission and Member States may consider the development of cooperation initiatives and accompanying measures to support the efforts of economic operators, in particular SMEs, as well as civil society organisations, social partners and third countries to tackle forced labour and its root causes.

CHAPTER III

INVESTIGATIONS

Article 14

Risk-based approach

1. The Commission and the competent authorities of Member States shall follow a risk-based approach when assessing the likelihood of a violation of Article 3, when initiating and conducting the preliminary phase of the investigations and when identifying the products and economic operators concerned.

2. In their assessment of the likelihood of a violation of Article 3, the Commission and the competent authorities shall use the following criteria, as appropriate, in order to prioritise products suspected to have been made with forced labour:

(a) the scale and severity of the suspected forced labour, including whether forced labour imposed by state authorities could be a concern;

(b) the quantity or volume of products placed or made available on the Union market;

(c) the share of the part of the product suspected to have been made with forced labour in the final product.

3. The assessment of the likelihood of a violation of Article 3 shall be based on all relevant, factual, and verifiable information available to the Commission and competent authorities, including, but not limited to, the following:

(d) 与实施本条例相关的公开信息来源清单，包括提供关于强迫劳动影响和受害者的分类数据的来源，如按性别分类的数据或关于强迫童工的数据，以便能够识别按年龄和性别区分的趋势；

(e) 单一信息提交点；

(f) 任何禁止产品的决定；

(g) 任何禁令的撤销；

(h) 审查的结果。

第13条

国际合作

1. 为便利本条例的有效实施和执行，欧盟委员会应酌情与第三国当局、国际组织、民间社会代表、工会、商业组织和其他相关利益相关方合作并交换信息。

2. 与第三国主管机关的国际合作应以结构化方式进行，例如在现有与第三国对话的框架内，如人权和政治对话、关于贸易协定或普遍优惠制贸易和可持续发展承诺执行情况的对话，以及联盟发展合作倡议。如有必要，可临时设立专门对话。国际合作可涉及交流有关强迫劳动风险领域或产品的信息、终止强迫劳动的最佳做法，以及有关禁止产品决定的信息，包括其理由和证据，尤其是与已实施类似立法的第三国。

3. 为第2段之目的，欧盟委员会和成员国可考虑制定合作倡议和配套措施，以支持经济经营者特别是中小企业以及民间社会组织、社会伙伴和第三国应对强迫劳动及其根源的努力。

第三章

调查

第14条

基于风险的方法

1. 欧盟委员会和成员国主管机关在评估违反第3条的可能性时、在启动和进行初步调查阶段时以及在确定相关产品和经济经营者时，应遵循基于风险的方法。

2. 在评估违反第3条的可能性时，欧盟委员会和主管机关应酌情使用以下标准，以优先处理涉嫌使用强迫劳动制造的产品：

(a) 涉嫌强迫劳动的规模和严重程度，包括国家当局实施的强迫劳动是否可能构成关切；

(b) 投放或提供到欧盟市场的产品数量或体积；

(c) 产品中涉嫌使用强迫劳动制造的部分在最终产品中所占的比例。

3. 对违反第3条可能性的评估应基于欧盟委员会和主管机关可获得的所有相关、事实性和可核实信息，包括但不限于以下内容：

(a) information and decisions encoded in the information and communication system referred to in Article 7(1), including any previous cases of compliance or non-compliance of an economic operator with Article 3;

(b) the database referred to in Article 8;

(c) the risk indicators and other information pursuant to Article 11, point (e);

(d) submissions of information made pursuant to Article 9;

(e) information received by the Commission or the competent authority from other authorities relevant for the implementation of this Regulation, such as Member States' due diligence, labour, health or fiscal authorities, on the products and economic operators under assessment;

(f) any issues arising from meaningful consultations with relevant stakeholders, such as civil society organisations and trade unions.

4. When initiating a preliminary investigation pursuant to Article 17, the lead competent authority shall, to the extent possible, focus on the economic operators and, where relevant, product suppliers involved in the steps of the supply chain as close as possible to where the forced labour is likely occurring, and with the highest leverage to prevent, mitigate and bring to an end the use of forced labour. The lead competent authority shall also take into account the size and economic resources of the economic operators concerned, in particular whether the economic operator is an SME, and the complexity of the supply chain.

Article 15

Allocation of investigations

1. Where the suspected forced labour is taking place outside the territory of the Union, the Commission shall act as the lead competent authority.

2. Where the suspected forced labour is taking place in the territory of a Member State, a competent authority of that Member State shall act as the lead competent authority.

Article 16

Coordination of investigations and mutual assistance

1. The Commission and competent authorities shall cooperate closely with each other and provide each other with mutual assistance in order to implement this Regulation in a consistent and efficient manner.

2. The lead competent authority shall respect the right of the economic operator to be heard at all stages of the process.

3. The lead competent authority shall, at any time and without undue delay, communicate via the information and communication system referred to in Article 7(1) in the event that it discovers new information about suspected forced labour taking place in a territory for which it is not competent pursuant to Article 15.

4. The lead competent authority may request the support of other relevant competent authorities. This may include requesting support in order to contact economic operators whose place of establishment is within the territory of that Member State or whose language of operation is that of a Member State. Other competent authorities that have an interest in the investigation may request to be closely involved in the investigation.

5. A competent authority that has received, through the information and communication system referred to in Article 7(1), a request for information from another competent authority shall provide an answer within 20 working days of the date of receipt of the request.

6. The competent authority that has received a request for information may ask the requesting competent authority to complement the information contained in the request if it concludes that the information provided initially is not sufficient.

7. The competent authority that has received a request for information may refuse to comply with that request only if it demonstrates that complying with the request would substantially impair the execution of its own activities.

(a) 第7条第1款所指的信息和通信系统中编码的信息和决定，包括经济经营者以往遵守或不遵守第3条的任何案例；

(b) 第8条所指的数据库；

(c) 第11条(e)点所述的风险指标及其他信息；

(d) 依据第9条提交的信息；(e) 欧盟委员会或主管机关从与实施本条例相关的其他当局(如成员国的尽职调查、劳动、卫生或财政当局)收到的关于所评估的产品和经济经营者的信息；

(f) 与相关利益相关方(如民间社会组织和工会)进行有意义磋商所产生的任何问题。

4. 主管机关在依据第17条启动初步调查时，应尽可能重点关注参与供应链各环节的经济经营者以及相关产品供应商，且这些环节应尽可能接近强迫劳动可能发生的地点，并具有最大影响力以预防、减轻和终止强迫劳动的使用。主管机关还应考虑相关经济经营者的规模和经济资源，特别是该经济经营者是否为中小企业，以及供应链的复杂性。

第15条

调查的分配

1. 如涉嫌强迫劳动发生在欧盟领土之外，欧盟委员会应作为牵头主管机关。

2. 如涉嫌强迫劳动发生在某成员国领土内，该成员国的主管机关应作为牵头主管机关。

第16条

调查协调与互助

1. 欧盟委员会和主管机关应相互密切合作并相互提供协助，以一致和高效的方式实施本条例。

2. 牵头主管机关应尊重经济经营者在程序所有阶段获得陈述意见的权利。

3. 牵头主管机关在任何时候如发现关于在其依据第15条不具有管辖权的领土内发生涉嫌强迫劳动的新信息，应通过第7条第1款所指的信息和通信系统及时通报。

4. 牵头主管机关可请求其他相关主管机关的支持。这可包括请求支持以联系设立地在该成员国领土内或运营语言为某成员国语言的经济经营者。对调查有兴趣的其他主管机关可请求密切参与调查。

5. 已通过第条所述的信息和通信系统收到通知的主管机关
7条第1款所指的信息和通信系统收到另一主管机关的信息请求的主管机关，应自收到请求之日起20个工作日内提供答复。

6. 收到信息请求的主管机关，如认为最初提供的信息不充分，可要求提出请求的主管机关补充请求中所含的信息。

7. 收到信息请求的主管机关只有在证明遵守该请求将实质性妨碍其自身活动执行的情况下，方可拒绝遵守该请求。

Article 17

Preliminary phase of investigations

1. Before initiating an investigation in accordance with Article 18(1), the lead competent authority shall request information from the economic operators under assessment and, where relevant, other product suppliers, on the relevant actions they have taken in order to identify, prevent, mitigate, bring to an end or remediate risks of forced labour in their operations and supply chains with respect to the products under assessment, including on the basis of any of the following, unless it would jeopardise the outcome of the assessment:

(a) applicable Union or national law setting out due diligence and transparency requirements with respect to forced labour;

(b) the guidelines issued by the Commission;

(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations, in particular guidelines and recommendations relating to geographic areas, production sites and economic activities in certain sectors in which there are systematic and widespread forced labour practices;

(d) any other meaningful due diligence or other information in relation to forced labour in their supply chain.

The lead competent authority may request information on those actions from other relevant stakeholders, including the persons or associations that have submitted relevant, factual, and verifiable information pursuant to Article 9 and any other natural or legal persons related to the products and geographical areas under assessment, as well as from the European External Action Service and Union delegations in relevant third countries.

2. Economic operators shall respond to the request referred to in paragraph 1 of this Article within 30 working days of the day they received such request. Economic operators may provide any other information they may deem useful for the purposes of this Article. Where necessary, economic operators may request support from a contact point referred to in Article 10, on how to engage with the lead competent authority.

3. Within 30 working days from the date of receipt of the information submitted by economic operators pursuant to paragraph 2 of this Article, the lead competent authority shall conclude the preliminary phase of its investigation regarding whether there is a substantiated concern that there has been a violation of Article 3, on the basis of the assessment referred to in Article 14(3) and the information submitted by economic operators pursuant to paragraph 2 of this Article.

4. Notwithstanding paragraph 3 of this Article, the lead competent authority may conclude that there is a substantiated concern that there has been a violation of Article 3 on the basis of any other facts available, where a lead competent authority has refrained from requesting information in accordance with paragraph 1 of this Article or in the situations referred to in Article 20(2), points (a) to (e).

5. The lead competent authority shall not initiate an investigation pursuant to Article 18, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in Article 14(3) and, if any, of the information submitted by economic operators pursuant to paragraph 2 of this Article, it considers that there is no substantiated concern that there has been a violation of Article 3, or that the reasons that motivated the existence of a substantiated concern have been eliminated, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour as referred to in paragraph 1 of this Article being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.

6. The lead competent authority shall communicate, through the information and communication system referred to in Article 7(1), the outcome of its assessment pursuant to paragraph 5 of this Article.

Article 18

Investigations

1. The lead competent authority that determines, pursuant to paragraphs 3 or 4 of Article 17, that there is a substantiated concern that there has been a violation of Article 3, shall initiate an investigation on the products and economic operators concerned and inform the economic operators subject to the investigation, within 3 working days of the date of the decision to initiate such investigation, of the following:

第17条

调查的初步阶段

1. 在依据第18条第1款启动调查之前，主管机关应向受评估的经济经营者以及相关产品供应商索取信息，了解其为识别、预防、减轻、终止或补救其运营和供应链中与受评估产品相关的强迫劳动风险所采取的相关行动，包括基于以下任何一项，除非这会危及评估结果：

(a) 适用的欧盟或国家法律就强迫劳动规定了尽职调查和透明度要求；

(b) 委员会发布的指南；

(c) 联合国、国际劳工组织(ILO)、经合组织或其他相关国际组织的尽职调查指南或建议，特别是涉及存在系统性、广泛强迫劳动做法的某些行业中的地理区域、生产场所和经济活动的指南和建议；

(d) 与其供应链中强迫劳动相关的任何其他有意义的尽职调查或其他信息。

牵头主管机关可向其他相关利益相关方索取有关这些行动的信息，包括依据第 9 条提交了相关、真实且可核实信息的个人或协会，以及与所评估的产品和地理区域相关的任何其他自然人或法人，还可向欧洲对外行动署和欧盟驻相关第三国代表团索取信息。

2. 经济经营者应当自收到本条第1款所述请求之日起30个工作日内予以答复。经济经营者可以提供其认为对本条目的有用的任何其他信息。必要时，经济经营者可以就如何与牵头主管机关接洽，向第10条所述联络点请求支持。

3. 自收到经济经营者依据本条第2款提交的信息之日起30个工作日内，牵头主管机关应当根据第14条第3款所述评估以及经济经营者依据本条第2款提交的信息，结束其关于是否存在有根据的关切认为已发生违反第3条情形的调查初步阶段。

4. 尽管有本条第3款的规定，如果牵头主管机关未按照本条第1款请求提供信息，或在第20条第2款(a)至(e)项所述情形下，牵头主管机关可以根据任何其他现有事实认定存在有根据的关切，即存在违反第3条的情形。

5. 主导主管机关不得依据第18条启动调查，并应相应告知受评估的经济经营者，如果其基于第14条第3款所述评估以及(如有)经济经营者依据本条第2款提交的信息，认为不存在关于已发生违反第3条情形的有根据的关切，或者认为促使有根据的关切存在的理由已经消除，例如由于(但不限于)本条第1款所述与强迫劳动相关的适用立法、指南、建议或任何其他尽职调查以减轻、预防并终止强迫劳动风险的方式得到适用。

6. 牵头主管机关应通过第7条第1款所述的信息和通信系统，通报其依据本条第5款所作评估的结果。

第18条

调查

1. 牵头主管机关依据第17条第3款或第4款认定存在有根据的关切，即存在违反第3条的情形时，应针对相关产品和相关经济经营者启动调查，并在作出启动该调查的决定之日起3个工作日内，将以下事项通知接受调查的经济经营者：

(a) the initiation of the investigation and the possible consequences thereof;

(b) the products subject to the investigation;

(c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;

(d) the right of the economic operators to submit documents or information to the lead competent authority, and the date by which such information is to be submitted.

2. The lead competent authority shall communicate, through the information and communication system referred to in Article 7(1), that an investigation has been initiated pursuant to paragraph 1 of this Article.

3. Where requested by the lead competent authority, economic operators under investigation shall submit any information that is relevant and necessary for the investigation, including information identifying the products under investigation and, where appropriate, identifying the part of the product to which the investigation should be limited, as well as the manufacturer, producer, product supplier, the importer or the exporter of those products or parts thereof. In requesting such information, the lead competent authority shall, to the extent possible, prioritise the economic operators under investigation involved in the steps of the supply chain as close as possible to where the forced labour is likely occurring, and take into account the size and economic resources of the economic operators, in particular whether the economic operator is an SME, the quantity of products concerned, the complexity of the supply chain, as well as the scale of suspected forced labour. Where necessary, economic operators may request support from a contact point referred to in Article 10 on how to engage with the lead competent authority.

4. The lead competent authority shall set a deadline of at least 30 working days and no longer than 60 working days for economic operators to submit the information referred to in paragraph 3. Economic operators may request an extension of that deadline with a justification. When deciding whether to grant such an extension, the lead competent authority shall consider the size and economic resources of the economic operators concerned, including whether the economic operator is an SME.

5. The lead competent authority may collect information from or interview any relevant natural or legal person who consents to be interviewed for the purpose of collecting information relating to the subject matter of the investigation, including relevant economic operators or any other stakeholders.

6. The lead competent authority may, where necessary, carry out all necessary checks and inspections in accordance with Article 19.

Article 19

Field inspections

1. In exceptional situations where the lead competent authority deems it necessary to conduct field inspections, it shall do so taking into consideration where the risk of forced labour is located.

2. Where the risk of forced labour is located in the territory of the Member State, the lead competent authority may conduct its own inspections, in accordance with national law in compliance with Union law. If necessary, the lead competent authority may request cooperation from other national authorities relevant for the implementation of this Regulation, such as labour, health or fiscal authorities.

3. Where the risk of forced labour is located outside the territory of the Union, the Commission acting as lead competent authority may carry out all necessary checks and inspections provided that the economic operators concerned give their consent and that the government of the third country in which the inspections are to take place has been officially notified and raises no objection. The Commission may request assistance from the European External Action Service, as appropriate, to facilitate such contacts.

(a) 调查的启动及其可能产生的后果；

(b) 受调查的产品；

(c) 启动调查的理由，除非会危及调查结果；

(d) 经济经营者向牵头主管机关提交文件或信息的权利，以及提交该等信息的截止日期。

2. 牵头主管机关应通过第7条第1款所述的信息和通信系统，通报已依据本条第1款启动调查。

3. 应主导主管机关的要求，受调查的经济经营者应提交对调查相关且必要的信息，包括识别受调查产品的信息，以及在适当情况下识别调查应限于产品哪一部分的信息，以及这些产品或其部件的制造商、生产商、产品供应商、进口商或出口商。在请求此类信息时，主导主管机关应尽可能优先考虑处于供应链中尽可能接近强迫劳动可能发生地环节的受调查经济经营者，并考虑经济经营者的规模和经济资源，特别是该经济经营者是否为中小企业、相关产品的数量、供应链的复杂性以及疑似强迫劳动的规模。必要时，经济经营者可请求第10条所述联络点提供关于如何与主导主管机关接触的支持。

4. 牵头主管机关应为经济经营者提交第3款所述信息设定至少30个工作日且不超过60个工作日的期限。经济经营者可附理由请求延长该期限。在决定是否批准该延期时，牵头主管机关应考虑相关经济经营者的规模和经济资源，包括该经济经营者是否为中小企业。

5. 牵头主管机关可为收集与调查标的相关的信息，向任何同意接受访谈的相关自然人或者法人收集信息或进行访谈，包括相关经济经营者或任何其他利益相关方。

6. 牵头主管机关可在必要时，依照第19条进行一切必要的检查和视察。

第19条

实地检查

1. 在牵头主管机关认为有必要进行实地检查的特殊情况下，其在实地检查时应考虑强迫劳动风险所在的地点。

2. 强迫劳动风险位于成员国境内的，牵头主管机关可依照符合欧盟法律的国内法自行进行检查。必要时，牵头主管机关可请求与实施本条例相关的其他国家机关，如劳动、卫生或税务主管机关，予以合作。

3. 如果强迫劳动风险位于欧盟领土之外，作为主导主管机关行事的欧盟委员会可开展一切必要的检查和视察，前提是相关经济经营者给予同意，且视察所在第三国政府已被正式通知且未提出异议。欧盟委员会可酌情请求欧洲对外行动署提供协助，以促进此类接触。

CHAPTER IV

DECISIONS

Article 20

Decisions regarding the violation of Article 3

1. The lead competent authority shall assess all information and evidence gathered pursuant to Chapter III, and, on that basis, establish whether the products, that have been placed or made available on the market or are being exported, are in violation of Article 3, within a reasonable period of time from the date it initiated the investigation pursuant to Article 18(1). The lead competent authority shall endeavour to adopt the decision referred to in paragraph 4 of this Article or close the investigation within 9 months from the date it initiated the investigation.

2. Notwithstanding paragraph 1 of this Article, the lead competent authority may establish that Article 3 has been violated on the basis of any other facts available where it was not possible to gather information and evidence pursuant to Article 17(1) and Article 18(3), in particular where, in response to a request for information, an economic operator or a public authority:

(a) refuses to provide the information requested without a valid justification;

(b) fails to provide the information requested within the time limit prescribed without a valid justification;

(c) provides incomplete or incorrect information with the objective of blocking the investigation;

(d) provides misleading information; or

(e) otherwise impedes the investigation, including when a risk of forced labour imposed by state authorities is identified during the preliminary phase of the investigation or during the investigation.

3. Where the lead competent authority cannot establish that the products concerned have been placed or made available on the market or are being exported in violation of Article 3, it shall close the investigation and inform the economic operators that have been subject to the investigation thereof. It shall also inform all other competent authorities through the information and communication system referred to in Article 7(1). Closing the investigation shall not preclude the initiation of a new investigation into the same product and economic operator in the case of new relevant information.

4. Where the lead competent authority establishes that the products concerned have been placed or made available on the market or are being exported in violation of Article 3, it shall, without delay, adopt a decision containing:

(a) a prohibition on the placing or making available of the products concerned on the Union market and on exporting them;

(b) an order requiring the economic operators that have been subject to the investigation to withdraw the products that have already been placed or made available on the Union market or to remove content from an online interface referring to the products or listings of the products concerned;

(c) an order requiring the economic operators that have been subject to the investigation to dispose of the products concerned in accordance with Article 25 or, if parts of the product which are found to be in violation of Article 3 are replaceable, an order requiring those economic operators to dispose of those parts of that product.

Where relevant, the prohibition referred to in point (a) of the first subparagraph and the order referred to in point (c) of the first subparagraph shall identify the parts of the product found to be in violation of Article 3, that must be replaced in order for the product to be placed or made available on the market or exported.

5. By way of derogation from paragraph 4, first subparagraph, point (c), and, where appropriate, in order to prevent disruptions to a supply chain of strategic or critical importance for the Union, the lead competent authority may refrain from imposing an order to dispose of the product concerned pursuant to paragraph 4. The lead competent authority may instead order that the product concerned be withheld for a defined period of time, which shall be no longer than the time necessary to eliminate forced labour with regard to the product concerned, at the cost of the economic operators.

第四章

决定

第20条

关于违反第3条的决定

1. 牵头主管机关应评估依据第三章收集的所有信息和证据，并在此基础上，自其依据第18(1)条启动调查之日起的合理期限内，确定已投放或提供于市场或正在出口的产品是否违反第3条。牵头主管机关应努力自启动调查之日起9个月内通过本条第4款所述决定或结束调查。

2. 尽管有本条第1款的规定，在无法依据第17条第1款和第18条第3款收集信息和证据的情况下，特别是当经济经营者或公共机关在回应信息请求时存在以下情形时，牵头主管机关可以基于任何其他可用事实认定存在违反第3条的行为：

(a) 无正当理由拒绝提供所要求的信息；

(b) 未在规定的期限内提供所要求的信息且无正当理由的；

(c) 以阻碍调查为目的提供不完整或不正确的信息；

(d) 提供误导性信息；或

(e) 以其他方式妨碍调查，包括在调查的初步阶段或调查过程中发现国家当局实施的强迫劳动风险的情形。

3. 如牵头主管机关无法认定有关产品系违反第3条而投放或提供于市场或正在出口，则应结束调查，并将此情况告知接受调查的经济经营者。其还应通过第7(1)条所述信息与通信系统告知所有其他主管机关。结束调查不妨碍在有新的相关信息时对同一产品和经济经营者启动新的调查。

4. 牵头主管机关认定有关产品违反第3条被投放或提供于市场或正在被出口的，应当立即通过一项决定，该决定包含：

(a) 禁止相关产品在欧盟市场上投放或提供以及出口；

(b) 要求接受调查的经济经营者撤回已投放或已在欧盟市场上提供的产品，或删除在线界面中涉及相关产品或产品列表的内容；

(c) 命令接受调查的经济经营者依照第25条处置有关产品，或者，如果被认定违反第3条的产品部件是可替换的，则命令这些经济经营者处置该产品的该等部件。

在相关情况下，第一项第(a)点所述禁止和第一项第(c)点所述命令应当指明被认定违反第3条的产品部件，为使该产品能够投放或提供于市场或出口，必须更换该等部件。

5. 作为对第4款第一项第(c)点的减损，并在适当情况下为防止对欧盟具有战略或关键重要性的供应链中断，牵头主管机关可不对有关产品下达第4款所述处置令。牵头主管机关可改为命令以经济经营者承担费用的方式，在限定期间内扣留有关产品，该期间不得超过消除有关产品涉及的强迫劳动所必需的时间。

If economic operators demonstrate, during that period of time, that they have eliminated forced labour from the supply chain with regard to the product concerned, without changing that product and by bringing to an end the forced labour identified in the decision referred to in paragraph 4 of this Article, the lead competent authority shall review its decision in accordance with Article 21.

If economic operators do not demonstrate, during that period of time, that they have eliminated forced labour from the supply chain with regard to the product concerned, without changing that product and by bringing to an end the forced labour identified in the decision referred to in paragraph 4, point (c) of that paragraph shall apply.

6. Where the Commission acts as the lead competent authority, the decision referred to in paragraph 4 of this Article shall be adopted by means of an implementing act. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

7. The lead competent authority shall notify the decision referred to in paragraph 4 of this Article to all of the economic operators it is addressed to and communicate it to all competent authorities and, where applicable, to the Commission through the information and communication system referred to in Article 7(1).

8. Decisions taken by a lead competent authority of a Member State, pursuant to paragraph 4, shall be recognised and enforced by competent authorities in the other Member States, insofar as they relate to products with the same identification information and as originating from the same supply chain which has been found to be using forced labour.

Article 21

Review of decisions regarding the violation of Article 3

1. The lead competent authority shall allow economic operators affected by a decision referred to in Article 20 to request a review of that decision at any time. The request for a review shall contain information which demonstrates that the products are placed or made available on the market or are to be exported in compliance with Article 3. That information shall contain new substantial information that was not brought to the attention of the lead competent authority during the investigation.

2. The lead competent authority shall take a decision on the request referred to in paragraph 1 within 30 working days of the receipt of that request.

3. Where economic operators have demonstrated that they have complied with the decision referred to in Article 20, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned, the lead competent authority shall withdraw its decision for the future, inform the economic operators and remove it from the Forced Labour Single Portal.

4. Where the Commission acts as the lead competent authority, the withdrawal referred to in paragraph 3 of this Article shall be implemented by means of an implementing act. Such implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2). On duly justified imperative grounds of urgency relating to the protection of rights of defence and of property of the economic operators concerned, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 35(3). Those implementing acts shall remain in force for a period not exceeding 12 months.

5. Economic operators that have been affected by a decision referred to in Article 20 of a lead competent authority of a Member State shall have access to a court or tribunal to review the procedural and substantive legality of the decision.

6. Paragraph 5 is without prejudice to any provision of national law which requires that administrative review procedures be exhausted prior to recourse to judicial proceedings.

7. Decisions referred to in Article 20 adopted by a lead competent authority of a Member State are without prejudice to any decisions of a judicial nature taken by national courts or tribunals of the Member States with respect to the same economic operators or products.

如果经济经营者在上述期限内证明，其已在有关产品的供应链中消除了强迫劳动，且未改变该产品，并终止了本条第4款所述决定中认定的强迫劳动，牵头主管机关应当依照第21条复审其决定。

如果经济经营者在上述期限内未能证明，其已在有关产品的供应链中消除了强迫劳动，且未改变该产品，并终止了第4款所述决定中认定的强迫劳动，则适用该款第(c)点。

6. 欧盟委员会作为牵头主管机关行事的，本条第4款所述决定应当通过实施法案的方式通过。该等实施法案应当依照第35条第2款所述审查程序通过。

7. 牵头主管机关应当将本条第4款所述决定通知其所针对的所有经济经营者，并通过第7条第1款所述信息与通信系统将该决定传达给所有主管机关，并在适用情况下传达给欧盟委员会。

8. 成员国牵头主管机关依照第4款作出的决定，在其他成员国主管机关应当予以承认和执行，前提是该等决定涉及具有相同识别信息且来自被认定使用强迫劳动的同一供应链的产品。

第21条

关于违反第3条决定的复审

1. 牵头主管机关应允许受第20条所述决定影响的经济经营者随时请求对该决定进行复审。复审请求应包含证明产品系依照第3条投放或提供于市场或将要出口的信息。该信息应包含调查期间未提请牵头主管机关注意的新的实质性信息。

2. 牵头主管机关应当在收到第1款所述请求后30个工作日内就该请求作出决定。

3. 经济经营者证明其已遵守第20条所述决定，且已在其经营或供应链中就有关产品消除了强迫劳动的，牵头主管机关应当撤回其决定，使其不再具有未来效力，通知经济经营者并将其从强迫劳动单一门户中移除。

4. 欧盟委员会作为牵头主管机关行事时，本条第3款所述撤回应通过实施法案予以实施。该等实施法案应依照第35(2)条所述审查程序通过。基于与保护有关经济经营者的辩护权和财产权相关的紧急且正当合理的紧迫理由，欧盟委员会应依照第35(3)条所述程序立即通过可适用的实施法案。该等实施法案的有效期不得超过12个月。

5. 受成员国牵头主管机关第20条所述决定影响的经济经营者，有权向法院或法庭申请审查该决定的程序合法性和实质合法性。

6. 第5款不影响任何要求在用尽行政复议程序后方可诉诸司法程序的国内法规定。

7. 成员国牵头主管机关通过的、第20条所述的决定，不影响成员国国内法院或法庭就同一经济经营者或产品作出的任何司法性质的决定。

Article 22

Content of decisions

1. The decision referred to in Article 20 shall contain all of the following:

(a) the findings of the investigation and the information and evidence underpinning the findings;

(b) reasonable time limits for the economic operators to comply with the orders, which shall not be less than 30 working days; in the case of perishable goods, animals and plants, the time limit shall not be less than 10 working days; when setting the time limits, the lead competent authority shall take into account the economic operator's size and economic resources, including whether the operator is an SME, the share of the part of the product and whether it is replaceable; the time limits shall be proportionate to the time needed to comply with the different orders and no longer than necessary;

(c) all relevant information, in particular the details allowing the identification of the product to which the decision applies, including details about the manufacturer, producer, the product suppliers, the importer, the exporter and, where appropriate, the production site;

(d) where available and applicable, information required under customs legislation as defined in Article 5, point 2, of Regulation (EU) No 952/2013;

(e) information on the taking of a judicial review against a decision.

2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decision referred to in Article 20. Those details shall, at minimum, include details of the information to be provided or made available to customs authorities in accordance with Article 27(3) in order to enable the identification of products pursuant to Article 26(4). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 35(2).

CHAPTER V

ENFORCEMENT

Section I

Competent authorities

Article 23

Enforcement of decisions

1. Where, within the reasonable time limit referred to in Article 22(1), point (b), an economic operator has failed to comply with the decision referred to in Article 20, the competent authorities shall be responsible for the enforcement of that decision and shall ensure all of the following:

(a) the prohibition on the placing or making available of the products concerned on the Union market and on the export of them;

(b) the withdrawal from the Union market by relevant authorities of products that have already been placed or made available on the market, in accordance with Union and national law;

(c) the disposal of withdrawn products and products remaining with the economic operator in accordance with Article 25, at the expense of that economic operator;

(d) the restriction of access to the products concerned and to listings referring to those products by requesting the relevant third party to implement such restriction.

2. If the economic operator has failed to comply with the decision referred to in Article 20, the competent authority shall impose either directly, in cooperation with other authorities, or by way of an application to the competent judicial authorities, penalties on the economic operator concerned pursuant to Article 37.

第22条

决定的内容

1. 第20条所述的决定应包含以下全部内容：

(a) 调查结果以及支撑该结果的信息和证据；

(b) 经济经营者遵守命令的合理时限，不得少于30个工作日；对于易腐货物、动植物，该时限不得少于10个工作日；在设定时限时，牵头主管机关应考虑经济经营者的规模和经济资源，包括该经营者是否为中小企业、产品该部分的占比以及该部分是否可替换；时限应与遵守不同命令所需的时间成比例，且不得超过必要限度；

(c) 所有相关信息，特别是能够识别该决定所适用产品的详细信息，包括关于制造商、生产商、产品供应商、进口商、出口商以及酌情包括生产场所的详细信息；

(d) 在可获得且适用的情况下，第(EU) No 952/2013号条例第5条第2点所定义的海关立法所要求的信息；

(e) 关于对决定提起司法审查的信息。

2. 欧盟委员会应通过实施法案，进一步明确第20条所述决定中应包含的信息细节。这些细节至少应包括根据第27条第3款应向海关提供或使其可获取的信息细节，以便能够根据第26条第4款识别产品。这些实施法案应根据第35条第2款规定的审查程序通过。

第五章

执法

第 I 节

主管机关

第23条

决定的执行

1. 经济经营者在第22条第1款第(b)点所述合理期限内未遵守第20条所述决定的，主管机关应当负责执行该决定，并应当确保以下所有事项：

(a) 禁止相关产品在欧盟市场上投放或提供以及出口；

(b) 相关当局依照欧盟法和国内法从欧盟市场撤回已投放或已在市场上提供的产品；

(c) 依照第25条处置被撤回的产品和仍由该经济经营者持有的产品，费用由该经济经营者承担；

(d) 通过要求相关第三方实施限制，限制对有关产品及涉及该等产品的列表的访问。

2. 经济经营者未遵守第20条所述决定的，主管机关应当依照第37条直接、与其他机关合作或通过向主管司法机关申请的方式，对有关经济经营者处以罚款。

Article 24

Withdrawal and disposal of products made with forced labour

1. An order to withdraw and dispose of products placed or made available on the Union market pursuant to Article 20(4) of this Regulation shall be communicated, through the information and communication system referred to in Article 7(1) of this Regulation, to the market surveillance authorities referred to in Article 10 of Regulation (EU) 2019/1020 and any other relevant authorities for the products concerned.

2. The enforcement of the withdrawal and disposal of the products referred to in paragraph 1 shall be the responsibility of the competent authority, in coordination with any other relevant authorities for the products concerned.

Article 25

Manner of disposal of products made with forced labour

In line with the waste hierarchy set out in Directive 2008/98/EC of the European Parliament and of the Council ([27]), economic operators and the Member States competent authorities responsible for the disposal of products, as required by Article 20(4), point (c), and Article 23(1), point (c), of this Regulation, respectively, shall dispose of those products by recycling them or, when that is not possible, by rendering those products inoperable. Perishable products, shall be donated for charitable or public interest purposes or, when that is not possible, be rendered inoperable.

Section II

Customs authorities

Article 26

Controls by customs authorities

1. Products entering or leaving the Union market shall be subject to the controls and measures laid down in this Section.

2. The application of this Section is without prejudice to any other Union legal act governing customs risk management, customs controls and the release of goods for free circulation and export, in particular Regulation (EU) No 952/2013.

3. The lead competent authority shall, without delay, communicate to the customs authorities of Member States decisions referred to in Article 20 to prohibit the placing or making available of products on the Union market and their export.

4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 of this Article to identify products that may not comply with the prohibition laid down in Article 3 of this Regulation. For that purpose, they shall carry out controls on products entering or leaving the Union market based on risk management as laid down in Regulation (EU) No 952/2013.

5. The lead competent authority shall, without delay, communicate to the customs authorities of Member States any withdrawal of, as well as any changes to a decision pursuant to a review in accordance with Article 21.

Article 27

Additional information to be provided or made available to customs authorities

1. The Commission is empowered to adopt delegated acts in accordance with Article 33 to supplement this Regulation by identifying the products or product groups for which the information referred to in paragraph 2 of this Article shall be provided to customs authorities. The products or product group concerned shall be chosen following a proportionate

([27]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

第条 24

使用强迫劳动制造的产品的撤回和处置

1. 命令撤回和处置依照第条投放或提供于欧盟市场的产品
本条例第20(4)条应通过本条例第7(1)条所述的信息和通信系统，传达给(EU) 2019/1020号条例第10条所述的市场监管机关以及有关产品的任何其他相关机关。

2. 第1款所述产品的撤回和处置的执行，应由主管机关负责，并与有关产品的任何其他相关机关协调进行。

第条 25

使用强迫劳动制造的产品的处置方式

根据欧洲议会和欧盟理事会第2008/98/EC号指令(27)规定的废物层级，经济经营者和负责处置产品的成员国主管机关，分别按照本条第20条第4款第(c)项和第23条第1款第(c)项的要求，应通过回收方式处置这些产品，或在无法回收时使这些产品不可使用。易腐产品应捐赠用于慈善或公共利益目的，或在无法捐赠时使其不可使用。

第II节

海关当局

第条 26

海关当局的管制

1. 进入或离开欧盟市场的产品应接受本节规定的管制和措施。

2. 本节的适用不影响任何其他规范海关风险管理、海关管制以及货物放行进入自由流通和出口的欧盟法律文件，特别是(EU) No 952/2013号条例。

3. 牵头主管机关应毫不迟延地将第20条所述关于禁止在欧盟市场投放或提供产品及其出口的决定传达给成员国的海关。

4. 海关应依据根据本条第3款传达的决定，识别可能不符合本条例第3条所述禁止规定的产品。为此，海关应依据(EU) No 952/2013号条例所述的风险管理，对进入或离开欧盟市场的产品实施管制。

5. 牵头主管机关应毫不迟延地将根据第21条进行复审后对决定的任何撤回以及任何变更传达给成员国的海关。

第条 27

应向海关提供或供其获取的补充信息

1. 欧盟委员会有权根据第33条通过授权法案，以补充本条例，确定应向海关提供本条第2款所述信息的产品或产品类别。有关产品或产品类别应按照相称的

(27) 欧洲议会和欧盟理事会2008年11月19日关于废物及废止某些指令的2008/98/EC号指令(OJ L 312, 22.11.2008, p.3)。

approach, building, inter alia, on the information available in the database, information encoded in the information and communication system referred to in Article 7(1), and substantiated information exchanged in the Network.

2. The person intending to place a product, covered by a delegated act adopted pursuant to paragraph 1 of this Article, under the customs procedures 'release for free circulation' or 'export' shall provide or make available to customs authorities information identifying the product, information about the manufacturer or the producer and information about the product suppliers, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5, point 2, of Regulation (EU) No 952/2013.

3. The Commission may adopt implementing acts specifying the detailed arrangements for implementing paragraphs 1 and 2 of this Article, and defining the details of the information to be provided or made available to customs authorities pursuant to paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 35(2).

4. Where a specific product has been identified in a decision referred to in Article 20, in order for the customs authorities to be able to act immediately on that specific product, the procedure provided for in Article 34 shall apply to delegated acts adopted pursuant to paragraph 1 of this Article.

Article 28

Suspension

Where customs authorities identify, through their relevant risk management system, that a product entering or leaving the Union market might, according to a decision communicated pursuant to Article 26(3), be in violation of Article 3, they shall suspend the release of that product for free circulation or export. Customs authorities shall immediately notify the competent authorities of their Member State of that suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 26(3).

Article 29

Release for free circulation or export

1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 28, that product shall be released for free circulation or exported where all the other requirements and formalities relating to such a release or export have been fulfilled and where either of the following conditions is satisfied:

(a) within 4 working days of the suspension, if the competent authorities have not requested the customs authorities to maintain the suspension; in case of perishable products, animals and plants that time limit shall be 2 working days;

(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.

2. The release for free circulation or export pursuant to paragraph 1 shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.

Article 30

Refusal to release for free circulation or export

1. Where the competent authorities conclude that a product, which has been notified to them in accordance with Article 28, is a product made with forced labour pursuant to a decision referred to in Article 20, they shall require customs authorities not to release it for free circulation or to allow its export.

2. Competent authorities shall immediately enter the information referred to in paragraph 1 of this Article in the information and communication system referred to in Article 7(1) and notify the customs authorities accordingly. Upon receipt of such notification, customs authorities shall not allow the release for free circulation or export of that product and shall also include the following notice in the customs data-processing system and, where possible, on the commercial invoice accompanying the product and any other relevant accompanying document:

方法选择，除其他外，应基于数据库中可获取的信息、第7(1)条所述信息和通信系统中编码的信息以及在网络中所交流的经证实的信息。

2. 拟将本条第1款所通过授权法案涵盖的产品置于"放行自由流通"或"出口"海关程序的人，应向海关提供或使其可获取识别该产品的信息、关于制造商或生产者的信息以及关于产品供应商的信息，除非根据第952/2013号条例(EU)第5条第2点所述海关立法已要求提供此类信息。

3. 欧盟委员会可通过实施法案，规定实施本条第1款和第2款的详细安排，并界定根据本条第2款应向海关提供或供其获取的信息的细节。该等实施法案应根据第35(2)条所述的审查程序通过。

4. 如第20条所述的决定中已识别出特定产品，为使海关能够对该特定产品立即采取行动，第34条规定的程序应适用于根据本条第1款通过的授权法案。

第条 28

中止

海关通过其相关风险管理系统认定，根据第26条第3款传达的决定，进入或离开欧盟市场的产品可能违反第3条的，应暂停该产品自由流通或出口的放行。海关应立即将该暂停情况通知其成员国的主管机关，并传送所有相关信息，以便其确定该产品是否属于根据第26条第3款传达的决定所涵盖的范围。

第条 29

放行自由流通或出口

1. 如产品的放行进入自由流通或出口已根据第28条中止，则在与此种放行或出口有关的所有其他要求和手续均已履行完毕且满足下列任一条件的情况下，该产品应放行进入自由流通或出口：

(a) 自中止之日起4个工作日内，如主管机关未请求海关维持中止；对于易腐产品、动物和植物，该期限应为2个工作日；

(b) 主管机关已根据本条例将其同意放行进入自由流通或出口告知海关。

2. 根据第1款放行进入自由流通或出口不应被视为符合欧盟法律，特别是符合本条例的证明。

第条 30

拒绝放行自由流通或出口

1. 如主管机关根据第20条所述的决定认定，根据第28条向其通报的产品为使用强迫劳动制造的产品，则应要求海关不得将其放行进入自由流通或允许其出口。

2. 主管机关应立即将本条第1款所述信息录入第7条第1款所述的信息和通信系统，并相应通知海关。海关收到该通知后，不得允许该产品放行进入自由流通或出口，并应在海关数据处理系统中以及，在可能的情况下，在产品随附的商业发票和任何其他相关随附文件中列入以下通知：

'Product made with forced labour – release for free circulation/export not authorised – Regulation (EU) 2024/3015'.

3. Where the release for free circulation or export of a product has been refused in accordance with paragraph 1, customs authorities shall dispose of that product in accordance with national law in compliance with Union law.

4. Upon the request of a competent authority, and on behalf and under the responsibility of that competent authority, customs authorities may alternatively seize the product the release for free circulation or export of which has been refused and put it at the disposal of and under the authority of that competent authority. In such cases, that competent authority shall take the necessary measures to ensure that the product concerned is disposed of in accordance with Article 25.

Article 31

Exchange of information and cooperation

1. To enable a risk-based analysis of products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, the Commission, competent authorities and customs authorities shall cooperate closely and exchange risk-related information. To that end, the Commission shall take on a coordination role.

2. Cooperation among authorities and exchange of risk-related information necessary for the fulfilment of their functions under this Regulation, including through electronic means, shall take place in accordance with Regulation (EU) No 952/2013:

(a) between customs authorities;

(b) between competent authorities and customs authorities.

CHAPTER VI

FINAL PROVISIONS

Article 32

Confidentiality

1. The competent authorities shall only use information received pursuant to this Regulation for the purpose of applying this Regulation, unless otherwise required by Union or national law in compliance with Union law.

2. The Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential, in accordance with Union or national law in compliance with Union law, unless stated otherwise by those who provided the information.

3. Paragraph 2 shall not preclude the Commission from disclosing general information in a summary form, provided such general information does not contain any information which allows the identification of the provider of the information. Such disclosure of general information in a summary form shall take into account the legitimate interest of the parties concerned in preventing the disclosure of confidential information.

Article 33

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 27(1) shall be conferred on the Commission for an indeterminate period of time from 13 December 2024.

“使用强迫劳动制造的产品--未授权放行进入自由流通/出口--(EU) 2024/3015号条例”。

3. 如产品的放行进入自由流通或出口已根据第1款被拒绝，海关应依照符合欧盟法律的国内法处置该产品。

4. 经主管机关请求，并代表该主管机关且在其责任下，海关可另行扣押放行进入自由流通或出口已被拒绝的产品，并将其交由该主管机关处置并置于其权力之下。在此种情况下，该主管机关应采取必要措施，确保有关产品根据第25条予以处置。

第条 31

信息交流与合作

1. 为对进入或离开欧盟市场的产品进行基于风险的分析，并确保管制有效且按照本条例的要求实施，欧盟委员会、主管机关和海关应密切合作并交流风险相关信息。为此，欧盟委员会应承担协调作用。

2. 机关之间为履行其在本条例下的职能所必需的合作和风险相关信息交流，包括通过电子方式进行，应按照(EU) No 952/2013号条例进行：

(a) 海关当局之间；

(b) 主管机关与海关当局之间。

第六章

最终条款

第条 32

保密

1. 主管机关仅应将根据本条例收到的信息用于实施本条例的目的，除非符合欧盟法律的欧盟法律或国内法另有要求。

2. 欧盟委员会、成员国和主管机关应按照符合欧盟法律的欧盟法律或国内法，对提供信息者的身份或所提供的信息予以保密，除非提供信息者另有说明。

3. 第2款不应妨碍欧盟委员会以摘要形式披露一般信息，但此种一般信息不得包含任何可识别信息提供者身份的信息。此种以摘要形式披露一般信息应考虑到有关当事方防止披露机密信息的正当利益。

第条 33

授权的行使

1. 通过授权法案的权力授予欧盟委员会，但须遵守本条规定的条件。

2. 第27(1)条所述通过授权法案的权力，自2024年12月13日起授予欧盟委员会，期限不定。

3. The delegation of power referred to in Article 27(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 27(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

Article 34

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 33(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.

Article 35

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Article 36

Amendment to Directive (EU) 2019/1937

In Part I.C.1 of the Annex to Directive (EU) 2019/1937, the following point is added:

‘(iv) Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937 (OJ L, 2024/3015, 12.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3015/oj).’.

Article 37

Penalties

1. Member States shall lay down the rules on penalties applicable to economic operators for non-compliance with a decision referred to in Article 20 and shall take all measures necessary to ensure that they are implemented in accordance with national law.

3. 第27(1)条所指的权力委托可随时由欧洲议会或欧盟理事会撤回。撤回决定应终止该决定所指明的权力委托。该决定应在《欧盟官方公报》上公布之日的次日起生效，或在该决定中指明的较后日期生效。该决定不影响已生效的任何授权法案的效力。

4. 在通过授权法案之前，欧盟委员会应按照2016年4月13日《关于改进立法的机构间协议》所规定的原则，与各成员国指定的专家进行磋商。

5. 欧盟委员会在通过授权法案后，应同时通知欧洲议会和欧盟理事会。

6. 依据第27条第1款通过的授权法案，只有在欧洲议会或欧盟理事会于该法案通知欧洲议会和欧盟理事会之日起2个月内未提出异议，或者在该期限届满前欧洲议会和欧盟理事会均已告知欧盟委员会其不会提出异议的情况下，方可生效。该期限应根据欧洲议会或欧盟理事会的提议延长2个月。

第条 34

紧急程序

1. 根据本条通过的授权法案应立即生效，且只要未依照第2款提出异议，即应适用。向欧洲议会和欧盟理事会通报授权法案时，应说明采用紧急程序的理由。

2. 欧洲议会或欧盟理事会可依照第33条第6款所述程序对授权法案提出异议。在此情况下，欧盟委员会应在欧洲议会或欧盟理事会通报异议决定后立即废止该法案。

第条 35

委员会程序

1. 欧盟委员会应由一个委员会协助。该委员会应为(EU) No 182/2011号条例含义内的委员会。

2. 凡提及本款之处，应适用第182/2011号条例(欧盟)第5条。

3. 凡提及本款之处，应适用欧洲议会和欧盟理事会第 182/2011 号条例第 8 条，并结合该条例第 5 条适用。

第条 36

对指令 (EU) 2019/1937 的修订

在第2019/1937号指令(欧盟)附件第一部分C.1中，增加以下各项：

‘(iv) 欧洲议会和欧盟理事会2024年11月27日关于禁止的第(EU) 2024/3015号条例

在联盟市场上使用强迫劳动制造的产品并修订第2019/1937号指令(欧盟)的第2024/3015号条例(欧盟)(OJ L, 2024/3015, 12.12.2024, ELI: http://data.europa.eu/eli/reg/2024/3015/oj)。”

第条 37

处罚

1. 成员国应制定适用于经济经营者不遵守第20条所指决定的处罚规则，并应采取一切必要措施确保依照国内法予以执行。

2. The penalties provided for shall be effective, proportionate and dissuasive. Competent authorities shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:

(a) the gravity and duration of the non-compliance with a decision referred to in Article 20;

(b) any relevant previous non-compliance with a decision referred to in Article 20 by the economic operator;

(c) the degree of cooperation with the competent authorities;

(d) any other mitigating or aggravating factor applicable to the circumstances of the case, such as financial benefits, gains or losses avoided, directly or indirectly, from the non-compliance with a decision referred to in Article 20.

3. Member States shall, by 14 December 2026, notify the Commission of those rules and of those measures, and shall notify it, without delay, of any subsequent amendment affecting them.

4. Member States, when laying down rules on applicable penalties in accordance with paragraphs 1 and 2 of this Article, shall take utmost account of the guidance referred to in Article 11, point (i).

Article 38

Evaluation and review

1. By 14 December 2029 and every 5 years thereafter, the Commission shall carry out an evaluation of the enforcement and the implementation of this Regulation. The Commission shall present a report on the main findings to the European Parliament, the Council and to the European Economic and Social Committee. The evaluation shall in particular include an assessment of:

(a) whether the mechanism in place effectively contributes to the objective of this Regulation, as set out in Article 1;

(b) the cooperation between competent authorities, including within the Network, as well as all other relevant authorities in applying this Regulation;

(c) the effectiveness of international cooperation in contributing to the elimination of forced labour from global supply chains;

(d) the impact on businesses, and in particular on SMEs, including on their competitiveness of the procedures related to the investigations and decisions;

(e) the cost of compliance for economic operators, and in particular for SMEs;

(f) the overall costs and benefits and the effectiveness of the prohibition.

Where the Commission considers it appropriate, the report shall be accompanied by a legislative proposal for the amendment of the relevant provisions of this Regulation.

2. The report shall also assess whether the scope needs to be enlarged to include services ancillary to the extraction, harvesting, production or manufacturing of products.

3. As part of the assessment under paragraph 1, point (a), the report shall cover the impact of this Regulation on victims of forced labour, with particular regard to the situation of women and children. The assessment of this impact shall be based on regular monitoring of information from international organisations and relevant stakeholders.

4. In its report, the Commission shall further assess the need for a specific mechanism to address and remediate forced labour, including an impact assessment for the implementation of such a mechanism.

Article 39

Entry into force and date of application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

2. 所规定的处罚应有效、相称且具有威慑力。主管机关应确保第1款所指处罚适当考虑以下因素(如适用):

(a) 不遵守第20条所指决定的严重程度和持续时间；

(b) 经济经营者此前任何相关的不遵守第20条所指决定的情况；

(c) 与主管机关的合作程度；(d) 适用于案件具体情形的任何其他减轻或加重因素，例如直接或间接从不遵守第20条所指决定中获得的财务利益、收益或避免的损失。

3. 成员国应在2026年12月14日前将这些规则和措施通知欧盟委员会，并应毫不延迟地通知欧盟委员会任何影响这些规则和措施的后续修订。

4. 成员国在依照本条第1款和第2款制定适用处罚规则时，应尽可能充分考虑第11条第(i)项所指的指导意见。

第38条

评估与审查

1. 欧盟委员会应于2029年12月14日之前及此后每5年对本条例的执行与实施情况进行一次评估。欧盟委员会应向欧洲议会、欧盟理事会及欧洲经济和社会委员会提交一份关于主要结论的报告。评估应特别包括对以下方面的评估：

(a) 所设机制是否有效促进第1条所述的本条例目标；

(b) 主管机关之间(包括网络内)以及所有其他相关机关在适用本条例方面的合作；

(c) 国际合作在促进消除全球供应链中的强迫劳动方面的有效性；

(d) 与调查和决定相关的程序对企业、特别是对中小企业的影响，包括对其竞争力的影响；

(e) 经济运营者，尤其是中小企业的合规成本；

(f) 总体成本效益及禁令的有效性。

欧盟委员会认为适当时，报告应附有修订本条例相关条款的立法提案。

2. 报告还应评估是否需要扩大范围以涵盖与产品提取、收获、生产或制造相关的辅助服务。

3. 作为第1款(a)项评估的一部分，报告应涵盖本条例对强迫劳动受害者的影响，特别关注妇女和儿童的状况。对该影响的评估应基于对国际组织和相关利益相关方信息的定期监测。

4. 欧盟委员会应在报告中进一步评估是否需要建立专门机制以处理和补救强迫劳动，包括对该机制实施的影响评估。

第39条

生效与适用日期

本条例自其在《欧盟官方公报》上公布之日的次日起生效。

It shall apply from 14 December 2027.

However, Articles 5(3), 7, 8, 9(2), 11, 33, 35 and 37(3) shall apply from 13 December 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 27 November 2024.

For the European Parliament	*For the Council*
The President	*The President*
R. METSOLA	BÓKA J.

自2027年12月14日起适用。

但是，第5(3)条、第7条、第8条、第9(2)条、第11条、第33条、第35条和第37(3)条自2024年12月13日起适用。

本条例整体具有约束力，并直接适用于所有成员国。

2024年11月27日订于斯特拉斯堡。

欧洲议会	代表理事会
总统	总统
罗·梅措拉	博卡 J.

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