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**5627/24  
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**LIMITE**

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**NOTE**

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| From:           | General Secretariat of the Council   |
| To:             | Permanent Representatives Committee  |
| No. prev. doc.: | 5287/24 +ADD1  |
| No. Cion doc.:  | 12711/22 + COR1  |
| Subject:        | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products made with forced labour on the Union market<br>- Mandate for negotiations with the European Parliament |

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1. On page 22 of document 5627/24 INIT, Recital 28a, instead of:

“(28a) To ensure a balanced approach between the Member States and the Commission, the notion of ‘Union interest’ should serve as an allocation key in the preliminary and investigation phases. In determining the Union interest, competent authorities and the Commission should assess any of the following criteria: the scale and severity of suspected forced labour, whether the risks of suspected forced labour are located outside the territory of the Union, and whether the products suspected to have been made with forced labour have a significant impact on the internal market. Products suspected to have been made with forced labour are presumed to have a significant impact on the internal market where the products concerned are present in at least three Member States. A product shall be presumed to be present in three Member States in any of the following situations: (i) the

product is manufactured in these Member States, (ii) the product is placed or made available or is to be placed or made available in order to reach the end-users of these Member States, (iii) the product is exported from these Member States, (iv) any combination of the situations under (i), (ii) and (iii) thereof. In addition, the significant impact on the internal market may be presumed where the products concerned are of critical importance to the Union [as defined by European legislation, such as Regulation on the screening of Foreign Direct Investment regulation, the CRM Act or the NZIA].”

should read as follows:

“(28a) To ensure a balanced approach between the Member States and the Commission, the notion of ‘Union interest’ should serve as an allocation key in the preliminary and investigation phases. In determining the Union interest, competent authorities and the Commission should assess **all relevant, verifiable and credible information available to them. Union interest should be presumed if one or more**any of the following criteria **are met**: the scale and severity of suspected forced labour;<sup>3</sup> whether the risks of suspected forced labour are located outside the territory of the Union;<sup>3</sup> and whether the products suspected to have been made with forced labour, **including where the products concerned are of critical importance to the Union,** -have a significant impact on the internal market. Products suspected to have been made with forced labour are presumed to have a significant impact on the internal market where the products concerned are present in at least three Member States. A product shall be presumed to be present in three Member States in any of the following situations: (i) the product is manufactured in these Member States, (ii) the product is placed or made available or is to be placed or made available in order to reach the end-users of these Member States, (iii) the product is exported from these Member States, (iv) any combination of the situations under (i), (ii) and (iii) thereof. ~~In addition, the significant impact on the internal market may be presumed where the products concerned are of critical importance to the Union.~~”

2. On page 48 of document 5627/24 INIT, paragraph 3 of Article 14, instead of:
- “3. The determination of the Union interest shall be based on all relevant, verifiable and credible information available to competent authorities or to the Commission for the purposes of Article 10(3), and consist of an assessment of any of the following criteria:
- (a) the scale and severity of suspected forced labour;
  - (b) whether the risks of suspected forced labour are located outside the territory of the Union;
  - (c) whether the products suspected to have been made with forced labour have a significant impact on the internal market.

Products suspected to have been made with forced labour are presumed to have a significant impact on the internal market where the products concerned are present in at least three Member States.”

should read as follows:

“3. The determination of the Union interest shall be based on all relevant, verifiable and credible information available to competent authorities or to the Commission for the purposes of Article 10(3), ~~and consist of an assessment of any of the following criteria:~~

**Union interest shall be assumed if one or more of the following criteria are met:**

- (a) the scale and severity of suspected forced labour **is significant**;
- (b) ~~whether~~ the risks of suspected forced labour are located outside the territory of the Union;
- (c) ~~whether~~ the products suspected to have been made with forced labour have a significant impact on the internal market.

Products suspected to have been made with forced labour are presumed to have a significant impact on the internal market where the products concerned are present in at least three Member States.”