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European Union

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2022/0269(COD)

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MI 204
COMPET 211
CONSOM 73
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ENFOCUSTOM 36
JAI 316
EMPL 69
SOC 130
CODEC 574
UD 32

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	5903/24
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 - Preparation for the trilogue

- □ Green lines are those where both mandates match, where the Parliament agreed to take on board Council wording, or where a simple technical solution was already found.
- □ Yellow lines are for technical issues where the Parliament and Council are not too far apart but need to work on a compromise at technical level. Several yellow lines are pending on decisions to be taken on red lines.
- □ Red lines are political issues. The Parliament and Council will work towards possible compromises but the final decisions will have to be left for the political trilogue.
- □ White lines are repetitions and will not be dealt with.

As the Council's mandate has been significantly restructured, this also affects the structure of the 5-column document. The 5-column document should be read in the following way:

- It follows the Council's structure. In general that should match what is the Commission and EP columns.
 - However, in several instances, it means that there is one row with the Commission and matching EP text, and then another separate row with the Council text. For ease of use, the EP mandate has then been added in the "auxiliary column" (column to the right of the Council text).
 - The lines that are still white/with no colour are repetitions of lines due to restructuring and should be ignored. For technical reasons, it is not possible to delete these lines.
 - The draft agreement can be found in the 5th column.
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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products made with forced labour on the Union market (Text with EEA relevance)

2022/0269(COD)

DRAFT [updated 4CT after the TM on 21 Feb]

21-02-2024 at 16h31

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
1	2022/0269 (COD)	20 22/0269 (COD)	2022/0269 (COD)		2022/0269 (COD) Text Origin: Commission Proposal
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products		Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products

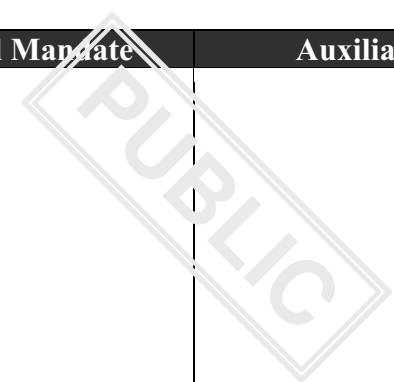
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	made with forced labour on the Union market (Text with EEA relevance)	made with forced labour on the Union market (Text with EEA relevance)	made with forced labour on the Union market <u>and amending Directive (EU) 2019/1937</u> (Text with EEA relevance)		made with forced labour on the Union market <u>and amending Directive (EU) 2019/1937</u> (Text with EEA relevance) Text Origin: Council Mandate
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
4	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 Treaty on the Functioning of the European Union, and in particular Article 114 and Article 207 thereof,	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 Treaty on the Functioning of the European Union, and in particular Article 114 and Article 207 thereof, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal

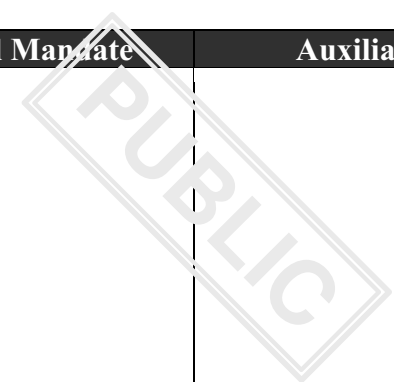
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G	8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
G	9	Whereas:	Whereas:		Whereas: Text Origin: Commission Proposal
R	10	(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. The ILO declared the elimination of all forms of forced or compulsory labour as a	(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, <u>contributes to the perpetuation of poverty and stands in the way of the achievement of</u>	(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. The ILO declared the elimination of all forms of forced or compulsory labour as a	

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	<p>principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, the 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 Conventions¹. Forced labour covers a wide variety of coercive labour practices where work or service is exacted from persons that have not offered it themselves voluntarily.²</p> <p>1. https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm.</p> <p>2. The ILO definition of forced labour according to the ILO Forced Labour Convention, 1920 (No. 29), What is</p>	<p><u><i>decent work for all</i></u>. The ILO declared the elimination of all forms of forced or compulsory labour as a principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, <u><i>including the supplementing the</i></u> 2014 Protocol to Convention No. 29 and the <u><i>Forced Labour (Supplementary Measures) Recommendation No. 203 and the</i></u> ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions¹⁶ <u><i>and issues recommendations to prevent, eliminate, and remedy forced labour</i></u>^{16a}. <u><i>Forced labour includes work and services, which is performed or provided along the value chain, and is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily</i></u>¹⁷. <u><i>According to</i></u></p>	<p>principle concerning the fundamental rights. The ILO classifies ILO Convention No. 29, <i>the</i> <u><i>with its</i></u> 2014 Protocol <i>to</i> <i>Convention No. 29</i> and the ILO Convention No.105 on the abolition of forced labour ('ILO Convention No.105') as fundamental ILO Conventions¹. Forced labour covers a wide variety of coercive labour practices where work or service is exacted from persons that have not offered it themselves voluntarily.²</p> <p>1. https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm.</p> <p>2. The ILO definition of forced labour according to the ILO Forced Labour Convention, 1920 (No. 29), What is</p>		

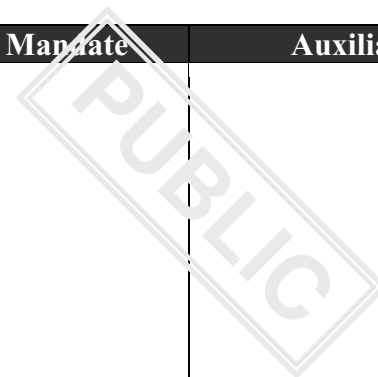
Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).	<u>the ILO and the UN, some economic activities in certain productive sectors such as processing, agriculture, garment and fisheries, and in certain services sector, such as transportation, storage and logistics, cleaning and seasonal work have a higher occurrence of forced</u> covers a wide variety of coercive labour ^{17a} . <u>This definition applies to</u> practices where work or service <u>exacted by governments and public authorities as well as private bodies and individuals. 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</u>	forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).		



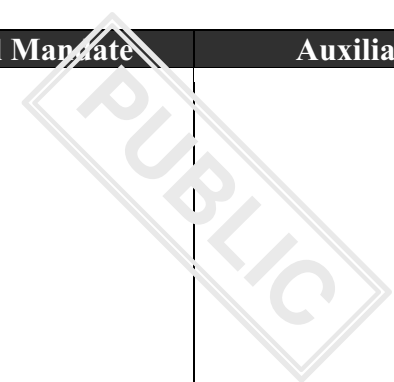
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>area, isolation, debt bondages, withholding wages or excessive wage reduction, retention of passports and identity documents or threat of denunciation to the authorities when the worker has an irregular immigration status^{17b}. 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^{17c}. The European Court of Human Rights has repeatedly found that, under Article 4 of the European Convention on Human Rights, initial consent and voluntariness become null and void if there is an abuse of position of vulnerability^{17d}. According to the ILO supervisory bodies, prison labour, including where it is performed for private</u></p>			



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		<p><u>companies, is not in itself constitutive of forced labour provided that it is done on a voluntary basis, for the benefit of the prisoner and approximates the conditions of a free labour relationship</u>is exacted from persons that have not offered it themselves voluntarily.²</p> <p><u>Community work as an alternative penal sanction to imprisonment should always be in the public general interest and should, under no circumstances, be abused by States as means to degrade the convicted person or deprive the person of their dignity</u>^{17e}.</p> <p><u>In cases in which work or service is imposed by exploiting the worker's vulnerability, under the threat of a penalty, such threat does not need to take the form of a penal sanction but might take the form also of a loss of rights or benefits.</u></p>			



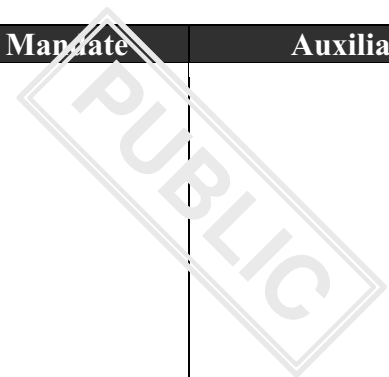
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p>¹⁶https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm.</p> <p>^{16a} <i>ILO Forced Labour (Supplementary Measures) Recommendation, 2014.</i></p> <p>¹⁷ <i>The ILO definition of forced labour according to the ILO Forced Labour Convention, 1920 (No. 29), What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).</i></p> <p>^{17a} <i>UNODC (United Nations Office on Drugs and Crime), “Global Report on Trafficking In Persons ” 2020, https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf</i></p> <p>^{17b} https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---</p>			



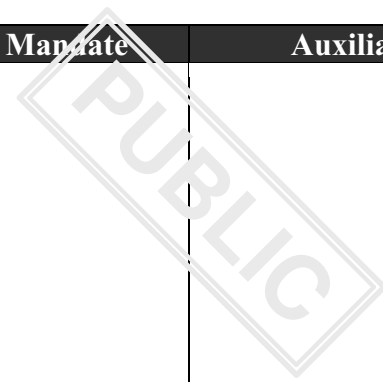
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p>declaration/documents/publication/wcms_203832.pdf ^{17c} <i>ILO, the Profits and Poverty: The economics of forced labour:</i> https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf ^{17d} <i>ECHR, Chowdury and Others v Greece (21884/15) and Zoletic and Others v. Azerbaijan (20116/12) cases.</i> ^{17e} https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_089199.pdf Page 27</p> <p>1. https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm.</p> <p>2. <i>The ILO definition of forced labour according</i></p>			

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		<i>to the ILO Forced Labour Convention, 1920 (No. 29), What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org).</i>			
11	<p>(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.¹ Vulnerable and marginalised groups in a society are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of a lack of good governance of certain economic operators.</p> <p>1. The 2021 Global Estimates of Modern Slavery,</p>	<p>(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021^{18, 4}. Vulnerable and marginalised groups in a society, <u>such as women, children, ethnic minorities, persons with disabilities, lower casters, indigenous and tribal people, migrants, especially if they are undocumented, have a precarious status and operate in the informal economy</u>, are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced</p>	<p>(2) The use of forced labour is widespread in the world. It is estimated that about 27.6 million people were in forced labour in 2021.¹ Vulnerable and marginalised groups in a society are particularly susceptible to be pressured into performing forced labour. Even when it is not state imposed, forced labour is often a consequence of a lack of good governance of certain economic operators.</p> <p>1. The 2021 Global Estimates of Modern Slavery,</p>		

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https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ippec/documents/publication/wcms_854733.pdf .	labour is often a consequence of at <u>the absence or</u> lack of good governance of certain economic operators <u>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. Women and girls account for 11.8 million of the total number of people engaged in forced labour. More than 3.3 million of all those engaged in forced labour are children. Between 2016 and 2021, the estimated number of people engaged in forced labour increased by 2.7 million^{18a}. Migrant workers who are not protected by law or are unable to exercise their rights face a higher risk of exposure to forced labour than other workers do. According to the ILO, 15 % of all adults engaged in</u>	https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ippec/documents/publication/wcms_854733.pdf .		



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		<p><u><i>forced labour are migrants^{18b}. The Union's Agency for Fundamental Rights has found that this is also the case within the Union. Abusive employers use the weak position of migrant workers to force them to work for endless hours with no or little pay, often in dangerous settings, and without the minimum safety equipment required by law^{18c}. The vast majority of forced labour occurs in the private sector, in particular through forced labour exploitation (17.3 million people), which accounts for 86 % of all forced labour cases^{18d}. 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.</i></u></p> <p><u>¹⁸ The 2021 Global Estimates of Modern</u></p>			



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		<p><u>Slavery,</u> <u>https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf</u> ^{18a} <u>The 2021 Global Estimates of Modern Slavery,</u> <u>https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf</u> ^{18b} <u>The 2021 Global Estimates of Modern Slavery,</u> <u>https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf</u> ^{18c} <u>https://fra.europa.eu/en/content/protecting-migrant-workers-exploitation-fra-opinions</u> ^{18d} <u>The 2021 Global Estimates of Modern Slavery,</u> <u>https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_854733.pdf</u></p>			

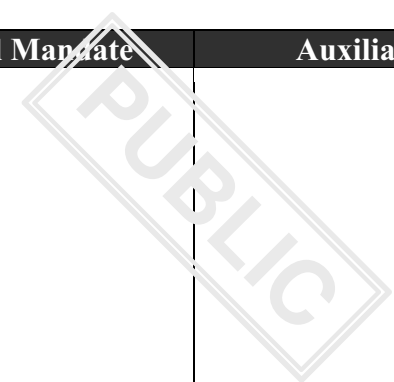
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		ipee/documents/publication/wcms_854733.pdf <i>1. The 2021 Global Estimates of Modern Slavery;</i> https://www.ilo.org/wcmsp5/groups/public/-/ed_norm/-/ipee/documents/publication/wcms_854733.pdf			
12	<p>(3) The eradication of 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. Article 5(2) of the Charter of Fundamental Rights of the European Union and Article 4 of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human Rights has</p>	<p>(3) The eradication of forced labour <u>in all its forms, including state imposed forced labour</u>, 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. <u>In order to achieve Target 8.7 of the 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</u></p>	<p>(3) The eradication of 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. Article 5(2) of the Charter of Fundamental Rights of the European Union and Article 44(2) of the European Convention on Human Rights provide that no one is to be required to perform forced or compulsory labour. The European Court of Human</p>		

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	<p>repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.¹</p> <p>1. For instance paras. 89 and 102 in <i>Siliadin v. France</i> or para. 105 in <i>Chowdury and Others v. Greece</i>.</p>	<p><u><i>child.</i></u> Article 5(2)5 of the Charter of Fundamental Rights of the European Union <u><i>explicitly prohibits slavery, servitude, forced or compulsory labour and trafficking in human beings</i></u> and Article 4 of the European Convention on Human Rights provide 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 on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.¹⁹ <u><i>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</i></u></p>	<p>Rights has repeatedly interpreted Article 4 of the European Convention on Human Rights as requiring Member States to penalise and effectively prosecute any act maintaining a person in the situations described set out in Article 4 of the European Convention on Human Rights.¹</p> <p>1. For instance, <u><i>Judgment of the European Court of Human Rights of XX, Siliadin v. France</i></u>, paras. 89 and 102 <i>in Siliadin v. France or para. 105 in or</i> <u><i>Judgement of the European Court of Human Rights of XX, Chowdury and Others v. Greece, para. 105.</i></u></p>		

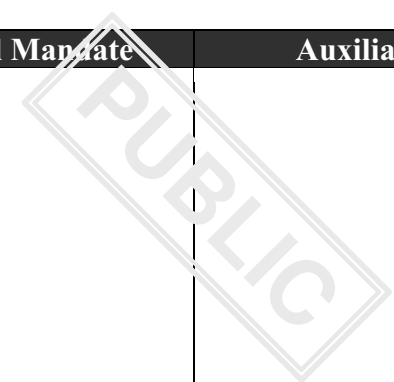


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		<p><u>law, the UN Guiding Principles on the Business and Human Rights (UNGPs), the Council of Europe and the OECD affirm that victims have the right to an effective remedy for business-related human rights violations or abuses, including forced labour.</u></p> <p>¹⁹ <u>For instance paras. 89 and 102 in Siliadin v. France or para. 105 in Chowdury and Others v. Greece.</u></p> <p>1. For instance paras. 89 and 102 in Siliadin v. France or para. 105 in Chowdury and Others v. Greece.</p>			
R 13	(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour. ¹ They are therefore legally obliged to prevent and	(4) All Member States have ratified the fundamental ILO Conventions on forced labour and child labour ²⁰ . ⁺ They are therefore legally obliged to prevent and	(4) All Member States have ratified the fundamental ILO Conventions on forced labour and <u>ILO Convention No. 29 and ILO Convention No. 182 on</u>		

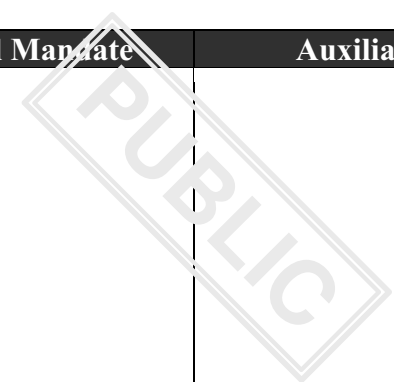
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>eliminate the use of forced labour and to report regularly to the ILO.</p> <p>1. https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf</p>	<p>eliminate the use of forced labour and to report regularly to the ILO.</p> <p><u>However, there are Member States which have not yet ratified the Protocol to ILO Convention No. 29, despite Council Decisions calling on Member States for a ratification and implementation^{20a}. The ILO estimates that there are 880 000 forced labour victims inside the Union, in addition to the forced labour involved inter alia in the Union's imports from the rest of the world^{20b}. Moreover, there continue to be shortcomings in the implementation of the fundamental ILO Conventions^{20c}. It is necessary that Member States fully implement the fundamental ILO conventions and correctly transpose all the Union legislation aimed at combating forced labour, labour rights violations</u></p>	<p><u>worst forms of child labour.</u> They are <u>They</u> therefore legally obliged <u>have the obligations</u> to prevent and eliminate the use of forced labour and to report regularly to the ILO.</p> <p>1. https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf</p>		



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>and human trafficking in order to enforce the import and export ban of any product or service using forced labour. This Regulation aims to legally bind Member States to prevent and bring to an end the use of forced labour, to provide to victims protection and access to remedy and effective remediation, such as compensations, to penalise non-compliance with decisions referred to in Article 6(4). According to the ILO, remediation remains one of the key policy priorities for addressing forced labour. In that regard, Protocol to ILO Convention No. 29 stipulates that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, should have access to appropriate and effective remedies, such as compensations. The third pillar of the UN Guiding</u></p>			



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		<p><u>Principles on Business and Human Rights stipulates that remediation is a fundamental right and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions - whether criminal or administrative, such as fines -, as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.</u></p> <p>²⁰</p> <p><u>https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/publication/wcms_195135.pdf.</u></p> <p>^{20a} <u>Council Decision (EU) 2015/2071 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards</u></p>			



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		<p><u>Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters (OJ L 301, 18.11.2015, p. 47) and Council Decision (EU) 2015/2037 of 10 November 2015 authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation with regard to matters relating to social policy (OJ L 298, 14.11.2015, p. 23).</u></p> <p><u>^{20b} ILO 2012 Global Estimate of Forced Labour:</u></p> <p><u>https://www.ilo.org/wcmsp5/groups/public/---europe/--ro-geneva/---ilo-brussels/documents/genericdocument/wcms_184975.pdf</u></p> <p><u>^{20c} 20c The ILO supervisory bodies' comments on the application of Conventions on forced labour can be</u></p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>found under (https://www.ilo.org/dyn/normlex/en/f?p=1000:20010:::NO::)</u></p> <p>https://www.ilo.org/wcms/p5/groups/public/europe/ro-geneva/ilo-brussels/documents/publication/wcms_195135.pdf</p>			
14	<p>(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour. The Union promotes due diligence in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the</p>	<p>(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour <u>and promote decent work and labour rights worldwide</u>. The Union promotes due diligence in accordance with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”),</p>	<p>(5) Through its policies and legislative initiatives the Union seeks to eradicate the use of forced labour. The Union promotes due diligence in accordance <u>line</u> with international guidelines and principles established by international organisations, including the ILO, the Organisation for Economic Co-operation and Development (hereinafter “OECD”) and the United Nations (hereinafter “UN”), to ensure that forced labour does not find a place in the</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	value chains of undertakings established in the Union.	to ensure that forced labour does not find a place in the value ^{supply} chains of undertakings established in the Union.	value chains of undertakings established in the Union.		
15	(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. Moreover, unilateral trade preferences under the Union's General Scheme of Preferences could be withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105.	(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. <u>whereas trade and gender chapters and provisions establish a gender lens that is essential for the economic empowerment of women in order to combat gendered forced labour.</u> Moreover, unilateral trade preferences under the Union's General Scheme of Preferences could ^{can} be	(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. Moreover, unilateral trade ^{tariff} preferences under the Union's General Scheme of Preferences ¹ could be withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105. <u>1. Regulation (EU) No</u>		

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		<p>withdrawn for serious and systematic violations of ILO Convention No. 29 and ILO Convention No. 105.</p>	<p><u>978/2012 of the European Parliament and of the Council of 23 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008, OJ L 303, 31.10.2012, p. 1-82.</u></p>		
15a		<p><u>(6a) 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 should therefore aim to achieve the objectives of the ILO Convention 182, Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence,</u></p>			

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		<u>the Beijing Declaration, 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, the ILO Convention 169, as well as other relevant international agreements and conventions.</u>			
16	(7) The Anti-trafficking Directive (Directive 2011/36/EU) of the European Parliament and of the Council ¹ (the Anti-trafficking Directive) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes 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	(7) The Anti-trafficking Directive (Directive 2011/36/EU) of the European Parliament and of the Council ¹ (the Anti-trafficking Directive) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes 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	(7) The Anti-trafficking Directive (Directive 2011/36/EU) of the European Parliament and of the Council ¹ (the Anti-trafficking Directive) harmonises the definition of trafficking in human beings, including forced labour or services, and establishes <u>rules on</u> 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		

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	<p>exporting such products, and the obligation to ensure that such products are withdrawn from the Union market ('the prohibition'), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences on trafficking in human beings, including labour exploitation.</p> <p>1. 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.</p>	<p>exporting such products, and the obligation to ensure that such products are withdrawn from the Union market ('the prohibition'), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences on trafficking in human beings, including labour exploitation.</p> <p>1. 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.</p>	<p>exporting such products and the obligation to ensure that such products are withdrawn from the Union market ('the prohibition'), should be without prejudice to that Directive, and in particular to the competence of law enforcement and judicial authorities to investigate and prosecute offences on trafficking in human beings, including labour exploitation.</p> <p>1. 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.</p>		
17	(8) [In particular, Directive 20XX/XX/EU on	(8) [In particular, Directive 20XX/XX/EU on	(8) [In particular, Directive 20XX/XX/EU on		

Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
<p>Corporate Sustainability Due Diligence sets out horizontal due diligence obligations to identify, prevent, mitigate and account for actual and potential adverse impacts on human rights, including forced labour, and the environment in the company's own operations, its subsidiaries and in its value chains, in accordance with international human and labour rights standards and environmental conventions. Those obligations apply to large companies over a certain threshold in terms of number of employees and net turnover, and to smaller companies in high-impact sectors over a certain threshold in terms of number of employees and net turnover.^{1]}</p> <p>1. Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability</p>	<p>Corporate Sustainability Due Diligence sets out horizontal due diligence obligations <u>for companies</u> to identify, prevent, mitigate and account for actual and potential adverse impacts on human rights, including forced labour, and the environment in that <u>they caused, contributed to or are directly linked to</u> the company's own operations, and its subsidiaries and in its value chains, in accordance with international human and labour rights standards and environmental conventions. <u>That Directive also strengthens access to remedy for those affected by such impacts.</u> Those obligations apply to large companies over a certain threshold in terms of number of employees and net turnover.^{4]}²²</p>	<p>Corporate Sustainability Due Diligence sets out horizontal due diligence obligations to identify, prevent, and mitigate and account for actual and potential adverse impacts on human rights, including forced labour, and the environment <u>as well as bring to an end and minimise the extend of potential and actual adverse impacts</u> in the company's own operations, its subsidiaries and in its value chains, in accordance with <u>chain of activities on human rights, including forced labour, and on the environment, interpreted in line with with</u> international human and labour rights standards and environmental conventions. Those obligations apply to large companies over a certain threshold in terms of number of employees and net turnover, and to smaller companies in high-impact sectors over a certain threshold in terms</p>		

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	Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.	<p><u>Consistency between that Directive and this Regulation should be ensured.</u></p> <p><u>22 Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.</u></p> <p>1. Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.</p>	<p>of number of employees and net turnover.¹</p> <p>1. Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, OJ XX, XX.XX.20XX, p. XX.</p>		
18	(9) In addition, Regulation (EU) 2017/821 of the European Parliament and of the Council ¹ requires Union importers of minerals falling under the scope of	(9) In addition, Regulation (EU) 2017/821 of the European Parliament and of the Council ¹ requires Union importers of minerals falling under the scope of	(9) In addition, Regulation (EU) 2017/821 of the European Parliament and of the Council ¹ requires Union importers of minerals <u>or metals</u> falling under the		

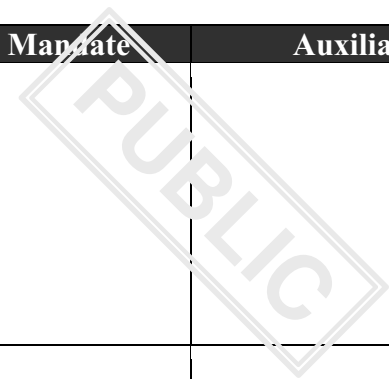
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>that Regulation to carry out due diligence obligations consistent with Annex II to the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, and the due diligence recommendations set out therein. [Regulation (EU) No XX/20XX concerning batteries and waste batteries contains obligations for economic operators to carry out due diligence in their supply chains, including with respect to labour rights.²] [Regulation (EU) XX/20XX on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation³ requires due diligence regarding the legal and deforestation free character of products and commodities within its scope, including with</p>	<p>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) No XX/20XX concerning batteries and waste batteries contains obligations for economic operators to carry out due diligence in their supply chains, including with respect to labour rights.²] [Regulation (EU) XX/20XX on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation³ requires due diligence regarding the legal and deforestation free character of products and commodities within its scope, including with</p>	<p>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) No XX/20XX concerning batteries and waste batteries<u>No 2023/1542 of the European Parliament and of the Council</u>² contains obligations for economic operators to carry out due diligence in their supply chains, including with respect to labour rights.²] [Regulation (EU) XX/20XX on making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation<u>2023/1115 of the European Parliament and of the Council</u>³ requires due diligence</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>respect to human rights.]</p> <p>1. 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.</p> <p>2. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 20XX/XX, OJ XX, XX.XX.20XX, p. XX.</p> <p>3. Regulation of the European Parliament and of the Council on the making available on the Union market as well as</p>	<p>respect to human rights.]</p> <p>1. 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.</p> <p>2. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 20XX/XX, OJ XX, XX.XX.20XX, p. XX.</p> <p>3. Regulation of the European Parliament and of the Council on the making available on the Union market as well as</p>	<p>regarding the legal and deforestation free character of products and commodities within its scope, including with respect to human rights.]</p> <p>1. 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.</p> <p>2. REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <u>Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023</u> concerning batteries and waste batteries,</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No XXX/20XX, OJ XX, XX.XX.20XX, p. XX.	export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No XXX/20XX, OJ XX, XX.XX.20XX, p. XX.	repealing and Directive 2006/66/EC and amending 2008/98/EC and Regulation (EU) No 20XX/XX, OJ XX, XX.XX.20XX, p. XX 2019/1020 and repealing Directive 2006/66/EC, OJ L 191, 28.7.2023, p. 1-117. 3. Regulation (EU) 2023/1115 of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No XXX/20XX, OJ XX, XX.XX.20XX, p. XX No 995/2010, OJ L 150, 9.6.2023, p. 206- 247.		
Y 19					Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(10) Articles [XX] of Directive 2013/34/EU of the European Parliament and of the Council require 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, respect for human rights, including regarding forced labour, anti-corruption and bribery matters.¹ [Furthermore, Directive 20XX/XX/EU on Corporate Sustainability Reporting puts forward detailed reporting requirements for covered companies regarding the respect of 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.²]</p> <p>1. Directive 2013/34/EU</p>	<p>(10) Articles [XX] of Directive 2013/34/EU of the European Parliament and of the Council require 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, respect for human rights, including regarding forced labour, anti-corruption and bribery matters.²⁶ [Furthermore, Directive 20XX/XX/EU on Corporate Sustainability Reporting puts forward detailed reporting requirements for covered companies regarding the respect of 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 supply chains.²⁷]</p> <p>²⁶ Directive 2013/34/EU</p>	<p>(10) Articles [XX] of <u>19a</u> of Directive 2013/34/EU of the European Parliament and of the Council require <u>in its version of 21 November 2021 requires</u> 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, respect for human rights, including regarding forced labour, anti-corruption and bribery matters.¹ Furthermore, Directive 20XX/XX/EU (EU) <u>2022/2464 of the European Parliament and of the Council</u> on Corporate Sustainability Reporting puts forward <u>amended that requirement by introducing</u> detailed reporting requirements for covered companies regarding the respect of human rights, including in</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ</p> <p>2. Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX.</p>	<p><u>as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ</u></p> <p>²⁷ <u>Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX.</u></p> <p>1. Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ</p> <p>2. Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive</p>	<p>global supply chains. The information that undertakings disclose about human rights should include, where relevant, information about forced labour in their value chains.²⁷</p> <p>1. Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups, OJ</p> <p>2. Directive 20XX/XX/EU of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation <u>Regulation 2014/537/EU</u> (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX <u>L 322, 16.12.2022, p. 15.</u></p>		



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		<i>2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting, OJ XX, XX.XX.20XX, p. XX.</i>			
Y 19a		<u>(10a) 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. Furthermore, all measures introduced by the Union that affect trade should take into account the possible response of the Union's trade partners and ensure that the enforcement of the measure is not perceived as a unilateral, protectionist measure.</u>			
G 20					G

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(11) In July 2021, the Commission and the European External Action Service published guidance to assist Union businesses in taking appropriate measures to address the risk of forced labour in their operations and supply chains.¹</p> <p>1. Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains.</p>	<p>(11) In July 2021, the Commission and the European External Action Service published guidance to assist Union businesses in taking appropriate measures to address the risk of forced labour in their operations and supply chains.¹</p> <p>1. Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains.</p>	<p>(11) In July 2021, the Commission and the European External Action Service published guidance to assist Union businesses in taking appropriate measures to address the risk of forced labour in their operations and supply chains.¹</p> <p>1. Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains.</p>		<p>(11) In July 2021, the Commission and the European External Action Service published guidance to assist Union businesses in taking appropriate measures to address the risk of forced labour in their operations and supply chains.¹</p> <p>1. Guidance on due diligence for EU businesses to address the risk of forced labour in their operations and supply chains.</p> <p>Text Origin: Commission Proposal</p>
21	<p>(12) As recognised in the Commission's Communication on decent work worldwide¹, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating</p>	<p>(12) As recognised in the Commission's Communication on decent work worldwide¹, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating</p>	<p>(12) As recognised in the Commission's Communication on decent work worldwide¹, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating</p>		<p>(12) As recognised in the Commission's Communication on decent work worldwide¹, notwithstanding the current policies and legislative framework, further action is needed to achieve the objectives of eliminating</p>

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	<p>forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.</p> <p>1. Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).</p>	<p>forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.</p> <p>1. Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).</p>	<p>forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.</p> <p>1. Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).</p>		<p>forced-labour products from the Union market and, hence, further contributing to the fight against forced labour worldwide.</p> <p>1. Communication 23 March 2022 from the Commission to the European Parliament, the Council and the European Economic and Social Committee on decent work worldwide for a global just transition and a sustainable recovery (COM(2022) 66 final).</p> <p>Text Origin: Commission Proposal</p>
21a		<p><u><i>(12a) Promoting decent work and a human-centred future of work ensuring the respect of fundamental principles and human rights, promoting social dialogue as well as the</i></u></p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>ratification and effective implementation of relevant ILO conventions and protocols, strengthening responsible management in global supply chains and access to social protection are core priorities of the Union as enshrined in the EU Action Plan on Human Rights and Democracy 2020-2024.</u>			
22	<p>(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour.¹ 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.</p> <p>1. See Resolutions:</p>	<p>(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour.¹ 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.</p> <p>1. See Resolutions:</p>	<p>(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour.¹ 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.</p> <p>1. See Resolutions:</p>		<p>(13) The European Parliament in its resolutions strongly condemned forced labour and called for a ban on products made with forced labour.¹ 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.</p> <p>1. See Resolutions:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).	MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).	MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu).		MOTION FOR A RESOLUTION on a new trade instrument to ban products made by forced labour (europa.eu), Texts adopted - Forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region - Thursday, 17 December 2020 (europa.eu), Texts adopted - Forced labour in the Linglong factory and environmental protests in Serbia - Thursday, 16 December 2021 (europa.eu). Text Origin: Commission Proposal
23	(14) To complete the Union legislative and policy framework on forced labour, the placing and making available on the Union market products made with forced labour or	(14) To complete the Union legislative and policy framework on forced labour, the placing and making available on the Union market products made with forced labour or	(14) To complete the Union legislative and policy framework on forced labour, the placing and making available on the Union market products made with forced labour or		(14) To complete the Union legislative and policy framework on forced labour, the placing and making available on the Union market products made with forced labour or

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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.	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.	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.		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. Text Origin: Commission Proposal
24	(15) Currently there is no Union legislation 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.	(15) Currently there is no Union legislation 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.	(15) Currently there is no Union legislation 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.		(15) Currently there is no Union legislation 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. Text Origin: Commission Proposal
25	(16) In order to ensure the	(16) In order to ensure the	(16) In order to ensure the		

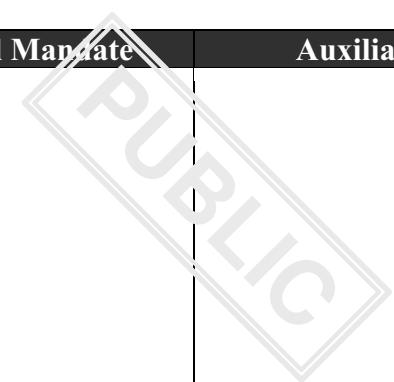
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products. The prohibition 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.	effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products. The prohibition 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.	effectiveness of the prohibition, such prohibition should apply to products for which forced labour has been used at any stage of their production, manufacture, harvest and extraction, including working or processing related to the products. The prohibition 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. <i><u>This Regulation should not apply to the activities of a natural or legal person or association of persons domiciled in the European Union that provides transport services unless that person or association can be qualified as an economic operator as defined pursuant to this Regulation.</u></i>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
26	<p>(17) The prohibition 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. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.¹</p> <p>1. What is forced labour, modern slavery and human trafficking (Forced labour, modern</p>	<p>(17) <u>The market ban, which enables the prohibition of import and export of products and services made with forced labour</u>, 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. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, which prohibits specifically the use of forced labour as punishment for the expression of political views, for the purposes of economic development, as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination³¹. <u>Article 3(a) of ILO Convention No. 182 concerning the</u></p>	<p>(17) The prohibition 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. The definition of ‘forced labour applied by state authorities’ should be aligned with ILO Convention No. 105, <u>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 (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character; (b) any work or service which prohibits specifically the use of forced labour as</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.</p>	<p><u>Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour refers to all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. The UN Convention on the Rights of Persons With Disabilities prohibits exposing persons with disabilities to forced labour and requires that persons with disabilities are protected, on an equal basis with others, from forced or compulsory labour. The principle of equal treatment should also apply in sheltered workshops. Where products or services originating from geographic areas, production sites or economic activities in</u></p>	<p>punishment for the expression of political views, for the purposes of economic development <u>forms part of the normal civic obligations of the citizens of a fully self-governing country; (c) 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; (d) 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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>certain sectors in specific areas with systematic and wide spread forced labour practices listed in the database under Article 11 of this Regulation, competent authorities should presume that they were manufactured or provided using forced labour. In such cases, it should be the responsibility of the economic operator to demonstrate that its product or service was manufactured or provided without using forced labour, and that, in case of a decision under Article 6(4), any use of forced labour was remediated. In all cases, competent authorities should ensure that the burden of proof is not disproportionately high. The Commission, after engaging with relevant experts, including from the ILO, OECD, EEAS, social partners and civil society, should engage in the efforts to bring to an</u></p>	<p><u>that would endanger the existence or the well-being of the whole or part of the population; (e) 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 as 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</u>as a means of labour discipline, as a punishment for participation in strikes, or as a means of racial, religious or other discrimination.[†]</p> <p>†. What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>end forced labour by providing, in the database under Article 11 of this Regulation, regularly updated information on forced labour risks in specific geographic areas, production sites and economic activities in certain sectors in specific areas. The database should be clear and transparent in order to enable economic operators, and in particular SMEs and micro-enterprises, to use the data for their due diligence. Such data should be freely and easily accessible to the public, in a format also accessible to persons with disabilities and in all working languages of the Union.</u></p> <p>³¹ <u>What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.</u></p>	<p>trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.</p>		



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<i>1. What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.</i>			
26a		<u>(17a) 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 ‘Hard to See, Harder to Count’ ILO guidelines represent the most common signs that point to the possible existence of a forced labour case and should be taken into account when enforcing the prohibition. However, these indicators may be insufficient for the identification of forced labour imposed by state</u>	<u>(17a) In the same line, the definition of ‘forced labour applied by state authorities’ should be aligned with the notion as found in ILO Convention No. 105, which prohibits specifically 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, as a method of mobilising and using it for the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>authorities. These practices of forced labour are based on systemic and global coercive policies that require additional, specifically designed indicators.</u>	<p><u>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.¹</u></p> <p><u>1. What is forced labour, modern slavery and human trafficking (Forced labour, modern slavery and human trafficking) (ilo.org) and the ILO Conventions No. 29 and No. 105 referred therein.</u></p> <p>Second sentence of Recital 17 with amendments</p>		
26b			<p><u>(17b) Distance selling, 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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>have been made available on the market if the offer for sale is targeted at [end-users] in the Union. In line with the applicable Union rules on private international law, a case-by-case analysis should be carried out in order to establish whether an offer is 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, 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 the case of online sales,</u></p>		

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			<p><u>the mere fact that the economic operators' or the providers of online marketplaces' interface is accessible in the Member State in which the [end-user] is established or domiciled is insufficient. The fact that the product offered for sale online or through other means of distance sales is considered to have been 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.</u></p>		
26c			<p><u>(17c) Intermediary services, in particular online platforms have become increasingly used for the sale of products. In this regards, information related to the advertising, promotion and sale of products contravening the prohibition established in</u></p>		

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			<u>this Regulation should be considered illegal content within the meaning of article 3(h) of 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) and should be subject to the obligations and measures under that Regulation.</u>		
26d			<u>(17d) The application of the rules in this Regulation regarding distance sales is without prejudice to the rules on products entering or leaving the Union.</u>		
26e	(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent		(18) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent	(18) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>authorities, Member States should ensure that those authorities have sufficient resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections 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.</p> <p>Moved reference text</p>		<p>authorities, Member States should ensure that those authorities have sufficient resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value<u>supply</u> chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections 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.</p> <p>Moved from row 28 [28 - 26e]</p>	<p>authorities, Member States should ensure that those authorities have sufficient human<u>tax and financial</u> resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value<u>labour rights, gender equality, supply</u> chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections 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.</p>	
26f	<p>(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network aimed at structured coordination and</p>		<p>(44<u>19</u>) To ensure effective enforcement of the prohibition, it is necessary to establish a network aimed at structured coordination and</p>	<p>(44<u>EP44</u>) To ensure effective enforcement of the prohibition, it is necessary to establish a network, <u>coordinated by the Commission</u>, aimed at</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>cooperation between the competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission. That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations. That administrative support structure should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition.</p> <p>Moved reference text</p>		<p>cooperation between the competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission. That network should also aim at streamlining the practices of the competent authorities within the Union that <u>facilitate the implementation of joint on cross-border investigations and</u> enforcement activities by Member States, including joint investigations. That administrative support structure should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition. <u>Where the tasks of the network relate to customs, they shall be carried out in accordance with the Union Customs Code.</u></p>	<p>structured coordination and cooperation between the Commission, the competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission. That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations, <u>facilitate capacity building activities, such as the organisation of training programmes for competent authorities and other relevant stakeholders, promote exchanges of personnel between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations, assist in the organisation of information campaigns</u></p>	

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			Moved from row 53 [F1 - 7 5f]	<p><u>and voluntary mutual visit programmes between competent authorities, involve and facilitate the exploration and representations of the Union to assist in the information gathering efforts of this Regulation.</u></p> <p>The first administrative support structure <u>to be provided by the Commission</u> should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition.</p> <p><u>(44a) The Commission should ensure the effective and uniform application of this Regulation and to that effect support and encourage cooperation between enforcement authorities through the Network.</u></p>	
Y 26g					Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(23) In order to ensure cooperation among competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.</p> <p>Moved reference text</p>		<p>(2320) In order to ensure cooperation among competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour. <u>For the same purposes, and where appropriate, competent authorities designated under this Regulation should inform other relevant authorities, such as Market Surveillance</u></p>	<p>(23EP23) In order to ensure cooperation among <u>the Commission and</u> competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour. <u>When requesting information from economic operators, competent authorities should whenever possible follow the Commission's once-only principle,</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>authorities, of their actions and decisions.</u></p> <p>Moved from row 32 [32 - 36g,</p>	<p><u>through increased cooperation and dialogue between authorities who are engaged in overseeing product regulation.</u></p> <p><u>(23a) Considering the robust amount of evidence available regarding forced labour cases, in particular products, regions or sectors, competent authorities should, after a risk-assessment, focus their investigations on situations that present a higher risk of use of forced labour and that have an increased societal and economic impact, due to the large dimension of economic operators or their presence in a large number of supply chains.</u></p> <p><u>(23b) In order to ensure consistency in the actions and decisions by competent authorities, the Commission should closely coordinate with competent authorities.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>26h</p> <p>(39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission.</p> <p>Moved reference text</p>		<p>(3921) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission.</p> <p>Moved from row 48 [48 - 26h]</p>	<p>(39EP39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities, customs authorities and the Commission. <u>This cooperation should be coordinated by the Commission.</u></p>	
G	<p>26i</p> <p>(40) For the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this Regulation.</p>		<p>(4022) For the collection, processing and storage of information, in a structured form, on issues relating to the <u>investigations, decision-making process,</u> <u>and</u> enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this</p>	<p>(40EP40) For the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this Regulation.</p>	<p>(4017a) For the collection, processing and storage of information, in a structured form, on issues relating to the <u>investigations, decision-making process,</u> <u>and</u> enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		Regulation. Moved from row 49 [43 - 45]		Regulation. <u><i>It is also possible for competent authorities to use other existing communication systems with other authorities within their own Member State, as long as this does not affect the obligation of using ICSMS for the purposes of implementing and enforcing this Regulation.</i></u> After 14/02: line greened, CNS to check (in relation to line 148c).
26j	(41) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an 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		(41 23) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an 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	(41 EP41) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an 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	(41 23) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an 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

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support</p>		<p>the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support</p>	<p>the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support</p>	<p>the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	those second data transfers between 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.		those second data transfers between 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.	those second data transfers between 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.	those second data transfers between 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.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>1. 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.</p> <p>Moved reference text</p>		<p>1. <u>[1]</u> 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.</p> <p>Moved from row 50 [50 - 26j]</p>	<p><u>1. 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.</u></p> <p>1. 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.</p>	<p>1. <u>[1]</u> 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.</p> <p>Text Origin: Council Mandate</p>
R 26k			<u>(23a) The Commission</u>		R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>should set up a database, calling on external expertise if needed to provide a publicly available database with indicative, non-exhaustive, verifiable and regularly updated information about forced labour risks in specific geographic areas or with respect to specific products. The database shall prioritise the identification of widespread and severe forced labour risks. The database will support the work of competent authorities in assessing possible violations of the prohibition and will facilitate that economic operators identify possible forced labour risks in their supply chains</u></p>		
27	(18) Micro, small and medium-sized enterprises ('SMEs') can have limited resources and ability to ensure that the products they place or make	(18) Micro, small and medium-sized enterprises ('SMEs') can have limited resources and ability to ensure that the products they place or make	Moved to row 32c [27 - 32c]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>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 take into account also the size and economic resources of economic operators. In addition, the Commission should issue guidelines on forced-labour risk indicators and on publicly available information in order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition.</p>	<p>available on the Union market are free from forced labour. The Commission should therefore issue <u>thorough</u> guidelines on due diligence in relation to forced labour, which should take into account also the size and economic resources of economic operators. In addition, the Commission should issue <u>clear</u> guidelines on forced-labour risk indicators, <u>including how to identify them, which should be based on independent and verifiable</u> and on publicly available information, <u>including reports from international organisations, in particular the International Labour Organization, whose 'Hard to see, harder to count' guidelines are the current gold-standard for identification of forced labour</u> in order to help SMEs, as well as other economic operators, to comply with the</p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<i>requirements of the prohibition.</i>			
27a		<u>(18a) The Commission should also 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 requirements of the prohibition. Furthermore, the Commission should also issue guidelines to assist any person or association in submitting information.</u>			
27b		<u>(18b) Taking into account the variety of Union law dealing with forced labour issues, the Commission should provide additional guidance for economic operators, in particular SMEs, on how to apply the different obligations</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>stemming from Union law. The Commission should also, where appropriate, prevent unnecessary administrative burdens on 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 the SMEs. Those measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.</u></p>			
28	<p>(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient</p>	<p>(19) The competent authorities of the Member States should monitor the market to identify violations of the prohibition. In appointing those competent authorities, Member States should ensure that those authorities have sufficient</p>	Moved to row 26e [28 - 26e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections 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.	<u>human and financial</u> resources and that their staff has the necessary competences and knowledge, especially with regard to human rights, value <u>labour rights, gender equality, supply</u> chain management and due diligence processes. Competent authorities should closely coordinate with national labour inspections 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.			
29	(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour.	(20) In order to increase the effectiveness of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour.	Moved to row 33a [29 - 33a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
30	(21) When identifying potential violations of the prohibition, the competent authorities should follow a risk-based approach and assess all information available to them. Competent authorities should initiate an investigation where, based on their assessment of all available information, they establish that there is a substantiated concern of a violation of the prohibition.	(21) When identifying potential violations of the prohibition, the <u>Commission or the</u> competent authorities should follow a risk-based approach and assess all information available to them. <u>In order to implement the risk-based approach in the prioritisation of their investigations, the Commission and competent authorities should take into account the size and economic resources of the economic operator, and in particular if this operator is a micro, small or medium-sized enterprise, the share of forced labour components in the final product, the quantity of products concerned, the scale of suspected forced labour, and whether forced labour imposed by state authorities could be a concern. They should also</u>	Moved to row 32k [30 - 32k]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>take into account if the economic operator is under the scope of Directive XXX [CSDD] and has to perform mandatory due diligence.</u></p> <p><u>The Commission or</u> competent authorities should initiate an investigation where, based on their assessment of all available information, <u>or on the basis of any other facts available where it was not possible to gather information and evidence,</u> they establish that there is a substantiated concern of a violation of the prohibition.</p> <p><u>Before initiating an investigation, competent authorities should be able to request additional information from economic operators under assessment but also from other relevant stakeholders, including the persons or associations having submitted relevant information to competent authorities and any other stakeholder working on</u></p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<i><u>the products or regions related to the assessment, as well as from diplomatic representations of the Union in relevant third countries. Competent authorities should be able to opt for not requesting additional information from economic operators if they assess that this could lead to an attempt by those economic operators to hide a situation of forced labour and thus endanger the investigation.</u></i>			
31	(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent or bring to an end risks of forced labour in their operations and value chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should help the economic	(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent or , bring to an end risks of forced labour <u>or remediate forced labour cases</u> in their operations and value <u>supply</u> chains with respect to the products under assessment. Carrying out such due diligence in relation to	Moved to row 33b [31 - 33b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	operator to be at a lower risk of having forced labour in its operations and value chains. Appropriate due diligence means that forced labour issues in the value chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, 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, no investigation should be initiated.	forced labour should help <u>contribute to helping</u> the economic operator to be at a lower risk of having forced labour in its operations and value <u>supply</u> chains. Appropriate due diligence means <u>could mean</u> that forced labour issues in the value <u>supply</u> chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, <u>or that the reasons that motivated the existence of a substantiated concern have been eliminated,</u> 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			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p>forced labour, <u>and, where possible, demonstrates that remediation of forced labour cases has been provided,</u> no investigation should be initiated.</p> <p><u>Economic operators, which are not within the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence], shall not be disadvantaged for the sole fact of not having conducted due diligence in accordance with that Directive, including when they are faced with a reversed burden of proof as a consequence of the high risk of forced labour imposed by state authorities.</u></p>			
32	<p>(23) In order to ensure cooperation among competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions and decisions, competent</p>	<p>(23) In order to ensure cooperation among <u>the Commission and</u> competent authorities designated under this and other relevant legislation and in order to ensure consistency in their actions</p>	Moved to row 26g [32 - 26g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.	and decisions, competent authorities designated under this Regulation should request information from other relevant authorities, where necessary, on whether economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour. <u>When requesting information from economic operators, competent authorities should whenever possible follow the Commission's once-only principle, through increased cooperation and dialogue between authorities who are engaged in overseeing product regulation.</u>			
32a		<u>(23a) Considering the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>robust amount of evidence available regarding forced labour cases, in particular products, regions or sectors, competent authorities should, after a risk-assessment, focus their investigations on situations that present a higher risk of use of forced labour and that have an increased societal and economic impact, due to the large dimension of economic operators or their presence in a large number of supply chains.</u>			
32b		<u>(23b) In order to ensure consistency in the actions and decisions by competent authorities, the Commission should closely coordinate with competent authorities.</u>			
32c	(18) Micro, small and medium-sized enterprises ('SMEs') can have limited resources and ability to		(18 24) Micro, small and medium-sized enterprises ('SMEs') can have limited resources and ability to	(18 EPI8) Micro, small and medium-sized enterprises ('SMEs') can have limited resources and	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>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 take into account also the size and economic resources of economic operators. In addition, the Commission should issue guidelines on forced-labour risk indicators and on publicly available information in order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition.</p> <p>Moved reference text</p>		<p>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 take into account also the size and economic resources of economic operators. In addition, the Commission should issue guidelines on forced-labour risk indicators and on publicly available information in order to help SMEs, as well as other economic operators, to comply with the requirements of the prohibition.</p> <p>Moved from row 27 [27 - 32c]</p>	<p>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 <u>thorough</u> guidelines on due diligence in relation to forced labour, which should take into account also the size and economic resources of economic operators. In addition, the Commission should issue <u>clear</u> guidelines on forced-labour risk indicators, <u>including how to identify them, which should be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, whose 'Hard to see, harder to count' guidelines are the current gold-standard for identification of forced labour.</u></p> <p><u>(18a) The Commission</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>should also issue guidelines on how to engage in dialogue with or parent authorities and</u> not publicly available the Commission in order to help <u>economic operators, and in particular</u> SMEs, as well as other economic operators <u>stakeholders</u>, to comply with the requirements of the prohibition. <u>Furthermore, the Commission should also issue guidelines to assist any person or association in submitting information.</u></p> <p><u>(18b) Taking into account the variety of Union law dealing with forced labour issues, the Commission should provide additional guidance for economic operators, in particular SMEs, on how to apply the different obligations stemming from Union law. The Commission should also, where appropriate, prevent unnecessary administrative burdens on</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>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 the SMEs. Those measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.</u>	
32d	(33) The Commission should issue guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour and complementary information for the competent authorities to implement the prohibition. The guidance on due diligence		(33 <u>25</u>) The Commission should issue guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour and complementary information for the competent authorities to implement the prohibition. The <u>Commission should</u>	(33 <u>EP33</u>) The Commission should issue <u>detailed</u> guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour, <u>in particular for all economic operators that fall outside the scope of the [Directive 20XX/XX/EU on</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>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 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.</p> <p>Moved reference text</p>		<p><u>publish different sets of guidelines specifically targeted to economic operators and to competent authorities, as well as any other general guidelines that might be relevant for all parties.</u> 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. <u>The guidelines should also rely on experience and best practices from relevant Member State authorities, such as helpdesks on business and human rights.</u> The reports from international organisations,</p>	<p><u>Corporate Sustainability Due Diligence], since they will not have to comply with any mandatory due diligence obligations,</u> and complementary information for the competent authorities to implement the prohibition. The guidance <u>for economic operators outside the scope of [CSDD] should focus in particular on compliance in cases where these economic operators are faced with a reversed burden of proof as a consequence of delegated acts adopted by the Commission of forced labour imposed by state authorities.</u> 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</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p>in particular the ILO, as well as other independent and verifiable sources of information should be considered for the identification of risk indicators.</p> <p>Moved from row 42 [42 - 32d]</p>	<p>guidelines should be consistent with other Commission guidelines in this regard and relevant international organisations' guidelines. <u>The guidelines should provide tailored recommendations for different sectors of activity, taking into account specificities of the activities and the respective supply chains.</u></p> <p>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.</p>	
32e	(45) Since forced labour is a global problem and given the interlinkages of the global value chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying		(45 <u>26</u>) Since forced labour is a global problem and given the interlinkages of the global value chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying	(45 <u>EP45</u>) Since forced labour is a global problem and given the interlinkages of the global value <u>supply</u> chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis.</p> <p>Moved reference text</p>		<p>and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis.</p> <p>Moved from row 54 [54 - 32e]</p>	<p>applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations, <u>as well as with other actors</u>, to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis. <u>Existing dialogue structures with third countries include the (sub)committees on trade and sustainable development in trade agreements or the dialogue foreseen within the Generalised System of Preferences. The Commission should ensure</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>coherence and synergies between relevant external policies, in particular development cooperation and projects focusing on the eradication of forced labour, and it should also foster the creation of enabling environments in third countries to promote and protect human rights, including capacity building to support workers and local communities in their efforts to root out forced labour from global supply chains. Additionally, the Commission should have regular contact and cooperation in particular with countries that have similar legislation in place, to share information of risk products or regions as well as best practices for bringing to an end forced labour. Union delegations should have an important role when it comes to disseminating information on this Regulation and should facilitate the</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>possibility of third parties in third countries to provide information on the existence of forced labour for a determined product.</u>	
Y	32f		<u>(26a) The Commission should take into due consideration the risk of disengagement by economic operators who are related to products or regions either in database or to risk indicators in the guidelines, or who have had their product removed from the Union market.</u>		
R	32g (32) Any person, whether it is a 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		(32) <u>27</u> Any person, whether it is a 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	(32) <u>EP32</u> Any person, whether it is a 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	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>market and to be informed of the outcome of the assessment of their submission.</p> <p>Moved reference text</p>		<p>market and to be informed of the outcome of the assessment of their submission. <u>This submission of information should be facilitated by the creation of a single online portal by the Commission.</u></p> <p>Moved from row 41 [41 - 32g]</p>	<p>market and to be informed of the outcome of the assessment of their submission. <u>Submissions should be addressed to one or more competent authorities. Adequate protection measures should be put in place to ensure the safety of any person associated with the submission or the information contained within it, including from retaliation and reprisals. Where necessary, those protection measures could go beyond the provisions in Directive (EU) 2019/1937. To ensure ease of use for the submission of information and the standardisation of the information provided, the Commission should set up a mechanism for the submission of information, such as a designated webportal at the Union level, available in all official languages of the institutions of the Union, and free of charge, and</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>ensure that it is user-friendly and easily accessible, including for persons with disabilities.</u>	
32h			<u>(27a) Whistleblowers can bring new information to the attention of competent authorities to help them to detect infringements of this Regulation and enable them to take action. It should be ensured that adequate arrangements are in place to enable whistleblowers to alert the competent authorities to actual or potential infringements of this Regulation and to protect the whistleblowers from retaliation. For that purpose, it should be provided in this Regulation that Directive (EU) 2019/1937 of the European Parliament and of the Council¹ is applicable to the reporting of breaches of this Regulation and to the protection of persons</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>reporting such breaches</u> <u>1. 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. 17-56.</u>		
32i			<u>(27b) To enhance legal certainty, the applicability, pursuant to this Regulation, of Directive (EU) 2019/1937 to reports of breaches of this Regulation and to 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 this amendment is reflected in their transposition measures adopted in</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>accordance with Directive (EU) 2019/1937, although the adoption of national transposition measures is not a condition for the applicability of that Directive to the reporting of breaches of this Regulation and to the protection of reporting persons from the date of application of this Regulation.</u></p>		
32j			<p><u>(27c) To ensure ease of access to relevant information on this Regulation, the Commission should set up a single webportal at the Union level, available to the public in all official languages. The links to the websites, portals or platforms dedicated to [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence], and particularly human rights due diligence, should also be available.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
32k	<p>(21) When identifying potential violations of the prohibition, the competent authorities should follow a risk-based approach and assess all information available to them. Competent authorities should initiate an investigation where, based on their assessment of all available information, they establish that there is a substantiated concern of a violation of the prohibition.</p> <p>Moved reference text</p>		<p>(21) (28) When identifying potential violations of the prohibition, the competent authorities should follow a risk-based approach and assess all information available to them. Competent authorities should initiate an investigation where, based on their assessment of all available information, they establish that there is a substantiated concern of a violation of the prohibition.</p> <p>Moved from row 30 [30 - 32k]</p>	<p>(21) (EP21) When identifying potential violations of the prohibition, the <u>Commission or the</u> competent authorities should follow a risk-based approach and assess all information available to them. <u>In order to implement the risk-based approach in the prioritisation of their investigations, the Commission and competent authorities should take into account the size and economic resources of the economic operator, and in particular if this operator is a micro, small or medium-sized enterprise, the share of forced labour components in the final product, the quantity of products concerned, the scale of suspected forced labour, and whether forced labour imposed by state authorities could be a concern. They should also</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>take into account if the economic operator is under the scope of Directive XXX [CSDD] and has to perform mandatory due diligence.</u></p> <p><u>The Commission or</u> competent authorities should initiate an investigation where, based on their assessment of all available information, <u>or on the basis of any other facts available where it was not possible to gather information and evidence,</u> they establish that there is a substantiated concern of a violation of the prohibition.</p> <p><u>Before initiating an investigation, competent authorities should be able to request additional information from economic operators under assessment but also from other relevant stakeholders, including the persons or associations having submitted relevant information to competent authorities and any other stakeholder working on</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>the products or regions related to the assessment, as well as from diplomatic representations of the Union in relevant third countries. Competent authorities should be able to opt for not requesting additional information from economic operators if they assess that this could lead to an attempt by those economic operators to hide a situation of forced labour and thus endanger the investigation.</u></p>	
321			<p><u>(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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>available to them. It is of interest should be presumed if one or more of the following criteria are met: 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, 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,</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>(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.</u></p>		
32m			<p><u>(28b) To ensure a uniform approach regarding submitted information, the Commission should assess whether the products concerned are of Union interest. If so, the Commission should proceed with the preliminary phase of investigations. Otherwise, the submissions should be directed to competent authorities, based on fair and objective criteria.</u></p>		
33	(24) During the preliminary phase of	(24) During the preliminary phase of	<p>(24)²⁹ During the preliminary phase of</p>		

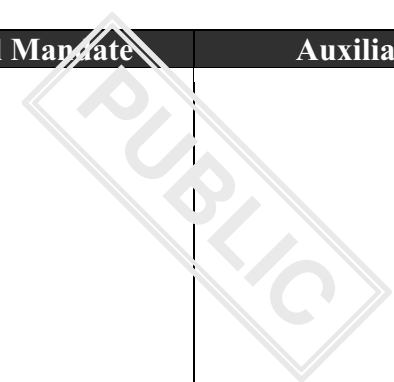
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>investigation, competent authorities should focus on the economic operators involved in the steps of the value chain where there is a higher risk of forced labour with respect to the products under investigation, also taking into account their size and economic resources, the quantity of products concerned and the scale of the suspected forced labour.</p>	<p>investigation, <u>the Commission and</u> competent authorities should focus on the economic operators involved in the steps of the <u>value supply</u> chain where there is a higher risk of forced labour with respect to the products under investigation, <u>while</u> also taking into account <u>the potential imbalance of power in the concerned supply chain. In</u> their <u>assessment, they should also take into account the</u> size and economic resources <u>of the economic operator</u>, the quantity of products concerned, <u>the share of forced labour components in the final product, and</u> the scale of the suspected forced labour <u>and whether forced labour imposed by state authorities could be a concern.</u></p>	<p>investigation, competent authorities should focus on the economic operators involved in the steps of the <u>value supply</u> chain where there is a higher risk of forced labour with respect to the products under investigation, also taking into account their size and economic resources, the quantity of products concerned and the scale of the suspected forced labour. <u>To ensure subsidiarity, competent authorities may, at any time, request the Commission to proceed with the preliminary phase of investigation where the products concerned are of Union interest.</u></p>		
Y	33a	(20) In order to increase the effectiveness of the	(20 30) In order to increase the effectiveness of the	(20 EP20) In order to increase the effectiveness	Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour.</p> <p>Moved reference text</p>		<p>prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour, <u>taking into account, among others, the complexity of the proceeding and the number of stakeholders involved.</u></p> <p>Moved from row 29 [29 - 33a]</p>	<p>of the prohibition, competent authorities should grant reasonable time to economic operators to identify, mitigate, prevent and bring to an end the risk of forced labour.</p>	
33b	<p>(22) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent or bring to an end risks of forced labour in their operations and value chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should help the economic operator to be at a lower risk of having forced labour</p>		<p>(22<u>31</u>) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent or bring to an end risks of forced labour in their operations and value<u>supply</u> chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should help the economic operator to be at a lower risk of having</p>	<p>(22<u>EP22</u>) Before initiating an investigation, competent authorities should request from the economic operators under assessment information on actions taken to mitigate, prevent or, bring to an end risks of forced labour <u>or remediate forced labour cases</u> in their operations and value<u>supply</u> chains with respect to the products under assessment. Carrying out such due diligence in relation to forced labour should help<u>contribute to helping</u></p>	

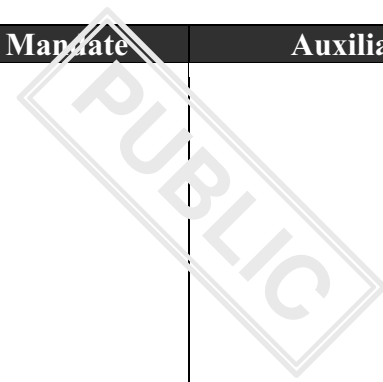
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>in its operations and value chains. Appropriate due diligence means that forced labour issues in the value chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, 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, no investigation should be initiated.</p> <p>Moved reference text</p>		<p>forced labour in its operations and value supply chains. Appropriate due diligence means that forced labour issues in the value supply chain have been identified and addressed in accordance with relevant Union legislation and <u>or in line with</u> international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, 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, no investigation should be initiated.</p> <p>Moved from row 31 [31 - 33b]</p>	<p>the economic operator to be at a lower risk of having forced labour in its operations and value supply chains. Appropriate due diligence means <u>could mean</u> that forced labour issues in the value supply chain have been identified and addressed in accordance with relevant Union legislation and international standards. That implies that where the competent authority considers that there is no substantiated concern of a violation of the prohibition, <u>or that the reasons that motivated the existence of a substantiated concern have been eliminated,</u> 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, <u>and, where possible, demonstrates that</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>remediation of forced labour cases has been provided</u>, no investigation should be initiated.</p> <p><u>Economic operators, who are not within the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence], shall not be disadvantaged for the sole fact of not having conducted due diligence in accordance with that Directive, including when they are faced with a reversed burden of proof as a consequence of the high risk of forced labour imposed by state authorities.</u></p>	
34	(25) Competent authorities, 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	(25) Competent authorities, 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	(25 ³²) Competent authorities, 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		(25) Competent authorities, 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

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	investigation that are involved in the steps of the value chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.	investigation that are involved in the steps of the value supply chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.	investigation that are involved in the steps of the value supply chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.		investigation that are involved in the steps of the value supply chain as close as possible to where the likely risk of forced labour occurs and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour. Text Origin: Council Mandate
34a		<u>(25a) The Commission should call upon external expertise to provide an indicative, non-exhaustive, verifiable and regularly updated database of forced labour risks in specific geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities. The database should be based on independent and</u>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, social partners, and experience from implementing Union law setting out due diligence requirements with respect to forced labour. The database should include a list of all decisions of competent authorities, including information on the provision of remediation of forced labour cases that enabled the withdrawal of the ban.</u>			
R 34b		<u>(25b) Where there is clear, reliable and verifiable evidence that products produced in specific economic sectors within specific geographic areas present a high risk of having been made with forced labour imposed by</u>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>state authorities, those sectors in those areas should be identified in the database established under this Regulation. In order to facilitate for the competent authorities the investigations of cases where there is evidence of high risk of forced labour imposed by state authorities, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by determining specific economic sectors in specific geographic areas, where such risk occurs. For the products coming from those areas and those sectors, economic operators concerned should bear the burden of establishing that forced labour has not been used at any stage of extraction, harvest, production, or manufacture of a product, including working or processing related to the</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>product.</u>			
Y	34c		<u>(32a) Mutual assistance shall include, in particular, exchange of information and the duty of the competent authorities to inform other competent authorities, the network and the Commission about their intention to initiate an investigation.</u>		
R	35	(26) <u>In all cases other than those falling within the areas and sectors determined as high risk of forced labour imposed by state authorities.</u> competent authorities should bear the burden of establishing that forced labour has been used at any stage of production, manufacture, harvest or extraction of a product, including working or processing related to the product on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic	(26 33) Competent authorities should bear the burden of establishing that forced labour has been used at any stage of production, manufacture, harvest or extraction of a product, including working or processing related to the product on the basis of all information and evidence gathered during the investigation, including its preliminary phase. To ensure their right to due process, economic		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	operators should have the opportunity to provide information in their defence to the competent authorities throughout the investigation.	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 throughout the investigation.	operators should have the opportunity to provide information in their defence to the competent authorities throughout the investigation.		
36	(27) Competent authorities that establish that economic operators violated the prohibition, 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 relevant products already made available from the Union market and have them destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent	(27) <u>The Commission and</u> competent authorities that establish that economic operators violated the prohibition, 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 relevant products already made available from the Union market and <u>donate perishable products to charitable or public interest purposes. If such</u>	(27 34) Competent authorities that establish <u>Where the Commission establishes</u> that economic operators violated the prohibition, 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 relevant products <u>products concerned</u> already made available from the Union market and have them destroyed, rendered		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>with Union law, including Union legislation on waste management.</p>	<p><u>products are not perishable, economic operators should recycle those products, and if that is not possible, they should have the products</u>have them destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management. <u>The prohibition to place and make available the products on the Union market and to export them from the Union should only be lifted if economic operators are able to demonstrate that forced labour has been eradicated from the supply chain and forced labour cases have been remediated. The assessment of the fulfilment of such conditions should rest with the authority responsible for the decision. The prohibition and the subsequent withdrawal should concern the</u></p>	<p>inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management.</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>specific products identified in the decision.</u>			
37	(28) In that decision, competent authorities should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time within which the economic operators should comply with the decision, as well as information allowing for the identification of the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details about the information to be contained in such decisions.	(28) In that decision, <u>the Commission or</u> competent authorities should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time within which the economic operators should comply with the decision, as well as information allowing for the identification of the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details about the information to be contained in such decisions. <u>The decisions from the Commission or competent authorities should be made publicly available.</u>	(28 ³⁵) In that decision, competent authorities <u>the Commission</u> should state the findings of the investigation, and the information underpinning the findings, and set a reasonable time within which the economic operators should comply with the decision, as well as information allowing for the identification of the product to which the decision applies. The Commission should be empowered to adopt the implementing acts necessary to specify the details about the information to be contained in such decisions.		
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	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	(29) In setting a reasonable time to comply with the order, competent authorities should take into account the size and economic resources of the economic operators concerned.	(29) In setting a reasonable time to comply with the order, <u>the Commission and</u> competent authorities should take into account the size and economic resources of the economic operators concerned.	(29 <u>36</u>) In setting a reasonable time to comply with the order, competent authorities <u>the Commission</u> should take into account the size and economic resources of the economic operators concerned.		
38a	<p>(42) To ensure effective enforcement decisions taken by a 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 from the same supply chain for which forced labour has been found.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 51 [51 - 38a]</p>	<p>(42<u>EP42</u>) To ensure effective enforcement decisions taken by a 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 from the same supply chain for which forced labour has been found.</p> <p><u>(42a) Acknowledging current developments in traceability technology to facilitate monitoring of supply chains, the Commission should support economic operators in the uptake of such technology, including</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>through financial and technical assistance.</u>	
38b	<p>(31) Economic operators should have the possibility to request a review of the decisions by the competent authorities, after having provided new information showing that it cannot be concluded that the relevant products have been made with forced labour. Competent authorities should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour.</p> <p>Moved reference text</p>		<p>(31) Economic operators should have the possibility to request a review of the decisions by the competent authorities <u>Commission</u>, after having provided new information showing that it cannot be concluded that the relevant products <u>products</u> <u>concerned</u> have been made with forced labour. Competent authorities <u>The Commission</u> should withdraw their <u>its</u> decision where they establish <u>it establishes</u> on the basis of that new information, that it cannot be established that the products have been made with forced labour.</p> <p>Moved from row 40 [40 - 38b]</p>	<p>(31) Economic operators should have the possibility to request an <u>administrative</u> review of the decisions by the competent authorities <u>and by the Commission</u>, after having provided new <u>substantial</u> information showing that it cannot be concluded that the relevant products have been made with forced labour. Competent authorities <u>and the Commission</u> should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour. <u>The decisions adopted by the Commission under this Regulation are subject to review by the Court of Justice in accordance with Article 263 TFEU.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
39	<p>(30) If the economic operators fail to comply with the decision of the competent authorities by the end of the established timeframe, the competent authorities should ensure that the relevant products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators are destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management at the expense of the economic operators.</p>	<p>(30) If the economic operators fail to comply with the decision of the <u>Commission or the</u> competent authorities by the end of the established timeframe, the <u>Commission or the</u> competent authorities should ensure that the relevant products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators are <u>donated to charitable or public interest purposes, in case they are perishable. If such products are not perishable, economic operators should recycle those products, and if that is not possible, they should have the products</u> destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including</p>	<p>(3039) If the economic operators fail to comply with the decision of the competent authorities <u>Commission</u> by the end of the established timeframe, the competent authorities should ensure that the relevant <u>concerned</u> products are prohibited from being placed or made available on the Union market, exported or withdrawn from the Union market and that any such products remaining with the relevant economic operators are destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including Union legislation on waste management <u>and on ecodesign for sustainable products</u> at the expense of the economic operators. <u>Products deemed valuable for charitable or public interest, such as medical products, should in priority</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		Union legislation on waste management at the expense of the economic operators.	<u>be donated. Where possible, competent authorities should ensure that the disposal or destruction method chosen has the smallest environmental impact possible of all the available options.</u>		
39a			<p><u>(39a) The effect on animal welfare should be considered when enforcing the prohibition of the placing and making available of products made using forced labour in order to spare the animals concerned any avoidable pain, distress or suffering. In addition, this Regulation should be without prejudice to the legislation regarding animal welfare, such as Council Regulations (EC) No 1/2005¹ and (EC) No 1099/2009².</u></p> <p><u>1. Council Regulation (EC) No 1/2005 of 22</u></p>		

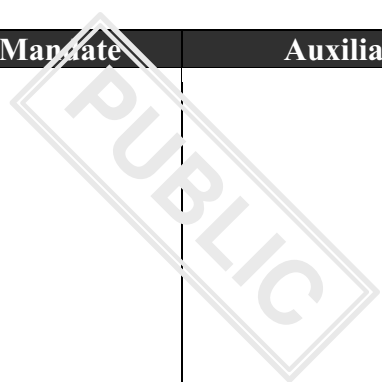
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, OJ L 3, 5.1.2005, p. 1–44.</u> <u>2. Council Regulation (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. 1–30.</u>		
39b			<u>(39b) Enforcement of the decisions, adopted by the Commission, lies within the Member States. After the decisions are communicated to the Member States, all competent authorities concerned with the specific decision shall proceed with enforcement actions, foreseen in the Regulation.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
40	(31) Economic operators should have the possibility to request a review of the decisions by the competent authorities, after having provided new information showing that it cannot be concluded that the relevant products have been made with forced labour. Competent authorities should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour.	(31) Economic operators should have the possibility to request an <u>administrative</u> review of the decisions by the competent authorities <u>and by the Commission</u> , after having provided new <u>substantial</u> information showing that it cannot be concluded that the relevant products have been made with forced labour. Competent authorities <u>and the Commission</u> should withdraw their decision where they establish on the basis of that new information, that it cannot be established that the products have been made with forced labour. <u>The decisions adopted by the Commission under this Regulation are subject to review by the Court of Justice in accordance with Article 263 TFEU.</u>	Moved to row 38b [40 - 38L]		
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	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	(32) Any person, whether it is a 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 to be informed of the outcome of the assessment of their submission.	(32) Any person, whether it is a 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 to be informed of the outcome of the assessment of their submission. <u>Submissions should be addressed to one or more competent authorities. Adequate protection measures should be put in place to ensure the safety of any person associated with the submission or the information contained within it, including from retaliation and reprisals. Where necessary, those protection measures could go beyond the provisions in Directive (EU) 2019/1937. To ensure ease of use for the submission</u>	Moved to row 32g [41 - 32]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<i><u>of information and the standardisation of the information provided, the Commission should set up a mechanism for the submission of information, such as a designated webportal at the Union level, available in all official languages of the institutions of the Union, and free of charge, and ensure that it is user-friendly and easily accessible, including for persons with disabilities.</u></i>			
42	(33) The Commission should issue guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour and complementary information for the competent authorities to implement the prohibition. The guidance on due diligence	(33) The Commission should issue <i><u>detailed</u></i> guidelines in order to facilitate the implementation of the prohibition by economic operators and competent authorities. Such guidelines should include guidance on due diligence in relation to forced labour, <i><u>in particular for all economic operators that fall outside the scope of the [Directive 20XX/XX/EU on</u></i>	Moved to row 32d [42 - 32d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>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 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.</p>	<p><u><i>Corporate Sustainability Due Diligence</i></u>, <u><i>since they will not have to comply with any mandatory due diligence obligations</i></u>, and complementary information for the competent authorities to implement the prohibition. The guidance <u><i>for economic operators outside the scope of [CSDD] should focus in particular on compliance in cases where these economic operators are faced with a reversed burden of proof as a consequence of delegated acts adopted by the Commission of forced labour imposed by state authorities. The guidance</i></u> 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</p>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p>guidelines should be consistent with other Commission guidelines in this regard and relevant international organisations' guidelines. <u>The guidelines should provide tailored recommendations for different sectors of activity, taking into account specificities of the activities and the respective supply chains.</u></p> <p>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.</p>			
R 43	(34) Decisions of the competent authorities establishing a violation of the prohibition should be communicated to customs authorities, who should aim at identifying the product concerned amongst products declared for	(34) Decisions of the <u>Commission or the</u> competent authorities establishing a violation of the prohibition should be communicated to customs authorities, who should aim at identifying the product concerned amongst	(34 <u>40</u>) Decisions of the competent authorities <u>Commission</u> establishing a violation of the prohibition should be communicated to customs authorities, who should aim at identifying the product concerned amongst		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>release for free circulation or export. The competent authorities should be responsible for the overall enforcement of the prohibition with regard to the internal market as well as products entering or leaving the Union market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and Regulation (EU) 2019/1020 covers only manufactured products and its scope is limited to release for free circulation, the customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 for the application and enforcement of the prohibition. 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 Council¹ and its general provisions on the control</p>	<p>products declared for release for free circulation or export. The <u>Commission and Member States should ensure that the customs authorities have sufficient resources to carry out these controls. The Commission and the</u> competent authorities should be responsible for the overall enforcement of the prohibition with regard to the internal market as well as products entering or leaving the Union market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and Regulation (EU) 2019/1020 covers only manufactured products and its scope is limited to release for free circulation, the customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 for the application and enforcement of the prohibition. The specific organisation of controls of</p>	<p>products declared for release for free circulation or export. The competent authorities should be responsible for the overall enforcement of the prohibition with regard to the internal market as well as products entering or leaving the Union market. Since forced labour is part of the manufacturing process and does not leave any trace on the product, and Regulation (EU) 2019/1020 covers only <u>the manufactured products covered by the Union legislations listed in that Regulation</u> and its scope is limited to release for free circulation, the customs authorities would be unable to act autonomously under Regulation (EU) 2019/1020 for the application and enforcement of the prohibition. The specific organisation of controls of each Member State should be without prejudice to Regulation (EU) No 952/2013 of the European</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>and supervisory powers of customs authorities.</p> <p>1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).</p>	<p>each Member State should be without prejudice to Regulation (EU) No 952/2013 of the European Parliament and of the Council³² and its general provisions on the control and supervisory powers of customs authorities.</p> <p><u>³² Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).</u></p> <p>1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).</p>	<p>Parliament and of the Council¹ and its general provisions on the control and supervisory powers of customs authorities2.</p> <p>1. Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (recast) (OJ L 269, 10.10.2013, p. 1).</p>		
44	<p>(35) The information currently made available to customs authorities by economic operators</p>	<p>(35) The information currently made available to customs authorities by economic operators</p>	<p>(35)⁴¹ The information currently <u>provided or</u> made available to customs authorities by economic</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	includes only general information on the 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 may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the competent authorities with the product concerned. 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	includes only general information on the 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 may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the <u>Commission or the</u> competent authorities with the product concerned. 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	operators includes only general information on the 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 may violate the Regulation and should accordingly be stopped at the EU external borders, economic operators should submit to customs authorities information allowing matching a decision of the competent authorities with the product concerned. 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		

Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific requirements under Union legislation 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 unique identifier of the digital product passport) as	information should be provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, the implementing acts necessary to specify the details of the information to be made available to customs by the economic operators. This information should include the description, name or brand of the product, specific requirements under Union legislation 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 unique identifier of the	provided using, amongst others, the database established under this Regulation as well as the information and decisions of the competent authorities <u>Commission</u> encoded in the information and communication system set out in Article 34 of Regulation (EU) 2019/1020 ('ICSMS'). Moreover, the Commission should be empowered to adopt, <u>the adop</u> implementing acts necessary to specify the details of the information to be <u>provided or</u> made available to customs by the economic operators. This information should include the description, name or brand of the product, specific requirements under Union legislation 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 unique identifier of the		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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 (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain.	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 (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain. <u><i>The Commission should issue guidance and support to economic operators, especially SMEs, on how to collect the required information.</i></u>	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 (EORI) number. The review of the Union Customs Code will consider introducing in the customs legislation the information required to be <u><i>provided or</i></u> made available to customs by the economic operators for the enforcement of this Regulation and more broadly to strengthen the transparency of the supply chain.		
Y 45					Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(36) Customs authorities that identify a product that may be covered by a decision communicated by competent authorities establishing a violation of the prohibition 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 the competent authorities should be authorised to require maintaining the suspension of its release. In the absence of a conclusion by competent authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and formalities are fulfilled. Generally, the release for</p>	<p>(36) Customs authorities that identify a product that may be covered by a decision communicated by <u>the Commission or</u> competent authorities establishing a violation of the prohibition should suspend the release of that product and notify the competent authorities immediately. <u>The Commission or the</u> 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 <u>and duly justified, the Commission or</u> the competent authorities should be authorised to require maintaining the suspension of its release, <u>taking into account the potential damage for the economic operator.</u> In the absence of a conclusion by</p>	<p>(36⁴²) Customs authorities that identify a product that may be covered by a <u>Commission</u> decision communicated by^{to} competent authorities establishing a violation of the prohibition 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 <u>Commission</u> decision. Where necessary the competent authorities should be authorised to require maintaining the suspension of its release. In the absence of a conclusion by competent authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	free circulation or export should also not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete control of such compliance.	competent authorities within the specified time limit, customs authorities should release the products if all other applicable requirements and formalities are fulfilled. Generally, the release for free circulation or export should also not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete control of such compliance.	formalities are fulfilled. Generally, the release for free circulation or export should also not be deemed to be proof of compliance with Union law, since such a release does not necessarily include a complete control of such compliance.		
46	(37) Where the competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition, they should immediately inform customs authorities which should refuse its release for free circulation or export. The product should be destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union	(37) Where the <u>Commission or the</u> competent authorities conclude that a product corresponds to a decision establishing a violation of the prohibition, they should immediately inform customs authorities which should refuse its release for free circulation or export. The product <u>should be donated to charitable or public interest purposes if it is perishable. If such</u>	(37 <u>43</u>) Where the competent authorities conclude that a product corresponds to a <u>Commission</u> decision establishing a violation of the prohibition, they should immediately inform customs authorities which should refuse its release for free circulation or export. The product should be destroyed, rendered inoperable, or otherwise disposed of in accordance		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	law, including legislation on waste management, which excludes re-export in case of non-Union goods.	<u>products are not perishable, they should be recycled, and if that is not possible, they</u> should be destroyed, rendered inoperable, or otherwise disposed of in accordance with national law consistent with Union law, including legislation on waste management, which excludes re-export in case of non-Union goods.	with national law consistent with Union law, including legislation on waste management <u>and on ecodesign</u> , which excludes re-export in case of non-Union goods.		
46a		<u>(37a) The Commission 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 Commission should therefore, where appropriate, support economic operators in adopting and carrying out measures suitable and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>effective for bringing forced labour to an end. Responsible disengagement entails, as a minimum, complying with collective agreements and articulating escalation measures.</u>			
47	(38) 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 of release for 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.	(38) 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 of release for 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.	(38) ⁴⁴ 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 of release for 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.		(38) 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 of release for 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.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Council Mandate
47a	<p>(43) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council².</p> <p>1. 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</p>		<p>(43⁴⁵) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council².</p> <p>1. 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</p>	<p>(43⁴⁵) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council².</p> <p>1. 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</p>	<p>(43⁴⁵) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Regulation (EU) 2018/1725 of the European Parliament and of the Council².</p> <p>1. 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</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.</p> <p>2. 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.</p> <p>Moved reference text</p>		<p>free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.</p> <p>2. 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.</p> <p>Moved from row 52 [52 - 47a]</p>	<p>free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.</p> <p>2. 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.</p>	<p>free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1.</p> <p>2. 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.</p> <p>Text Origin: Council Mandate</p>
g 47b	(46) In order to ensure		(46) In order to ensure	(46 EP46) In order to	(46) In order to ensure

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p> <p>Moved reference text</p>		<p>uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p> <p>Moved from row 55 [55 - 47b]</p>	<p>ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p>	<p>uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p> <p>Text Origin: Council Mandate</p>
Y 47c					Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(47) 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. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 56 [56 - 47c]</p>	<p>(47EP47) 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. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</p>	
R 47d	<p>(48) In order to ensure that the customs authorities are provided with all the necessary information</p>		<p>(48) In order to ensure that the customs authorities are provided with all the necessary information</p>	<p>(48EP48) In order to ensure that the customs authorities are provided with all the necessary</p>	R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>about the product to act effectively, including the information identifying the relevant product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. Customs authorities need to be enabled to obtain information rapidly on specific products, identified in the decisions of the competent authorities in order to take actions and measures effectively and swiftly. In such cases, delegated acts should be adopted in an urgent procedure.</p> <p>Moved reference text</p>		<p>about the product to act effectively, including the able to act effectively; the <u>power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of further specifying the additional</u> information identifying the relevant product, <u>concerned</u> (information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market, the power to adopt acts in accordance with Article 290 TFEU should be delegated) <u>that economic operators should make available or provide to the Commission customs authorities</u>. Customs authorities need to be enabled to obtain information rapidly on specific products, identified in the decisions of the competent authorities in order to take actions and</p>	<p>information about the product to act effectively, including the information identifying the relevant product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. Customs authorities need to be enabled to obtain information rapidly on specific products, identified in the decisions of the competent authorities in order to take actions and measures effectively and swiftly. In such cases, delegated acts should be adopted in an urgent procedure.</p> <p><u>(48a) In order to ensure that penalties are effective and fair and to prevent a distorted approach to penalties in the internal</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p>measures effectively and swiftly. In such cases, delegated acts should be adopted in an urgent procedure.</p> <p>Moved from row 57 [57 - 47d]</p>	<p><u>market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. The Commission should define the method for the calculation of financial penalties and the thresholds applicable, define where they are to be used, and specify mitigating and aggravating circumstances to guide Member States in designing their penalty regimes.</u></p> <p><u>(48b) The Commission should carry out an evaluation of this Regulation in light of the objective it pursues, and should submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee. The report should assess whether this Regulation achieved its objectives, in particular with regard to reducing the</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>number of products on the Union market made with forced labour, improving cooperation between competent authorities and strengthening the controls on products entering the Union market, the impact on business of administrative procedures, the cost of compliance, the impact on trade and on competitiveness of companies operating in the internal market, the alignment with other relevant Union law, the contribution to fight forced labour globally, and the overall cost-benefit and effectiveness.</u>	
48	(39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities,	(39) A uniform enforcement of the prohibition as regards products entering or leaving the Union market can only be achieved through systematic exchange of information and cooperation amongst competent authorities,	Moved to row 26h [48 - 26h]		

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	customs authorities and the Commission.	customs authorities and the Commission. <u>This cooperation should be coordinated by the Commission.</u>			
49	(40) For the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this Regulation.	(40) For the collection, processing and storage of information, in a structured form, on issues relating to the enforcement of the prohibition, the competent authorities should use ICSMS. The Commission, competent authorities and customs authorities should have access to that system to carry out their respective duties under this Regulation.	Moved to row 26i [49 - 26i]		
50	(41) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an automated data transfer between the ICSMS and customs systems. Three	(41) In order to optimise and unburden the control process of products entering or leaving the Union market, it is necessary to allow for an automated data transfer between the ICSMS and customs systems. Three	Moved to row 26j [50 - 26j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>different data transfers should be distinguished in view of their respective purposes. Firstly, decisions establishing a violation of the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent</p>	<p>different data transfers should be distinguished in view of their respective purposes. Firstly, decisions establishing a violation of the prohibition should be communicated from the ICSMS to the Electronic Customs Risk Management System (CRMS) referred to in Article 36 of Commission Implementing Regulation (EU) 2015/2447¹, 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, among others, transfer the notification of the suspension, the conclusion of competent</p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support those second data transfers between 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</p>	<p>authorities and the outcome of the actions taken by customs. The EU Single Window Environment for customs should support those second data transfers between 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</p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>arrangements and data elements to be transferred between the ICSMS and customs systems and any other ancillary requirement.</p> <p>1. 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.</p>	<p>arrangements and data elements to be transferred between the ICSMS and customs systems and any other ancillary requirement.</p> <p>1. 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.</p>			
51	<p>(42) To ensure effective enforcement decisions taken by a 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 from the</p>	<p>(42) To ensure effective enforcement decisions taken by a 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 from the</p>	Moved to row 38a [51 - 38a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	same supply chain for which forced labour has been found.	same supply chain for which forced labour has been found.			
51a		<u>(42a) Acknowledging current developments in traceability technology to facilitate monitoring of supply chains, the Commission should support economic operators in the uptake of such technology, including through financial and technical assistance.</u>			
52	(43) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EU) 2018/1725	(43) Where, for the prohibition, it is necessary to process personal data, 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 should be subject to Regulation (EU) 2016/679 of the European Parliament and of the Council ¹ and Regulation (EU) 2018/1725	Moved to row 47a [52 - 47a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>of the European Parliament and of the Council².</p> <p>1. 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.</p> <p>2. 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,</p>	<p>of the European Parliament and of the Council².</p> <p>1. 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.</p> <p>2. 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,</p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.	and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.			
53	(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network aimed at structured coordination and cooperation between the competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission. That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations. That administrative support structure should allow the pooling of resources and maintain a communication	(44) To ensure effective enforcement of the prohibition, it is necessary to establish a network, <u>coordinated by the Commission</u> , aimed at structured coordination and cooperation between the <u>Commission, the</u> competent authorities of the Member States and, where appropriate, experts from customs authorities, and the Commission . That network should also aim at streamlining the practices of the competent authorities within the Union that facilitate the implementation of joint enforcement activities by Member States, including joint investigations, <u>facilitate capacity building activities, such as the</u>	Moved to row 26f [53 - 26f]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>and information system between Member States and the Commission, thereby helping to strengthen the enforcement of the prohibition.</p>	<p><u>organisation of training programmes for competent authorities and other relevant stakeholders, promote exchanges of personnel between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations, assist in the organisation of information campaigns and voluntary mutual visit programmes between competent authorities, involve and facilitate the diplomatic representations of the Union to assist in the information gathering efforts of this Regulation.</u> TheThat administrative support structure <u>to be provided by the Commission</u> should allow the pooling of resources and maintain a communication and information system between Member States and the Commission, thereby helping to</p>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		strengthen the enforcement of the prohibition.			
53a		<u>(44a) The Commission should ensure the effective and uniform application of this Regulation and to that effect support and encourage cooperation between enforcement authorities through the Network.</u>			
54	(45) Since forced labour is a global problem and given the interlinkages of the global value chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations	(45) Since forced labour is a global problem and given the interlinkages of the global value supply chains, it is necessary to promote international cooperation against forced labour, which would also improve the efficiency of applying and enforcing the prohibition. The Commission should as appropriately cooperate with and exchange information with authorities of third countries and international organisations.	Moved to row 32e [54 - 32e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis.	<u>as well as with other actors</u> , to enhance the effective implementation of the prohibition. International cooperation with authorities of non-EU countries should take place in a structured way as part of the existing dialogue structures, for example Human Rights Dialogues with third countries, or, if necessary, specific ones that will be created on an ad hoc basis. <u>Existing dialogue structures with third countries include the (sub)committees on trade and sustainable development in trade agreements or the dialogue foreseen within the Generalised System of Preferences. The Commission should ensure coherence and synergies between relevant external policies, in particular development cooperation and projects focusing on the eradication of forced labour, and it should also foster the creation of</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>enabling environments in third countries to promote and protect human rights, including capacity building to support workers and local communities in their efforts to root out forced labour from global supply chains. Additionally, the Commission should have regular contact and cooperation in particular with countries that have similar legislation in place, to share information of risk products or regions as well as best practices for bringing to an end forced labour. Union delegations should have an important role when it comes to disseminating information on this Regulation and should facilitate the possibility of third parties in third countries to provide information on the existence of forced labour on a determined product.</u></p>			
55	(46) In order to ensure	(46) In order to ensure			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p>	<p>uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. 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 the Member States of the Commission's exercise of implementing powers, OJ L 55, 28.2.2011, p. 13.</p>	Moved to row 47b [55 - 47]		
56	(47) In order to supplement or amend certain non-essential	(47) In order to supplement or amend certain non-essential	Moved to row 47c [56 - 47c]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.	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. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.			
57	(48) In order to ensure that the customs authorities are provided with all the necessary information about the product to act effectively, including the information identifying the relevant product, information about the	(48) In order to ensure that the customs authorities are provided with all the necessary information about the product to act effectively, including the information identifying the relevant product, information about the	Moved to row 47d [57 - 47d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. Customs authorities need to be enabled to obtain information rapidly on specific products, identified in the decisions of the competent authorities in order to take actions and measures effectively and swiftly. In such cases, delegated acts should be adopted in an urgent procedure.</p>	<p>manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission. Customs authorities need to be enabled to obtain information rapidly on specific products, identified in the decisions of the competent authorities in order to take actions and measures effectively and swiftly. In such cases, delegated acts should be adopted in an urgent procedure.</p>			
57a		<p><u>(48a) In order to ensure that penalties are effective and fair and to prevent a distorted approach to penalties in the internal market, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the</u></p>			

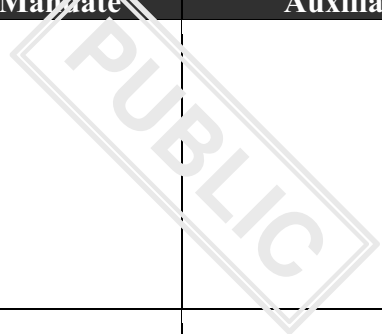
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u><i>Commission. The Commission should define the method for the calculation of financial penalties and the thresholds applicable, define where they are to be used, and specify mitigating and aggravating circumstances to guide Member States in designing their penalty regimes.</i></u>			
57b		<u><i>(48b) The Commission should carry out an evaluation of this Regulation in light of the objective it pursues, and should submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee. The report should assess whether this Regulation achieved its objectives, in particular with regard to reducing the number of products on the Union market made with forced labour, improving</i></u>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>cooperation between competent authorities and strengthening the controls on products entering the Union market, the impact on business of administrative procedures, the cost of compliance, the impact on trade and on competitiveness of companies operating in the internal market, the alignment with other relevant Union law, the contribution to fight forced labour globally, and the overall cost-benefit and effectiveness.</u>			
58	(49) Since the objective of this Regulation, namely, the prohibition, 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 Treaty on European Union.	(49) Since the objective of this Regulation, namely, the prohibition, 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 Treaty on European Union.	(49) Since the objective of this Regulation, namely, the prohibition, 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 Treaty on European Union.		(49) Since the objective of this Regulation, namely, the prohibition, 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 Treaty on European Union.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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.	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.	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.		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. Text Origin: Commission Proposal
59	(50) 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,	(50) 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,	<i>deleted</i>		
60	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G	61	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	
G	62	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Y	63	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.	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, <u>and contributes to the fight against forced labour.</u>	1. <u>The purpose of</u> this Regulation lays down <u>is to contribute to the proper functioning of the internal market by laying down harmonised</u> rules prohibiting economic operators from placing and making available on the Union market or exporting from the Union market products made with forced labour.	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 <u>with a view to improving the functioning of the internal market, while also contributing to the fight against forced labour.</u> TM 02.02: CNS would in principle not oppose to taking over the EP element on fighting forced labour. EP will check internally and propose a wording combining the two elements from EP and CNS



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>mandate.</p> <p>TM 14/2: LS of the institutions to check the proposed wording EP compromise proposal to be copied into the 4th column</p>
64	2. This Regulation shall not cover the withdrawal of products which have reached the end-users in the Union market.	2. This Regulation shall not cover the withdrawal of products which have reached the end-users in the Union market.	2. This Regulation shall not cover the withdrawal of products which have reached the end-users in the Union market.		<p>2. This Regulation shall not cover the withdrawal of products which have reached the end-users in the Union market.</p> <p>Text Origin: Commission Proposal</p>
64a			<p><u>3. This Regulation shall not create additional due diligence obligations for economic operators besides those already provided by mandatory national or Union requirements, in particular national measures transposing /Directive 20XX/XX/EU of the European Parliament and</u></p>		<p><u>2a. This Regulation does not create additional due diligence obligations for economic operators besides those already provided by Union or national law , in particular national measures transposing /Directive 20XX/XX/EU of the European Parliament and of the Council on</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>of the Council on Corporate Sustainability Due Diligence</u>		<u>Corporate Sustainability Due Diligence</u> . TM 02.02: EP will check internally, also where it could be best placed from legal point of view. TM 14/2: EP text to be inserted, line to be greened
65	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions		Article 2 Definitions Text Origin: Commission Proposal
66	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:	For the purposes of this Regulation, the following definitions apply:		For the purposes of this Regulation, the following definitions apply: Text Origin: Commission Proposal
67	(a) 'forced labour' means	(a) 'forced labour' means	(a) 'forced labour' means		(a) 'forced labour' means

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	forced or compulsory labour as defined in Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour;	forced or compulsory labour as defined in <u>all work or service that is exacted from a person under the menace of a penalty and for which that person has not offered himself or herself voluntarily in accordance with</u> Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour, <u>and can occur along the value chain</u> ;	forced or compulsory labour, <u>including forced child labour</u> , as defined in Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour ;		forced or compulsory labour, <u>including forced child labour</u> , as defined in Article 2 of the Convention on Forced Labour, 1930 (No. 29) of the International Labour Organization, including forced child labour ; TM 02.02: EP - EMPL exclusive competence. Also line 68. CNS - adopted for dynamic definitions. Recital 17 in CNS mandate. COM: favors dynamic reference. EP accepts Council text, but highlights the importance of coming back to this issue in the discussion on recitals, ensuring the references made here are covered. Text Origin: Council Mandate
68	(b) ‘forced labour imposed by state authorities’ means the use of forced labour as described in Article 1 of the Convention on the	(b) ‘forced labour imposed by state authorities’ means the use of forced labour: <u>(i) as a means of political coercion or</u>	(b) ‘forced labour imposed by state authorities’ means the use of forced labour as described in Article 1 of the Convention on the		(b) ‘forced labour imposed by state authorities’ means the use of forced labour as described in Article 1 of the Convention on the

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;	<u>education or as a punishment for holding or expressing political views or opinions ideologically opposed to the established political, social or economic system;</u> <u>(ii) as a method of mobilising and using labour for purposes of economic development;</u> <u>(iii) as a means of labour discipline;</u> <u>(iv) as a punishment for having participated in strikes;</u> <u>(v) as a means of racial, social, national or religious discrimination;</u> <u>as listed-as described</u> in Article 1 of the Convention on the Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;	Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization;		Abolition of Forced Labour, 1957 (No. 105) of the International Labour Organization; See the comment in row 67. Text Origin: Council Mandate
R 68a		<u>(ba) 'remediation' means both the process of providing remedy to victims of forced labour for a negative human rights impact and the</u>			TM 02.02: CNS is opposed to including remediation. In any case, this def should be aligned to such def in other EU legislation

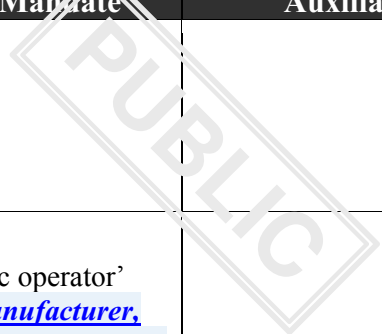
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>substantive outcomes that can counteract, or make good, the negative impact of forced labour, such as public apologies, restitution, rehabilitation, compensation, contribution to investigations, and compliance with measures adopted by relevant public authorities, as well as prevention of additional harm;</u>			(CSDDD). No chance in CNS to take this on board. COM: no need for a def. EP: discussion on the substance of remediation will come at following meetings.
69	(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator 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 made available on the Union market or to be exported;	(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator 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 made available on the Union market or to be exported;	(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory <u>national or EU requirements, in particular national measures transposing [Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence]</u> , voluntary guidelines, recommendations or practices to identify,		(c) ‘due diligence in relation to forced labour’ means the efforts by economic operator to implement mandatory requirements, <u>in particular national measures transposing [Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence]</u> , voluntary guidelines, recommendations or practices to identify, prevent, mitigate or bring

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			prevent, mitigate or bring to an end the use of forced labour with respect to products that are <u>to be placed or</u> to be made available on the Union market or to be exported;		to an end the use of forced labour with respect to products that are <u>to be placed or</u> to be made available on the Union market or to be exported; TM 02.02: CNS - want to ensure alignment with CSDDD and national instruments, COM - no harm in having a specific reference, if not an exclusive one. As regards "to be placed" - CNS LS suggestion - in order to cover also products coming to the market in the future. "National and EU requirements" - EP: is this legally sound? EP can signal flexibility here, but will check internally, also this legal question. TM 14/2: copy EP compromise proposal, CNS to check internally, yellow for the time being
70	(d) 'making available on	(d) 'making available on	(d) 'making available on		(d) 'making available on

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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 and in the case where the product is offered for sale online or through other means of distance sales, the making available on the market is deemed to take place when the offer for sale is targeted at users in the Union;	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 and in the case where the product is offered for sale online or through other means of distance sales, the making available on the market is deemed to take place when the offer for sale is targeted at users in the Union;	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 and in the case where the product is offered for sale online or through other means of distance sales, the making available on the market is deemed to take place when the offer for sale is targeted at users in the Union;		<p>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 and in the case where the product is offered for sale online or through other means of distance sales, the making available on the market is deemed to take place when the offer for sale is targeted at users in the Union;</p> <p>TM 02.02: CNS - done in consultation with CNS LS. Come back to 89a and 89b.</p> <p>TM 14/2: CNS LS has concerns about the COM proposed recital wording. EP in principle fine with having a separate Art on online sales.</p> <p>The text of recital/Article still to be clarified. Line greened.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Council Mandate
71	(e) 'placing on the market' means the first making available of a product on the Union market;	(e) 'placing on the market' means the first making available of a product on the Union market;	(e) 'placing on the market' means the first making available of a product on the Union market;		(e) 'placing on the market' means the first making available of a product on the Union market; Text Origin: Commission Proposal
72	(f) 'product' means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured, including working or processing related to a product at any stage of its supply chain;	(f) 'product' means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured, including working or processing related to a product at any stage of its supply chain;	(f) 'product' means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured, including working or processing related to a product at any stage of its supply chain;		(f) 'product' means any product that can be valued in money and is capable, as such, of forming the subject of commercial transactions, whether it is extracted, harvested, produced or manufactured, including working or processing related to a product at any stage of its supply chain; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
73	(g) '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 working or processing related to a product at any stage of its supply chain;	(g) '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 working or processing related to a product at any stage of its supply chain;	(g) '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 working or processing related to a product at any stage of its supply chain;		(g) '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 working or processing related to a product at any stage of its supply chain; Text Origin: Commission Proposal
73a		<u>(ga) 'supply chain' means the activities of the company's upstream business partners related to the extraction, harvest, production or manufacturing of a product, including working or processing related to the product at any stage of those activities;</u>	<u>(ga) 'supply chain' means the entire network of operators involved at all stages, upstream of the product being made available on the market, related to the extraction, harvesting, production, manufacturing and supply of a product or parts of the products to be incorporated in the final products to be made available;</u>		TM 02.02: COM: term "company" should be aligned to the rest of the text (economic operator). "and supply of a product" - what does it entail? CNS: we need to start from the end (EU-based operators) to get to the beginning of the supply chain. CNS: will check if this def appears in other legal text, will come later to this point. LS of CNS and EP to come



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					with a proposed text. TM 14/2: parked for the time being
74	(h) ‘economic operator’ means any natural or legal person or association of persons who is placing or making available products on the Union market or exporting products;	(h) ‘economic operator’ means any natural or legal person or association of persons who is placing or making available products on the Union market or exporting products;	(h) ‘economic operator’ means <u>the manufacturer, producer, product supplier, importer, exporter or</u> any natural or legal person or association of persons who is placing or making available products on the Union market or exporting products;		(h) ‘economic operator’ means <u>the manufacturer, producer, product supplier, importer, exporter or</u> any natural or legal person or association of persons who is placing or making available products on the Union market or exporting products; TM 02.02: CNS: these def come from 2019/1020 Regulation. Also applies to line 75. COM; we use the NLF model, but here the EO needs to be defined differently, but here wider. COM: both 74 and 75 CNS texts is acceptable EP: will check internally TM 15/02: COM suggests to move back to the initial definition. CNS LS to come back (in writing).

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					COM to propose adapted wording (regarding Articles on preliminary and investigations) Text Origin: Council Mandate
75	(i) 'manufacturer' means the manufacturer of the product pursuant to the Union legislation applicable to that product;	(i) 'manufacturer' means the manufacturer of the product pursuant to the Union legislation applicable to that product;	(i) 'manufacturer' means the manufacturer of the <u>any natural or legal person who manufactures a</u> product pursuant to the Union legislation applicable to that <u>product</u> or has a product designed or manufactured, and markets that products under its name or trademark;		(i) 'manufacturer' means the manufacturer of the <u>any natural or legal person who manufactures a</u> product pursuant to the Union legislation applicable to that <u>product</u> or has a product designed or manufactured, and markets that products under its name or trademark; Text Origin: Council Mandate
76	(j) 'producer' means the producer of agricultural products as referred to in Article 38(1) TFEU or of raw materials;	(j) 'producer' means the producer of agricultural products as referred to in Article 38(1) TFEU or of raw materials;	(j) 'producer' means the producer of agricultural products as referred to in Article 38(1) TFEU or of raw materials;		(j) 'producer' means the producer of agricultural products as referred to in Article 38(1) TFEU or of raw materials;

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Commission Proposal
77	(k) '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, whether as manufacturer or in any other circumstances;	(k) '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, whether as manufacturer or in any other circumstances;	(k) '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, whether as manufacturer or in any other circumstances;		(k) '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, whether as manufacturer or in any other circumstances; Text Origin: Commission Proposal
77a			<u>(ka) '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</u>	<u>(EPma) '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</u>	<u>(ka) '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</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;</u>	<u>consumer outside of any trade, business, craft or profession or as a professional end user in the course of his or her industrial or professional activities;</u>	<u>consumer outside of any trade, business, craft or profession or as a professional end user in the course of its industrial or professional activities;</u> Text Origin: Council Mandate
78	(l) ‘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;	(l) ‘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;	(l) ‘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;		(l) ‘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; Text Origin: Commission Proposal
79	(m) ‘exporter’ means the exporter as defined in Article 1, point (19) of Commission Delegated Regulation (EU) 2015/2446 ¹ ; _____	(m) ‘exporter’ means the exporter as defined in Article 1, point (19) of Commission Delegated Regulation (EU) 2015/2446 ¹ ; _____	(m) ‘exporter’ means the exporter as defined in Article 1, point (19) of Commission Delegated Regulation (EU) 2015/2446 ¹ ; _____		(m) ‘exporter’ means the exporter as defined in Article 1, point (19) of Commission Delegated Regulation (EU) 2015/2446 ¹ ; _____

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	1. 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.	1. 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.	1. 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.		1. 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. Text Origin: Commission Proposal
79a		<u>(ma) '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 his or her industrial or professional activities;</u>			Solved in line 77a

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G	80	(n) 'substantiated concern' means a well-founded reason, based on objective and verifiable information, for the competent authorities to suspect that products were likely made with forced labour;	(n) 'substantiated concern' means a well-founded reason , <u>reasonable indication</u> based on objective and verifiable information, for the competent authorities to suspect that products were likely made with forced labour;		(n) 'substantiated concern' means a well-founded reason , <u>reasonable indication</u> based on objective, <u>factual</u> and verifiable information, for the competent authorities to suspect that products were likely made with forced labour; TM 02.02: CNS: open also to include EP suggestion. COM: well founded is better in this regard (not reasonable indication) CNS: we wanted to lower the evidentiary threshold To be checked internally in EP and CNS
Y	80a		<u>(na) 'Competent authority' means competent authority as designated pursuant to Article 5 of this Regulation;</u>		TM 02.02: to be discussed later

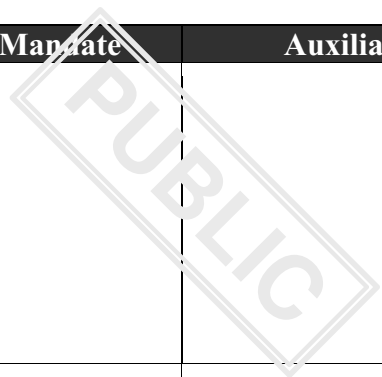
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
81	(o) ‘customs authorities’ means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013;	(o) ‘customs authorities’ means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013;	(o) ‘customs authorities’ means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013;		(o) ‘customs authorities’ means customs authorities as defined in Article 5, point (1), of Regulation (EU) No 952/2013; Text Origin: Commission Proposal
82	(p) ‘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 placed under the customs procedure ‘release for free circulation’;	(p) ‘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 placed under the customs procedure ‘release for free circulation’;	(p) ‘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 <u>to be</u> placed under the customs procedure ‘release for free circulation’;		(p) ‘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 <u>to be</u> placed under the customs procedure ‘release for free circulation’; TM 02.02: same change also in line 83. CNS: also to cover products to be placed in the future (distance sales) EP can accept.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Council Mandate
83	(q) 'products leaving the Union market' means products placed under the customs procedure 'export';	(q) 'products leaving the Union market' means products placed under the customs procedure 'export';	(q) 'products leaving the Union market' means products <u>to be</u> placed under the customs procedure 'export';		(q) 'products leaving the Union market' means products <u>to be</u> placed under the customs procedure 'export'; Text Origin: Council Mandate
84	(r) 'release for free circulation' means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;	(r) 'release for free circulation' means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;	(r) 'release for free circulation' means the procedure laid down in Article 201 of Regulation (EU) No 952/2013;		(r) 'release for free circulation' means the procedure laid down in Article 201 of Regulation (EU) No 952/2013; Text Origin: Commission Proposal
85	(s) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;	(s) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;	(s) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;		(s) 'export' means the procedure laid down in Article 269 of Regulation (EU) No 952/2013;

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Commission Proposal
86	(t) ‘EU Customs Single Window Certificates Exchange System’ or (EU CSW-CERTEX) means the system established by Article 4 of the [Regulation (EU) XX/20XX establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 COM/2020/673 final];	(t) ‘EU Customs Single Window Certificates Exchange System’ or (EU CSW-CERTEX) means the system established by Article 4 of the [Regulation (EU) XX/20XX establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 COM/2020/673 final];	(t) ‘EU Customs Single Window Certificates Exchange System’ or (EU CSW-CERTEX) means the system established by Article 4 of the f Regulation (EU) XX/20XX <u>2022/2399</u> establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 COM/2020/673 final ;		(t) ‘EU Customs Single Window Certificates Exchange System’ or (EU CSW-CERTEX) means the system established by Article 4 of the f Regulation (EU) XX/20XX <u>2022/2399</u> establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013 COM/2020/673 final ; Text Origin: Council Mandate
87	(u) “National single window environments for customs” means the national single window environments for customs as defined in point 9 of Article 2 of [Regulation (EU) XX/20XX of the	(u) “National single window environments for customs” means the national single window environments for customs as defined in point 9 of Article 2 of [Regulation (EU) XX/20XX of the	(u) “National single window environments for customs” means the national single window environments for customs as defined in point 9 of Article 2 of f Regulation (EU) XX/20XX <u>2022/2399</u>		(u) “National single window environments for customs” means the national single window environments for customs as defined in point 9 of Article 2 of f Regulation (EU) XX/20XX <u>2022/2399</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>European Parliament and of the Council¹⁾.</p> <p>1. Regulation (EU) XX/20XX of the European Parliament and of the Council of ,OJ,</p>	<p>European Parliament and of the Council¹⁾.</p> <p>1. Regulation (EU) XX/20XX of the European Parliament and of the Council of ,OJ,</p>	<p>of the European Parliament and of the Council¹⁾.</p> <p>1. Regulation (EU) XX/20XX 2022/2399 of the European Parliament and of the Council of ,OJ,23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013,OJ L 317, 9.12.2022, p.1.</p>		<p>of the European Parliament and of the Council¹⁾.</p> <p>1. Regulation (EU) XX/20XX 2022/2399 of the European Parliament and of the Council of ,OJ,23 November 2022 establishing the European Union Single Window Environment for Customs and amending Regulation (EU) No 952/2013,OJ L 317, 9.12.2022, p.1.</p> <p>Text Origin: Council Mandate</p>
88	<p>Article 3</p> <p>Prohibition of products made with forced labour</p>	<p>Article 3</p> <p>Prohibition of products made with forced labour</p>	<p>Article 3</p> <p>Prohibition of products made with forced labour</p>		<p>Article 3</p> <p>Prohibition of products made with forced labour</p> <p>Text Origin: Commission Proposal</p>
89					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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.	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.	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.		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. Text Origin: Commission Proposal
89a			<u>Article 4</u> <u>Cases where the product is offered for distance sales</u>		<u>Article 4</u> <u>Cases where a product is offered through distance selling</u> TM 02.02: CNS: was not clear for MS if online sale is covered. This Art clarifies the scope. COM: Art based on market surveillance Reg. There is a suggestion to clarify further in recital 17b (customs purposes). COM supports this addition by the CNS. This new Art would replace the deleted text in line 70. EP LS will check coherence. COM to check recital text of 17b (CNS mandate)



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					TM 14/2: linked to the discussion on recital/Article on online sales. To be checked still finally. Text Origin: Council Mandate
89b			<u>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 one or more Member States.</u>		<u>Products offered for sale online or through other means of distance selling 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 one or more Member States.</u> TM 14/2: text inserted following EP DLA suggestions
90	Chapter II Investigations and	Chapter II Investigations and	Chapter II		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	decisions of competent authorities	decisions of competent authorities <u>and the Commission</u>	<i>deleted</i> Investigations' Chapter moved to New Chapter III		
91	Article 4 Preliminary phase of investigations	Article 4 Preliminary phase of investigations	Article 4 Preliminary phase of investigations Preliminary phase of investigations moved to New Article 15		
92	1. Competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant information available to them, including the following information:	1. <u>The Commission and</u> competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant <u>factual and verifiable</u> information available to them, including the following information:	Moved to row 180a [92 - 180a]		
93	(a) submissions made by natural or legal persons or	(a) submissions made by natural or legal persons or	Moved to row 180c [93 -		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	any association not having legal personality pursuant to Article 10;	any association not having legal personality pursuant to Article 10;	180c]		
94	(b) the risk indicators and other information pursuant to Article 23, points (b) and (c);	(b) the risk indicators and other information pursuant to Article 23, points (b) and <u>(e) point (b)</u> ;	Moved to row 180e [94 - 180e]		
95	(c) the database referred to in Article 11;	(c) the database referred to in Article 11;	Moved to row 180g [95 - 180g]		
96	(d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;	(d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;	Moved to row 180i [96 - 180i]		
97	(e) information requested by the competent authority from other relevant	(e) information requested by the <u>Commission or the</u> competent authority from	Moved to row 180j [97 - 180j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.	other relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.			
97a		<u>(ea) any issues arising from meaningful consultations with relevant stakeholders.</u>			
98	2. In their assessment of the likelihood that economic operators violated Article 3, competent authorities shall focus on the economic operators involved in the steps of the value chain as close as possible to where the risk of forced labour is	2. In their assessment of the likelihood that economic operators violated Article 3, <u>the Commission and</u> competent authorities shall focus on the economic operators <u>and relevant product suppliers</u> involved in the steps of the	Moved to row 188a [98 - 188a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	likely to occur and take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.	value <u>supply</u> 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, the <u>share of forced labour component in the final product, the</u> quantity of products concerned, as well as the scale of suspected forced labour <u>and whether state-imposed forced labour could be a concern.</u>			
98a		<u>2a. The right of the economic operator to be heard shall be respected at all stages of the process.</u>			
99	3. Before initiating an investigation in accordance with Article 5(1), the competent authority shall request from the economic operators under assessment information on actions taken to identify, prevent, mitigate or bring to an end	3. Before initiating an investigation in accordance with Article 5(1), the <u>Commission or the</u> competent authority shall request from the economic operators under assessment <u>and relevant product suppliers</u> information on	Moved to row 188b [99 - 188b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	risks of forced labour in their operations and value chains with respect to the products under assessment, including on the basis of any of the following:	actions taken to identify, prevent, mitigate or bring to an end risks of forced labour <u>and remediate forced labour cases</u> in their operations and value <u>supply</u> chains with respect to the products under assessment, including on the basis of any of the following:			
100	(a) applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;	(a) applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;	Moved to row 188c [100 - 188c]		
101	(b) the guidelines issued by the Commission pursuant to Article 23, point (a);	(b) the guidelines issued by the Commission pursuant to Article 23, point (a);	Moved to row 188d [101 - 188d]		
102	(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other	(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other	Moved to row 188e [102 - 188e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	relevant international organisations;	relevant international organisations, <u>as well as of social partners, in particular those guidelines and recommendations relating to geographic areas, productions sites and economic activities in certain sectors, in specific areas with systematic and widespread forced labour practices</u> ;			
103	(d) any other due diligence in relation to forced labour.	(d) any other due diligence in relation to forced labour.	Moved to row 188f [103 - 188f]		
103a		<u>The Commission and competent authorities may request information on those actions from other relevant stakeholders, including the persons or associations having submitted relevant information pursuant to Article 10 and any other stakeholder working on the products or regions related to the assessment,</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>as well as from diplomatic representations of the Union in relevant third countries.</u>			
103b		<u>3a. Notwithstanding paragraph 2a, the Commission and competent authorities may refrain from requesting information from the economic operator and relevant product suppliers if they have a well-founded reason to believe, based on objective information, that it represents a risk to the investigation.</u>			
104	4. Economic operators shall respond to the request of the competent authority referred to in paragraph 3 within 15 working days from the day they received such request. Economic operators may provide to competent authorities any other information they may deem useful for the	4. Economic operators <u>and relevant product suppliers</u> shall respond to the request of the <u>Commission or</u> competent authority referred to in paragraph 3 within 15 <u>30</u> working days from the day they received such request. Economic operators may provide to <u>the Commission or</u>	Moved to row 188g [104 - 188g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	purposes of this Article.	competent authorities any other information they may deem useful for the purposes of this Article.			
105	5. Within 30 working days from the date of receipt of the information submitted by economic operators pursuant to paragraph 4, the competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4.	5. Within 30 working days from the date of receipt of the information submitted by economic operators <u>and relevant product suppliers</u> pursuant to paragraph 4, the <u>Commission or the</u> competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators <u>and relevant product suppliers</u> pursuant to paragraph 4.	Moved to row 188i [105 - 188i]		
105a		<u>5a. Notwithstanding paragraph 5, the Commission or competent authorities may conclude</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>that there is substantiated concern on the basis of any other facts available where it was not possible to gather information and evidence pursuant to paragraph 4, or where the competent authorities or the Commission have refrained from requesting information in accordance with paragraph 3a.</u>			
106	6. The competent authority shall duly take into account where the economic operator demonstrates that it carries out due diligence on the basis of identified forced labour impact in its supply chain, adopts and carries out measures suitable and effective for bringing to an end forced labour in a short period of time.	deleted	Moved to row 188j [106 - 188j]		
107	7. Competent authorities shall not initiate an investigation pursuant to	7. <u>The Commission or</u> competent authorities shall not initiate an investigation	Moved to row 188k [107 - 188k]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.	pursuant to Article 5, and shall inform the economic operators under assessment accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the <u>Commission or the</u> competent authorities consider that there is no substantiated concern of a violation of Article 3, <u>or that the reasons that motivated the existence of a substantiated concern have been eliminated</u> , for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.			
107a	Article 12		Article 12 <u>5</u>	<u>EP</u> Article 12	Article 12 <u>5</u> Competent

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>Competent authorities</p> <p>Moved reference text</p>		<p>Competent authorities</p> <p>Moved from row 167 [167-107b]</p>	<p>Competent authorities</p>	<p>authorities</p> <p>Text Origin: Council Mandate</p>
107b	<p>1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State competent authorities shall be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.</p> <p>Moved reference text</p>		<p>1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State <u>These</u> competent authorities shall be responsible for ensuring the work in close cooperation with the Commission to ensure an effective and uniform implementation of this Regulation throughout the Union.</p> <p>Moved from row 168 [168 - 107c]</p>	<p>1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State competent authorities shall be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.</p>	<p>1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State competent authorities <u>and the Commission</u> shall <u>work in close cooperation and</u> be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.</p> <p>TM 02.02: CNS - wanted to enforce the role of COM. CNS: "Throughout the Union" deleted - impact can be beyond Union, inspections outside the Union. COM: implementation will be within the Union, against the deletion at the end. EP: re-introduce the deleted</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>text at the end "(throughout the Union")</p> <p>Agreed: keep "throughout the Union" in the text. Rest to be discussed later.</p>
G	<p>107c</p> <p>2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.</p> <p>Moved reference text</p>		<p>2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.</p> <p>Moved from row 169 [169 - 107d]</p>	<p>2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.</p>	<p>2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.</p> <p>Text Origin: Commission Proposal</p>
R	<p>107d</p> <p>3. No later than three months after the date of entry into force of this Regulation, Member States shall, through the information and</p>		<p>3. No later than three<u>OP enter DATE = 12</u> months after the date of entry into force of this Regulation, Member States shall, through the information</p>	<p>3. No later than three months after the date of entry into force of this Regulation, Member States shall, through the information and</p>	<p>3. No later than three<u>OP enter DATE = X</u> months after the date of entry into force of this Regulation, Member States shall, through the information</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>communication system referred to in Article 22(1), provide the Commission and the other Member States with the following information:</p> <p>Moved reference text</p>		<p>and communication system referred to in Article 22(1)8(1), provide the Commission and the other Member States with the following information:</p> <p>Moved from row 170 [170 - 107e]</p>	<p>communication system referred to in Article 22(1), provide the Commission and the other Member States with the following information:</p>	<p>and communication system referred to in Article 22(1)8(1), provide the Commission and the other Member States with the following information:</p> <p>TM 02.02: CNS: MS authorities need more time internally. COM: extension here might have an impact on other deadlines.</p> <p>Text Origin: Council Mandate</p>
G 107e	<p>(a) the names, addresses and contact details of the designated competent authority or authorities;</p> <p>Moved reference text</p>		<p>(a) the names, addresses and contact details of the designated competent authority or authorities;</p> <p>Moved from row 171 [171 - 107f]</p>	<p>(a) the names, addresses and contact details of the designated competent authority or authorities;</p>	<p>(a) the names, addresses and contact details of the designated competent authority or authorities;</p> <p>Text Origin: Commission Proposal</p>
G 107f	<p>(b) the areas of competence of the designated competent</p>		<p>(b) the areas of competence of the designated competent</p>	<p>(b) the areas of competence of the designated competent</p>	<p>(b) the areas of competence of the designated competent</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>authority or authorities.</p> <p>Moved reference text</p>		<p>authority or authorities.</p> <p>Moved from row 172 [172 - 107g]</p>	<p>authority or authorities.</p>	<p>authority or authorities.</p> <p>Text Origin: Commission Proposal</p>
107g	<p>Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.</p> <p>Moved reference text</p>		<p>Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.</p> <p>Moved from row 173 [173 - 107h]</p>	<p>Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.</p>	<p>Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.</p> <p>Text Origin: Commission Proposal</p>
107h	<p>4. The Commission shall make the list of the designated competent authorities publicly available on its website and shall regularly update that list, based on the updates received from Member States.</p> <p>Moved reference text</p>		<p>4. The Commission shall make the list of the designated competent authorities publicly available on <u>the Forced Labour Single Portal referred to in Article 12</u> its website and shall regularly update that list, based on the updates received from Member States.</p>	<p>4. The Commission shall make the list of the designated competent authorities publicly available on its website and shall regularly update that list, based on the updates received from Member States.</p>	<p>4. The Commission shall make the list of the designated competent authorities publicly available on <u>the Forced Labour Single Portal</u> its website and shall regularly update that list, based on the updates received from Member States.</p> <p>TM 02.02:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 174 to 107i]		CNS: portal would provide info as dedicated website. Will be discussed with Art 12. Text Origin: Council Mandate
107i	5. Member States shall ensure that the designated competent authorities exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.		5. Member States shall ensure that the designated competent <u>authority or</u> authorities exercise <u>its or</u> their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely <u>and</u> <u>exchange information</u> with the <u>relevant</u> national <u>authorities such as the</u> labour inspections and judicial and law enforcement authorities, including those responsible	5. Member States shall ensure that the designated competent authorities exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers, <u>expertise</u> and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.	5. Member States shall ensure that the designated competent authorities exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their competent authorities have the necessary powers, <u>expertise</u> , and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		<p>for the fight against trafficking in human beings.</p> <p>Moved from row 175 [175 - 107j]</p>		<p>TM 02.02: COM: "relevant" useful addition, "expertise" - to be strived for. EP: possible to strive for a compromise here. TM 14/2: line greened</p>
107j			<p><u>6. Competent authorities may cooperate with other national authorities relevant for the implementation of this regulation, such as the authorities designated by the Member State under Directive (EU) [XXX/XXX] on Corporate Sustainability Due Diligence and 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.</u></p>		<p><u>5a. Member States shall ensure that competent authorities coordinate closely and exchange information with the relevant national authorities, such as the labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings, and the authorities designated by the Member State under Directive (EU) [XXX/XXX] on Corporate Sustainability Due Diligence and Directive (EU) 2019/1937 of the European Parliament and of the Council of 23</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p><u>October 2019 on the protection of persons who report breaches of Union law.</u></p> <p>TM 02.02: CNS: wanted to ensure complementarity with CSDDD and Whistleblowers Directive. Could be merged with previous line, (such as ...). COM: cooperation with such authorities will be important. EP: compromise could be explored.</p> <p>TM 14/2: EP compromise text accepted, line greened</p>
G 107k	<p>6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30.</p> <p>Moved reference text</p>		<p>67. Member States shall confer on their competent authorities the power to impose, <u>either directly, in cooperation with other authorities or by application to the competent judicial authorities,</u> penalties in accordance with Article 30<u>34</u>.</p>	<p>6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30.</p>	<p>6. Member States shall confer on their competent authorities the power to impose, <u>either directly, in cooperation with other authorities or by application to the competent judicial authorities,</u> penalties in accordance with Article 30<u>34</u>.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 176 [176 107]		<p>TM 02.02: CNS: responds to the concerns of a MS. Same solution found in the CSDDD. COM: we agree. EP: we will check with EP LS.</p> <p>Text Origin: Council Mandate</p>
1071			<u>Chapter II Governance</u>		<p><u>Chapter II Governance</u></p> <p>Text Origin: Council Mandate</p>
108	Article 5 Investigations	Article 5 Investigations	<p><i>deleted</i></p> <p>Investigations Article moved to New Article 18</p>		
109	1. Competent authorities that, pursuant to Article 4(5), determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an	1. <u>The Commission or</u> competent authorities that, pursuant to Article 4(5) <u>or to the information contained in the delegated act referred to in Article</u>	<p><i>deleted</i></p> <p>Moved to row 195c [109 - 195c]</p>		

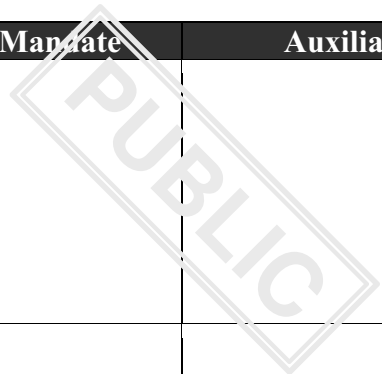
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	investigation on the products and economic operators concerned.	<u>11a</u> , determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an investigation on the products and economic operators concerned.			
110	2. Competent authorities that initiate an investigation pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within 3 working days from the date of the decision to initiate such investigation about the following:	2. <u>The Commission or</u> competent authorities that initiate an investigation pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within 3 ² working days from the date of the decision to initiate such investigation about the following:	deleted Moved to row 203b [110 - 203b]		
111	(a) the initiation of the investigation and the possible consequences thereof;	(a) the initiation of the investigation and the possible consequences thereof;	deleted Moved to row 203c [111 - 203c]		
112	(b) the products subject to the investigation;	(b) the products subject to the investigation;	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved to row 203c [112 - 203d]		
113	(c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;	(c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;	deleted Moved to row 203e [113 - 203e]		
114	(d) the possibility for the economic operators to submit any other document or information to the competent authority, and the date by which such information has to be submitted.	(d) the possibility for the economic operators to submit any other document or information to the competent authority <u>or the Commission</u> , and the date by which such information has to be submitted-;	deleted Moved to row 203f [114 - 203f]		
114a		<u>(da) the requirement for the economic operator to demonstrate that Article 3 has not been violated with regard to the products coming from the geographic areas and the economic sectors listed in</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>the delegated act adopted pursuant to Article 11a.</u>			
115	3. Where requested to do so by competent authorities, economic operators under investigation shall submit to those competent authorities any information that is relevant and necessary for the investigation, including information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, competent authorities shall to the extent possible:	3. Where requested to do so by <u>the Commission or</u> competent authorities, economic operators under investigation <u>and relevant product suppliers</u> shall submit to <u>the Commission or</u> those competent authorities any information that is relevant and necessary for the investigation, including information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, <u>the Commission or</u> competent authorities shall to the extent possible:	deleted Moved to row 203g [115 - 203g]		
116	(a) prioritise the economic operators under investigation involved in	(a) <u>after identifying the individual responsibilities, along the supply chain, of</u>	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	the steps of the value chain as close as possible to where the likely risk of forced labour occurs and	<u>different product suppliers down to the level where forced labour is taking place</u> , prioritise the economic operators under investigation <u>and relevant product suppliers</u> involved in the steps of the value <u>supply</u> chain as close as possible to where the <u>forced labour</u> likely risk <u>occurs and with the highest leverage to prevent, mitigate, bring to an end and remediate the use</u> of forced labour occurs , and	Moved to row 203i [17 - 203i]		
117	(b) take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.	(b) take into account the size and economic resources of the economic operators, <u>in particular whether the operator is an SME</u> , the quantity of products concerned, <u>the complexity of the supply chain</u> , as well as the scale of suspected forced labour.	deleted Moved to row 203j [117 - 203j]		
118	4. Economic operators	4. Economic operators <u>and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	shall submit the information within 15 working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.	<u>relevant product suppliers</u> shall submit the information within 15 <u>30</u> working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.	<i>deleted</i> Moved to row 203k [118 - 203k]		
119	5. When deciding on the time limits referred to in this Article, competent authorities shall consider the size and economic resources of the economic operators concerned.	5. When deciding on the time limits referred to in this Article, <u>the Commission and</u> competent authorities shall consider the size and economic resources of the economic operators concerned, <u>including whether the economic operator is an SME</u> .	<i>deleted</i> Moved to row 203l [119 - 203l]		
120	6. Competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided that the economic operators concerned give their consent and that the government of the Member	6. <u>The Commission and</u> competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided that the economic operators concerned give their consent and that the	Moved to row 203n [120 - 203n]		



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	State or third country in which the inspections are to take place has been officially notified and raises no objection.	government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.			
120a		<u>6a. The Commission and competent authorities may ask diplomatic representations of the Union in relevant third countries to provide information and support.</u>			
120b		<u>6b. The Commission and competent authorities may request relevant information from other stakeholders.</u>			
120c	Article 24 Union Network Against Forced Labour Products Moved reference text		Article 24 6 Union Network Against Forced Labour Products Moved from row 240 [240 - 120c]	<u>EP</u> Article 24 Union Network Against Forced Labour Products	Article 24 6 Union Network Against Forced Labour Products TM 14/2: compromise text proposed by COM, reordering of the CNS,

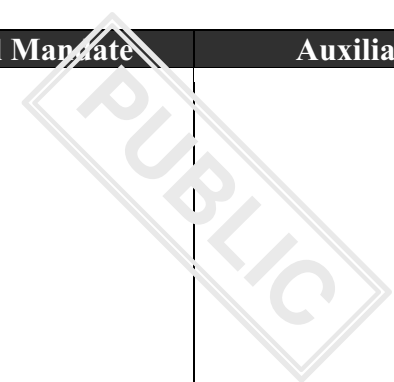
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>inclusion FRA and Labour Org, ad hoc basis, keep the para on resources red (line 120x or y)</p> <p>Text Origin: Council Mandate</p>
120d	<p>1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent.</p> <p>Moved reference text</p>		<p>1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent.</p> <p>Moved from row 241 [241 - 120d]</p>	<p>1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent. <u>The Commission shall coordinate the work of the Network.</u></p> <p><u>1a. The Commission and the Member States shall ensure that the Network has the necessary</u></p>	<p>1. A Union Network Against Forced Labour Products ('the Network') is <u>hereby</u> established.</p> <p><u>1a.</u> The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent.</p> <p>TM 02.02: CNS: EP text (1a) could possibly be added to a recital, to be checked with the MS. CNS to check their flexibility.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>resources to carry out the tasks referred to in paragraph 3, including sufficient budgetary and other resources.</u>	TM 14/02 Resources still need to be agreed, keep red (in line 120l).
120e	<p>2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.</p> <p>Moved reference text</p>		<p>2. The Network shall be composed of representatives<u>a representative</u> from each Member States' competent authority, <u>State and</u> representatives from the Commission. <u>On an ad hoc basis, Member State representatives may invite and, where appropriate, experts from the customs authorities or other relevant Member State authorities. Where appropriate, external experts and stakeholders may be invited to participate in the meetings.</u></p> <p>Moved from row 242 [242 - 120e]</p>	<p>2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.</p>	<p>2. The Network shall be composed of representatives from each Member States' competent authority<u>State</u>, representatives from the Commission and, where appropriate, experts<u>representatives</u> from the customs authorities.</p> <p>TM 02.02: CNS: could consider including also the longer EP list of participants (line 120v). EP: compromise text could be explored.</p>
120f			<u>3. The Commission shall</u>	<u>2a A representative from</u>	<u>2a. The Commission shall</u>

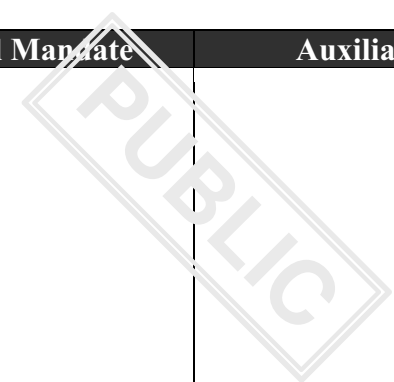
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>chair the Network and provide technical and logistical support to its members through an executive secretariat.</u>	<u>the Commission shall chair the meetings of the Network.</u> <u>2b. The Network shall have a secretariat. It shall be provided by the Commission. The secretariat shall organise the meetings of the Network and provide technical and logistical support to the Network.</u>	<u>coordinate the work of the Network. A representative from the Commission shall chair the meetings of the Network.</u> <u>2b. The Network shall have a secretariat provided by the Commission. The secretariat shall organise the meetings of the Network and provide technical and logistical support to the Network.</u> TM 02.02: COM: happy to take on those tasks, no contradiction between the texts. CNS agreed with EP text. Line greened. Text Origin: Auxiliary 1
120g			<u>4. Members of the Network shall actively participate to ensure efficient coordination and cooperation, and contribute to uniform risk-</u>	<u>4. (ca) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of</u>	<u>2c. Members of the Network shall actively participate to ensure efficient coordination and cooperation, and contribute to the uniform</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>based approaches of administrative practices for the implementation of this Regulation.</u>	<u>this Regulation in the Member States;</u>	<u>implementation of this Regulation.</u> TM 02.02: line 120m also to be greened Line to be greened Text Origin: Council Mandate
120h	3. The Network shall have the following tasks: Moved reference text		35 . The Network shall have the following tasks: Moved from row 243 [243 - 120h]	<u>EP</u> 3. The Network shall have the following tasks:	3. The Network shall have the following tasks: TM 02.02: structure for the tasks to be decided, compromise text to be explored. COM to propose compromise text on the Article on the Union Network Text Origin: Commission Proposal
120i	(a) facilitate the identification of common priorities for enforcement activities, to exchange		(a) facilitate the identification of common priorities for enforcement activities, to exchange	(a) facilitate the identification of common priorities for enforcement activities, to exchange	(a) facilitate the identification of common <u>enforcement</u> priorities for to <u>achieve the objectives of</u>

Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
<p>information, expertise and best practices;</p> <p>Moved reference text</p>		<p>information, expertise and best practices <u>to achieve the objective of prohibiting products made from forced labour on the Union market, providing guidance with a view to supporting the identification [by the Commission] of enforcement at Union level, thereby further contributing to the fight against forced labour;</u></p> <p>Moved from row 244 [244 - 120i]</p>	<p>information, expertise and best practices;</p>	<p><u>prohibiting products made with forced labour on the Union market and contributing to the fight against forced labour;</u></p> <p><u>(d) facilitate the coordination of investigations, [including the designation of the lead competent authority]</u></p> <p><u>(i) follow-up on the enforcement activities, to of decisions taken pursuant to [Article 20];</u></p> <p><u>(d) upon request from the Commission, contribute to the development of guidelines referred to in Article [11]</u></p> <p><u>(b) facilitate and coordinate the collection and exchange of information, expertise and best practices with regard to the application of this Regulation;</u></p> <p><u>(da) contribute to uniform risk-based approaches and</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<u>administrative practices for the implementation of this Regulation;</u> <u>(l) promote best practices in the application of penalties provided by [Article 34];</u> <u>(m) cooperate, as appropriate, with Commission services, Union agencies or Member State authorities relevant for the implementation of this Regulation,</u> <u>(k) promote the cooperation, exchanges of personnel and visit programmes among competent authorities and customs authorities, as well as between these and third countries' competent authorities and international organisations;</u> <u>(h) facilitate the organisation of training and capacity building</u>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p><u>activities on the implementation of this Regulation for competent authorities, customs authorities and other relevant authorities of Member States, the Commission and EU Delegations in third countries</u></p> <p><u>(n) upon request from the Commission, provide assistance to the Commission on the development of a coordinated approach for engagement and cooperation with third countries pursuant to Article 13,</u></p> <p><u>(ba) monitor situations of systemic use of forced labour</u></p> <p><u>(cc) assist in the organisation of information and awareness-raising campaigns about this Regulation;</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p><u>(i) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;</u></p> <p>After TM 14/02: after restructuring and reordering, all points under this paragraph appear in this line.</p>
120j	<p>1. The Commission shall ensure efficient cooperation among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.</p> <p>Moved reference text</p>		<p>1.(b) The Commission shall ensure efficient cooperation among the competent authorities of the Member States through facilitating and coordinating <u>facilitate and coordinate</u> the exchange and collection of information and best practices with regard to the application of this Regulation.</p> <p>Moved from Article 13(1)</p> <p>Moved from row 178 [178 - 120j]</p>	<p>1.EPI3(1) The Commission shall ensure efficient cooperation <u>and coordination</u> among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.</p>	<p>13a. The Commission shall ensure efficient cooperation among the <u>Other relevant Member State authorities can attend meetings 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, third countries'</u> competent authorities of the Member States through facilitating and coordinating the</p>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>exchange and collection of information and best practices with regard to the application of this, <u>the European Agency for Fundamental Rights, the European Labour Authority or relevant Commission services, EU Delegations and Union agencies with expertise in the areas covered by the Regulation may be invited to attend meetings of the Network or to provide written contributions.</u></p> <p>After TM 14/02: this was paragraph 8 in the COM compromise.</p>
G 120k	<p>(b) conduct joint investigations;</p> <p>Moved reference text</p>		<p>(b)(d) conduct joint <u>facilitate the coordination of investigations pursuant to Article 17, including the designation of the lead competent authority pursuant to Article 16;</u></p> <p>Moved from row 245 [245 - 120k]</p>	<p>(b)(c) conduct joint investigations;</p> <p><u>(ba) commission research and monitor situations of systemic use of forced labour;</u></p>	<p>(b)3b. conduct joint investigations; <u>The Network shall meet at regular intervals and, where necessary, at the duly motivated request of the Commission or a Member State.</u></p> <p>After TM 14/02: this was paragraph 9 in the COM</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					compromise.
R	120l		<u>(e) ensure the exchange of information and coordination between competent authorities and the Commission pursuant to Article 7;</u>		<u>3c. The Commission and the Member States shall ensure that the Network has the necessary resources to carry out the tasks referred to in paragraph [5], including sufficient budgetary resources.</u> After TM 14/02: this was paragraph 9a in the COM compromise.
G	120m	(c) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States; Moved reference text	deleted Moved to point (h) Moved from row 246 [246 - 120m]		deleted TM 02.02: deletion agreed After TM 14/02: reflected in 120i
G	120n	(d) contribute to the		(d) contribute to the	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	development of guidance to ensure the effective and uniform application of this Regulation; Moved reference text		<i>deleted</i> Moved from row 247 [247 120n]	development of guidance to ensure the effective and uniform application of this Regulation, <u>and identify discrepancies between enforcement at the level of different Member States;</u>	<i>deleted</i> After TM 14/02: reflected in 120i
120o			<u>(g) facilitate the coordination between competent authorities for them to provide operational and technical assistance regarding the monitoring of information and communication systems referred to in Article 8,</u>		<i>deleted</i> After TM 14/02: reflected in 120i
120p			<u>(h) facilitate the organisation of training and capacity building activities for the competent authorities and customs authorities of the Member States;</u> Moved from Article 24(3)(c)	<u>(e) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States;</u> <u>(ca) facilitate capacity building activities, such as</u>	<i>deleted</i> After TM 14/02: reflected in 120i

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>the organisation of training programmes for competent authorities and other relevant stakeholders;</u></p> <p><u>(b) promote cooperation, exchange of expertise, exchanges of personnel and voluntary mutual visit programmes between competent authorities and, where appropriate, with the authorities of partner third countries or with international organisations, especially with the authorities of low and lower middle-income countries;</u></p> <p><u>(cc) assist in the organisation of information campaigns about this Regulation inside and outside the Union;</u></p> <p><u>(cd) involve and organise training for the diplomatic representations of the Union to assist in the information gathering and</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>dissemination efforts of this Regulation;</u>	
120q			<u>(i) follow-up on the enforcement of decisions taken pursuant to Article 20;</u>		deleted After TM 14/02: reflected in 120i
120r	(e) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products; Moved reference text		(e) <u>(i)</u> promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products; Moved from row 248 [248 - 120r]	(e) <u>(f)</u> promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;	deleted After TM 14/02: reflected in 120i
120s			<u>(l) promote best practices in the application of penalties provided by Article 34;</u>		deleted After TM 14/02: reflected in 120i
120t					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>(m) cooperate, as appropriate, with other Union agencies or national authorities relevant for the implementation of this regulation, such as the authorities designated by the Member State under Directive (EU) [XXX/XXX] on Corporate Sustainability Due Diligence and 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.</u>		<p><i>deleted</i></p> <p>After TM 14/02: reflected in 120i</p>
120u	<p>(f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities;</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 249 [249 - 120u]</p>	<p>(g) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities, <u>as well as between those authorities and competent authorities of third countries and international</u></p>	<p><i>deleted</i></p> <p>TM 02.02: CNS - possibly combine this line with 120y (internat org).</p> <p>After TM 14/02: reflected in 120i</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>organisations, including the World Customs Organisation;</u></p> <p><u>(a) maintain regular contact with the Commission's relevant services to receive information from other Union initiatives that support the eradication of forced labour and provide relevant information about the application of this Regulation.</u></p>	
120v	<p>4. The Commission shall support and encourage cooperation between enforcement authorities through the Network and participate in the meetings of the Network.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 250 [250 - 120v]</p>	<p>4. The Commission shall <u>ensure the effective and uniform application of this Regulation and to that effect</u> support and encourage cooperation between enforcement authorities through <u>the Network</u>.</p> <p><u>4a. The Network may invite experts and stakeholders, including social partners and other workers' representatives, civil society and human</u></p>	<p><i>deleted</i></p> <p>TM 02.02: CNS not opposed to the EP text in para 4.</p> <p>After TM 14/02: reflected in 120k</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>rights organisations</u> <u>representatives, businesses</u> <u>representatives,</u> <u>international</u> <u>organisations, third</u> <u>countries' competent</u> <u>authorities, the European</u> <u>Agency for Fundamental</u> <u>Rights, the European</u> <u>Labour Authority or other</u> <u>Union agencies with</u> <u>relevant expertise</u>and participate in the <u>areas</u> <u>covered by this Regulation</u> <u>to attend</u> meetings of the Network <u>or to provide</u> <u>written contributions.</u> <u>Where appropriate,</u> <u>diplomatic representations</u> <u>of the Union, particularly</u> <u>based in countries with</u> <u>regions identified having a</u> <u>high risk of forced labour</u> <u>occurring, shall also be</u> <u>involved in the work of this</u> <u>Network.</u></p> <p><u>4b. The Network shall</u> <u>meet at regular intervals</u> <u>and, where necessary, at</u> <u>the duly motivated request</u> <u>of the Commission or a</u> <u>Member State.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
120w			<u>6. Upon request of the Commission, the Network may provide assistance in the following tasks:</u>		deleted After TM 14/02: reflected in 120i
120x			<u>(b) be consulted and contribute to the development of guidance referred to in Article 11;</u>		deleted After TM 14/02: reflected in 120i
120y			<u>(c) develop a coordinated approach to engage and cooperate with third countries pursuant to Article 13;</u>		deleted After TM 14/02: reflected in 120i
120z	5. The Network shall establish its rules of procedure. Moved reference text		5 7. The Network shall establish its rules of procedure. Moved from row 251 [251 - 120z]	5. The Network shall establish its rules of procedure.	5. The Network shall establish its rules of procedure. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
121	Article 6 Decisions of competent authorities	Article 6 Decisions of competent authorities <u>and the Commission</u>	Moved to row 212b [121 - 212b]		
122	1. Competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been violated, within a reasonable period of time from the date they initiated the investigation pursuant to Article 5(1).	1. <u>The Commission or</u> competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been violated, within a reasonable period of time <u>90 working days</u> from the date they initiated the investigation pursuant to Article 5(1), <u>unless a duly justified request for the extension of the deadline in Article 5(4) was accepted.</u>	Moved to row 212c [122 - 212c]		
123	2. Notwithstanding paragraph 1, competent authorities may establish that Article 3 has been violated on the basis of any	2. Notwithstanding paragraph 1, <u>the Commission or</u> competent authorities may establish that Article 3 has been	Moved to row 212d [123 - 212d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	other facts available where it was not possible to gather information and evidence pursuant to Article 5(3) or (6).	violated on the basis of any other facts available where it was not possible to gather information and evidence pursuant to Article 4(3) and Article 5(3) or (6).			
123a		2a. Notwithstanding paragraph 1, economic operators shall demonstrate that Article 3 has not been violated in cases concerning products coming from the geographic area and the economic sector listed in the delegated act adopted pursuant to Article 11a.			
124	3. Where competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and inform the economic operator thereof.	3. Where the Commission or competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and inform the economic operator thereof. The decision to close the investigation shall be without prejudice to the	Moved to row 212e [124 - 212e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u><i>adoption of a new decision to open an investigation under Article 5(1), in the event that the Commission or the competent authority receive new information pursuant to Article 4. Such closed investigations shall not appear in the database.</i></u>			
125	4. Where competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:	4. Where <u>the Commission</u> <u>or</u> competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:	Moved to row 212f [125 - 212f]		
126	(a) a prohibition to place or make the products concerned available on the Union market and to export them;	(a) a prohibition to place or make the products <u>or product components</u> concerned available on the Union market and to export them;	Moved to row 212g [126 - 212g]		
127	(b) an order for the economic operators that have been subject to the investigation to withdraw	(b) an order for the economic operators that have been subject to the investigation to withdraw	Moved to row 212h [127 - 212h]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	from the Union market the relevant products that have already been placed or made available on the market;	from the Union market the relevant products <u>or product components</u> that have already been placed or made available on the market;			
128	(c) an order for the economic operators that have been subject to the investigation to dispose of the respective products in accordance with national law consistent with Union law.	(c) an order for the economic operators that have been subject to the investigation to <u>i) if the products are perishable, donate the products concerned to charitable organisations or organisations that benefit public interest;</u> <u>ii) if the products are not perishable, recycle the products concerned;</u> <u>iii) where points (i) and (ii) are not possible,</u> dispose of the respective products in accordance with national law consistent with Union law.	Moved to row 212i [128 - 212i]		
129	5. Where an economic operator has failed to comply with the decision	5. Where an economic operator has failed to comply with the decision	Moved to row 212j [129 - 212j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	referred to in paragraph 4, the competent authorities shall ensure all of the following:	referred to in paragraph 4, the <u>Commission or the</u> competent authorities shall ensure all of the following:			
130	(a) that it is prohibited to place or make available the products concerned on the market;	(a) that it is prohibited to place or make available the products concerned on the market;	Moved to row 212k [130 - 212k]		
131	(b) that the products already placed or made available on the market are withdrawn from the Union market;	(b) that the products already placed or made available on the market are withdrawn from the Union market;	Moved to row 212l [131 - 212l]		
132	(c) that any product remaining with the economic operator concerned is disposed of in accordance with national law consistent with Union law at the expense of the economic operator.	(c) that any product remaining with the economic operator concerned is <u>i) if the products are perishable, donated to charitable organisations or organisations that benefit public interest;</u> <u>ii) if the products are not perishable, recycled;</u>	Moved to row 212m [132 - 212m]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>iii) where points (i) and (ii) are not possible,</u> disposed of in accordance with national law consistent with Union law at the expense of the economic operator.</p>			
133	<p>6. Where economic operators provide evidence to the competent authorities that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned, the competent authorities shall withdraw their decision for the future and inform the economic operators.</p>	<p>6. Where economic operators provide evidence to the competent authorities<u>the Commission or competent authorities establish that economic operators have demonstrated</u> that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned <u>and that relevant forced labour cases have been remediated, the Commission or</u> the competent authorities shall withdraw their decision for the future and inform the economic operators.</p>	Moved to row 212n [133 - 212n]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	133a	Article 9 Information obligations of the competent authorities Moved reference text	Article 9 Information obligations of the competent authorities <u>and the Commission</u> Moved from row 149 [149 - 133a]	<u>EP</u> Article 9 Information obligations of the competent authorities	
Y	133b	1. The competent authority shall without delay inform the Commission and the competent authorities of other Member States using the information and communication system referred to in Article 22(1) about the following: Moved reference text	1. The competent authority shall without delay inform the Commission and the competent authorities of other Member States, <u>and</u> <u>where relevant, other</u> <u>relevant Member State</u> <u>authorities</u> , using the information and communication system referred to in Article 22(1) <u>8(1)</u> about the following: Moved from row 150 [150 - 133b]	1. <u>The Commission and</u> the competent authority shall without delay inform the Commission and the other competent authorities of other Member States using the information and communication system referred to in Article 22(1) about the following:	TM 14/02: parked
Y	133c		<u>(aa) any request for</u> <u>information made in</u>	<u>(-a) any decision to open a</u> <u>preliminary investigation</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>accordance with Article 15(2)</u>	<u>as referred to in Article 4, based on one or several submissions of information through the mechanism referred to in Article 13;</u> <u>(-b) the existence of substantiated concern following the preliminary phase of investigation, referred to in Article 4(5);</u>	
Y	133d (a) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 4(7); Moved reference text		(a) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 4(7) 15(6); Moved from row 151 [151 - 133d]	(a) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 4(7);	Y
Y	133e		<u>(ba) any result of the preliminary phase of investigation referred to in Article 15(7);</u>		Y
Y	133f				Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>(bb) any intention to initiate an investigation made in accordance with Article 16(3);</u>		
Y	133g Moved reference text		(b) any decision to initiate an investigation referred to in Article 5(1) <u>18(1)</u> ; Moved from row 152 [152 - 133g]	(b) any decision to initiate an investigation referred to in Article 5(1);	
Y	133h (c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their disposal referred to in Article 6(4); Moved reference text		(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their disposal <u>result of an investigation</u> referred to in Article 6(4) <u>18(6)</u> ; main content moved to paragraph 2(c) Moved from row 153 [153 - 133h]	(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their <u>donation, recycling or</u> disposal referred to in Article 6(4);	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>133i</p> <p>(d) any decision to close the investigation referred to in Article 6(3);</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p><i>moved to paragraph 2(d)</i></p> <p><i>Moved from row 154 [154 - 133i]</i></p>	<p>(d) any decision to close the investigation referred to in Article 6(3);</p>	Y
Y	<p>133j</p> <p>(e) any withdrawal of the decision referred to in Article 6(6);</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p><i>moved to paragraph 2(e)</i></p> <p><i>Moved from row 155 [155 - 133j]</i></p>	<p>(e) any withdrawal of the decision referred to in Article 6(6);</p>	Y
Y	<p>133k</p> <p>(f) any request of an economic operator for a review referred to in Article 8(1);</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p><i>Moved from row 156 [156 - 133k]</i></p>	<p>(f) any request of an economic operator for a review referred to in Article 8(1);</p>	Y
Y	<p>133l</p> <p>(g) any result of the review referred to in Article 8(4).</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p><i>moved to paragraph 2(g)</i></p>	<p>(g) any result of the review referred to in Article 8(4).</p>	Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 157 [157 133l]		
G 133m	<p>2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 158 [158 - 133w]</p>	<p>2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website.</p> <p><u>2a. Any decision referred to in Article 6(4) and 6(6) shall be communicated to the public by the competent authority who adopted it or, if the decision has been adopted by the Commission, by the Commission.</u></p>	<p><i>deleted</i></p> <p>TM 14/2: EP can agree with the deletion, info would be in the portal. Line greened.</p>
Y 133n			<p><u>3. The Commission shall without delay inform the competent authorities, and where relevant, other relevant Member State authorities, using the information and communication system</u></p>		

		Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>referred to in Article 15(2) about the following:</u>		
Y	133o			<u>(aa) any request for information made in accordance with Article 15(2);</u>		Y
Y	133p			<u>(ab) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 15(6);</u>		Y
Y	133q			<u>(a) any result of the preliminary phase of investigation referred to in Article 15(7);</u>		Y
Y	133r			<u>(b) any decision to initiate an investigation referred to in Article 18(1);</u>		Y
Y	133s			<u>(c) any decision referred</u>		Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>to in Article 20(4);</u>		
Y	133t		<u>(d) any information referred to in Article 20(3);</u>		Y
Y	133u		<u>(e) any withdrawal of the decision referred to in Article 20(8);</u>		Y
Y	133v		<u>(g) any result of the review referred to in Article 20(7);</u>		Y
Y	133w		<u>(h) any result of the judicial review referred to in Article 21(1e).</u>		Y
	134 Article 7 Content of the decision	Article 7 Content of the decision	Moved to row 214a [134 - 214a]		
	135 1. The decision referred to in Article 6(4) shall contain	1. The decision referred to in Article 6(4) shall contain	Moved to row 214b [135 -		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	all of the following:	all of the following:	214b]		
136	(a) the findings of the investigation and the information underpinning the findings;	(a) the findings of the investigation and the information <u>and evidence</u> underpinning the findings;	Moved to row 214c [136 - 214c]		
137	(b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no longer than necessary to withdraw the respective products. When setting such a time limit, the competent authority shall take into account the economic operator's size and economic resources;	(b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no longer than necessary to withdraw the respective products. When setting such a time limit, the <u>Commission or the</u> competent authority shall take into account the economic operator's size and economic resources, <u>including whether the operator is an SME</u> ;	Moved to row 214d [137 - 214d]		
138	(c) all relevant information and in particular the details allowing the identification of the product, to which the	(c) all relevant information and in particular the details allowing the identification of the product, to which the	Moved to row 214e [138 - 214e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	decision applies, including details about the manufacturer or producer and the product suppliers;	decision applies, including details about the manufacturer, <u>producer</u> , <u>production site</u> , or producer and the product suppliers;			
139	(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.	(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.	Moved to row 214f [139 - 214f]		
140	2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.	2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.	Moved to row 214h [140 - 214h]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
R 141	Article 8 Review of decisions	Article 8 Review of decisions	deleted		
R 142	1. Competent authorities shall provide economic operators affected by a decision adopted pursuant to Article 6(4) the possibility of requesting a review of that decision within 15 working days from the date of receipt of that decision. In case of perishable goods, animals and plants, that time limit shall be 5 working days. The request for review shall contain information which demonstrates that the products are placed or made available on the market or to be exported in compliance with Article 3.	1. Competent authorities <u>and the Commission</u> shall provide economic operators affected by a decision adopted pursuant to Article 6(4) the possibility of requesting a review of that decision within 15 working days from the date of receipt of that decision, <u>and inform them of such possibility</u> . In case of perishable goods, <u>including foodstuffs</u> , animals and plants, that time limit shall be 5 working days. The request for review shall contain information which demonstrates that the products are placed or made available on the market or to be exported in compliance with Article 3.	deleted		
R 143	2. A request for a review of a decision adopted	2. A request for a review of a decision adopted	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	pursuant Article 6(4) shall contain new information that was not brought to the attention of the competent authority during the investigation. The request for a review shall delay the enforcement of the decision adopted pursuant to Article 6(4) until the competent authority decides on the request for the review.	pursuant Article 6(4) shall contain <u>substantial</u> new information that was not brought to the attention of the competent authority during the investigation. The request for a review shall delay the enforcement of the decision adopted pursuant to Article 6(4) until the competent authority <u>or the Commission</u> decides on the request for the review.			
R 144	3. A competent authority shall take a decision on the request for review within 15 working days from the date of receipt of the request. In case of perishable goods, animals and plants that time limit shall be 5 working days.	3. A competent authority <u>or the Commission</u> shall take a decision on the request for review within 15 working days from the date of receipt of the request. In case of perishable goods, animals and plants that time limit shall be 5 working days.	deleted		
R 145	4. Where a competent authority considers that after taking into account the new information provided	4. Where a competent authority <u>or the Commission</u> considers that after taking into account the	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	by the economic operator in accordance with paragraph 1 it cannot establish that the products have been placed or made available on the market or are being exported in violation of Article 3, it shall withdraw its decision adopted pursuant to Article 6(4).	new information provided by the economic operator in accordance with paragraph 1 it cannot establish that the products have been placed or made available on the market or are being exported in violation of Article 3, it shall withdraw its decision adopted pursuant to Article 6(4) <u>and remove the decision from the database referred to in Article 11.</u>			
146	5. Economic operators that have been affected by a decision of a competent authority pursuant to this Regulation shall have access to a court to review the procedural and substantive legality of the decision.	5. Economic operators that have been affected by a decision of a competent authority pursuant to this Regulation shall have access to a court to review the procedural and substantive legality of the decision.	<i>deleted</i>		
147	6. Paragraph 5 shall be without prejudice to any provision of national law which requires that administrative review	6. Paragraph 5 shall be without prejudice to any provision of national law which requires that administrative review	<i>deleted</i>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	procedures be exhausted prior to recourse to judicial proceedings.	procedures be exhausted prior to recourse to judicial proceedings.			
R 148	7. Decisions adopted by competent authorities pursuant to Article 6 and to this Article 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.	7. Decisions adopted by competent authorities pursuant to Article 6 and to this Article 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.	deleted		
G 148a	Article 22 Information and communication systems Moved reference text		Article 22 8 Information and communication systems Moved from row 221 [221 - 148a]	<u>EP</u> Article 22 Information and communication systems	Article 22 8 Information and communication systems Text Origin: Council Mandate
G 148b	1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system		1. For the purposes of Chapters H and III <u>III, IV, and V</u> , competent authorities <u>and the Commission</u> shall use the	1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system	1. For the purposes of Chapters H and III <u>III, IV, and V</u> , competent authorities <u>and the Commission</u> shall use the

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.</p> <p>Moved reference text</p>		<p>information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.</p> <p>Moved from row 222 [222 - 148b]</p>	<p>referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.</p>	<p>information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.</p> <p>Text Origin: Council Mandate</p>
148c			<p><u>1a. Notwithstanding paragraph 1, competent authorities may use other existing communication systems with other authorities within their own Member State.</u></p>		<p><i>deleted</i></p> <p>TM 02.02: COM - ICSMS should be the only official communication channel, important also for customs, deadlines calculated on the basis of ICSMS. Not entirely against though. CNS: specific request from MS, keep it now. EP: need to ensure communication via ICSMS.</p> <p>TM 14/2: line 26i recital text</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G 148d	<p>2. The decisions communicated pursuant to Article 15(3) shall be entered in the relevant customs risk management environment.</p> <p>Moved reference text</p>		<p>2. The decisions communicated pursuant to Article 15(3)25(3) shall be entered in the relevant customs risk management environment.</p> <p>Moved from row 223 [223 - 148d]</p>	<p>2. The decisions communicated pursuant to Article 15(3) shall be entered in the relevant customs risk management environment.</p>	<p>27d. The decisions communicated pursuant to Article 15(3)25(3) shall be entered in the relevant customs risk management environment.</p> <p>TM 05.02: only reference issue. EP: could be moved to art 3a of Art15 COM: not in custom because it has other elements. Keep it here.</p> <p>Text Origin: Council Mandate</p>
R 148e	<p>3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That</p>		<p>3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3)25(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 42. That</p>	<p>3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That</p>	<p>3. <u>3</u>. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in Article 15(3)25(3) from the information and communication system referred to in paragraph 1 to the environment referred</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.</p> <p>Moved reference text</p>		<p>interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.</p> <p>Moved from row 224 [224 - 148e]</p>	<p>interconnection shall start operating no later than two <u>one year</u> from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.</p>	<p>to in paragraph 42. That interconnection shall start operating no later than two <u>x/</u> years from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.</p> <p>TM 05.02: COM this would be a no go for the COM. Same for 148j. CNS: preference for realistic. EP: what this means for date of application (date from IA), COM: until system is in place, it will be a manual link. need suff time to do the connection. For now parked.</p> <p>TM 14/2: text inserted, to come back about the timeline</p> <p>Text Origin: Council Mandate</p>
148f	4. Requests and notifications exchanged between competent		4. Requests and notifications exchanged between competent	4. Requests and notifications exchanged between competent	42f . Requests and notifications exchanged between competent

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>authorities and customs authorities pursuant to Articles 17 to 20 of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.</p> <p>Moved reference text</p>		<p>authorities and customs authorities pursuant to Articles 17 to 20 <u>Chapter V Title II</u> of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.</p> <p>Moved from row 225 [225 - 148f]</p>	<p>authorities and customs authorities pursuant to Articles 17 to 20 of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.</p>	<p>authorities and customs authorities pursuant to Articles 17 to 20 <u>Chapter V Title II</u> of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.</p> <p>TM 05.02: Cross reference. EP link between this line and 148c. CNS: spirit was to be complementary. use ICSMS but allow for national system to be used for particular cases.</p> <p>Text Origin: Council Mandate</p>
148g	<p>5. The Commission shall interconnect the national single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications</p>		<p>5. <u>An interconnection between the information and communication system referred to in paragraph 1 and the EU</u>The Commission shall interconnect the national Single Window environments <u>Environment</u></p>	<p>5. The Commission shall interconnect the national single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications</p>	<p>5.7g. <u>An interconnection between the information and communication system referred to in paragraph 1 and the EU</u>The Commission shall interconnect the national Single Window environments <u>Environment</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>between customs and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]¹ within four years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p> <p>1. Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).</p> <p>Moved reference text</p>		<p>for Customs with the information and communication system referred to in paragraph 1 <u>shall be regulated by Regulation (EU) 2022/2399¹ for the purposes of exchanging</u> the requests and notifications between customs and competent authorities pursuant to Articles 17 to 20 <u>Chapter IV Title II</u> of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]¹ <u>established at the latest</u> within four years from the date of adoption of the implementing act referred to in paragraph 7(e) <u>7(a)</u>. The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p> <p>1. Established by the Regulation on the EU <u>Regulation on the EU</u> <u>[1]</u></p>	<p>between customs, <u>the Commission</u> and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]⁺⁴⁰ within four <u>two</u> years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p> <p><u>1 Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).</u></p> <p>1. Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).</p>	<p>for Customs with the information and communication system referred to in paragraph 1 <u>shall be established in accordance with Regulation (EU) 2022/2399¹ for the purposes of exchanging</u> the requests and notifications between customs and competent authorities pursuant to Articles 17 to 20 <u>Chapter IV Title II</u> of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]¹ <u>established at the latest</u> within four <u>[x]</u> years from the date of adoption of the implementing act referred to in paragraph 7(e) <u>7(a)</u>. The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs <i>and</i> amending Regulation (EU) No 952/2013, OJ L 317, 9.12.2022, p. 1</u>(EU SWE-C).</p> <p>Moved from row 226 [226 - 148g]</p>		<p>1. <i>Established by the Regulation on the EU</i>[1] <u>Regulation (EU) 2022/2399 of the European Parliament and of the Council of 23 November 2022 establishing the European Union Single Window Environment for Customs <i>and</i> amending Regulation (EU) No 952/2013, OJ L 317, 9.12.2022, p. 1</u>(EU SWE-C).</p> <p>TM 05.02: COM: Changes in the CNS are mainly from TAXUD. it does not change on substance. EP will reflect.</p> <p>TM 14/2: text inserted, timeline for later</p> <p>Text Origin: Council Mandate</p>
148h	7. The Commission is		7. The Commission is	7 6. The Commission is	7. The Commission is

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 to specify the procedural rules and the details of the implementation arrangements for this Article, including:</p> <p>Moved reference text</p>		<p>empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 33(2) to specify the procedural rules and the details of the implementation arrangements for this Article, including:</p> <p>Moved from row 228 [228 - 148i]</p>	<p>empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 to specify the procedural rules and the details of the implementation arrangements for this Article, including:</p>	<p>empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 33(2) to specify the procedural rules and the details of the implementation arrangements for this Article, including:</p> <p>TM 05.02: cross-reference issue.</p> <p>Text Origin: Council Mandate</p>
148i	<p>(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 paragraphs 1 and 4;</p> <p>Moved reference text</p>		<p>(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 paragraphs 1 and 4;</p> <p>Moved from row 229 [229 - 148j]</p>	<p>(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 paragraphs 1 and 4;</p>	<p>(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 paragraphs 1 and 4;</p> <p>Text Origin:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Commission Proposal
148j	<p>(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;</p> <p>Moved reference text</p>		<p>(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;</p> <p>Moved from row 230 [230 - 148k]</p>	<p>(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;</p>	<p>(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;</p> <p>Text Origin: Commission Proposal</p>
148k	<p>(c) the data to be transmitted between the information and communication system referred to in paragraph 1 and the national single window environments for customs for the purposes of paragraph 5;</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 231 [231 - 148l]</p>	<p>(c) the data to be transmitted between the information and communication system referred to in paragraph 1 and the national single window environments for customs for the purposes of paragraph 5;</p>	<p><i>deleted</i></p> <p>TM 05.02: CNS deleted because COM considered it would not be necessary in view of the changes in line 148g EP can provisionally agree</p> <p>TM 14/2: COM to check with DG TAXUD</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
148l	<p>(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.</p> <p>Moved reference text</p>		<p>(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.</p> <p>Moved from row 232 [232 - 148m]</p>	<p>(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.</p>	<p>(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.</p> <p>Text Origin: Commission Proposal</p>
148m	<p>6. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.</p> <p>Moved reference text</p>		<p>6. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.</p> <p>Moved from row 227 [227 - 148h]</p>	<p>6⁷. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.</p>	<p>6. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
149	Article 9 Information obligations of the competent authorities	Article 9 Information obligations of the competent authorities	Moved to row 133a [149 - 133a]		
150	1. The competent authority shall without delay inform the Commission and the competent authorities of other Member States using the information and communication system referred to in Article 22(1) about the following:	1. <u>The Commission and</u> the competent authority shall without delay inform the Commission and the other competent authorities of other Member States using the information and communication system referred to in Article 22(1) about the following:	Moved to row 133b [150 - 133b]		
150a		<u>(-a) any decision to open a preliminary investigation as referred to in Article 4, based on one or several submissions of information through the mechanism referred to in Article 10;</u>			
150b					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>(-b) the existence of substantiated concern following the preliminary phase of investigation, referred to in Article 4(5);</u>			
151	(a) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 4(7);	(a) any decision not to initiate an investigation following a preliminary phase of investigation, referred to in Article 4(7);	Moved to row 133d [151 - 133d]		
152	(b) any decision to initiate an investigation referred to in Article 5(1);	(b) any decision to initiate an investigation referred to in Article 5(1);	Moved to row 133g [152 - 133g]		
153	(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their disposal referred to in Article 6(4);	(c) any decision to prohibit placing and making available of the products on the market and their export, as well as to order the withdrawal of the products already placed or made available on the market and their <u>donation, recycling or</u> disposal referred to in Article 6(4);	Moved to row 133h [153 - 133h]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
154	(d) any decision to close the investigation referred to in Article 6(3);	(d) any decision to close the investigation referred to in Article 6(3);	Moved to row 133i [154 - 133i]		
155	(e) any withdrawal of the decision referred to in Article 6(6);	(e) any withdrawal of the decision referred to in Article 6(6);	Moved to row 133j [155 - 133j]		
156	(f) any request of an economic operator for a review referred to in Article 8(1);	(f) any request of an economic operator for a review referred to in Article 8(1);	Moved to row 133k [156 - 133k]		
157	(g) any result of the review referred to in Article 8(4).	(g) any result of the review referred to in Article 8(4).	Moved to row 133l [157 - 133l]		
158	2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website.	2. The Commission shall make available the decisions, and the withdrawals referred to in the paragraph 1, points (c), (d), (e) and (g) on a dedicated website.	Moved to row 133w [158 - 133w]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	158a	<u>2a. Any decision referred to in Article 6(4) and 6(6) shall be communicated to the public by the competent authority who adopted it or, if the decision has been adopted by the Commission, by the Commission.</u>			
G	158b Article 11 Database of forced labour risk areas or products Moved reference text		Article 11 9 Database of forced labour risk areas or products Moved from row 163 [163 - 158b]	<u>EP</u> Article 11 Database of forced labour risk areas or products	Article 11 9 Database of forced labour risk areas or products Text Origin: Council Mandate
R	158c 1. The Commission shall call upon external expertise to provide an indicative, non-exhaustive, verifiable and regularly updated database of forced labour risks in specific geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities. The database		1. The Commission shall call upon <u>establish a database, with the assistance of</u> external expertise to if needed. This database shall provide an indicative, non-exhaustive, verifiable and regularly updated database <u>information</u> of forced labour risks in specific geographic areas or	1. The Commission shall call upon external expertise to provide an indicative, non-exhaustive, verifiable <u>evidence-based</u> and regularly updated database of forced labour risks in specific geographic areas, <u>sectors</u> , or with respect to specific products including with regard to forced labour imposed by	1. The Commission shall call upon <u>establish a database of forced labour risk areas or products, resorting to</u> external expertise. This database shall to provide an indicative, non-exhaustive, <u>evidence-based</u> , verifiable and regularly updated database <u>information</u> of forced labour risks in

Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
<p>shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities.</p> <p>Moved reference text</p>		<p>with respect to specific products including with regard to forced labour imposed by state authorities. The database shall <u>prioritise the identification of widespread and severe forced labour risks. The database shall</u> be based on the guidelines referred to in Article 23<u>11</u>, points (a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities. <u>It shall not publicly disclose information that directly names economic operators. The database shall be made available in all official languages of the Union.</u></p> <p>Moved from row 164 [164 - 158c]</p>	<p>state authorities.</p> <p><u>1a. The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, social partners, and relevant external sources of experience from implementing Union law setting out due diligence requirements with respect to forced labour.</u></p> <p><u>1b. Based on reliable and verifiable evidence, the database shall, in particular, identify specific economic sectors in specific geographic areas, where there is high risk of forced labour being imposed by state authorities.</u></p>	<p>specific geographic areas or with respect to specific products <u>or product groups</u> [including with regard to forced labour imposed by state authorities]. The database shall <u>prioritise the identification of widespread and severe forced labour risks.</u></p> <p><u>1a. The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and social partners.</u></p> <p><u>It shall not publicly disclose information that directly names economic operators. The database shall be made available in all official languages of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>1c. The database shall include a list of all decisions of the Commission and competent authorities pursuant to Article 6(4) and Article 6(6).</u></p> <p><u>1d. The database shall include a list of publicly available information from, amongst others, international organisations and third country authorities sources of relevance for the implementation of this Regulation, including sources which make available disaggregated data on the impact and victims of forced labour, such as gender-disaggregated data or data about forced child labour, allowing to identify age- and gender-specific trends.</u></p>	<p>the Union. information from, amongst others, international organisations and third country authorities.</p> <p>TM 05.02: CNS 1c and 1b better for the portal (lines 176). COM need to look at the the global picture btw portal, database and guidelines. database should be an operational tool for the ecn operators. EP to check the flex or not n the placement of the information. database is mora a tool for the NCA. CNS 1a some flex. 1c and 1d, could be better for the portal, to discuss with line 176.</p> <p>TM 14/2: COM new suggestions for the 1st sentence. together with a recital to be proposed to clarify. EP proposed text discussed.</p> <p>product groups replacing sectors</p> <p>state imposed FL in square</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					brackets
158d	<p>2. The Commission shall ensure that the database is made publicly available by the external expertise at the latest 24 months after the entry into force of this Regulation.</p> <p>Moved reference text</p>		<p>2. The Commission shall ensure that the database is made publicly available by the external expertise at the latest 24<u>no later than [OP office: 18</u> months after the entry into force of this Regulation].</p> <p>Moved from row 165 [165 - 158d]</p>	<p>2. The Commission shall ensure that the database is <u>easily accessible, including for persons with disabilities, and</u> made publicly available, <u>in all official languages of the institutions of the Union,</u> by the external expertise at the latest 24<u>12</u> months after the entry into force<u>before the date of application</u> of this Regulation.</p>	<p>2. The Commission shall ensure that the database is <u>easily accessible, including for persons with disabilities, and</u> made publicly available, <u>in all official languages of the [institutions of the Union],</u> by the external expertise at the latest 24<u>X</u> months after the entry into force<u>before the date of application</u> of this Regulation.</p> <p>TM 05.02: Divergency remains regarding the DDL. CNS flexibility for the other additions from the EP. COM accessibility element is already foreseen in the general guidelines of website.</p> <p>TM 14/02: timeline still to be decided</p> <p>Text Origin: Auxiliary 1</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
158e	<p>3. Economic operators placing or making available on the Union market or exporting products which are not mentioned in the database referred to in paragraph 1 of this Article, or which come from areas that are not mentioned in that database, shall also be required to comply with Article 3.</p> <p>Moved reference text</p>		<p>deleted</p> <p>Moved from row 166 [166 - 158e]</p>	<p>3. Economic operators placing or making available on the Union market or exporting products which are not mentioned in the database referred to in paragraph 1 of this Article, or which come from areas that are not mentioned in that database, shall also be required to comply with Article 3. <u>deleted</u></p>	<p>deleted</p> <p>COM: purpose of the database, make clear that it is not because info is not in the database that the investigation can be conducted. Would be better to be crystal clear.</p>
159	<p>Article 10 Submission of information regarding violations of Article 3</p>	<p>Article 10 Submission of information regarding violations of Article 3</p>	<p>Article 10 Submission of <u>Single</u> information regarding violations of Article 3 <u>submission point</u></p>		<p>Article 10 Submission of <u>Single</u> information regarding violations of Article 3 <u>submission point</u></p> <p>Text Origin: Council Mandate</p>
159a			<p><u>1. The Commission shall set up a single information submission point, available on the forced labour single window referred to in</u></p>	<p><u>EP1a. The Commission shall set up a dedicated centralised mechanism for the submission of information pursuant to</u></p>	<p><u>1. The Commission shall set up a dedicated centralised mechanism for the submission of information. This</u></p>

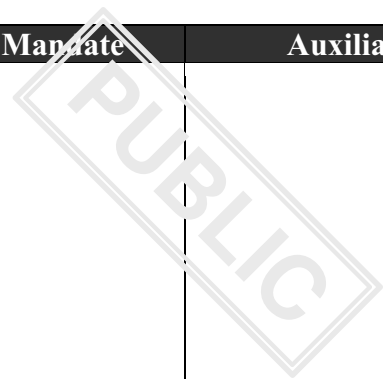
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>Article 12. Information submission shall be possible in all official languages of the Union.</u></p>	<p><u>paragraph 1. This mechanism shall be available in all official languages of the institutions of the Union, and it shall be user friendly and free of charge.</u></p>	<p><u>mechanism shall be available in all official languages of the institutions of the Union, and it shall be user friendly and free of charge.</u></p> <p><u>[single window]</u></p> <p>TM 05.02: EP in terms of scope there is alignment. discussion on the name of the mechanism. "user friendly and free of charge" could be agreeable.</p> <p>Text Origin: Auxiliary 1</p>
160	<p>1. Submissions of information by any natural or legal person or any association not having legal personality, to competent authorities on alleged violations of Article 3 shall contain information on the economic operators or products concerned and provide the reasons substantiating the</p>	<p>1. Submissions of information by any natural or legal person or any association not having legal personality, to <u>the Commission or a competent authorities</u> authority on alleged violations of Article 3 shall contain information on the economic operators or products concerned and</p>	<p>2. Submissions of information <u>on alleged violations of Article 3 to competent authorities may only be made via the single information submission point referred to in paragraph 1</u> by any natural or legal person or any association not having legal personality, to competent authorities on alleged</p>		<p>TM 05.02: EP could agree to IA for templates but no examination. CNS user friend and free of charge and languages could be acceptable.</p> <p>TM 14/2: wait for COM feedback, also 160b, c and d (entire Art 10)</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	allegation.	provide the reasons substantiating the allegation. <u>Submissions may be addressed to more than one competent authority.</u>	violations of Article , <u>located in the EU and</u> shall contain information on the economic operators or products concerned and provide the reasons <u>and evidence</u> substantiating the allegation, <u>and where applicable, supporting documents. The Commission is empowered to adopt implementing acts to specify the procedural rules, templates and details of the submissions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2).</u>		
160a		<u>1a. The Commission shall set up a dedicated centralised mechanism for the submission of information pursuant to paragraph 1. This mechanism shall be available in all official languages of the institutions of the Union, and it shall be user</u>		moved above	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>friendly and free of charge.</u>			
R	160b		<u>3. The Commission shall assess whether the products concerned by the submission referred to in paragraph 2 are of Union interest pursuant to Article 14(3). Where the products concerned are of Union interest, the Commission shall proceed with the preliminary phase of investigation pursuant to Article 15.</u>		
Y	160c	<u>1b. In order to ensure uniform conditions for the submission of information, the Commission shall adopt implementing acts establishing templates for the submission of information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
160d			<p><u>4. Where the products concerned are not of Union interest, the submission referred to in paragraph 2 shall be directed to a competent authority in a way to ensure a fair and balanced distribution of submissions. Such distributions among competent authorities shall be based on objective criteria, including the location of the registered office, the central administration or principal place of business of the economic operator concerned, and the territory in which the product concerned is placed or made available, exported or manufactured.</u></p> <p><u>The Commission shall adopt implementing acts setting out the process to designate the competent authority to which the submission shall be</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<i>directed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 33(2). The first such implementing act shall be adopted by [OP enter date = 35 months after the entry into force].</i>		
Y	161	2. The competent authority shall, as soon as possible, inform the person or association referred to in paragraph 1 of the outcome of the assessment of their submission.	2. <i>The Commission or</i> the competent authority shall <i>diligently and impartially assess the information and</i> , as soon as possible, inform the person or association referred to in paragraph 1 of the outcome of the assessment of their submission.	25 . The competent authority <i>or the Commission</i> shall, as soon as possible <i>within a reasonable period of time</i> , inform the person or association referred to in paragraph 1 <i>2</i> of the outcome of the assessment of their submission.	TM 05.02: COM whistleblower directive should be considered. need to ensure confidentiality and ensure no confusion. COM to redraft. EP would not agree with the within a reasonable period of time. COM to redraft
Y	161a		<i>2a. In cases where there is a significant time interval between the submission of information and the outcome of the assessment, the Commission or</i>		<i>2a. In cases where there is a significant time interval between the submission of information and the decision to proceed with an investigation according to</i>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>competent authorities shall confirm with such person or association that the situation has, to the best of their knowledge, not significantly changed.</u>			<u>article XXX, the Commission or competent authorities shall confirm with the person or association submitting the information that the situation has, to the best of their knowledge, not significantly changed.</u> TM 05.02: EP open to define better the "significant time interval". COM the way it is drafted the provision would force CION or NCA to constantly recheck pending cases. It should not be a shall but a may. EP would not agree with a may. could consider to redraft. TM 14/2: CNS checking internally EP suggestions EP to redraft
Y	162 3. Directive (EU) 2019/1937 of the European Parliament and of the Council ¹ shall apply to the	3. Directive (EU) 2019/1937 of the European Parliament and of the Council ¹ shall apply to the	3 6. Directive (EU) 2019/1937 of the European Parliament and of the Council ¹ shall apply to the		TM 05.02: COM would have redraft

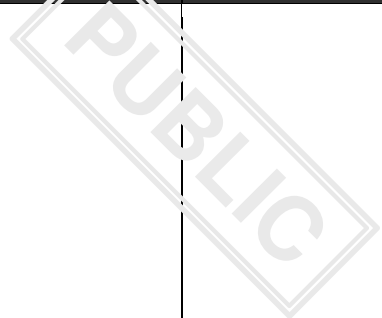
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>reporting of all breaches of this Regulation and the protection of persons reporting such breaches.</p> <p>1. Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, OJ L 305, 26.11.2019, p. 17.</p>	<p>reporting of all breaches of this Regulation and the protection of persons reporting such breaches.</p> <p>1. 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.</p>	<p>reporting of all breaches of this Regulation and the protection of persons reporting such breaches.</p> <p>1. 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.</p>		COM to redraft
162a			<p><u>6a. The identity of the natural or legal person or any association not having legal personality making a submission pursuant to paragraph 2 shall not be made available to the public.</u></p>		<p>TM 14/02: DG JUST to redraft</p> <p>COM to redraft</p>
163	<p>Article 11</p> <p>Database of forced labour risk areas or products</p>	<p>Article 11</p> <p>Database of forced labour risk areas or products</p>	Moved to row 158b [163 - 158b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
164	1. The Commission shall call upon external expertise to provide an indicative, non-exhaustive, verifiable and regularly updated database of forced labour risks in specific geographic areas or with respect to specific products including with regard to forced labour imposed by state authorities. The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities.	1. The Commission shall call upon external expertise to provide an indicative, non-exhaustive, verifiable <u>evidence-based</u> and regularly updated database of forced labour risks in specific geographic areas, <u>sectors</u> , or with respect to specific products including with regard to forced labour imposed by state authorities. The database shall be based on the guidelines referred to in Article 23, points (a), (b) and (c), and relevant external sources of information from, amongst others, international organisations and third country authorities.	Moved to row 158c [154 - 158c]		
164a		<u>1a. The database shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>Organization, civil society, business organisations, social partners, and relevant experience from implementing Union law setting out due diligence requirements with respect to forced labour.</u>			
164b		<u>1b. Based on reliable and verifiable evidence, the database shall, in particular, identify specific economic sectors in specific geographic areas, where there is high risk of forced labour being imposed by state authorities.</u>			
164c		<u>1c. The database shall include a list of all decisions of the Commission and competent authorities pursuant to Article 6(4) and Article 6(6).</u>			
164d					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>1d. The database shall include a list of publicly available information sources of relevance for the implementation of this Regulation, including sources which make available disaggregated data on the impact and victims of forced labour, such as gender-disaggregated data or data about forced child labour, allowing to identify age- and gender-specific trends.</u>			
165	2. The Commission shall ensure that the database is made publicly available by the external expertise at the latest 24 months after the entry into force of this Regulation.	2. The Commission shall ensure that the database is <u>easily accessible, including for persons with disabilities, and</u> made publicly available, <u>in all official languages of the institutions of the Union,</u> by the external expertise at the latest 24 <u>12</u> months after the entry into force <u>before the date of application</u> of this Regulation.	Moved to row 158d [165 - 158d]		
166					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	3. Economic operators placing or making available on the Union market or exporting products which are not mentioned in the database referred to in paragraph 1 of this Article, or which come from areas that are not mentioned in that database, shall also be required to comply with Article 3.	<i>deleted</i>	Moved to row 158c [166 - 158e]		
166a		<p><u>Article 11a</u></p> <p><u>Forced labour imposed by state authorities</u></p> <p><u>Based on the information included in the database referred to in Article 11(1b), or on the information and decisions encoded in the information and communication system referred to in Article 22(1), the Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by determining</u></p>			<p><u>Article 11a</u></p> <p><u>Forced labour imposed by state authorities</u></p> <p><u>1. Based on reliable and verifiable evidence, the database shall in particular identify specific economic sectors in specific geographic areas, where there is high risk of forced labour imposed by state authorities.</u></p> <p><u>2. Based on this information, or on the information and decisions encoded in the information</u></p>

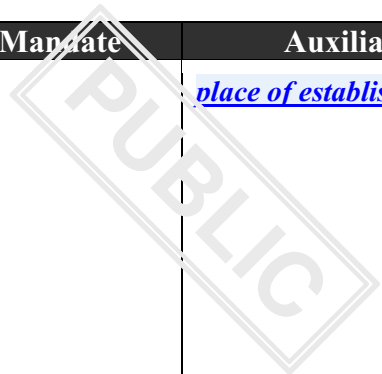


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>specific economic sectors in specific geographic areas, where a high risk of forced labour imposed by state authorities has been identified.</u>			<u>and communication system referred to in Article 22(1), the Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by determining specific economic sectors in specific geographic areas, where a high risk of forced labour imposed by state authorities has been identified.</u> TM 05.02: CNS: SIFL has been discussed at length within the Council. BoP should remain w CA. issue w impact on SME. strengthen role for the Cion on investigation SIFL cases. CION this would be a natural role for the cion. more efficient and faster is the non cooperation clause. EP non cooperation is not = SIFL COM: issue w giving value for the database and DA, which leads to poss for claims. Issue of competitiveness. pragmatic case by case. product regulation vs sector/region.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					TM 14/2:EP compromise proposal, keep red
G 166b	Article 23 Guidelines Moved reference text		Article 23 ¹¹ Guidelines Moved from row 233 [233 - 166b]	El Article 23 Guidelines	Article 23 ¹¹ Guidelines Text Origin: Council Mandate
R 166c	The Commission shall issue guidelines no later than 18 months after the entry into force of this Regulation, which shall include the following: Moved reference text		<u>1.</u> The Commission, <u>in consultation with relevant stakeholders</u> , shall issue ^{make available and regularly update} guidelines, no later than <u>[OP enter DATE = 18 months after the entry into force of this Regulation]</u> , <u>for competent authorities, customs authorities, economic operators, with a specific focus on SMEs, and relevant stakeholders.</u> <u>These guidelines,</u> which shall include the following <u>elements, adapted as necessary to the relevant addressees:</u>	The Commission shall issue guidelines no later than 18 ¹² months after the entry into force ^{before the date of application} of this Regulation, which shall include the following:	The Commission, <u>in consultation with relevant stakeholders</u> , shall issue ^{make available and regularly update} guidelines, no later than 18 ^[OP enter DATE = X] months after the entry into force of this Regulation ¹ , which shall include the following: TM 05.02: EP to streamline the article. target specific guidelines. SIFL would remain singled out. The date still to be discussed, rest of the wording is OK.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 234 [234 - 166c]		EP to redraft
166d	<p>(a) guidance on due diligence in relation to forced labour, which shall take into account applicable Union legislation 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;</p> <p>Moved reference text</p>		<p>(a) guidance on due diligence in relation to forced labour, which shall take into account applicable Union legislation 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, <u>such guidance should include information and best practices on how to bring to an end and remediate forced labour</u>;</p> <p>Moved from row 235 [235 - 166d]</p>	<p>(a) (a) guidance on due diligence in relation to forced labour, <u>including forced child labour</u>, which shall take into account applicable Union legislation 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, <u>different types of suppliers along the supply chain, different sectors and the particular risks associated with forced labour imposed by state authorities</u>;</p> <p><u>(aa) [moved to 166j]</u></p> <p><u>(ab) [moved to 166j]</u></p> <p><u>(ac) guidance for economic operators on</u></p>	<p>(a) <u>(a) guidance for economic operators</u> on due diligence in relation to forced labour, <u>including forced child labour</u>, which shall take into account applicable <u>national and</u> Union legislation, <u>in particular [Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence]</u>, 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, <u>different types of suppliers along the supply chain, and different sectors</u>.</p> <p><u>(c) guidance for economic operators on best practices for bringing to an end and</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>measures that are suitable and effective for bringing to an end different types of forced labour;</u>	<u>remediating different types of forced labour;</u> TM 14/2: To be seen where to be placed - currently 166h (b) guidance for economic operators [on] due diligence in relation to forced labour imposed by state authorities
166e			<u>(aa) information on how this Regulation relates to other due diligence legislation, in particular [Directive 20XX/XX/EU of the European Parliament and of the Council on Corporate Sustainability Due Diligence];</u>	<u>(e) guidance for competent authorities on the practical application of Articles 4 and 5, Article 11, Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation, including benchmarks for assisting competent authorities in their risk-based assessments of investigations and guidelines on the applicable standard of evidence and on how to ensure that economic operators can use the official language of their</u>	<u>(e) guidance for competent authorities on the practical implementation of Articles 4 and 5 [preliminary phase of investigations and investigations, EP mandate], Article 11 [database , EP mandate] and, where appropriate, any other provision laid down in [Reference to be decided] of this Regulation, including benchmarks for assisting competent authorities in their risk-based assessments of investigations and guidelines on the</u>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>place of establishment.</u>	<u>applicable standard of evidence [and on how to ensure that economic operators can use the official language of their place of establishment].</u> TM 14/02: added reference to preliminary phase of investigations deleted "Article 16/26 [customs] and moved to line below" references of Articles to be adjusted
166f			<u>(ab) guidance for the practical implementation of Article 26 and, where appropriate, any other provision laid down in Title II of Chapter V of this Regulation;</u>		<u>(ab) guidance for customs authorities for the practical implementation of Article 26 and, where appropriate, any other provision laid down in Title II of Chapter V of this Regulation;</u> Text Origin: Council Mandate
166g					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(b) information on risk indicators of forced labour, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;</p> <p>Moved reference text</p>		<p>(b) information on risk indicators of forced labour, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, <u>trade unions</u> and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;</p> <p>Moved from row 236 [236 - 166g]</p>	<p>(b)(c) information on risk indicators of forced labour, <u>including how to identify them</u>, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;</p>	<p>(b) information on risk indicators of forced labour, <u>including on how to identify them</u>, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, <u>trade unions</u>, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;</p>
R 166h	<p>(c) a list of publicly available information sources of relevance for the implementation of this Regulation;</p> <p>Moved reference text</p>		<p>(c) <u>guidance on the use of the database referred to in Article 9 and</u> a list of publicly available information sources of relevance for the implementation of this Regulation;</p> <p>Moved from row 237 [237 - 166h]</p>	<p>(e)(d) <u>a list of publicly available information sources of relevance for the implementation of this Regulation;</u>[deleted]</p>	<p>(e) <u>a list of publicly available information sources of relevance for the implementation of this Regulation</u>(b) guidance for economic operators on due diligence in relation to forced labour imposed by state authorities;</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	166i		<u>(d) guidance as to submission of information or evidence pursuant to articles 16(4), 18(2);</u>	<u>(ab) guidance for economic operators and product suppliers on how to engage in dialogue with competent authorities pursuant to Articles 4 and 5;</u>	<u>(d) guidance for economic operators and [product suppliers] on how to engage in dialogue[, in particular type of information to submit,] with competent authorities pursuant to Articles [investigations]</u> After TM 14/2: CNS - add "in particular type of information to submit" after engage in dialogue product suppliers in brackets
G	166j	(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation. Moved reference text	(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation <u>on how to submit information pursuant to Article 10(2);</u> Moved from row 239 [239 - 166j]	(e) <u>(aa)</u> guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation <u>on how to submit information pursuant to Article 10;</u>	(e) <u>(e)</u> guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of <u>on how to submit information pursuant to Article [single information submission point]</u> <u>(h) further information to facilitate the competent</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<u>authorities’ implementation of and the economic operator’s compliance with</u> this Regulation.
166k	<p>(d) further information to facilitate the competent authorities’ implementation of this Regulation;</p> <p>Moved reference text</p>		<p>(d) <u>(f)</u> further information to facilitate the competent authorities’ implementation of <u>and the economic operator’s compliance</u> this Regulation.</p> <p>Moved from row 238 [238 - 166k]</p>	<p>(d) further information to facilitate the competent authorities’ implementation of this Regulation;</p> <p><u>The guidance referred to in paragraph 1, point (a), shall focus in particular on assisting small and medium-sized enterprises (SMEs) and economic operators outside the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence] in complying with this Regulation, and in particular with regard to cases referred to in Article 5(2), point (da).</u></p> <p><u>Furthermore, the Commission shall develop accompanying measures to support the efforts of economic operators and</u></p>	<p>(d) <u>further information to facilitate the [The guidance referred to in paragraph 1, points (a) and (b), shall focus in particular on assisting small and medium-sized enterprises (SMEs) and economic operators outside the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence] in complying with this Regulation.</u></p> <p><u>Furthermore, the Commission shall develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular the SMEs. These measures shall</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>their business partners in the same supply chain, in particular the SMEs. These measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.</u></p> <p><u>National competent authorities shall support micro, small and medium-sized enterprises (SMEs) by organizing trainings on forced labour risk indicators and on engagement with authorities during investigations, and set up a hotline for questions related to this Regulation.</u></p> <p><u>The Commission shall consult relevant stakeholders and partners when elaborating the guidelines referred to in this Article.</u></p> <p><u>The guidelines shall be consistent with guidelines</u></p>	<p><u>include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.</u></p> <p><u>National competent authorities² implementation of shall support micro, small and medium-sized enterprises (SMEs) by organizing trainings on forced labour risk indicators and on engagement with authorities during investigations, and set up a hotline for questions related to this Regulation.</u></p> <p><u>The guidelines shall be consistent with guidelines provided in accordance with other relevant Union Law.</u></p> <p>TM 14/2: EP: trainings must be organized, SMEs have the option to attend them. Helpdesks could be at national level. CNS to propose redrafting.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>provided in accordance with other relevant Union law.</u>	Last para green for EP/CNS.
167	Article 12 Competent authorities	Article 12 Competent authorities	Moved to row 107b [167 - 107b]		
168	1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State competent authorities shall be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.	1. Member States shall designate one or more competent authorities responsible for carrying out the obligations set out in this Regulation. Designated Member State competent authorities shall be responsible for ensuring the effective and uniform implementation of this Regulation throughout the Union.	Moved to row 107c [168 - 107c]		
169	2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication	2. Where Member States have designated more than one competent authority, they shall clearly demarcate the respective duties and establish communication	Moved to row 107d [169 - 107d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.	and coordination mechanisms that enable those authorities to collaborate closely and exercise their duties effectively.			
170	3. No later than three months after the date of entry into force of this Regulation, Member States shall, through the information and communication system referred to in Article 22(1), provide the Commission and the other Member States with the following information:	3. No later than three months after the date of entry into force of this Regulation, Member States shall, through the information and communication system referred to in Article 22(1), provide the Commission and the other Member States with the following information:	Moved to row 107e [170 - 107e]		
171	(a) the names, addresses and contact details of the designated competent authority or authorities;	(a) the names, addresses and contact details of the designated competent authority or authorities;	Moved to row 107f [171 - 107f]		
172	(b) the areas of competence of the designated competent	(b) the areas of competence of the designated competent	Moved to row 107g [172 - 107g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	authority or authorities.	authority or authorities.			
173	Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.	Member States shall regularly update the information set out in points (a) and (b) of the first sub-paragraph of this paragraph.	Moved to row 107h [173 - 107h]		
174	4. The Commission shall make the list of the designated competent authorities publicly available on its website and shall regularly update that list, based on the updates received from Member States.	4. The Commission shall make the list of the designated competent authorities publicly available on its website and shall regularly update that list, based on the updates received from Member States.	Moved to row 107i [174 - 107i]		
175	5. Member States shall ensure that the designated competent authorities exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their	5. Member States shall ensure that the designated competent authorities exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. Member States shall ensure that their	Moved to row 107j [175 - 107j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	competent authorities have the necessary powers and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.	competent authorities have the necessary powers, <u>expertise</u> and resources to carry out the investigations, including sufficient budgetary and other resources and coordinate closely with the national labour inspections and judicial and law enforcement authorities, including those responsible for the fight against trafficking in human beings.			
176	6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30.	6. Member States shall confer on their competent authorities the power to impose penalties in accordance with Article 30.	Moved to row 107I [176 - 107I]		
176a			<u>Article 12</u> <u>Forced Labour Single Portal</u>		<u>Article 12a</u> <u>Forced Labour Single Portal</u> TM 07/02: CNS explained the Article, COM has no particular concerns about it

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>EP agrees with the objective, discussion to continue.</p> <p>TM 14/2: EP LS to check "non-confidential summary", text of the EP proposed compromise inserted</p> <p>Text Origin: Council Mandate</p>
G 176b			<p><u>The Commission shall set up and regularly update a single website making available to the public, in the same place and in all the official languages of the Union, the following items:</u></p>		<p><u>The Commission shall set up and regularly update a single website making available to the public, in the same place and in all the official languages of the Union, the following items:</u></p>
G 176c			<p><u>(a) the list of the designated competent authorities referred to in Article 5;</u></p>		<p><u>(a) the list and contacts of the designated competent authorities;</u></p>
G 176d			<p><u>(aa) the guidelines referred to in Article 11;</u></p>		<p><u>(aa) the guidelines;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G	176e		<u>(b) the database referred to in Article 9;</u>		<u>(b) the database;</u> <u>(ba) a list of publicly available information sources of relevance for the implementation of this Regulation, including sources which make available disaggregated data on the impact and victims of forced labour, such as gender-disaggregated data or data about forced child labour, allowing to identify age- and gender-specific trends.</u>
G	176f		<u>(c) the single information submission point referred to in Article 10;</u>		<u>(c) the single information submission point;</u>
Y	176g		<u>(d) a non-confidential summary of any information referred to in Article 20(3);</u>		<u>(d) [a non-confidential summary] of any decision to ban a product;</u> TM 08.02: related to line 212f (art 20 para 3, EP addition).

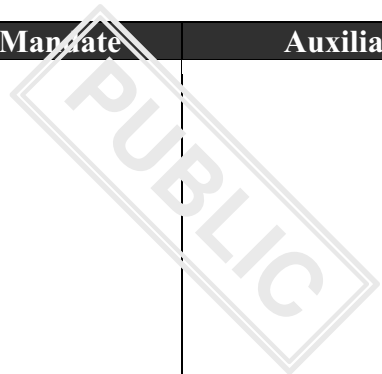
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
176h			<u>(e) a non-confidential summary of any decision referred to in Article 20(4).</u>		<u>(e) a [non-confidential summary] of any withdrawal of a ban;</u> <u>(e a) a [non-confidential summary] of the result of reviews;</u>
177	Article 13 Administrative cooperation and communication among competent authorities	Article 13 Administrative cooperation and communication among competent authorities	deleted		
178	1. The Commission shall ensure efficient cooperation among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.	1. The Commission shall ensure efficient cooperation <u>and coordination</u> among the competent authorities of the Member States through facilitating and coordinating the exchange and collection of information and best practices with regard to the application of this Regulation.	deleted Moved to row 120j [178 - 120j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
179	2. Competent authorities shall actively participate in the Network referred to in Article 24.	2. Competent authorities shall actively participate in the Network referred to in Article 24.	deleted		
179a	<p>Article 26 International Cooperation</p> <p>Moved reference text</p>		<p>Article 26¹³ International Cooperation</p> <p>Moved from row 257 [257 - 179a]</p>	<p>EP Article 26 International Cooperation</p>	<p>Article 26¹³ International Cooperation</p> <p>TM 07/02: EP: CNS text on lines 179c and 179d close to EP text in para 1 (line 179b).</p> <p>Institutions explained their positions, EP will check internally on para 1a and 1b whether the essence could remain in the Art, but further explanations would be put in a recital</p> <p>COM to propose suggested text by TM 12/2 (including para 2 (line 179e))</p> <p>TM 14/2: COM explains its proposed text</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
179b	<p>1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives and business organisations. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis.</p> <p>Moved reference text</p>		<p>1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may<u>shall</u> as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives, <u>trade unions</u> and business organisations. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis.</p> <p>Moved from row 258 [258 - 179b]</p>	<p>1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may<u>shall</u> as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives, <u>including trade unions, workers' rights organisations, NGOs and networks of affected stakeholders, and</u> business organisations <u>and other relevant stakeholders, through new and existing dialogue structures</u>. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis, <u>and shall, where appropriate, facilitate the</u></p>	<p>1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may<u>shall</u>, as appropriate, cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives and business organisations. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis <u>business organisations and other relevant stakeholders</u>.</p> <p>TM 15/2: text included - COM proposed compromise. Line greened.</p>

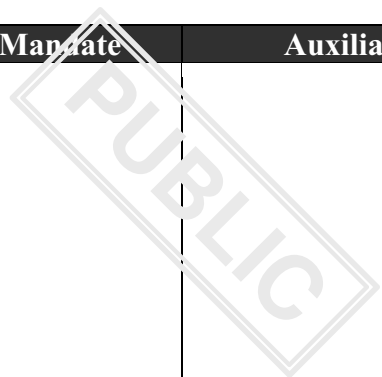
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>exchange of information on investigations, including the reasons and evidence for decisions taken to ban products from their jurisdictions. The Commission shall have regular contact and cooperation in particular with third countries that have similar laws in place, to share information on risk products or regions as well as best practices for bringing forced labour to an end.</u></p> <p><u>1a. Cooperation with third countries shall be integrated with other Union policies and instruments that include measures to eradicate forced labour, including trade agreements, the Generalised Scheme of Preferences, and development cooperation projects led by the Commission.</u></p> <p><u>1b. The Commission and Member States shall</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>develop cooperation and partnership mechanisms with third countries to address the root causes of forced labour, prevent and eliminate forced labour practices, and build the capacity of upstream economic actors to respond to the requirements set out in this Regulation.</u>	
179c			<u>(a) International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis.</u>		<u>2. International cooperation with 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, implementation of trade and sustainable development commitments of trade agreements or the Generalised Scheme of Preferences, and EU development cooperation initiatives or, if necessary, specific dialogues that will be created on an ad hoc</u>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p><u>basis. This 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 countries that have similar legislation in place.</u></p> <p>TM 15/2: text included - COM proposed compromise. COM expressed concern about exchanging information with other countries on ongoing investigations, no issue about decisions. Discussion parked on exchanges of information - in particular as regards "reasons and evidence". COM to propose text.</p>
<div>G</div> 179d			<p><u>(b) The Commission shall have regular contact and cooperation in particular with countries that have</u></p>		<div>G</div>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>similar legislation in place, to share information of forced labour risk areas, products as well as best practices for bringing to an end forced labour.</u>		
179e	<p>2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies and partner countries efforts and locally available capacities in tackling forced labour.</p> <p>Moved reference text</p>		<p>2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies <u>to comply with this regulation and of</u> and partner countries efforts <u>and to tackle forced labour, as well as supporting</u> locally available capacities in tackling forced labour for <u>that purpose</u>.</p> <p>Moved from row 259 [259 - 179e]</p>	<p>2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies, <u>and in particular SMEs, civil society organisations,</u> and partner countries' efforts and locally available capacities in tackling forced labour <u>and its root causes</u>.</p>	<p>23. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of <u>companies and partner</u> 2, <u>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</u> efforts and locally</p>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>available capacities in tackling forced labour<u>to tackle forced labour and its root causes.</u></p> <p>TM 14/02: COM suggested text inserted, EP wants to keep the element of root causes, all Art to be checked internally in EP</p> <p>EP: insisting to add "and its root causes."</p> <p>TM 15/2: CNS shows flexibility towards root causes, line greened.</p>
179f	<p>Chapter III Products entering or leaving the Union market</p> <p>Moved reference text</p>		<p>Chapter III Products entering or leaving the Union market<u>Investigations</u></p> <p>Moved from row 187 [187 - 179f]</p>	<p><u>EP</u> Chapter III Products entering or leaving the Union market</p>	
180	<p>Article 14 Recognition of decisions</p>	<p>Article 14 Recognition of decisions</p> <p>Original Article 14 (from EP</p>	<p>Article 14 Recognition of decisions<u>Information on the likelihood of a violation of</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		and Commission) moved to line 180r. Below lines are New Article 14 from the Council	<u>Article 3</u>		
Y 180a	<p>1. Competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant information available to them, including the following information:</p> <p>Moved reference text</p>		<p>1. <u>The Commission and</u> competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be <u>confidential</u>, based on all relevant, <u>verifiable, and credible</u> information available to them, including, <u>but not limited to</u>, the following information:</p> <p>Council Article 14(1), lines 180a to 180j refer to Article 4(1)</p> <p>Moved from row 92 [92 - 180a]</p>	<p>EP1 <u>The Commission and</u> competent authorities shall follow a risk-based approach in assessing the likelihood that economic operators violated Article 3. That assessment shall be based on all relevant <u>factual and verifiable</u> information available to them, including the following information:</p>	
Y 180b			<p><u>(a) information and decisions encoded in the information and communication system</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>referred to in Article 9(c), including any past case of compliance or non-compliance of an economic operator with Article 3;</u> This point was previous point (d)		
Y	180c (a) submissions made by natural or legal persons or any association not having legal personality pursuant to Article 10; Moved reference text		deleted This point has become point (d) Moved from row 93 [93 - 180c]	(a) submissions made by natural or legal persons or any association not having legal personality pursuant to Article 10;	Y
Y	180d		<u>(b) the database referred to in Article 9;</u> This point was previous point (c)		Y
Y	180e (b) the risk indicators and other information pursuant to Article 23, points (b) and		deleted	(b) the risk indicators and other information pursuant to Article 23, points (b) and	Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	(c); Moved reference text		<i>This point became point (c)</i> Moved from row 94 [94 - 180e]	(c) point (b);	
Y	180f		<u>(c) the risk indicators and other information pursuant to Article 11, point (b);</u> <i>This point was previous point (b)</i>		Y
Y	180g (c) the database referred to in Article 11; Moved reference text		<i>deleted</i> <i>This point became point (b)</i> Moved from row 95 [95 - 180g]	(c) the database referred to in Article 11;	Y
Y	180h		<u>(d) submissions made pursuant to Article 10;</u> <i>This point was previous point (a)</i>		Y

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>180i</p> <p>(d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p><i>This point became point (a)</i></p> <p><i>Moved from row 96 [96 - 180i]</i></p>	<p>(d) information and decisions encoded in the information and communication system referred to in Article 22(1), including any past cases of compliance or non-compliance of an economic operator with Article 3;</p>	
Y	<p>180j</p> <p>(e) information requested by the competent authority from other relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour.</p> <p>Moved reference text</p>		<p>(e) information requested<u>received</u> by the competent authority from other <u>authorities</u> relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour<u>for the implementation of this regulation, such as national due diligence, labour, health or fiscal authorities, on the products and economic operators under assessment unless the</u></p>	<p>(e)<u>(b)</u> information requested by the <u>Commission or the</u> competent authority from other relevant authorities, where necessary, on whether the economic operators under assessment are subject to and carry out due diligence in relation to forced labour in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;</p>	<p>TM 07/02: EP text of point (ea) covered under line 180k</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>sharing of such information is not</u> in accordance with applicable Union legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour. <u>law or national law in compliance with Union law</u> <u>substantially impairs the execution of the activities of such authorities;</u></p> <p>Moved from row 97 [97 - 180j]</p>	<p><u>(ea) any issues arising from meaningful consultations with relevant stakeholders.</u></p>	
G	180k		<p><u>(ea) consultations with civil society organisations and trade unions.</u></p>		<p><u>(ea) any issues arising from meaningful consultations with relevant stakeholders, such as civil society organizations and trade unions;</u></p> <p>TM 07/02: CNS: nothing agreed until everything agreed Line greened</p>
R	180l				R

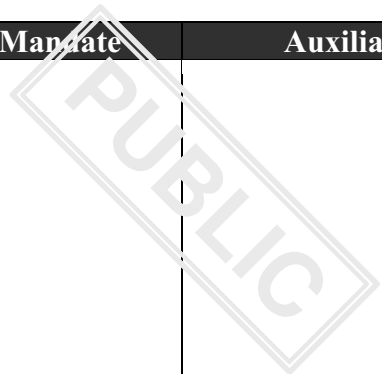
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>2. In their assessment of the likelihood that economic operators violated Article 3, competent authorities may at any time, request the Commission to conduct the preliminary phase of investigations pursuant to Article 15, where the products concerned are of Union interest. The Commission shall proceed with the preliminary phase of investigation pursuant to Article 15 accordingly.</u></p>		<p>TM 07/02: CNS would be flexible to move para 2 and 3 to a different Article. Line 180k</p> <p>One Art for risk based approach;</p>
180m			<p><u>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). Union interest shall be assumed if one or more of the following criteria are met:</u></p>		
180n					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>(a) the scale and severity of suspected forced labour is significant;</u>		
R 180o			<u>(b) the risks of suspected forced labour are located outside the territory of the Union;</u>		
R 180p			<u>(c) the products suspected to have been made with forced labour have a significant impact on the internal market.</u>		
R 180q			<u>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.</u>		
R 180r		<u>EP Article 14 Recognition of decisions</u>	<u>deleted</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
181	1. Decisions taken by a competent authority in one Member State shall be recognised and enforced by competent authorities in the other Member States in so far as they relate to products with the same identification and from the same supply chain for which forced labour has been found.	1. Decisions taken by a competent authority in one Member State shall be recognised and enforced by competent authorities in the other Member States in so far as they relate to products with the same identification and from the same supply chain for which forced labour has been found. <u>Decisions taken by the Commission shall be enforced by competent authorities in all Member States.</u>	deleted		
182	2. A competent authority that has received, through the information and communication system referred to in Article 22(1), a request from a competent authority of another Member State for information to verify any evidence provided by an economic operator shall provide that information	2. A competent authority that has received, through the information and communication system referred to in Article 22(1), a request from a competent authority of another Member State for information to verify any evidence provided by an economic operator, shall provide that information	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	within 15 working days from the date of receipt of the request.	within <u>as soon as possible</u> <u>and at the latest</u> 15 working days from the date of receipt of the request.			
183	3. Where two or more competent authorities initiate investigations concerning the same products or economic operators, the lead authority shall be the one which first informed the Commission and the competent authorities of other Member States of the decision to initiate an investigation in accordance with Article 9(1), point (b).	3. Where two or more competent authorities initiate investigations concerning the same products or economic operators, the lead authority shall be the one which first informed the Commission and the competent authorities of other Member States of the decision to initiate an investigation in accordance with Article 9(1), point (b).	deleted		
184	4. Before initiating an investigation in accordance with Article 5, a competent authority shall verify in the information and communication system referred to in Article 22(1) whether there is a lead authority referred to in paragraph 3 investigating	4. Before initiating an investigation in accordance with Article 5, a competent authority shall verify in the information and communication system referred to in Article 22(1) whether there is a lead authority referred to in paragraph 3 investigating	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	the same product and economic operator.	the same product and economic operator.			
185	5. Where there is a lead authority as referred to in paragraph 3, competent authorities shall share all the evidence and information they may have with that lead authority to facilitate the investigation and shall not start a separate investigation.	5. Where there is a lead authority as referred to in paragraph 3, competent authorities shall share all the evidence and information they may have with that lead authority to facilitate the investigation and shall not start a separate investigation.	deleted		
186	6. The lead authority shall carry out the investigation and adopt a decision in accordance with Article 6 on the basis of the assessment of all evidence before it.	6. The lead authority shall carry out the investigation and adopt a decision in accordance with Article 6 on the basis of the assessment of all evidence before it.	deleted		
186a		<u>6a. Before initiating a preliminary investigation in accordance with Article 4, a competent authority shall verify in the information and</u>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>communication system referred to in Article 22(1) whether there are one or more authorities assessing the same product and the same economic operator. Where there is at least one other competent authority conducting such assessment, only the competent authority which first informed the Commission and the competent authorities of other Member States of the decision to open a preliminary investigation in accordance with Article 9(1), point (-aa), shall request the information referred to in Article 4(3) from the economic operator and relevant product suppliers. That competent authority shall share all information collected with the other competent authorities assessing the same products or the same economic operators.</u>			
R 186b					R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>6b. Where competent authorities are mentioned in paragraphs 2, 3, 4, 5, 6 and 6a, they shall be deemed to include the Commission, when it acts on the basis of Chapter II of this Regulation.</u>			
187	Chapter III Products entering or leaving the Union market	Chapter III Products entering or leaving the Union market	Moved to row 179f [187 - 179f]		
188	Article 15 Controls	Article 15 Controls Original Article 15 (from EP and Commission) moved to line 188m. Below lines are New Article 15 from the Council	Article 15 Controls <u>Preliminary phase of investigations</u>		TM 15/2: CNS to work on the EP text to propose compromise (regarding in particular right to be heard, consultations, and para 2a of EP text). Also include the risk-based approach (separate Art). EP presents its compromise on preliminary investigations and investigations. CNS and COM argue for risk-based approach in both preliminary and investigation

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					phase.
188a	<p>2. In their assessment of the likelihood that economic operators violated Article 3, competent authorities shall focus on the economic operators involved in the steps of the value 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, the quantity of products concerned, as well as the scale of suspected forced labour.</p> <p>Moved reference text</p>		<p><u>21.</u> In their assessment of the likelihood that economic operators violated Article 3, competent authorities, <u>or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2).</u> shall focus on the economic operators involved in the steps of the <u>value supply</u> chain as close as possible to where the risk of forced labour is likely to occur. <u>They shall also</u> and take into account the size and economic resources of the economic operators <u>concerned, as well as the share of the component in the final product,</u> the quantity of products concerned, as well as that is made available on the Union Market, and the scale of suspected forced labour.</p>	<p>2. In their assessment of the likelihood that economic operators violated Article 3, <u>the Commission and</u> competent authorities shall focus on the economic operators <u>and relevant product suppliers</u> involved in the steps of the <u>value supply</u> 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, the <u>share of forced labour component in the final product, the</u> quantity of products concerned, as well as the scale of suspected forced labour <u>and whether state-imposed forced labour could be a concern.</u></p> <p><u>2a. The right of the economic operator to be heard shall be respected at all stages of the process.</u></p>	<p>TM 07/02: Institutions had an exchange on their respective positions.</p> <p>COM to suggest text on relevant product suppliers (in third countries). COM: para 2a could be placed where it would clear that it would apply for the entire process. EP: can be flexible on the placement of para 2a, will consult internally.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 98 [188a]		
R 188b	<p>3. Before initiating an investigation in accordance with Article 5(1), the competent authority shall request from the economic operators under assessment information on actions taken to identify, prevent, mitigate or bring to an end risks of forced labour in their operations and value chains with respect to the products under assessment, including on the basis of any of the following:</p> <p>Moved reference text</p>		<p>32. Before initiating an investigation in accordance with Article 5(1) <u>18(1)</u>, <u>competent authorities, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2)</u>, the competent authority shall request from the economic operators under assessment information on <u>its current</u> actions taken to identify, prevent, mitigate or bring to an end risks of forced labour in their operations and value <u>supply</u> chains with respect to the products under assessment, including on the basis of any of the following:</p> <p>Moved from row 99 [188b]</p>	<p>3. Before initiating an investigation in accordance with Article 5(1), the <u>Commission or the</u> competent authority shall request from the economic operators under assessment <u>and relevant product suppliers</u> information on actions taken to identify, prevent, mitigate or bring to an end risks of forced labour <u>and remediate forced labour cases</u> in their operations and value <u>supply</u> chains with respect to the products under assessment, including on the basis of any of the following:</p>	<p>TM 07/02: institutions explained their positions, COM could propose suggestions on "relevant product suppliers" (as for line 188a)</p> <p>Discussions to continue.</p>
G 188c	(a) applicable Union		(a) applicable Union	(a) applicable Union	(a) applicable Union

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;</p> <p>Moved reference text</p>		<p>legislation or Member States legislation setting out due diligence and transparency requirements with respect <u>in relation</u> to forced labour;</p> <p>Moved from row 100 [100 - 188c]</p>	<p>legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;</p>	<p>legislation or Member States legislation setting out due diligence and transparency requirements with respect to forced labour;</p> <p>Line greened on 07/02</p> <p>Text Origin: Commission Proposal</p>
Y	<p>188d</p> <p>(b) the guidelines issued by the Commission pursuant to Article 23, point (a);</p> <p>Moved reference text</p>		<p>(b) the guidelines issued by the Commission pursuant to Article 23, point (a) <u>11</u>;</p> <p>Moved from row 101 [101 - 188d]</p>	<p>(b) the guidelines issued by the Commission pursuant to Article 23, point (a);</p>	
R	<p>188e</p> <p>(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations;</p> <p>Moved reference text</p>		<p>(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations;</p> <p>Moved from row 102 [102 - 188e]</p>	<p>(c) due diligence guidelines or recommendations of the UN, ILO, OECD or other relevant international organisations, <u>as well as of social partners, in particular those guidelines and recommendations</u></p>	<p>TM 07/02: COM suggests to move the EP added part to the following line. EP to be discussed internally and suggest a compromise text.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>relating to geographic areas, productions sites and economic activities in certain sectors, in specific areas with systematic and widespread forced labour practices;</u>	
188f	<p>(d) any other due diligence in relation to forced labour.</p> <p>Moved reference text</p>		<p>(d) any other due diligence <u>or information</u> in relation to forced labour <u>in their supply chain</u>.</p> <p>Moved from row 103 [103 - 188f]</p>	<p>(d) any other due diligence in relation to forced labour.</p> <p><u>The Commission and competent authorities may request information on those actions from other relevant stakeholders, including the persons or associations having submitted relevant information pursuant to Article 10 and any other stakeholder working on the products or regions related to the assessment, as well as from diplomatic representations of the Union in relevant third countries.</u></p> <p><u>3a. Notwithstanding paragraph 2a, the Commission and</u></p>	<p>TM 07/02: New text to be merged with lines 188e and 188f.</p> <p>Line yellowed.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>competent authorities may refrain from requesting information from the economic operator and relevant product suppliers if they have a well-founded reason to believe, based on objective information, that it represents a risk to the investigation.</u>	
188g	<p>4. Economic operators shall respond to the request of the competent authority referred to in paragraph 3 within 15 working days from the day they received such request. Economic operators may provide to competent authorities any other information they may deem useful for the purposes of this Article.</p> <p>Moved reference text</p>		<p>43. Economic operators shall respond to the request of the competent authority referred to in paragraph 32 within 1530 working days from the day they received such request. Economic operators may provide to competent authorities any other information they may deem useful for the purposes of this Article.</p> <p>Moved from row 104 [104 - 188g]</p>	<p>4. Economic operators <u>and relevant product suppliers</u> shall respond to the request of the <u>Commission or</u> competent authority referred to in paragraph 3 within 1530 working days from the day they received such request. Economic operators may provide to <u>the Commission or</u> competent authorities any other information they may deem useful for the purposes of this Article.</p>	<p>4. Economic operators <u>[and relevant product suppliers]</u> shall respond to the request of the competent authority referred to in paragraph 32 within 1530 working days from the day they received such request. Economic operators may provide to competent authorities any other information they may deem useful for the purposes of this Article.</p> <p>TM 07/02: line to be yellowed</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
188h	<p>5. Within 30 working days from the date of receipt of the information submitted by economic operators pursuant to paragraph 4, the competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4.</p> <p>Moved reference text</p>		<p>5. Within 3060 working days from the date of receipt<u>day of the notification</u> of the information submitted by economic operators pursuant to paragraph 4, <u>the competent authorities request referred to in paragraph 2, the competent authorities, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2),</u> shall conclude<u>close</u> the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3, on the basis of the assessment referred to in paragraph 1 and, <u>if any,</u> the information submitted by economic operators pursuant to <u>paragraph 3, as well as the consultation in</u> paragraph 4.</p> <p>Moved from row 105 [105 -</p>	<p>5. Within 30 working days from the date of receipt of the information submitted by economic operators <u>and relevant product suppliers</u> pursuant to paragraph 4, the <u>Commission or the</u> competent authorities shall conclude the preliminary phase of their investigation as to whether there is a substantiated concern of violation of Article 3 on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators <u>and relevant product suppliers</u> pursuant to paragraph 4.</p> <p><u>5a. Notwithstanding paragraph 5, the Commission or competent authorities may conclude that there is substantiated concern on the basis of any other facts available where it was not possible to gather information and evidence pursuant to</u></p>	<p>TM 07/02: CNS para 4 on line 188k EP explains para 5a on non-cooperation clause COM in favor of EP text in para 5a. CNS to check with LS on "close" vs "conclude" - CNS to propose compromise wording, including EP para 5a.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			188h]	<u>paragraph 4, or where the competent authorities or the Commission have refrained from requesting information in accordance with paragraph 3a.</u>	
G	188i 6. The competent authority shall duly take into account where the economic operator demonstrates that it carries out due diligence on the basis of identified forced labour impact in its supply chain, adopts and carries out measures suitable and effective for bringing to an end forced labour in a short period of time. Moved reference text		6. The competent authority shall duly take into account where the economic operator demonstrates that it carries out due diligence on the basis of identified forced labour impact in its supply chain, adopts and carries out measures suitable and effective for bringing to an end forced labour in a short period of time. Moved from row 106 [106 - 188i]	6. The competent authority shall duly take into account where the economic operator demonstrates that it carries out due diligence on the basis of identified forced labour impact in its supply chain, adopts and carries out measures suitable and effective for bringing to an end forced labour in a short period of time.	deleted TM 07/02: deletion agreed, line to be greened
Y	188j 7. Competent authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment		76. Competent authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment	7. <u>The Commission or</u> competent authorities shall not initiate an investigation pursuant to Article 5, and shall inform the economic operators under assessment	TM 07/02: CNS to double check that all elements are covered, if EP mandate text were to be considered. CNS to propose

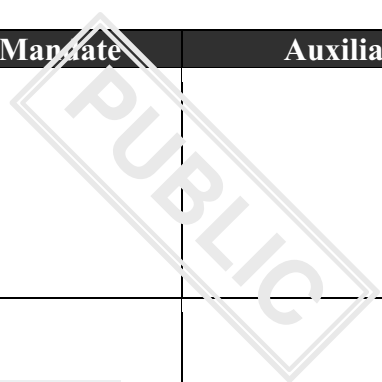
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.</p> <p>Moved reference text</p>		<p>accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the competent authorities consider that there is no substantiated concern of a violation of Article 3 <u>Where the competent authority, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2), considers that there is no substantiated concern of violation of Article 3, or that the reasons that motivated the existence of the substantiated concern have been eliminated</u>, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 32 being applied in a way that mitigates, prevents and</p>	<p>accordingly, where, on the basis of the assessment referred to in paragraph 1 and the information submitted by economic operators pursuant to paragraph 4, the <u>Commission or the</u> competent authorities consider that there is no substantiated concern of a violation of Article 3, <u>or that the reasons that motivated the existence of a substantiated concern have been eliminated</u>, for instance due to, but not limited to, the applicable legislation, guidelines, recommendations or any other due diligence in relation to forced labour referred to in paragraph 3 being applied in a way that mitigates, prevents and brings to an end the risk of forced labour.</p>	<p>text.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p>brings to an end the work of forced labour, <u>it shall not initiate an investigation in accordance with Article 18(1) and inform the economic operators under assessment accordingly.</u></p> <p>Moved from row 107 [107 - 188j]</p>		
188k			<p><u>4. If the competent authority, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2), determines that further information is needed to carry out its assessment, the competent authority, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2), shall invite the economic operator under assessment for consultations. These consultations shall take place within 60 working</u></p>		<p>TM 07/02: CNS signals flexibility to add the EP element on "right to be heard". Line kept red.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>days from the day the request referred to in paragraph 2 is notified to the economic operators under assessment.</u></p> <p>this paragraph should come after paragraph 3 (188g)</p>		
1881			<p><u>7. The competent authority, or where applicable the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2), shall communicate through the information and communication system referred to in Article 8(1) the outcome of its assessment pursuant to paragraph 5 Article 8(1).</u></p>		<p>TM 07/02: CNS to check with their LS.</p>
188m		<u>EP Article 15 Controls</u>			
189	1. Products entering or leaving the Union market	1. Products entering or leaving the Union market	Moved to row 253a [189 -		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	shall be subject to the controls and measures laid down in this Chapter.	shall be subject to the controls and measures laid down in this Chapter.	253a]		
190	2. The application of this Chapter is without prejudice to other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of Regulation (EU) No 952/2013.	2. The application of this Chapter is without prejudice to other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of Regulation (EU) No 952/2013.	Moved to row 253g [190 - 253g]		
191	3. The competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:	3. <u>The Commission or</u> the competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:	Moved to row 253c [191 - 253c]		
192					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	(a) any decision to prohibit the placing or making available of the products on the Union market and their export, as well as to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 6(4);	(a) any decision to prohibit the placing or making available of the products on the Union market and their export, as well as to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 6(4);	Moved to row 253e [192 - 253e]		
193	(b) any decision following the review referred to in Article 8(3).	(b) any decision following the review referred to in Article 8(3).	Moved to row 253f [193 - 253f]		
194	4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.	4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in accordance with Articles 46 and 47 of Regulation (EU) No 952/2013. The	Moved to row 253d [194 - 253d]		



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u><i>Commission and Member States shall ensure that the customs authorities have sufficient resources to carry out these controls.</i></u>			
195	5. The competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6).	5. <u><i>The Commission or</i></u> the competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6).	Moved to row 253b [195 - 253b]		
R 195a			<u><i>Article 16</i></u> <u><i>Designation of the lead competent authority</i></u>		TM 07/02: discussion to be parked
R 195b	1. Competent authorities that, pursuant to Article 4(5), determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an investigation on the products and economic operators concerned.		3. <u><i>Where</i></u> competent authorities that , pursuant to Article 4(5) <u><i>15(5)</i></u> , determine that there is a substantiated concern of a violation of Article 3, <u><i>they</i></u> shall decide to initiate <u><i>communicate through the information and communication system</i></u>	1. <u><i>The Commission or</i></u> competent authorities that, pursuant to Article 4(5) <u><i>or to the information contained in the delegated act referred to in Article 11a</i></u> , determine that there is a substantiated concern of a violation of Article 3, shall decide to initiate an	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		<p><u>referred to in Article 8(1) of the Regulation on the basis of their intention of initiating</u> an investigation on the products and economic operators concerned.</p> <p>Moved from row 109 [109 - 195c]</p>	<p>investigation on the products and economic operators concerned.</p> <p>Paragraph from Article 5(1) of original proposal</p>	
195c			<p><u>2. Where the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2), determines that there is a substantiated concern of a violation of Article 3, pursuant to Article 15(5), or where the Commission acts upon a request pursuant to Article 16(4)(b), it shall lead the investigation in accordance with Article 18(1) ('lead competent authority').</u></p>		
195d			<p><u>4. Other competent authorities may, within 10 working days from the date of the communication of</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>the intention of initiating an investigation, subject to such intention through the information and communication system referred to in Article 8(1), only in one of the following situations:</u>		
R 195e			<u>(a) they have reasonable grounds to believe that they are better placed to lead the investigation;</u>		R
R 195f			<u>(b) they demonstrate that the products concerned are of Union interest, and request the Commission to act as lead competent authority.</u>		R
R 195g			<u>5. Where competent authorities do not agree on the designation of the lead competent authority pursuant to paragraph 4, they may consult the Network for an opinion on</u>		R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>the designation</u>		
195h			<u>6. Where no objection is raised on the designation of the lead competent authority pursuant to paragraph 4, the competent authority that communicated its intention of initiating the investigation pursuant to paragraph 3 shall act as lead competent authority.</u>		
196	Article 16 Information to be made available to customs authorities	Article 16 Information to be made available to customs authorities	Moved to row 256a [196 - 256a]		
197	1. The Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by identifying the products or product groups for which the information referred to in	1. The Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by identifying the products or product groups for which the information referred to in	Moved to row 256b [197 - 256b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	paragraph 2 shall be provided to customs authorities, amongst others, on the basis of the database referred to in Article 11 or f information and decisions encoded in the information and communication system referred to in Article 22(1).	paragraph 2 shall be provided to customs authorities, amongst others, on the basis of the database referred to in Article 11 or f information and decisions encoded in the information and communication system referred to in Article 22(1).			
198	2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.	2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.	Moved to row 256c [198 - 256c]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
199	3. The Commission may adopt implementing acts further specifying the details of the information to be made available to customs authorities pursuant to paragraph 1.	3. The Commission may adopt implementing acts further specifying the details of the information to be made available to customs authorities pursuant to paragraph 1.	Moved to row 256d [199 - 256d]		
200	4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure pursuant to Article 29.	4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure pursuant to Article 29.	Moved to row 256e [200 - 256e]		
201	5. Where a specific product has been identified in a decision referred to in Article 6(4), in order for the customs authorities to be able to act immediately, the procedure provided for in Article 28 shall apply to delegated acts adopted pursuant to this Article.	5. Where a specific product has been identified in a decision referred to in Article 6(4), in order for the customs authorities to be able to act immediately, the procedure provided for in Article 28 shall apply to delegated acts adopted pursuant to this Article.	Moved to row 256f [201 - 256f]		
201a			Article 17		Article 17

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>Coordination of investigations and mutual assistance</u>		<u>Coordination of investigations and mutual assistance</u> Text Origin: Council Mandate
201b			<u>1. The Commission and competent authorities shall cooperate closely between them and provide each other with mutual assistance in order to implement this Regulation in a consistent and efficient manner.</u>		<u>1. The Commission and competent authorities shall cooperate closely between them and provide each other with mutual assistance in order to implement this Regulation in a consistent and efficient manner.</u> Text Origin: Council Mandate
201c			<u>2. The lead competent authority may, where appropriate, request the support of other relevant competent authorities. Other competent authorities, that have an interest in the investigation, may request</u>		<u>2. The lead competent authority may, where appropriate, request the support of other relevant competent authorities. Other competent authorities, that have an interest in the investigation, may request</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>to be closely involved in the investigation.</u>		<u>to be closely involved in the investigation.</u> Text Origin: Council Mandate
201d			<u>3. A competent authority that has received, through the information and communication system referred to in Article 8(1), a request from a competent authority of another Member State for information or to verify any evidence provided by an economic operator shall provide an answer within 30 working days from the date of receipt of the request.</u>	<u>5a. A competent authority that has received, through the information and communication system referred to in Article 22(1), a request from a competent authority of another Member State for information to verify any evidence provided by an economic operator, shall provide that information as soon as possible and at the latest 15 working days from the date of receipt of the request.</u> From EP mandate line 182	<u>3. Where the Commission or a competent authority has received, through the information and communication system referred to in Article 8(1), a request from the lead competent authority for information or to verify any evidence provided by an economic operator, shall provide an answer as soon as possible and at the latest 15 working days from the date of receipt of the request. If such request is not clear, further clarification may be requested.</u>
201e			<u>4. The requested authority may ask the requesting authority to complement the information contained</u>		deleted TM 21/2: covered above.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>in the request if it concludes that the information provided initially not sufficient.</u>		
G	201f		<u>5. A requested competent authority may refuse to comply with a request only in one of the following situations:</u>		deleted
G	201g		<u>(a) the requested information cannot be gathered on the territory of the Member State of the requested competent authority;</u>		deleted
G	201h		<u>(b) the requested authority demonstrates reasonable grounds showing that complying with the request would substantially impair the execution of its own activities.</u>		deleted TM 21/2: To be covered in Recital
R	201i				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>6. Before initiating an investigation in accordance with Article 18, a competent authority shall verify in the information and communication system referred to in Article 8(1) whether there is a lead competent authority investigating the product with the same identification and from the same supply chain or same economic operator. Where there is a lead competent authority, other competent authorities shall share all the relevant evidence and information they may have with that lead competent authority to facilitate the investigation, in compliance with Union law or national law in compliance with Union law, and shall not start a separate investigation.</u></p>		TM 21/2: Council will redraft
202	Article 17 Suspension	Article 17 Suspension	Moved to row 256g [202 - 256g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
203	Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).	Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities <u>or the Commission</u> of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).	Moved to row 256h [203 - 256h]		
203a			<u>Article 18</u> <u>Investigations</u>	<u>EP Article 5</u> <u>Investigations</u>	TM 15/2: EP presents its compromise on preliminary investigations and investigations.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>203b</p> <p>2. Competent authorities that initiate an investigation pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within 3 working days from the date of the decision to initiate such investigation about the following:</p> <p>Moved reference text</p>		<p>21. <u>Lead</u> competent authorities that initiate an investigation pursuant to paragraph 1 shall <u>communicate it through the information and communication system referred to in Article 8(1) and</u> inform the economic operators subject to the investigation, within 35 working days from the date of the decision to initiate such investigation, <u>unless it would jeopardise the outcome of the investigation,</u> about the following:</p> <p>Moved from row 110 [110 - 203b]</p>	<p>22. <u>2. The Commission or</u> competent authorities that initiate an investigation pursuant to paragraph 1 shall inform the economic operators subject to the investigation, within 32 working days from the date of the decision to initiate such investigation about the following:</p>	<p>TM 07/02: line to be yellowed CNS to propose compromise wording</p>
G	<p>203c</p> <p>(a) the initiation of the investigation and the possible consequences thereof;</p> <p>Moved reference text</p>		<p>(a) the initiation of the investigation and the possible consequences thereof;</p> <p>Moved from row 111 [111 - 203c]</p>	<p>(a) the initiation of the investigation and the possible consequences thereof;</p>	<p>(a) the initiation of the investigation and the possible consequences thereof;</p> <p>Text Origin: Commission</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Proposal
G	203d (b) the products subject to the investigation; Moved reference text		(b) the products subject to the investigation; Moved from row 112 [112 - 203d]	(b) the products subject to the investigation;	(b) the products subject to the investigation; Text Origin: Commission Proposal
Y	203e (c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation; Moved reference text		(c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation ; Moved from row 113 [113 - 203e]	(c) the reasons for the initiation of the investigation, unless it would jeopardise the outcome of the investigation;	
R	203f (d) the possibility for the economic operators to submit any other document or information to the competent authority, and the date by which such information has to be submitted.		(d) the possibility for the economic operators to submit any other document or information to the competent authority, and the date by which such information has to be submitted.	(d) the possibility for the economic operators to submit any other document or information to the competent authority <u>or the Commission</u> , and the date by which such information has to be submitted;	(d) the possibility for the economic operators to submit any other document or information to the competent authority <u>or the Commission</u> , and the date by which such information has to be submitted;

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		Moved from row 114 to 14 203f]	<u>(da) the requirement for the economic operator to demonstrate that Article 3 has not been violated with regard to the products coming from the geographic areas and the economic sectors listed in the delegated act adopted pursuant to Article 11a.</u>	<u>[(da) the requirement for the economic operator to demonstrate that Article 3 has not been violated with regard to the products coming from the geographic areas and the economic sectors listed in the delegated act adopted pursuant to Article 11a.]</u> TM 07/02: Point da to remain red, on point d in principle positions are close. Text Origin: Auxiliary 1
203g	3. Where requested to do so by competent authorities, economic operators under investigation shall submit to those competent authorities any information that is relevant and necessary for the investigation, including information identifying the products under		32. Where requested to do so by competent authorities, economic operators under investigation shall submit to those competent authorities <u>have at least 30 working days to submit</u> any information that is relevant and necessary for the investigation, including. <u>It shall include</u> information	3. Where requested to do so by <u>the Commission or</u> competent authorities, economic operators under investigation <u>and relevant product suppliers</u> shall submit to <u>the Commission or</u> those competent authorities any information that is relevant and necessary for the investigation, including	TM 07/02: CNS to come back if they could consider a maximum time limit (instead of a minimum "at least 30 days")

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, competent authorities shall to the extent possible:</p> <p>Moved reference text</p>		<p>identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, competent authorities shall to the extent possible:</p> <p>Moved from row 115 [115 - 203g]</p>	<p>information identifying the products under investigation, the manufacturer or producer of those products and the product suppliers. In requesting such information, the <u>Commission or</u> competent authorities shall to the extent possible:</p>	
Y	203h		<p><u>5. Competent authorities may decide, where needed, to conduct field inspections, in accordance with Article 19.</u></p>		<p>TM 08.02: related to art 19, lines 208a-208h Issue is parked for now.</p>
R	203i		<p><u>6. Once the lead competent authority has finalised its investigation, it shall communicate its complete findings, including all information and evidence gathered pursuant to Article 15, 18 and 19, and a proposition as to the conclusion to be drawn through the</u></p>		<p>TM 08.02: related to Decisions chapter (as from line 212a). Parked for now.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>information at a communication system referred to in Article 8(1)</u>		
Y	203j		<u>5. In requesting such information, and defining the time limit to submit it, competent authorities shall to the extent possible:</u>		
R	203k	(a) prioritise the economic operators under investigation involved in the steps of the value chain as close as possible to where the likely risk of forced labour occurs and Moved reference text	(a) prioritise the economic operators under investigation involved in the steps of the value supply chain as close as possible to where the likely risk of forced labour occurs and Moved from row 116 [116 - 203i]	(a) <u>after identifying the individual responsibilities, along the supply chain, of different product suppliers down to the level where forced labour is taking place,</u> prioritise the economic operators under investigation <u>and relevant product suppliers</u> involved in the steps of the value supply chain as close as possible to where the <u>forced labour</u> likely risk <u>occurs and with the highest leverage to prevent, mitigate, bring to an end and remediate the use</u> of forced labour occurs , and	TM 07/02: EP: possibly "after assessing the individual responsibilities"

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>(b) take into account the size and economic resources of the economic operators, the quantity of products concerned, as well as the scale of suspected forced labour.</p> <p>Moved reference text</p> <p>2031</p>		<p>(b) take into account the size and economic resources of the economic operators, the quantity of products concerned <u>put on the market</u>, as well as the scale of suspected forced labour.</p> <p>Moved from row 117 [117 - 203j]</p>	<p>(b) take into account the size and economic resources of the economic operators, <u>in particular whether the operator is an SME</u>, the quantity of products concerned, <u>the complexity of the supply chain</u>, as well as the scale of suspected forced labour.</p>	<p>(b)(h) take into account the size and economic resources of the economic operators, <u>in particular whether the operator is an SME</u>, the quantity of products concerned <u>[placed or made available or exported from the Union market], [the complexity of the supply chain]</u>, as well as the scale of suspected forced labour.</p> <p>TM 07/02: CNS to come back COM: instead of "put on the market", more correct to use "placed on the market", CNS agrees. CNS can also agree on the part on SMEs, need to check on supply chain.</p> <p>Text Origin: Auxiliary 1</p>
R	<p>203m</p> <p>4. Economic operators shall submit the</p>		<p>46. Economic operators shall submit the</p>	<p>42. Economic operators <u>and relevant product</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>information within 15 working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.</p> <p>Moved reference text</p>		<p>information within 15 working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit <u>justified extension of that time limit, which shall not exceed 15 working days.</u></p> <p>Moved from row 118 [118 - 203k]</p>	<p><u>suppliers</u> shall submit the information within 15<u>30</u> working days from the request referred to in paragraph 3 or make a justified request for an extension of that time limit.</p>	
R 203n	<p>5. When deciding on the time limits referred to in this Article, competent authorities shall consider the size and economic resources of the economic operators concerned.</p> <p>Moved reference text</p>		<p>57. When deciding on the time limits referred to in this Article, competent authorities shall consider the size and economic resources of the economic operators concerned.</p> <p>Moved from row 119 [119 - 203l]</p>	<p>5. When deciding on the time limits referred to in this Article, <u>the Commission and</u> competent authorities shall consider the size and economic resources of the economic operators concerned, <u>including whether the economic operator is an SME.</u></p>	R
R 203o	<p>6. Competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided</p>		<p>6. Competent authorities may carry out all necessary checks and inspections including investigations in third countries, provided</p>	<p>6. <u>The Commission and</u> competent authorities may carry out all necessary checks and inspections including investigations in</p>	R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.</p> <p>Moved reference text</p>		<p>that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.</p> <p>Moved from row 120 [120 - 203n]</p>	<p>third countries, provided that the economic operators concerned give their consent and that the government of the Member State or third country in which the inspections are to take place has been officially notified and raises no objection.</p>	
204	<p>Article 18</p> <p>Release for free circulation or export</p>	<p>Article 18</p> <p>Release for free circulation or export</p>	<p>Moved to row 266a [204 - 266a]</p>		
205	<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17, the 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</p>	<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17, the 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</p>	<p>Moved to row 266b [205 - 266b]</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	conditions is satisfied:	conditions is satisfied:			
206	(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;	(a) within 4 working days of the suspension, if the <u>Commission or the</u> 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;	Moved to row 266c [206 - 266c]		
207	(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.	(b) <u>the Commission or</u> the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.	Moved to row 266d [207 - 266d]		
208	2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.	2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.	Moved to row 266e [208 - 266e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
R	208a		<u>Article 19</u> <u>Field inspections</u>		TM 08.02: related to line 203m Issue is parked for now.
R	208b		<u>1. In exceptional situations where the lead competent authority may deem it necessary to conduct field inspections, it shall undertake this with consideration to where the risk of forced labour is located.</u>		
R	208c		<u>2. In cases where the risk of forced labour is located in the territory of a Member State of which the competent authority is the lead competent authority, it may conduct its own inspections. If needed, the lead competent authority may ask the cooperation of other national authorities relevant for the</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>implementation of the regulation, such as labour, health or fiscal authorities.</u>		
R 208d			<u>3. In cases where the risk of forced labour is located in the territory of a Member State of which the competent authority is not the lead competent authority, the lead competent authority may request that competent authority to conduct an inspection or to provide information or verify evidence provided by economic operators in accordance with Article 17(3) and (4).</u>		
R 208e			<u>4. In cases where the risk of forced labour is located outside the territory of the Union and the Commission is not acting pursuant to Article 10(3) or upon a request pursuant to Article 14(2) or pursuant to Article</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>16(4)(b), the lead competent authority may ask the Commission to request the government of the third country where the risk of forced labour is located to conduct an inspection, to provide relevant information or verify evidence provided by economic operators.</u>		
208f			<u>4a. In cases where the risk of forced labour is located outside the territory of the Union and the Commission is acting pursuant to Article 10(3) or upon a request pursuant to Article 14(2) or pursuant to Article 16(4)(b), it may request the government of the third country where the risk of forced labour is located to conduct an inspection, to provide relevant information or verify evidence provided by economic operators.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
R 208g			<u>4b. The Commission may request assistance from the European External Action Service, as appropriate, to facilitate such contacts.</u>		
R 208h			<u>5. The findings of the inspections carried out pursuant to paragraphs 3, 4 and 4a shall be communicated through the information and communication system referred to in Article 8(1).</u>		
209	Article 19 Refusal to release for free circulation or export	Article 19 Refusal to release for free circulation or export	Moved to row 269a [209 - 269a]		
210	1. Where the competent authorities conclude that a product that has been notified to them in accordance with Article 17 is a product made with forced labour pursuant to a decision referred to in	1. Where the <u>Commission or the</u> competent authorities conclude that a product that has been notified to them in accordance with Article 17 is a product made with forced labour pursuant to a	Moved to row 269b [210 - 269b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.	decision referred to in Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.			
211	2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1) and notify the customs authorities accordingly. Upon 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 on any other relevant accompanying document:	2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1) and notify the customs authorities accordingly. Upon 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 on any other relevant accompanying document:	Moved to row 269c [211 - 269c]		
212	‘Product made with forced	‘Product made with forced			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX' [OP to indicate reference of this Regulation].	labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX' [OP to indicate reference of this Regulation].	Moved to row 269d [269d - 269d]		
R	212a Chapter IV Information systems, guidelines and coordinated enforcement Moved reference text		Chapter IV Information systems, guidelines and coordinated enforcement <u>Decisions</u> Moved from row 220 [220 - 212a]		TM 08.02: linked to line 203o
R	212b Article 6 Decisions of competent authorities Moved reference text		Article 620 Decisions of competent authorities <u>the Commission</u> Moved from row 121 [121 - 212b]	<u>EP</u> Article 6 Decisions of competent authorities <u>and the Commission</u>	TM 08.02
R	212c 1. Competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether Article 3 has been		1. <u>Once</u> competent authorities shall assess all information and evidence gathered <u>acting as lead competent authority have finalised their</u>	1. <u>The Commission or</u> competent authorities shall assess all information and evidence gathered pursuant to Articles 4 and 5 and, on that basis, establish whether	TM 08.02: Timeline.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>violated, within a reasonable period of time from the date they initiated the investigation pursuant to Article 5(1).</p> <p>Moved reference text</p>		<p><u>investigations</u> pursuant to Articles 4 and 5 and, Article 18(6), the Commission shall establish on that basis, establish whether Article 3 has been violated whether the products concerned have been placed or made available on the market or are being exported in violation of Article 3, within a reasonable period of time from the date they initiated the investigation pursuant <u>received the information from the competent authorities according</u> to Article 5(1) <u>18(6)</u>.</p> <p>Paragraph 1a is reflected in line 212f (below)</p> <p>Moved from row 122 [122 - 212c]</p>	<p>Article 3 has been violated, within a reasonable period of time <u>90 working days</u> from the date they initiated the investigation pursuant to Article 5(1), <u>unless a duly justified request for the extension of the deadline in Article 5(4) was accepted.</u></p>	
212d	<p>2. Notwithstanding paragraph 1, competent authorities may establish that Article 3 has been violated on the basis of any</p>		<p>2. Notwithstanding paragraph 1, competent authorities <u>paragraphs 1 and 1a, where it was not possible to gather</u></p>	<p>2. Notwithstanding paragraph 1, <u>the Commission or</u> competent authorities may establish that Article 3 has been</p>	<p>TM 08.02: COM to propose text on the basis of foreign subsidies regulation (art 16) regarding "other facts"</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>other facts available where it was not possible to gather information and evidence pursuant to Article 5(3) or (6).</p> <p>Moved reference text</p>		<p><u>information at Levi on e pursuant to Article 15, 18(2) or 19, the Commission</u> may establish that Article 3 has been violated <u>the products concerned have been placed or made available</u> on the basis of any other facts available where it was not possible to gather information and evidence pursuant to Article 5(3) or (6) <u>market or are being exported in violation of Article 3 on the basis of any other relevant and verifiable information.</u></p> <p>Moved from row 123 [123 - 212d]</p>	<p>violated on the basis of any other facts available where it was not possible to gather information and evidence pursuant to <u>Article 4(3) and</u> Article 5(3) or (6).</p> <p><u>2a. Notwithstanding paragraph 1, economic operators shall demonstrate that Article 3 has not been violated in cases concerning products coming from the geographic area and the economic sector listed in the delegated act adopted pursuant to Article 11a.</u></p>	<p>available"/ non cooperation mechanism.</p> <p>COM to redraft</p>
212e	<p>3. Where competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and inform the economic operator thereof.</p> <p>Moved reference text</p>		<p>3. Where competent authorities <u>the Commission</u> cannot establish that <u>the products concerned have been placed or made available on the market or are being exported in violation of</u> Article 3 has been violated, they shall take a decision to close it</p>	<p>3. Where <u>the Commission</u> or competent authorities cannot establish that Article 3 has been violated, they shall take a decision to close the investigation and inform the economic operator thereof. <u>The decision to close the investigation shall be</u></p>	<p>TM 08.02: EP will propose drafting.</p> <p>EP to redraft</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>shall inform the economic operators that have been subject to the investigation and the relevant competent authorities. The Commission shall inform all competent authorities through the information and communication system referred to in Article 8(1). Such information shall not preclude competent authorities to launch a new investigation into the same product and the economic operator thereof in case new relevant information arises.</u></p> <p>Moved from row 124 [124 - 212e]</p>	<p><u>without prejudice to the adoption of a new decision or open an investigation under Article 5(1), in the event that the Commission or the competent authority receive new information pursuant to Article 4. Such closed investigations shall not appear in the database.</u></p>	
R 212f			<p><u>1a. Notwithstanding paragraph 1, once the Commission acting pursuant to Article 10(3) or acting upon a request pursuant to Article 14(2) or pursuant to Article 16(4)(b) has finalised its investigation, it shall establish on that basis</u></p>		R

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>whether the products concerned have been placed or made available on the market or are being exported in violation of Article 3, within a reasonable period of time from the date it received the request pursuant to Article 14(2) or pursuant to Article 16(4)(b).</u></p> <p>This line should come after line 212c.</p>		
212g			<p><u>3a. Before adopting the decision referred to in paragraph 4, the Commission shall communicate its preliminary findings to the economic operators concerned by the decision and relevant competent authorities. The concerned economic operators may submit their observations to the Commission on their preliminary finding, within a time limit set by the Commission, which shall not be less than 30</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>working days or, in case of perishable goods, animals and plants, not less than 5 working days. The Commission may request the support of the relevant competent authorities. The Commission shall base its decisions referred to in paragraph 4 only on preliminary findings on which economic operators have been able to comment.</u></p>		
212h	<p>4. Where competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:</p> <p>Moved reference text</p>		<p>4. Where competent authorities establish that Article 3 has been violated, they <u>the Commission establishes that the products concerned have been placed or made available on the market or are being exported in violation of Article 3, it</u> shall without delay adopt <u>an implementing act in the form of</u> a decision containing:</p> <p>Moved from row 125 [125 - 212h]</p>	<p>4. Where <u>the Commission or</u> competent authorities establish that Article 3 has been violated, they shall without delay adopt a decision containing:</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	212i (a) a prohibition to place or make the products concerned available on the Union market and to export them; Moved reference text		(a) a prohibition to place or make the products concerned available on the Union market and to export them; Moved from row 126 [126 - 212i]	(a) a prohibition to place or make the products <u>or product components</u> concerned available on the Union market and to export them;	TM 08.02: Focus on the component principle is agreeable to the co-legislators. To be checked with LS the implications of this wording/provide alternative wording.
Y	212j (b) an order for the economic operators that have been subject to the investigation to withdraw from the Union market the relevant products that have already been placed or made available on the market; Moved reference text		(b) an order for the economic operators that have been subject to the investigation to withdraw from the Union market the relevant products <u>products concerned</u> that have already been placed or made available on the market <u>and/or to remove content from an online interface referring to the products or listings of the products concerned</u> ; Moved from row 127 [127 - 212j]	(b) an order for the economic operators that have been subject to the investigation to withdraw from the Union market the relevant products <u>or product components</u> that have already been placed or made available on the market;	TM 08.02: product component - related to paragraph above. Council addition dependent on decision on Art4.
R	212k				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(c) an order for the economic operators that have been subject to the investigation to dispose of the respective products in accordance with national law consistent with Union law.</p> <p>Moved reference text</p>		<p>(c) an order for the economic operators that have been subject to the investigation to dispose of the respective products <u>concerned</u> in accordance with national law consistent with Union law <u>Article 24</u>.</p> <p>Moved from row 128 [128 - 212k]</p>	<p>(c) an order for the economic operators that have been subject to the investigation to</p> <p><u>i) if the products are perishable, donate the products concerned to charitable organisations or organisations that benefit public interest;</u></p> <p><u>ii) if the products are not perishable, recycle the products concerned;</u></p> <p><u>iii) where points (i) and (ii) are not possible,</u></p> <p>dispose of the respective products in accordance with national law consistent with Union law.</p>	<p>TM 08.02: to be discussed w art 24.</p>
R 212l	<p>5. Where an economic operator has failed to comply with the decision referred to in paragraph 4, the competent authorities shall ensure all of the following:</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 129 [129 - 212l]</p>	<p>5. Where an economic operator has failed to comply with the decision referred to in paragraph 4, the <u>Commission or the</u> competent authorities shall ensure all of the following:</p>	
R 212m					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(a) that it is prohibited to place or make available the products concerned on the market;</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 130 [130 - 212m]</p>	<p>(a) that it is prohibited to place or make available the products concerned on the market;</p>	
212n	<p>(b) that the products already placed or made available on the market are withdrawn from the Union market;</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 131 [131 - 212n]</p>	<p>(b) that the products already placed or made available on the market are withdrawn from the Union market;</p>	
212o	<p>(c) that any product remaining with the economic operator concerned is disposed of in accordance with national law consistent with Union law at the expense of the economic operator.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 132 [132 - 212o]</p>	<p>(c) that any product remaining with the economic operator concerned is</p> <p><u>i) if the products are perishable, donated to charitable organisations or organisations that benefit public interest;</u></p> <p><u>ii) if the products are not perishable, recycled;</u></p> <p><u>iii) where points (i) and (ii) are not possible,</u></p> <p>disposed of in accordance with national law consistent</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				with Union law at the expense of the economic operator.	
R 212p	<p>6. Where economic operators provide evidence to the competent authorities that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned, the competent authorities shall withdraw their decision for the future and inform the economic operators.</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 133 [133 - 212p]</p>	<p>C Where economic operators provide evidence to the competent authorities <u>the Commission or competent authorities establish that economic operators have demonstrated</u> that they have complied with the decision referred to in paragraph 4, and that they have eliminated forced labour from their operations or supply chain with respect to the products concerned <u>and that relevant forced labour cases have been remediated, the Commission or</u> the competent authorities shall withdraw their decision for the future and inform the economic operators.</p>	
R 212q			<u>Those implementing acts</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>shall be adopted in accordance with the examination procedure referred to in Article 33(2).</u>		
R 212r			<u>5. The Commission shall endeavour to adopt its decision referred to in paragraph 4 within 6 months from the transmission of all information and evidence referred to in paragraph 1.</u>		
R 212s			<u>5a. The Commission shall notify the final decision to all economic operators to which it is addressed and communicate it to all competent authorities, through the information and communication system referred to in Article 8(1).</u>		
R 212t			<u>7. The Commission may, on its own initiative or upon request by an economic operator</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>concerned by a decision and who is able to submit new information that was not brought to the attention of the competent authority during the investigation and included in the file referred to in paragraph 1, reconsider, amend or repeal at any moment a decision adopted pursuant to Article 20(4) for one of the following reasons:</u>		
R 212u			<u>(a) there has been a substantial change in any of the facts on which the decision was based;</u>		R
R 212v			<u>(b) the decision was based on incomplete, incorrect or misleading information.</u>		R
213	Article 20 Measures on products refused for release for free circulation or export	Article 20 Measures on products refused for release for free circulation or export	deleted		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
214	Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities shall take the necessary measures to ensure that the product concerned is disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.	Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities <u>in cooperation with the Commission or the competent authorities</u> shall take the necessary measures to ensure that the product concerned is <u>donated to charitable or public interest purposes if it is perishable. If such products are not perishable, they should be recycled, and if that is not possible, they should be</u> disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.	Moved to row 269f [214 - 269f]		
214a	Article 7 Content of the decision Moved reference text		Article 7 <u>21</u> Content of the decision Moved from row 134 [134 -	<u>EP</u> Article 7 Content of the decision	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			214a]		
Y	214b 1. The decision referred to in Article 6(4) shall contain all of the following: Moved reference text		1. The decision referred to in Article 6(4) <u>20(4)</u> shall <u>also</u> contain all of the following: Moved from row 135 [135 - 214b]	1. The decision referred to in Article 6(4) shall contain all of the following:	
G	214c (a) the findings of the investigation and the information underpinning the findings; Moved reference text		(a) the findings of the investigation and the information underpinning the findings; Moved from row 136 [136 - 214c]	(a) the findings of the investigation and the information <u>and evidence</u> underpinning the findings;	(a) the findings of the investigation and the information <u>and evidence</u> underpinning the findings; TM 12/2: COM agrees with the addition of evidence, so does CNS, line greened Text Origin: Auxiliary 1
Y	214d (b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no		(b) a -reasonable time limit <u>limits</u> for the economic operators to comply with the order, which shall not be less than 30 working	(b) a reasonable time limit for the economic operators to comply with the order, which shall not be less than 30 working days and no	TM 12/2: COM agrees with the addition of "limits" (CNS), SMEs (EP), questions "alternative sources

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>longer than necessary to withdraw the respective products. When setting such a time limit, the competent authority shall take into account the economic operator's size and economic resources;</p> <p>Moved reference text</p>		<p>days and no longer than necessary to withdraw the respective products from <u>the date of notification of the decision referred to in Article 20(4)</u>. When setting such a time limit, the competent authority <u>Commission</u> shall take into account the economic operator's size and economic resources <u>and the availability of alternative sources of supply. In case of perishable goods, animals and plants, the time limit shall be no less than 10 working days and no longer than necessary to withdraw the products concerned and to dispose of them</u>;</p> <p>Moved from row 137 [137 - 214d]</p>	<p>longer than necessary to withdraw the respective products. When setting such a time limit, the competent authority shall take into account the economic operator's size and economic resources, <u>including whether the operator is an SME</u>;</p>	<p>of supply".</p> <p>TM 12/2: CNS ready to drop "alternative sources of supply", EP to suggest a compromise text. "authority taking a decision" in square brackets.</p>
214e	(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including		(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including	(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including	(c) all relevant information and in particular the details allowing the identification of the product, to which the decision applies, including

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>details about the manufacturer or producer and the product suppliers;</p> <p>Moved reference text</p>		<p>details about the manufacturer or producer and the product suppliers;</p> <p>Moved from row 138 [138 - 214e]</p>	<p>details about the manufacturer, <u>producer</u>, <u>production site</u>, or the and the product suppliers,</p>	<p>details about the manufacturer or producer and the product suppliers <u>and, where appropriate, production site</u>;</p> <p>TM 12/2: COM not against "production site", but might in some instances not even be enough (or might not be available). COM suggests to add: where appropriate" Line provisionally greened, pending legal check and internal EP consultation</p> <p>Text Origin: Auxiliary 1</p>
G 214f	<p>(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.</p> <p>Moved reference text</p>		<p>(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013. i</p> <p>Moved from row 139 [139 - 214f]</p>	<p>(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013.</p>	<p>(d) where available and applicable, information required under customs legislation as defined in Article 5(2) of Regulation (EU) No 952/2013. i</p> <p>Text Origin: Council Mandate</p>
G 214g					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>(e) information on the possibilities for a judicial review against a decision.</u>		<u>(e) information on the possibilities for a judicial review against a decision.</u> TM 12/2: COM agrees with the addition Line provisionally greened Text Origin: Council Mandate
214h	<p>2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.</p> <p>Moved reference text</p>		<p>2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be <u>provided or</u> made available to customs authorities in accordance with Article 16(3)<u>26(3) to enable the identification of products requested by Article 25(4).</u> Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29<u>33(2).</u></p>	<p>2. The Commission shall adopt implementing acts further specifying the details of the information to be included in the decisions. Those details shall as a minimum include details of information to be made available to customs authorities in accordance with Article 16(3). Those implementing acts shall be adopted in accordance with the examination procedure pursuant to Article 29.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Moved from row 140 [210 - 214h]		
215	Article 21 Exchange of information and cooperation	Article 21 Exchange of information and cooperation	Moved to row 272a [215 - 272a]		
216	1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, competent authorities and customs authorities shall cooperate closely and exchange risk-related information.	1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, <u>the Commission</u> , competent authorities and customs authorities shall cooperate closely and exchange risk-related information, <u>in which the Commission will take on a coordination role</u> .	Moved to row 272b [216 - 272b]		
217	2. Cooperation among authorities and exchange of risk information necessary	2. Cooperation among authorities and exchange of risk information necessary	Moved to row 272c [217 - 272c]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities:	for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities:			
218	(a) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013;	(a) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013;	Moved to row 272d [218 - 272d]		
219	(b) competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.	(b) competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.	Moved to row 272e [219 - 272e]		
220	Chapter IV Information systems, guidelines and coordinated enforcement	Chapter IV Information systems, guidelines and coordinated enforcement	Moved to row 212a [220 - 212a]		
221	Article 22 Information and communication systems	Article 22 Information and communication systems	Moved to row 148a [221 - 148a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
222	1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.	1. For the purposes of Chapters II and III, competent authorities shall use the information and communication system referred to in Article 34 of Regulation (EU) 2019/1020. The Commission, competent authorities and customs authorities shall have access to that system for the purposes of this Regulation.	Moved to row 148b [222 - 148b]		
223	2. The decisions communicated pursuant to Article 15(3) shall be entered in the relevant customs risk management environment.	2. The decisions communicated pursuant to Article 15(3) shall be entered in the relevant customs risk management environment.	Moved to row 148d [223 - 148d]		
224	3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in	3. The Commission shall develop an interconnection to enable the automated communication of decisions referred to in	Moved to row 148e [224 - 148e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That interconnection shall start operating no later than two years from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.	Article 15(3) from the information and communication system referred to in paragraph 1 to the environment referred to in paragraph 4. That interconnection shall start operating no later than two <u>one year</u> from the date of the adoption of the implementing act referred to in paragraph 7, point (b), in respect of that interconnection.			
225	4. Requests and notifications exchanged between competent authorities and customs authorities pursuant to Articles 17 to 20 of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.	4. Requests and notifications exchanged between competent authorities and customs authorities pursuant to Articles 17 to 20 of this Regulation as well as the ensuing messages shall take place by means of the information and communication system referred to in paragraph 1.	Moved to row 148f [225 - 148f]		
226	5. The Commission shall interconnect the national	5. The Commission shall interconnect the national	Moved to row 148g [226 -		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications between customs and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]¹ within four years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p> <p>1. Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).</p>	<p>single window environments for customs with the information and communication system referred to in paragraph 1 to enable the exchange of requests and notifications between customs, <u>the Commission</u> and competent authorities pursuant to Articles 17 to 20 of this Regulation. That interconnection shall be provided through [EU CSW-CERTEX pursuant to Regulation XX/20XX]¹⁴⁰ within four<u>two</u> years from the date of adoption of the implementing act referred to in paragraph 7(c). The exchanges referred to in paragraph 4 shall take place through that interconnection as soon as it is operational.</p> <p><u>1Established by the Regulation on the EU Single Window Environment for Customs (EU SWE-C).</u></p> <p>1. Established by the</p>	148g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<i>Regulation on the EU Single Window Environment for Customs (EU SWE-C).</i>			
227	6. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.	6. The Commission may extract from the surveillance system referred to in Article 56(1) of Commission 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.	Moved to row 148h [227 - 148h]		
228	7. The Commission is empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 to specify the procedural rules and the details of the	7. The Commission is empowered to adopt implementing acts in accordance with the examination procedure pursuant to Article 29 to specify the procedural rules and the details of the	Moved to row 148i [228 - 148i]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	implementation arrangements for this Article, including:	implementation arrangements for this Article, including:			
229	(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 paragraphs 1 and 4;	(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 paragraphs 1 and 4;	Moved to row 148j [229 - 148j]		
230	(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;	(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;	Moved to row 148k [230 - 148k]		
231	(c) the data to be transmitted between the	(c) the data to be transmitted between the	Moved to row 148l [231 -		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	information and communication system referred to in paragraph 1 and the national single window environments for customs for the purposes of paragraph 5;	information and communication system referred to in paragraph 1 and the national single window environments for customs for the purposes of paragraph 5;	148l]		
232	(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.	(d) the data to be transmitted, as well as the rules on its confidentiality and controllership, in accordance with paragraph 6.	Moved to row 148m [232 - 148m]		
233	Article 23 Guidelines	Article 23 Guidelines	Moved to row 166b [233 - 166b]		
234	The Commission shall issue guidelines no later than 18 months after the entry into force of this Regulation, which shall include the following:	The Commission shall issue guidelines no later than 18 <u>12</u> months after the entry into force <u>before the date of application</u> of this Regulation, which shall include the following:	Moved to row 166c [234 - 166c]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
235	(a) guidance on due diligence in relation to forced labour, which shall take into account applicable Union legislation 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;	(a) guidance on due diligence in relation to forced labour, <u>including forced child labour</u> , which shall take into account applicable Union legislation 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, <u>different types of suppliers along the supply chain, different sectors and the particular risks associated with forced labour imposed by state authorities</u> ;	Moved to row 166d [235 - 166d]		
235a		<u>(aa) guidance on how to submit information pursuant to Article 10;</u>			
235b		<u>(ab) guidance for economic operators and</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>product suppliers on how to engage in dialogue with competent authorities pursuant to Articles 4 and 5;</u>			
235c		<u>(ac) guidance for economic operators on measures that are suitable and effective for bringing to an end different types of forced labour;</u>			
236	(b) information on risk indicators of forced labour, which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;	(b) information on risk indicators of forced labour, <u>including how to identify them,</u> which shall be based on independent and verifiable information, including reports from international organisations, in particular the International Labour Organization, civil society, business organisations, and experience from implementing Union legislation setting out due diligence requirements with respect to forced labour;	Moved to row 166g [236 - 166g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
237	(c) a list of publicly available information sources of relevance for the implementation of this Regulation;	<i>deleted</i>	Moved to row 166h [237 - 166h]		
238	(d) further information to facilitate the competent authorities' implementation of this Regulation;	(d) further information to facilitate the competent authorities' implementation of this Regulation;	Moved to row 166k [238 - 166k]		
239	(e) guidance for the practical implementation of Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation.	(e) guidance for <u>competent authorities on the practical implementation of application of Articles 4 and 5, Article 11</u> , Article 16 and, where appropriate, any other provision laid down in Chapter III of this Regulation, <u>including benchmarks for assisting competent authorities in their risk-based assessments of investigations and guidelines on the applicable standard of</u>	Moved to row 166j [239 - 166j]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>evidence and on how to ensure that economic operators can use the official language of their place of establishment.</u>			
239a		<u>The guidance referred to in paragraph 1, point (a), shall focus in particular on assisting small and medium-sized enterprises (SMEs) and economic operators outside the scope of [Directive 20XX/XX/EU on Corporate Sustainability Due Diligence] in complying with this Regulation, and in particular with regard to cases referred to in Article 5(2), point (da).</u>			
239b		<u>Furthermore, the Commission shall develop accompanying measures to support the efforts of economic operators and their business partners in the same supply chain, in particular the SMEs.</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>Those measures shall include a one-stop shop for all matters related to the application of this Regulation and support to multi-stakeholder initiatives.</u>			
239c		<u>National competent authorities shall support micro, small and medium-sized enterprises (SMEs) by organizing trainings on forced labour risk indicators and on engagement with authorities during investigations, and set up a hotline for questions related to this Regulation.</u>			
239d		<u>The Commission shall consult relevant stakeholders and partners when elaborating the guidelines referred to in this Article.</u>			
239e					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u><i>The guidelines shall be consistent with guidelines provided in accordance with other relevant Union law.</i></u>			
240	Article 24 Union Network Against Forced Labour Products	Article 24 Union Network Against Forced Labour Products	Moved to row 120c [240 - 120c]		
241	1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent.	1. A Union Network Against Forced Labour Products ('the Network') is established. The Network shall serve as a platform for structured coordination and cooperation between the competent authorities of the Member States and the Commission, and to streamline the practices of enforcement of this Regulation within the Union, thereby making enforcement more effective and coherent. <u><i>The Commission shall coordinate the work of the Network.</i></u>	Moved to row 120d [241 - 120d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
241a		<u>1a. The Commission and the Member States shall ensure that the Network has the necessary resources to carry out the tasks referred to in paragraph 3, including sufficient budgetary and other resources.</u>			
242	2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.	2. The Network shall be composed of representatives from each Member States' competent authority, representatives from the Commission and, where appropriate, experts from the customs authorities.	Moved to row 120e [242 - 120e]		
242a		<u>2a. A representative from the Commission shall chair the meetings of the Network.</u>			
242b		<u>2b. The Network shall have a secretariat. It shall</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>be provided by the Commission. The secretariat shall organise the meetings of the Network and provide technical and logistical support to the Network.</u>			
243	3. The Network shall have the following tasks:	3. The Network shall have the following tasks:	Moved to row 120h [243 - 120h]		
244	(a) facilitate the identification of common priorities for enforcement activities, to exchange information, expertise and best practices;	(a) facilitate the identification of common priorities for enforcement activities, to exchange information, expertise and best practices;	Moved to row 120i [244 - 120i]		
245	(b) conduct joint investigations;	(b) conduct joint investigations;	Moved to row 120k [245 - 120k]		
245a		<u>(ba) commission research and monitor situations of systemic use of forced</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>labour;</u>			
246	(c) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States;	(c) facilitate capacity building activities and contribute to uniform risk-based approaches and administrative practices for the implementation of this Regulation in the Member States;	Moved to row 120m [246 - 120m]		
246a		<u>(ca) facilitate capacity building activities, such as the organisation of training programmes for competent authorities and other relevant stakeholders;</u>			
246b		<u>(cb) promote cooperation, exchange of expertise, exchanges of personnel and voluntary mutual visit programmes between competent authorities and, where appropriate, with the authorities of partner third countries or with</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>international organisations, especially with the authorities of low and lower middle-income countries;</u>			
246c		<u>(cc) assist in the organisation of information campaigns about this Regulation inside and outside the Union;</u>			
246d		<u>(cd) involve and organise training for the diplomatic representations of the Union to assist in the information gathering and dissemination efforts of this Regulation;</u>			
247	(d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation;	(d) contribute to the development of guidance to ensure the effective and uniform application of this Regulation, <u>and identify discrepancies between enforcement at the level of</u>	Moved to row 120n [247 - 120n]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>different Member States</u> ;			
248	(e) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;	(e) promote and facilitate collaboration to explore possibilities for using new technologies for the enforcement of this Regulation and the traceability of products;	Moved to row 120r [248 - 120r]		
249	(f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities;	(f) to promote the cooperation and exchange of expertise and best practices between competent authorities and customs authorities, <u>as well as between those authorities and competent authorities of third countries and international organisations, including the World Customs Organisation</u> ;	Moved to row 120u [249 - 120u]		
249a		<u>(fa) maintain regular contact with the Commission's relevant</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>services to receive information from other Union initiatives that support the eradication of forced labour and provide relevant information about the application of this Regulation.</u>			
250	4. The Commission shall support and encourage cooperation between enforcement authorities through the Network and participate in the meetings of the Network.	4. The Commission shall support and encourage cooperation between enforcement authorities through the Network and participate in the meetings of <u>ensure the effective and uniform application of this Regulation and to that effect support and encourage cooperation between enforcement authorities through</u> the Network.	Moved to row 120v [250 - 120v]		
250a		<u>4a. The Network may invite experts and stakeholders, including social partners and other workers' representatives, civil society and human</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>rights organisations</u> <u>representatives, businesses</u> <u>representatives,</u> <u>international</u> <u>organisations, third</u> <u>countries' competent</u> <u>authorities, the European</u> <u>Agency for Fundamental</u> <u>Rights, the European</u> <u>Labour Authority or other</u> <u>Union agencies with</u> <u>relevant expertise in the</u> <u>areas covered by this</u> <u>Regulation to attend</u> <u>meetings of the Network or</u> <u>to provide written</u> <u>contributions. Where</u> <u>appropriate, diplomatic</u> <u>representations of the</u> <u>Union, particularly based</u> <u>in countries with regions</u> <u>identified having a high</u> <u>risk of forced labour</u> <u>occurring, shall also be</u> <u>involved in the work of this</u> <u>Network.</u>			
250b		<u>4b. The Network shall</u> <u>meet at regular intervals</u> <u>and, where necessary, at</u> <u>the duly motivated request</u> <u>of the Commission or a</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>Member State.</u>			
251	5. The Network shall establish its rules of procedure.	5. The Network shall establish its rules of procedure.	Moved to row 120z [251 - 120z]		
252	CHAPTER V Final provisions	CHAPTER V Final provisions	CHAPTER V Final provisions <u>Enforcement</u> Final provisions Chapter moved to Chapter VI		CHAPTER V Final provisions <u>Enforcement</u> Text Origin: Council Mandate
252a			<u>Title I</u> <u>Competent authorities</u>		<u>Section I</u> <u>Competent authorities</u> Text Origin: Council Mandate
252b			<u>Article 22</u> <u>Enforcement of the decisions by competent authorities</u>		<u>Article 22</u> <u>Enforcement of the decisions by competent authorities</u> TM 12/2: Art 22 provisionally greened,

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					except line 252g (remains yellow) Text Origin: Council Mandate
G 252c			<u>1. Where within the reasonable time limit referred to in Article 21(1)(b) an economic operator has failed to comply with the decision referred to in Article 20(4), the competent authorities shall be responsible of the enforcement of the decision and shall ensure all of the following:</u>		<u>1. Where within the reasonable time limit referred to in Article 21(1)(b) an economic operator has failed to comply with the decision referred to in Article 20(4), the competent authorities shall be responsible of the enforcement of the decision and shall ensure all of the following:</u> Text Origin: Council Mandate
G 252d			<u>(a) that it is prohibited to place or make available the products concerned on the Union market [and to export them];</u>		<u>(a) that it is prohibited to place or make available the products concerned on the Union market and to export them;</u> Text Origin:

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Council Mandate
G 252e			<u>(b) that the products concerned already placed or made available on the market are withdrawn from the Union market by relevant authorities, in accordance with Union and national laws;</u>		<u>(b) that the products concerned already placed or made available on the market are withdrawn from the Union market by relevant authorities, in accordance with Union and national laws;</u> Text Origin: Council Mandate
G 252f			<u>(c) that the products concerned remaining with the economic operator are disposed of in accordance with Article 24, at the expense of the economic operator;</u>		<u>(c) that the products concerned remaining with the economic operator are disposed of in accordance with Article 24, at the expense of the economic operator;</u> Text Origin: Council Mandate
G 252g			<u>(d) that access to the online interface displaying</u>		<u>(d) that access to the products and to listings</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>the content referring to the products concerned is restricted by requesting the relevant third party to implement such measures</u>		<u>referring to the products concerned is restricted by requesting the relevant third party to implement such measures;</u> TM 20/2 COM proposed wording.
252h			<u>2. If the economic operator has failed to comply with the decision, the competent authority shall impose either directly, in cooperation with other authorities or by application to the competent judicial authorities, penalties on the economic operator pursuant to Article 34.</u>		<u>2. If the economic operator has failed to comply with the decision, the competent authority shall impose either directly, in cooperation with other authorities or by application to the competent judicial authorities, penalties on the economic operator pursuant to Article 34.</u> Text Origin: Council Mandate
252i			<u>Article 23</u> <u>Withdrawal of products made with forced labour</u>		<u>Article 23</u> <u>Withdrawal of products made with forced labour</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p>TM 12/2: Art 23 provisionally greened</p> <p>Text Origin: Council Mandate</p>
252j			<p><u>1. Any decision to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 20(4) shall be communicated, through the information and communication system referred to in Article 8(1), to the Market surveillance authorities as referred to in Article 10 of Regulation (EU) 2019/1020 or the other authorities relevant for the product concerned.</u></p>		<p><u>1. Any decision to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 20(4) shall be communicated, through the information and communication system referred to in Article 8(1), to the Market surveillance authorities as referred to in Article 10 of Regulation (EU) 2019/1020 or the other authorities relevant for the product concerned.</u></p> <p>Text Origin: Council Mandate</p>
252k			<p><u>2. The enforcement of the withdrawal of products</u></p>		<p><u>2. The enforcement of the withdrawal of products</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>shall be of the responsibility of the competent authority, in coordination with any other relevant authorities for the product concerned.</u>		<u>shall be of the responsibility of the competent authority, in coordination with any other relevant authorities for the product concerned.</u> Text Origin: Council Mandate
G 2521			<u>Article 24</u> <u>Disposal of products made with forced labour</u>		<u>Article 24c</u> <u>Disposal of products made with forced labour</u> TM 20/02 Text Origin: Council Mandate
G 252m			<u>1. In line with the waste hierarchy set out in Directive 2008/98/EC, economic operators and competent authorities responsible for the disposal of products, pursuant to Article 20(4)c shall include at least one of the following measures</u>		<u>1. In line with the waste hierarchy set out in Directive 2008/98/EC, economic operators and Member States competent authorities responsible for the disposal of products, pursuant to Article 20(4)c shall dispose of the products concerned by</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>that have to be considered in that order:</u>		<u>recycling them or, when that is not possible, by rendering those products inoperable. In case of perishable products, the disposal shall be done by donating the products concerned for charitable or public interest purposes or, when that is not possible, by rendering those products inoperable.</u> MS competent authority to be checked.
G 252n			<u>(a) donation of the products concerned for charitable or public interest purposes;</u>	<u>i) if the products are perishable, donated to charitable organisations or organisations that benefit public interest;</u>	deleted
G 252o			<u>(aa) recycling of the products;</u>	<u>ii) if the products are not perishable, recycled;</u>	deleted
G 252p			<u>(c) rendering the products concerned inoperable.</u>	<u>iii) where points (i) and (ii) are not possible,</u>	deleted

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<u>disposed of in accordance with national law consistent with Union law at the expense of the economic operator.</u>	Text Origin: Council Mandate
252q			<u>Title II</u> <u>Customs authorities</u>		<u>Section II</u> <u>Customs authorities</u> Text Origin: Council Mandate
253	Article 25 Confidentiality	Article 25 Confidentiality Original Article 25 (from EP and Commission) moved to line 253h. Below lines are New Article 25 from the Council	Article 25 Confidentiality <u>Controls by customs authorities</u>	<u>EP Article 2515</u> Confidentiality <u>Controls</u>	Article 25 Confidentiality <u>Controls by customs authorities</u> TM 12/2: Article 25 to be greened, except lines 253b, 253d and 253g Text Origin: Council Mandate
253a	1. Products entering or leaving the Union market shall be subject to the controls and measures laid		1. Products entering or leaving the Union market shall be subject to the controls and measures laid	1. Products entering or leaving the Union market shall be subject to the controls and measures laid	1. Products entering or leaving the Union market shall be subject to the controls and measures laid

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>down in this Chapter.</p> <p>Moved reference text</p>		<p>down in this Chapter 2.</p> <p>Moved from row 189 [189 - 253a]</p>	down in this Chapter.	<p>down in this Chapter<u>Section</u>.</p> <p>Text Origin: Council Mandate</p>
253b	<p>3. The competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:</p> <p>Moved reference text</p>		<p>3. The competent authority<u>Commission</u> shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), <u>communicate to the customs authorities of Member States: communicate to the customs authorities of Member States, decisions to prohibit the placing or making available of the products on the Union market and their export, pursuant to Article 20(4).</u></p> <p>Moved from row 191 [191 - 253b]</p>	<p>3. <u>The Commission or</u> the competent authority shall without delay, where no request for a review has been introduced within the time limits referred in Article 8(1) or the decision is definitive in case of a request for a review as referred to in Article 8(3), communicate to the customs authorities of Member States:</p>	<p>TM 12/2: EP: could we still include the element "decision is definitive"? CNS to propose text TM 20/2 COM to redraft - CA takes the decision , when final communicates to customs + add para, if customs have questions, contact should be their national auth.</p> <p>COM to redraft</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
253c	<p>2. The application of this Chapter is without prejudice to other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of Regulation (EU) No 952/2013.</p> <p>Moved reference text</p>		<p>2. The application of this Chapter<u>Title</u> is without prejudice to <u>any</u> other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of<u>legal acts governing customs risk management, customs controls and the release for free circulation of goods and export, under</u> Regulation (EU) No 952/2013.</p> <p>Moved from row 190 [190 - 253f]</p>	<p>2. The application of this Chapter is without prejudice to other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of Regulation (EU) No 952/2013.</p>	<p>2. The application of this Chapter<u>Section</u> is without prejudice to <u>any</u> other Union legislation governing the release for free circulation or export of products, in particular Articles 46, 47, 134 and 267 of<u>legal acts governing customs risk management, customs controls and the release for free circulation of goods and export, under</u> Regulation (EU) No 952/2013.</p> <p>Text Origin: Council Mandate</p>
253d	<p>4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in</p>		<p>4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in</p>	<p>4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in</p>	<p>4. Customs authorities shall rely on the decisions communicated pursuant to paragraph 3 to identify products that may not comply with the prohibition laid down in Article 3. For that purpose, they shall carry out controls on products entering or leaving the Union market in</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>accordance with Articles 46 and 47 of Regulation (EU) No 952/2013.</p> <p>Moved reference text</p>		<p>accordance with Article 46 and 47 of Regulation (EU) No 952/2013. <u>based on risk management as laid down in Regulation (EU) No 952/2013.</u></p> <p>Moved from row 194 [194 - 253c]</p>	<p>accordance with Articles 46 and 47 of Regulation (EU) No 952/2013. <u>The Commission and Member States shall ensure that the customs authorities have sufficient resources to carry out these controls.</u></p>	<p>accordance with Articles 46 and 47 of Regulation (EU) No 952/2013. <u>based on risk management as laid down in Regulation (EU) No 952/2013.</u></p> <p>Text Origin: Council Mandate</p>
Y	<p>253e</p> <p>(a) any decision to prohibit the placing or making available of the products on the Union market and their export, as well as to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 6(4);</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 192 [192 - 253d]</p>	<p>(a) any decision to prohibit the placing or making available of the products on the Union market and their export, as well as to order the withdrawal of the products already placed or made available on the Union market and their disposal referred to in Article 6(4);</p>	<p>TM 20/2: linked to 253b</p>
Y	<p>253f</p> <p>(b) any decision following the review referred to in Article 8(3).</p> <p>Moved reference text</p>		<p><i>deleted</i></p> <p>Moved from row 193 [193 - 253e]</p>	<p>(b) any decision following the review referred to in Article 8(3).</p>	<p>TM 20/2: linked to 253b</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	253g 5. The competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6). Moved reference text		5. The competent authority <u>Commission</u> shall without delay communicate to the customs authorities of Member States any withdrawal of the decision referred to in Article 6(6) <u>20(4) pursuant to Article 20(8)</u> . Moved from row 195 [195 - 253g]	5. <u>The Commission or</u> the competent authority shall without delay communicate to the customs authorities of Member States a withdrawal of the decision referred to in Article 6(6).	TM 20/2: linked to 253b COM to redraft COM to redraft
R	253h				<u>4a. [The Commission and Member States shall ensure that the customs authorities have sufficient resources to carry out these controls.]</u>
	253i	<u>EP Article 25 Confidentiality</u>			
	254 1. The competent authorities shall only use information received pursuant to this Regulation	1. The competent authorities shall only use information received pursuant to this Regulation	Moved to row 273a [254 - 273a]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	for the purpose of applying this Regulation.	for the purpose of applying this Regulation.			
255	2. Where requested, the Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. A request for confidentiality shall be accompanied by a non-confidential summary of the information supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.	2. Where requested, The Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. A request for confidentiality shall be accompanied by a non-confidential summary of the, unless stated otherwise by those who provide information-supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.	Moved to row 273c [255 - 273c]		
256	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	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	Moved to row 273d [256 - 273d]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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.	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.			
256a	<p>Article 16 Information to be made available to customs authorities</p> <p>Moved reference text</p>		<p>Article 16<u>26</u> <u>Additional</u> information to be <u>provided or</u> made available to customs authorities</p> <p>Moved from row 196 [196 - 256a]</p>	<p><u>EP</u> Article 16 Information to be made available to customs authorities</p>	<p>Article 16<u>26</u> <u>Additional</u> information to be <u>provided or</u> made available to customs authorities</p> <p>TM 12/2: Art 26 to be greened, except lines 256b and 256e, which remain yellow</p> <p>Text Origin: Council Mandate</p>
256b	1. The Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by identifying the products or product		1. The Commission is empowered to adopt delegated acts in accordance with Article 27 <u>31</u> to supplement this Regulation by identifying the products or product	1. The Commission is empowered to adopt delegated acts in accordance with Article 27 to supplement this Regulation by identifying the products or product	1. The Commission is empowered to adopt delegated acts in accordance with Article 27 <u>31</u> to supplement this Regulation by identifying the products or product

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>groups for which the information referred to in paragraph 2 shall be provided to customs authorities, amongst others, on the basis of the database referred to in Article 11 or f information and decisions encoded in the information and communication system referred to in Article 22(1).</p> <p>Moved reference text</p>		<p>groups for which the information referred to in paragraph 2 shall be provided to customs authorities. <u>The products or product group concerned shall be chosen on a risk-based approach, building</u> amongst others, on the basis of <u>information available in</u> the database referred to in Article 11 or f <u>9, on the decisions taken on the basis of Article 20(4), on</u> information <u>exchanged in the Union Network Against Forced Labour Products and</u> on <u>and</u> decisions encoded in the information and communication system referred to in Article 22(1) <u>8(1)</u>.</p> <p>Moved from row 197 [197 - 256b]</p>	<p>groups for which the information referred to in paragraph 2 shall be provided to customs authorities, amongst others, on the basis of the database referred to in Article 11 or f information and decisions encoded in the information and communication system referred to in Article 22(1).</p>	<p>groups for which the information referred to in paragraph 2 shall be provided to customs authorities, amongst others, on the basis of the database referred to in Article 11 or f. <u>The products or product group concerned shall be chosen following a proportionate approach, building, amongst others, on the</u> information and decisions <u>available in the database, information</u> encoded in the information and communication system, <u>and substantiated information exchanged in the Union Network Against Forced Labour Products</u> referred to in Article 22(1).</p> <p>TM 12/2: COM - add "substantiated" to "information exchanged in the Union Network.." EP to come forward with a proposed text. TM 20/2</p>
G 256c					G

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.</p> <p>Moved reference text</p>		<p>2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1 <u>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</u>, unless the provision of such information is already required pursuant to</p>	<p>2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1, unless the provision of such information is already required pursuant to customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.</p>	<p>2. Customs authorities shall be provided with information identifying the product, information about the manufacturer or the producer and information about the product suppliers as regards products entering or leaving the Union market that have been identified by the Commission pursuant to paragraph 1 <u>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</u>, unless the provision of such information is already required pursuant to</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p>customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.</p> <p>Moved from row 198 [198 - 256c]</p>		<p>customs legislation referred to in Article 5(2) of Regulation (EU) No 952/2013.</p> <p>Text Origin: Council Mandate</p>
256d	<p>3. The Commission may adopt implementing acts further specifying the details of the information to be made available to customs authorities pursuant to paragraph 1.</p> <p>Moved reference text</p>		<p>3. The Commission may adopt implementing acts further <u>specifying the detailed arrangements for implementing paragraphs 1 and 2 of this Article, and defining</u> the details of the information to be <u>provided or</u> made available to customs authorities pursuant to paragraph 1.</p> <p>Moved from row 199 [199 - 256d]</p>	<p>3. The Commission may adopt implementing acts further specifying the details of the information to be made available to customs authorities pursuant to paragraph 1.</p>	<p>3. The Commission may adopt implementing acts further <u>specifying the detailed arrangements for implementing paragraphs 1 and 2 of this Article, and defining</u> the details of the information to be <u>provided or</u> made available to customs authorities pursuant to paragraph 1.</p> <p>Text Origin: Council Mandate</p>
256e	<p>4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure</p>		<p>4. The <u>Those</u> implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure</p>	<p>4. The implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure</p>	<p>4. The <u>Those</u> implementing acts referred to in paragraph 3 shall be adopted in accordance with the examination procedure</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>pursuant to Article 29.</p> <p>Moved reference text</p>		<p>pursuant to Article 29³³ 2.</p> <p>Moved from row 200 [200 - 256e]</p>	<p>pursuant to Article 29.</p>	<p>pursuant to Article 29³³.</p> <p>TM 20/2: Article 33 to be redrafted accordingly.</p> <p>Text Origin: Council Mandate</p>
256e	<p>5. Where a specific product has been identified in a decision referred to in Article 6(4), in order for the customs authorities to be able to act immediately, the procedure provided for in Article 28 shall apply to delegated acts adopted pursuant to this Article.</p> <p>Moved reference text</p>		<p>5. Where a specific product has been identified in a decision referred to in Article 6(4)²⁰⁽⁴⁾, in order for the customs authorities to be able to act immediately <u>on that specific product</u>, the procedure provided for in Article 28³² shall apply to delegated acts adopted pursuant to this Article^{paragraph 1}.</p> <p>Moved from row 201 [201 - 256f]</p>	<p>5. Where a specific product has been identified in a decision referred to in Article 6(4), in order for the customs authorities to be able to act immediately, the procedure provided for in Article 28 shall apply to delegated acts adopted pursuant to this Article.</p>	<p>5. Where a specific product has been identified in a decision referred to in Article 6(4)²⁰⁽⁴⁾, in order for the customs authorities to be able to act immediately <u>on that specific product</u>, the procedure provided for in Article 28³² shall apply to delegated acts adopted pursuant to this Article^{paragraph 1}.</p> <p>Text Origin: Council Mandate</p>
256g	<p>Article 17 Suspension</p> <p>Moved reference text</p>		<p>Article 17²⁷ Suspension</p> <p>Moved from row 202 [202 -</p>	<p><u>EP</u> Article 17 Suspension</p>	<p>Article 17²⁷ Suspension</p> <p>TM 12/2:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			256g]		Part of the decision on governance - discussion parked Text Origin: Council Mandate
256h	<p>Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).</p> <p>Moved reference text</p>		<p>Where customs authorities identify, <u>through their relevant risk management system</u>, a product entering or leaving the Union market that may, in accordance with <u>according to</u> a decision received <u>communicated</u> pursuant to Article 15(3) <u>25(3)</u>, be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to</p>	<p>Where customs authorities identify a product entering or leaving the Union market that may, in accordance with a decision received pursuant to Article 15(3), be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities <u>or the Commission</u> of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to Article 15(3).</p>	<p>Where customs authorities identify, <u>through their relevant risk management system</u>, a product entering or leaving the Union market that may, in accordance with <u>according to</u> a decision received <u>communicated</u> pursuant to Article 15(3) <u>25(3)</u>, be in violation of Article 3, they shall suspend the release for free circulation or the export of that product. Customs authorities shall immediately notify the relevant competent authorities of the suspension and transmit all relevant information to enable them to establish whether the product is covered by a decision communicated pursuant to</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			Article 15(3) <u>25(3)</u> . Moved from row 203 [203 - 256h]		Article 15(3) <u>25(3)</u> . Text Origin: Council Mandate
257	Article 26 International Cooperation	Article 26 International Cooperation	Moved to row 179a [257 - 179a]		
258	1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives and business organisations. International cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be	1. In order to facilitate effective implementation and enforcement of this Regulation, the Commission may <u>shall</u> as appropriate cooperate, engage and exchange information with, amongst others, authorities of third countries, international organisations, civil society representatives, <u>including trade unions, workers' rights organisations, NGOs and networks of affected stakeholders, and</u> business organisations <u>and other relevant stakeholders, through new and existing dialogue structures.</u> International	Moved to row 179b [258 - 179b]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	created on an ad hoc basis.	cooperation with authorities of third countries shall take place in a structured way as part of the existing dialogue structures with third countries or, if necessary, specific ones that will be created on an ad hoc basis, <u>and shall, where appropriate, facilitate the exchange of information on investigations, including the reasons and evidence for decisions taken to ban products from their jurisdictions. The Commission shall have regular contact and cooperation in particular with third countries that have similar laws in place, to share information on risk products or regions as well as best practices for bringing forced labour to an end.</u>			
258a		<u>1a. Cooperation with third countries shall be integrated with other Union policies and instruments that include</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>measures to eradicate forced labour, including trade agreements, the Generalised Scheme of Preferences, and development cooperation projects led by the Commission.</u>			
258b		<u>1b. The Commission and Member States shall develop cooperation and partnership mechanisms with third countries to address the root causes of forced labour, prevent and eliminate forced labour practices, and build the capacity of upstream economic actors to respond to the requirements set out in this Regulation.</u>			
259	2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business	2. For the purposes of paragraph 1, cooperation with, amongst others, international organisations, civil society representatives, business	Moved to row 179e [259 - 179e]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies and partner countries efforts and locally available capacities in tackling forced labour.	organisations and competent authorities of third countries may result in the Union developing accompanying measures to support the efforts of companies, <u>and in particular SMEs, civil society organisations,</u> and partner countries' efforts and locally available capacities in tackling forced labour <u>and its root causes</u> .			
259a		<u>Article 26a</u> <u>Amendment of Directive (EU) 2019/1937</u> <u>In Part I.C.1 of the Annex to Directive (EU) 2019/1937, the following point is added:</u> <u>'(iv) Regulation (EU) XXXX/XXXX of the European Parliament and of the Council of [date] on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937.'</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
260	Article 27 Delegated Acts and Exercise of the Delegation	Article 27 Delegated Acts and Exercise of the Delegation	Moved to row 276c [260 - 276c]		
261	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	Moved to row 276d [261 - 276d]		
262	2. The power to adopt delegated acts referred to in Article 16(1) shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.	2. The power to adopt delegated acts referred to in Article <u>11a, Article 16(1), and in Article 30(4)+6(1)</u> shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.	Moved to row 276e [262 - 276e]		
263	3. The delegation of power referred to in Article 16(1) may be revoked at any time by the European Parliament or by the Council. A	3. The delegation of power referred to in Article <u>11a, Article 16(1) and in Article 30(4)+6(1)</u> may be revoked at any time by the	Moved to row 276f [263 - 276f]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	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.	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.			
264	<p>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 on Better Law-Making of 13 April 2016¹.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European</p>	<p>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 on Better Law-Making of 13 April 2016¹.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European</p>	Moved to row 276g [264 - 276g]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)	Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)			
265	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	Moved to row 276h [265 - 276h]		
266	6. A delegated act adopted pursuant to Article 16(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or	6. A delegated act adopted pursuant to Article <u>11a</u> , <u>Article 16(1) and in Article 30(4)</u> 16(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two	Moved to row 276i [266 - 276i]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	of the Council.	months at the initiative of the European Parliament or of the Council.			
266a	<p>Article 18 Release for free circulation or export</p> <p>Moved reference text</p>		<p>Article 18²⁸ Release for free circulation or export</p> <p>Moved from row 204 [204 - 266a]</p>	<p>^{EL} Article 18 Release for free circulation or export</p>	<p>Article 18²⁸ Release for free circulation or export</p> <p>TM 12/2: related to governance - discussion parked</p> <p>Text Origin: Council Mandate</p>
266b	<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17, the 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:</p>		<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17²⁷, the 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:</p>	<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17, the 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:</p>	<p>1. Where the release for free circulation or the export of a product has been suspended in accordance with Article 17²⁷, the 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:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		Moved from row 205 [205 - 266b]		Text Origin: Council Mandate
266c	<p>(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;</p> <p>Moved reference text</p>		<p>(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;</p> <p>Moved from row 206 [206 - 266c]</p>	<p>(a) within 4 working days of the suspension, if the <u>Commission or the</u> 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;</p>	<p>(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;</p> <p>Text Origin: Council Mandate</p>
266d	<p>(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.</p> <p>Moved reference text</p>		<p>(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.</p> <p>Moved from row 207 [207 - 266d]</p>	<p>(b) <u>the Commission or</u> the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.</p>	<p>(b) the competent authorities informed the customs authorities of their approval for release for free circulation or export pursuant to this Regulation.</p> <p>Text Origin: Commission Proposal</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
266e	<p>2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.</p> <p>Moved reference text</p>		<p>2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.</p> <p>Moved from row 208 [208 - 266e]</p>	<p>2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.</p>	<p>2. The release for free circulation or export shall not be deemed proof of compliance with Union law and, in particular, with this Regulation.</p> <p>Text Origin: Commission Proposal</p>
267	Article 28 Urgency procedure	Article 28 Urgency procedure	Moved to row 276j [267 - 276j]		
268	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.	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.	Moved to row 276k [268 - 276k]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
269	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (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.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (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.	Moved to row 276l [269 - 276l]		
269a	Article 19 Refusal to release for free circulation or export Moved reference text		Article 19 29 Refusal to release for free circulation or export Moved from row 209 [209 - 269a]	Article 19 Refusal to release for free circulation or export	Article 19 Article 29 Refusal to release for free circulation or export TM 12/2: discussion parked Text Origin: Council Mandate
269b	1. Where the competent authorities conclude that a product that has been notified to them in accordance with Article 17		1. Where the competent authorities conclude that a product that has been notified to them in accordance with Article	1. Where the <u>Commission or the</u> competent authorities conclude that a product that has been notified to them in	1. Where the competent authorities conclude that a product that has been notified to them in accordance with Article

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>is a product made with forced labour pursuant to a decision referred to in Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.</p> <p>Moved reference text</p>		<p>1727 is a product made with forced labour pursuant to a decision referred to in Article 6(4)20(4), they shall require customs authorities not to release it for free circulation nor to allow its export.</p> <p>Moved from row 210 [210 - 269b]</p>	<p>in accordance with Article 17 is a product made with forced labour pursuant to a decision referred to in Article 6(4), they shall require customs authorities not to release it for free circulation nor to allow its export.</p>	<p>1727 is a product made with forced labour pursuant to a decision referred to in Article 6(4)20, they shall require customs authorities not to release it for free circulation nor to allow its export.</p> <p>TM 20/2: cross reference to Decision.</p> <p>Text Origin: Council Mandate</p>
G 269c	<p>2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1) and notify the customs authorities accordingly. Upon 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,</p>		<p>2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1)8(1) and notify the customs authorities accordingly. Upon 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-</p>	<p>2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1) and notify the customs authorities accordingly. Upon 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,</p>	<p>2. Competent authorities shall immediately enter that information in the information and communication system referred to in Article 22(1)8(1) and notify the customs authorities accordingly. Upon 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-</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>where possible, on the commercial invoice accompanying the product and on any other relevant accompanying document:</p> <p>Moved reference text</p>		<p>processing system and where possible, on the commercial invoice accompanying the product and on any other relevant accompanying document:</p> <p>Moved from row 211 [211 - 269e]</p>	<p>where possible, on the commercial invoice accompanying the product and on any other relevant accompanying document:</p>	<p>processing system and, where possible, on the commercial invoice accompanying the product and on any other relevant accompanying document:</p> <p>Text Origin: Council Mandate</p>
269d	<p>‘Product made with forced labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX’ [OP to indicate reference of this Regulation].</p> <p>Moved reference text</p>		<p>‘Product made with forced labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX’ [OP to indicate reference of this Regulation].</p> <p>Moved from row 212 [212 - 269f]</p>	<p>‘Product made with forced labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX’ [OP to indicate reference of this Regulation].</p>	<p>‘Product made with forced labour - release for free circulation/export not authorised - Regulation (EU) XX/20XX’ [OP to indicate reference of this Regulation].</p> <p>Text Origin: Commission Proposal</p>
269e	<p>Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities shall take the necessary measures to ensure that the</p>		<p><u>3.</u> Where the release for free circulation or export of a product has been refused in accordance with Article 19<u>paragraph 1</u>, customs authorities shall take the necessary measures to</p>	<p><u>EP 20.</u> Where the release for free circulation or export of a product has been refused in accordance with Article 19, customs authorities <u>in cooperation with the Commission or</u></p>	<p><u>3.</u> Where the release for free circulation or export of a product has been refused in accordance with Article 19<u>paragraph 1</u>, customs authorities shall take the necessary measures to</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>product concerned is disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.</p> <p>Moved reference text</p>		<p>ensure that dispose of the product concerned is disposed of in accordance with national law <u>consistent in compliance</u> with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.</p> <p>Moved from row 214 [214 - 269c]</p>	<p><u>the competent authorities</u> shall take the necessary measures to ensure that the product concerned is <u>donated to charitable or public interest purposes if it is perishable. If such products are not perishable, they should be recycled, and if that is not possible, they should be</u> disposed of in accordance with national law consistent with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.</p> <p>This paragraph is EP Article 20</p>	<p>ensure that dispose of the product concerned is disposed of in accordance with national law <u>consistent in compliance</u> with Union law. Articles 197 and 198 of Regulation (EU) No 952/2013 shall apply accordingly.</p> <p>TM 12/2: DG TAXUD could suggest a wording - donation to be done by CA. CNS mandate Lines 269e and 269f already checked with DG TAXUD</p> <p>Text Origin: Council Mandate</p>
G 269f			<p><u>4. Upon request of a competent authority and on behalf and under the responsibility of that competent authority, customs authorities may alternatively seize that product and put it at the disposal of and under the authority of that competent authority. In such cases,</u></p>		<p><u>4. Upon request of a competent authority and on behalf and under the responsibility of that competent authority, customs authorities may alternatively seize that product and put it at the disposal of and under the authority of that competent authority. In such cases,</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>that competent authority shall take the necessary measures to ensure that the product concerned is disposed of in accordance with Article 24.</u>		<u>that competent authority shall take the necessary measures to ensure that the product concerned is disposed of in accordance with Article 24.</u> Text Origin: Council Mandate
270	Article 29 Committee procedure	Article 29 Committee procedure	Moved to row 276m [270 - 276m]		
271	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Article 3(2) of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Article 3(2) of Regulation (EU) No 182/2011.	Moved to row 276n [271 - 276n]		
272	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	Moved to row 276o [272 - 276o]		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
272a	<p>Article 21 Exchange of information and cooperation</p> <p>Moved reference text</p>		<p>Article 21^{29a} Exchange of information and cooperation</p> <p>Moved from row 215 [215 - 272a]</p>	<p><u>EP</u> Article 21 Exchange of information and cooperation</p>	<p>Article 21^{29a} Exchange of information and cooperation</p> <p>TM 12/2: lines 272c-272e greened, line 272b stays yellow</p> <p>Text Origin: Council Mandate</p>
272b	<p>1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, competent authorities and customs authorities shall cooperate closely and exchange risk- related information.</p> <p>Moved reference text</p>		<p>1. To enable a risk-based approach^{analysis} for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, competent authorities and customs authorities shall cooperate closely and exchange risk- related information.</p> <p>Moved from row 216 [216 - 272b]</p>	<p>1. To enable a risk-based approach for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, <u>the</u> <u>Commission</u>, competent authorities and customs authorities shall cooperate closely and exchange risk- related information, <u>in</u> <u>which the Commission will</u> <u>take on a coordination</u> <u>role.</u></p>	<p>1. To enable a risk-based approach^{analysis} for products entering or leaving the Union market and to ensure that controls are effective and performed in accordance with the requirements of this Regulation, <u>the</u> <u>Commission</u>, competent authorities and customs authorities shall cooperate closely and exchange risk- related information, <u>in</u> <u>which the Commission will</u> <u>take on a coordination</u> <u>role.</u></p> <p>Text Origin:</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Auxiliary 1
272c	<p>2. Cooperation among authorities and exchange of risk information necessary for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities:</p> <p>Moved reference text</p>		<p>2. Cooperation among authorities and exchange of risk<u>risk-related</u> information necessary for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities<u>in accordance with Regulation (EU) No 952/2013</u>:</p> <p>Moved from row 217 [217 - 272c]</p>	<p>2. Cooperation among authorities and exchange of risk information necessary for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities:</p>	<p>2. Cooperation among authorities and exchange of risk<u>risk-related</u> information necessary for the fulfilment of their respective functions under this Regulation, including through electronic means, shall take place between the following authorities<u>in accordance with Regulation (EU) No 952/2013</u>:</p> <p>Text Origin: Council Mandate</p>
272d	<p>(a) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013;</p> <p>Moved reference text</p>		<p>(a) <u>between</u> customs authorities-in accordance with Article 46(5) of Regulation (EU) No 952/2013;</p> <p>Moved from row 218 [218 - 272d]</p>	<p>(a) customs authorities in accordance with Article 46(5) of Regulation (EU) No 952/2013;</p>	<p>(a) <u>between</u> customs authorities-in accordance with Article 46(5) of Regulation (EU) No 952/2013;</p> <p>Text Origin: Council Mandate</p>
272e					

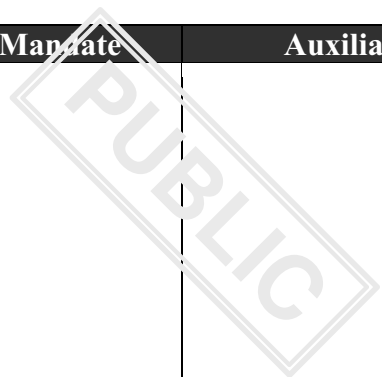
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>(b) competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.</p> <p>Moved reference text</p>		<p>(b) <u>between</u> competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.</p> <p>Moved from row 219 [219 - 272e]</p>	<p>(b) competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.</p>	<p>(b) <u>between</u> competent authorities and customs authorities in accordance with Article 47(2) of Regulation (EU) No 952/2013.</p> <p>Text Origin: Council Mandate</p>
272f			<p><u>Chapter VI</u> <u>Final provisions</u></p>		<p><u>Chapter VI</u> <u>Final provisions</u></p> <p>Text Origin: Council Mandate</p>
273	Article 30 Penalties	Article 30 Penalties	Article 30 Penalties <u>Confidentiality</u>	<u>EP</u> Article 30 <u>25</u> Penalties <u>Confidentiality</u>	Article 30 Penalties <u>Confidentiality</u> Text Origin: Council Mandate
273a	1. The competent authorities shall only use information received		1. The competent authorities shall only use information received	1. The competent authorities shall only use information received	1. The competent authorities shall only use information received

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>pursuant to this Regulation for the purpose of applying this Regulation.</p> <p>Moved reference text</p>		<p>pursuant to this Regulation for the purpose of applying this Regulation, <u>unless otherwise required by EU or national law in compliance with Union law.</u></p> <p>Moved from row 254 [254 - 273a]</p>	<p>pursuant to this Regulation for the purpose of applying this Regulation.</p>	<p>pursuant to this Regulation for the purpose of applying this Regulation, <u>unless otherwise required by EU or national law in compliance with Union law.</u></p> <p>TM 12/2: COM agrees with CNS addition, line provisionally greened</p> <p>Text Origin: Council Mandate</p>
273b			<p><u>2. Member States and the Commission, their officials and other persons working under their supervision shall ensure the protection of confidential information acquired in application of this Regulation in accordance with the relevant applicable rules. To that end, they shall not disclose information covered by the obligation of professional secrecy that they have acquired pursuant to this</u></p>		<p><i>deleted</i></p> <p>TM 12/2: EP/COM would check with LS (privacy aspects) TM 20/2 Poss compromise could be to move this provision to a Recital.</p> <p>COM to redraft</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>Regulation.</u>		
273c	<p>2. Where requested, the Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. A request for confidentiality shall be accompanied by a non-confidential summary of the information supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.</p> <p>Moved reference text</p>		<p>23. Where requested, the Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential, <u>in accordance with EU or national law in compliance with Union law</u>. A request for confidentiality shall be accompanied by a non-confidential summary of the information supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.</p> <p>Moved from row 255 [255 - 273c]</p>	<p>2. Where requested, The Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. A request for confidentiality shall be accompanied by a non-confidential summary of the, unless stated otherwise by those who provide information supplied or by a statement of the reasons why the information cannot be summarised in a non-confidential manner.</p>	<p>2. Where requested, The Commission, Member States and competent authorities shall treat the identity of those who provide information, or the information provided, as confidential. A request for confidentiality shall be accompanied by a non-confidential summary of the information supplied or by a statement of the reasons why, in accordance with EU or national law in compliance with Union law, unless stated otherwise by those who provided the information cannot be summarised in a non-confidential manner.</p> <p>TM 12/2: COM to check with LS (privacy aspects). EP to come forward with a text proposal</p>
273d					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>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.</p> <p>Moved reference text</p>		<p>34. 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.</p> <p>Moved from row 256 [256 - 273d]</p>	<p>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.</p>	<p>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.</p> <p>Text Origin: Auxiliary 1</p>
273e		<u>EP Article 20 Penalties</u>			
274	<p>1. The Member States shall lay down the rules on penalties applicable to non-compliance with a decision referred to in Article 6(4) and shall take all measures</p>	<p>1. The Member States shall lay down the rules on penalties applicable to non-compliance with a decision referred to in Article 6(4) and shall take all measures</p>	<p>Moved to row 276v [274 - 276v]</p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	necessary to ensure that they are implemented in accordance with national law.	necessary to ensure that they are implemented in accordance with national law.			
275	2. The penalties provided for shall be effective, proportionate and dissuasive.	2. The penalties provided for shall <u>take the form of pecuniary fines and</u> be effective, proportionate and dissuasive.	Moved to row 276w [275 - 276w]		
276	3. The Member States shall, by [OP enter DATE = 24 months from entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified, and shall notify it, without delay, of any subsequent amendment affecting them.	3. The Member States shall, by [OP enter DATE = 24 months from entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified, and shall notify it, without delay, of any subsequent amendment affecting them.	Moved to row 276u [276 - 276u]		
276a		<u>3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 in order to supplement this</u>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<u>Regulation by establishing further detailed conditions applicable to the penalties referred to in paragraph 1, defining the method for calculating financial penalties and the thresholds applicable, when such penalties are to be used, and specifying mitigating and aggravating circumstances. The first delegated act shall be adopted by ... [6 months from the entry into force of this Regulation].</u>			
G 276b			<u>Article 34 Penalties</u>	<u>EP Article 30 Penalties</u>	<u>Article 34 Penalties</u> TM 12/2: positions explained Text Origin: Council Mandate
G 276c	1. The Member States shall lay down the rules on penalties applicable to non-		1. The Member States shall lay down the rules on penalties applicable to non-	1. The Member States shall lay down the rules on penalties applicable to non-	1. The Member States shall lay down the rules on penalties applicable to non-

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>compliance with a decision referred to in Article 6(4) and shall take all measures necessary to ensure that they are implemented in accordance with national law.</p> <p>Moved reference text</p>		<p>compliance with a decision referred to in Article 6(4)<u>20(4)</u> and shall take all measures necessary to ensure that they are implemented in accordance with national law.</p> <p>Moved from row 274 [274 - 276c]</p>	<p>compliance with a decision referred to in Article 6(4) and shall take all measures necessary to ensure that they are implemented in accordance with national law.</p>	<p>compliance with a decision referred to in Article 6(4)<u>20</u> and shall take all measures necessary to ensure that they are implemented in accordance with national law.</p> <p>Text Origin: Council Mandate</p>
R 276d	<p>2. The penalties provided for shall be effective, proportionate and dissuasive.</p> <p>Moved reference text</p>		<p>2. The penalties provided for shall be effective, proportionate and dissuasive. <u>Competent authorities shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:</u></p> <p>Moved from row 275 [275 - 276d]</p>	<p>2. The penalties provided for shall <u>take the form of pecuniary fines and</u> be effective, proportionate and dissuasive.</p>	
R 276e			<p><u>(a) the gravity and duration of the infringement;</u></p>		
R 276f					

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>(b) any relevant provisions infringements by the economic operator;</u>		
276g			<u>(c) the degree of cooperation with the competent authorities;</u>		
276h			<u>(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 infringement.</u>		
276i	3. The Member States shall, by [OP enter DATE = 24 months from entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified, and shall notify it, without delay, of any subsequent amendment affecting them.		3. The Member States shall, by [OP enter DATE = 24 months from entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified <u>of those rules and of those measures</u> , and shall notify it, without delay, of any subsequent	3. The Member States shall, by [OP enter DATE = 24 months from entry into force of this Regulation], notify those provisions to the Commission, where they have not previously been notified, and shall notify it, without delay, of any subsequent amendment affecting them.	TM 12/2: CNS has issues about the DA. COM suggests that the DA content could be addressed in guidelines and that for coordination to use the Network. CNS to suggest text to clarify which MS CA would apply penalties in case of non-

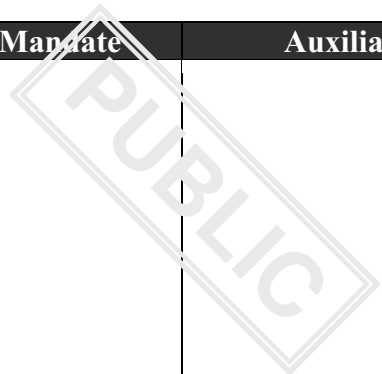
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	Moved reference text		<p>amendment affecting them.</p> <p>Moved from row 276 [276 276j]</p>	<p><u>§2. The Commission shall be empowered to adopt delegated acts in accordance with Article 27 in order to supplement this Regulation by establishing further detailed conditions applicable to the penalties referred to in paragraph 1, defining the method for calculating financial penalties and the thresholds applicable, when such penalties are to be used, and specifying mitigating and aggravating circumstances. The first delegated act shall be adopted by ... [6 months from the entry into force of this Regulation].</u></p>	<p>compliance.</p> <p>EP asks how to avoid forum shopping and level the playing field (dissuasiveness) in terms of MS approach to penalties.</p>
276j			<p><u>2a. The pecuniary penalties provided by this article shall amount to not more than [5%] of the economic operator's total annual Union-wide turnover in the financial year preceding the fining decision, calculated in</u></p>		<p>TM 12/2: COM believes that for the good faith EO, they should be informed first about the ban, before imposing a fine.</p> <p>CNS: we could also clarify in Art 22/23/24 which MS authority has the</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>accordance with the calculation of aggregate turnover for undertakings laid down in Article 5(2) of Council Regulation (EC) No 139/2004¹.</u></p> <p><u>1. [1] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation), OJ L 024 , 29.01.2004, p. 1.</u></p>		<p>responsibility to impose fines.</p> <p>Discussion parked.</p>
G 276k			<p><u>Article 35</u> <u>Review</u></p>	<p><u>EP Article 30a</u> <u>Evaluation and review</u></p>	<p><u>Article 35</u> <u>Evaluation and review</u></p> <p>TM 12/2: EP to come with a proposed text on the Review Article</p> <p>Text Origin: Auxiliary 1</p>
R 276l			<p><u>By 5 years after the start of the application of this Regulation and every 5</u></p>	<p><u>1. By ... [one year after the date of application] and every four years thereafter,</u></p>	<p><u>1. By [X] years after the start of the application of this Regulation and every</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>years thereafter, the Commission shall carry out an evaluation of the enforcement and the implementation of the Regulation. The Commission shall present a report on the main findings to the European Parliament and the Council. The evaluation shall in particular include an assessment of:</u></p>	<p><u>the Commission shall carry out an evaluation of this Regulation taking account of its objectives and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.</u></p> <p><u>2. The report shall assess whether and how this Regulation achieved its objectives, in particular with regard to:</u></p> <p><u>i) the reduction of the number of products made with forced labour on the Union market;</u></p> <p><u>ii) the improvement of cooperation between competent authorities and strengthening the controls on products entering the Union market;</u></p> <p><u>iii) the impact on businesses, and in particular on SMEs, of the administrative procedures related to the investigations and decisions;</u></p>	<p><u>5 years thereafter, the Commission shall carry out an evaluation of the enforcement and the implementation of the 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:</u></p> <p><u>(a) whether the mechanism in place effectively contributes to the objectives of the Regulation, as set out in Article 1, namely the elimination of products made with forced labour from the internal market and the contribution to fight forced labour globally;</u></p> <p>TM 12/2: COM concerns about the EP timing of review.</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p>iv) <u>the cost of compliance for economic operators, and in particular SMEs;</u></p> <p>v) <u>the impact on the competitiveness of companies operating in the internal market;</u></p> <p>vi) <u>the impact on trade;</u></p> <p>vii) <u>the alignment with other relevant Union legislation;</u></p> <p>viii) <u>the contribution to fight forced labour globally;</u></p> <p>ix) <u>the overall cost-benefit and effectiveness of the ban.</u></p> <p>3. <u>The report shall be accompanied, where appropriate, by a legislative proposal.</u></p> <p>4. <u>The report shall also assess whether the scope should be enlarged to include services ancillary to the extraction, harvesting, production or manufacturing of products.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
				<p><u>5. The Commission shall continuously monitor the impact of this Regulation on victims of forced labour, also paying particular regard to the situation of women and children. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by stakeholders.</u></p>	
276m			<p><u>(a) whether the mechanism in place effectively contributes to the objectives of the Regulation, as set out in Article 1;</u></p>	<p><u>(b) the cooperation between competent authorities, including within the Network, as well as all other relevant authorities in applying the Regulation;</u></p> <p><u>(c) the effectiveness of international cooperation to contribute to the elimination of forced labour from global supply chains;</u></p> <p><u>(d) the impact on businesses, and in</u></p>	



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<u>particular on SMEs, including on their competitiveness of the procedures related to the investigations and decisions;</u> <u>(e) the cost of compliance for economic operators, and in particular SMEs;</u> <u>(g) the overall cost-benefit and effectiveness of the prohibition.</u> <u>Where the Commission finds it appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.</u>
R 276n			<u>(b) the effectiveness of international cooperation to contribute to the elimination of forced labour from global supply chains;</u>		<u>3. The report shall also assess whether the scope should be enlarged to include services ancillary to the extraction, harvesting, production or manufacturing of products.</u>



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					<p><u>4. The Commission shall continuously monitor the impact of this Regulation on victims of forced labour, also paying particular regard to the situation of women and children. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by stakeholders.</u></p> <p><u>Recital on : the alignment with other relevant Union legislation;</u></p>
G 276o			<p><u>(c) the impact on businesses, and in particular on SMEs, of the procedures related to the investigations and decisions;</u></p>		deleted
G 276p			<p><u>(d) the cooperation between competent authorities, including</u></p>		deleted

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<u>within the Network as well as all other relevant authorities in applying the Regulation;</u>		
G 276q			<u>(e) the overall cost-benefit and effectiveness of the prohibition.</u>		deleted TM 12/2: Last paragraph of the CNS mandate needs to be inserted "Where the Commission finds it appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation or an update of the guidelines referred to in Article 11."
Y 276r	Article 27 Delegated Acts and Exercise of the Delegation Moved reference text		Article 27 ³¹ Delegated Acts and Exercise of the Delegation Moved from row 260 [260 - 276s]	<u>EP</u> Article 27 Delegated Acts and Exercise of the Delegation	
G 276s	1. The power to adopt		1. The power to adopt	1. The power to adopt	1. The power to adopt

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>Moved reference text</p>		<p>delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>Moved from row 261 [261 - 276t]</p>	<p>delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p>	<p>delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</p> <p>Text Origin: Commission Proposal</p>
R 276t	<p>2. The power to adopt delegated acts referred to in Article 16(1) shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.</p> <p>Moved reference text</p>		<p>2. The power to adopt delegated acts referred to in Article 16(1) <u>26(1)</u> shall be conferred on the Commission for an indeterminate period of time from <u>five years from</u> <u>10P ENTRY DATE</u> = date of entry force of this Regulation]. <u>The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such</u></p>	<p>2. The power to adopt delegated acts referred to in Article <u>11a, Article 16(1), and in Article 30(4)</u> 16(1) shall be conferred on the Commission for an indeterminate period of time from date of entry force of this Regulation.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
			<p><u>extension not later than three months before the end of each period.</u></p> <p>Moved from row 262 [262 - 276u]</p>		
R 276u	<p>3. The delegation of power referred to in Article 16(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.</p> <p>Moved reference text</p>		<p>3. The delegation of power referred to in Article 16(1)26(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.</p> <p>Moved from row 263 [263 - 276v]</p>	<p>3. The delegation of power referred to in Article <u>11a, Article 16(1) and in Article 30(4)</u>16(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.</p>	<p>TM 12/2: LS of CNS and EP to check the compatibility of lines 276t and 276u.</p>
G 276v	4. Before adopting a		4. Before adopting a	4. Before adopting a	4. Before adopting a

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)</p> <p>Moved reference text</p>		<p>delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)</p> <p>Moved from row 264 [264 - 276w]</p>	<p>delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹.</p> <p><u>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)</u></p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)</p>	<p>delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1)</p> <p>Text Origin: Council Mandate</p>
6 276w	5. As soon as it adopts a delegated act, the		5. As soon as it adopts a delegated act, the	5. As soon as it adopts a delegated act, the	5. As soon as it adopts a delegated act, the 6

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	<p>Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>Moved reference text</p>		<p>Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>Moved from row 265 [265 - 276x]</p>	<p>Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	<p>Commission shall notify it simultaneously to the European Parliament and to the Council.</p> <p>Text Origin: Auxiliary 1</p>
276x	<p>Article 28 Urgency procedure</p> <p>Moved reference text</p>		<p>Article 28³² Urgency procedure</p> <p>Moved from row 267 [267 - 276z]</p>	<p>^{EP} Article 28 Urgency procedure</p>	<p>Article 28³² Urgency procedure</p> <p>TM 12/2: Article provisionally greened</p> <p>Text Origin: Council Mandate</p>
276y	<p>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</p>		<p>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</p>	<p>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</p>	<p>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</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
	urgency procedure. Moved reference text		urgency procedure. Moved from row 268 [268 - 276aa]	urgency procedure.	urgency procedure. Text Origin: Auxiliary 1
G 276z	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (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. Moved reference text		2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (6) 31(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. Moved from row 269 [269 - 276ab]	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (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.	2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27 (6) 31(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. Text Origin: Council Mandate
Y 276aa	Article 29 Committee procedure Moved reference text		Article 29 33 Committee procedure Moved from row 270 [270 - 276ac]	<u>EP</u> Article 29 Committee procedure	Article 29 33 Committee procedure Text Origin: Council Mandate

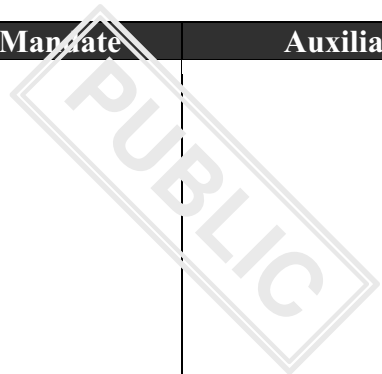
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
Y	<p>276ab</p> <p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Article 3(2) of Regulation (EU) No 182/2011.</p> <p>Moved reference text</p>		<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Article 3(2) of Regulation (EU) No 182/2011.</p> <p>Moved from row 271 [271 - 276ad]</p>	<p>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Article 3(2) of Regulation (EU) No 182/2011.</p>	
G	<p>276ac</p> <p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>Moved reference text</p>		<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>Moved from row 272 [272 - 276ae]</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <p>Text Origin: Commission Proposal</p>
Y	<p>276ad</p>		<p><u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u></p>		<p>TM 12/2: discussion parked</p>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
276ae			<u>Article 33a</u> <u>Amendment to Directive</u> <u>(EU) No 2019/1937</u>	<u>EP Article 26a</u> <u>Amendment of Directive</u> <u>(EU) 2019/1937</u>	<u>Article 33a Amendment to</u> <u>Directive (EU) No</u> <u>2019/1937</u> TM 12/2: Article greened Text Origin: Council Mandate
276af			<u>In Point C.1 of Part I of</u> <u>the Annex to Directive</u> <u>(EU) No 2019/1937, the</u> <u>following point is added:</u>	<u>In Part I.C.1 of the Annex</u> <u>to Directive (EU)</u> <u>2019/1937, the following</u> <u>point is added:</u>	<u>In Part I.C.1 of the</u> <u>Annex to Directive (EU)</u> <u>2019/1937, the following</u> <u>point is added:</u> Text Origin: Auxiliary 1
276ag			<u>'(iv) [Regulation</u> <u>XXX...and amending</u> <u>Directive (EU)</u> <u>2019/1937]'</u>	<u>'(iv) Regulation (EU)</u> <u>XXXX/XXXX of the</u> <u>European Parliament and</u> <u>of the Council of [date] on</u> <u>prohibiting products made</u> <u>with forced labour on the</u> <u>Union market and</u> <u>amending Directive (EU)</u> <u>2019/1937.'</u>	<u>'(iv) Regulation (EU)</u> <u>XXXX/XXXX of the</u> <u>European Parliament and</u> <u>of the Council of [date] on</u> <u>prohibiting products made</u> <u>with forced labour on the</u> <u>Union market and</u> <u>amending Directive (EU)</u> <u>2019/1937.'</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Text Origin: Auxiliary 1
276ah	<p>6. A delegated act adopted pursuant to Article 16(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.</p> <p>Moved reference text</p>		<p>6. A delegated act adopted pursuant to Article 16(1) <u>26(1)</u> shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.</p> <p>Moved from row 266 [266 - 276y]</p>	<p>6. A delegated act adopted pursuant to Article <u>11a</u>, <u>Article 16(1) and in Article 30(4)</u> 16(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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 two months at the initiative of the European Parliament or of the Council.</p>	
276ai		<u>Article 30a</u>			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u><i>Evaluation and review</i></u></p> <p><u><i>1. By ... [one year after the date of application] and every four years thereafter, the Commission shall carry out an evaluation of this Regulation taking account of its objectives and shall submit a report thereon to the European Parliament, to the Council and to the European Economic and Social Committee.</i></u></p> <p><u><i>2. The report shall assess whether and how this Regulation achieved its objectives, in particular with regard to:</i></u></p> <p><u><i>i) the reduction of the number of products made with forced labour on the Union market;</i></u></p> <p><u><i>ii) the improvement of cooperation between competent authorities and strengthening the controls on products entering the Union market;</i></u></p> <p><u><i>iii) the impact on businesses, and in</i></u></p>			

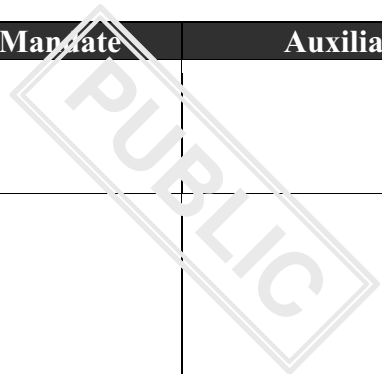
	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>particular on SMEs, of the administrative procedures related to the investigations and decisions;</u></p> <p><u>iv) the cost of compliance for economic operators, and in particular SMEs;</u></p> <p><u>v) the impact on the competitiveness of companies operating in the internal market;</u></p> <p><u>vi) the impact on trade;</u></p> <p><u>vii) the alignment with other relevant Union legislation;</u></p> <p><u>viii) the contribution to fight forced labour globally;</u></p> <p><u>ix) the overall cost-benefit and effectiveness of the ban.</u></p> <p><u>3. The report shall be accompanied, where appropriate, by a legislative proposal.</u></p> <p><u>4. The report shall also assess whether the scope should be enlarged</u></p>			



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
		<p><u>to include services ancillary to the extraction, harvesting, production or manufacturing of products.</u></p> <p><u>5. The Commission shall continuously monitor the impact of this Regulation on victims of forced labour, also paying particular regard to the situation of women and children. The monitoring shall be based on a scientific and transparent methodology and shall take into account information provided by stakeholders.</u></p>			
277	Article 31 Entry into force and date of application	Article 31 Entry into force and date of application	Article 34 36 Entry into force and date of application		Article 31 Entry into force and date of application TM 12/2: EP suggests mapping of different deadlines in the text Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
G	278	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.		This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
R	279	This Regulation shall apply from [OP enter DATE = 24 months from its entry into force].	This Regulation shall apply from [OP enter DATE = 24 months from its entry into force].	<i>This RegulationIt shall apply from [OP enter DATE = 2436 months from its entry into force].</i>	
R	279a		<i><u>However, Articles 5(3), 9, 10(4), 11, 33 and 34(3) shall apply from [OP enter DATE = entry into force].</u></i>		
G	280	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin:

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Commission Proposal
281	Done at Brussels,	Done at Brussels,	Done at Brussels,		Done at Brussels, Text Origin: Commission Proposal
282	For the European Parliament	For the European Parliament	For the European Parliament		For the European Parliament Text Origin: Commission Proposal
283	The President	The President	The President		The President Text Origin: Commission Proposal
284	For the Council	For the Council	For the Council		For the Council Text Origin:



	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1	Draft Agreement
					Commission Proposal
G285	The President	The President	The President		The President Text Origin: Commission Proposal