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Ahead of Working Party meeting on forced labour (COM 2022 453):

We need the forced labour regulation now

Forced labour products should have no place on the European market. As an industry association representing 77 European solar manufacturers, we support the proposed ban (COM 2022 453) and consider it a pivotal instrument for enforcing human rights. Ahead of the interinstitutional negotiations, we recommend you, as the representatives of the Member States, to align with the position of the European Parliament, making only four minor, but critically important modifications:

1. A swifter implementation – as soon as possible.

Every month without an EU-wide legislation against forced labour extends the suffering of workers and poses a threat to European companies. Therefore, we strongly urge you to aim for a considerably shorter implementation process than proposed. In parallel, some important segments of the legislation, such as setting up the database should be kick-started. The European Commission could be granted a mandate to commence work on establishing the database immediately. The database should be operational from Day 1 once the legislation is adopted, ensuring that no significant time is lost.

2. Burden of proof on the companies.

We fully support the European Parliament's position on the proposed reversed burden of proof, obligating the economic operators, in cases of high-risk forced labour, to prove the opposite. It should be the responsibility of the economic operators to ensure their supply chain is free from forced labour. This could also reduce the administrative burden for the authorities of the Member States.

3. Make the European Commission a "competent authority".

Support the proposal from the European Parliament on giving the European Commission similar mandate as "competent authorities". This would include the possibility for the European Commission to initiate investigations about suspected forced labour and ultimately prohibit products made with forced labour.

4. Avoid voluntary schemes.

Multi-stakeholder initiatives dealing with social sustainability are welcome, but they should not be officially recognized in the legislation. To tackle forced labour – especially state-imposed – a robust EU-wide ban is more efficient and fair than weaker voluntary commercial schemes, where the potential risk of bypassing the ban is high.

We urge you to adopt a stringent regulation as soon as possible that leaves no room for forced labour. This is essential for upholding the values of human rights and preventing the closure of European PV manufacturing companies. We also attach our position paper on forced labour for your consideration. For any other questions, don't hesitate to get in contact with us.

Yours sincerely,

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