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Stop forced labour in the solar supply chain

Actions in the near future

Key aspects of the Forced Labour Regulation for ESMC

ESMC expects the Forced Labour Regulation (FLR) to be an important tool to end forced labour in the solar PV supply chain. The regulation's main provision – that products made with forced labour should be prohibited on the European market – sends a strong message that forced labour should have no place in Europe. This is primarily a matter of decency and human rights, but it also presents a unique opportunity to reshore solar industry capacity to Europe, given the prevalence of forced labour in China (the main source of low-cost solar panels).

The FLR will come into full effect on 14 December 2027, but essential elements such as the database, guidelines/acts, and the Union Network Against Forced Labour Products will be operational at the latest by 14 June 2026. This paper outlines ESMC's priority actions concerning the Forced Labour Regulation, focusing on these three areas.

Database on risk products and risk regions

The database can be vital in identifying products and regions at risk of forced labour. For the solar PV industry, China – especially the Xinjiang Uyghur Autonomous Region (XUAR) – presents the greatest challenge since a large part of the world's polysilicon is produced there (and likely other components in the solar supply chain) and that forced labour is systematic and widespread in the region where it's impossible to operate in accordance with the United Nations Guiding Principles on Business and Human Rights (e.g. conducting independent audits is not possible in the region).¹

ESMC recommendations to the database

- The European Commission should develop an exhaustive database listing all risk regions and products associated with forced labour. For accountability and transparency reasons, we recommend that the database be built and administered directly by the European Commission and not outsourced to a third party. It is essential that the Commission maintain full control over both the content and the operation of the database.

¹ See Global Slavery Index: <https://www.walkfree.org/global-slavery-index/findings/spotlights/examining-state-imposed-forced-labour/>

- List the Xinjiang province/XUAR, and potentially other regions in China, as risk region for state-imposed forced labour.
- Include quartz and silicon – metallurgical-grade silicon and polysilicon – as risk products for forced labour.
- We welcome the legislation’s emphasis on international cooperation with “countries with similar legislation”. Accordingly, we recommend close cooperation with U.S. authorities, such as the Customs and Border Protection Agency and the U.S. Department of Labor², leveraging findings from those authorities and the UFLPA Entity List³.
- The European Commission should conduct an independent investigation on forced labour in the solar PV supply chain, using the two reports from Sheffield Hallam University and more recent studies as a basis.
- The European Commission should make use of all existing databases and registers related to supply chains, social and environmental sustainability, and labour concerns (e.g <https://opensupplyhub.org/> and <https://sourcetrace.com/>), as well as relevant independent third-party verification and traceability tools.
- Leverage work done on the Battery Passport and the forthcoming Solar PV Passport. For example, list polysilicon, metallurgical-grade silicon, and quartz producers to request each manufacturer to provide data, verified by a third party (e.g., IEC PV module certification), to ensure certification is visible within the PV Passport.
- Develop a list of verified socially and environmentally sustainable polysilicon manufacturers from where European operators can source.

Sector-specific implementation for Solar PV

Introducing a sector-specific approach for the solar PV industry is both feasible and necessary due to the comparatively lower complexity of its supply chain. Unlike sectors such as automotive or semiconductors, which involve highly intricate and multi-tiered structures, the PV supply chain is more concentrated. A successful implementation of the Forced Labour Regulation in the PV sector must not be delayed or compromised because other sectors are harder to regulate. This is critical to ensure the EU’s sustainable energy supply and to achieve the reshoring objectives under the Green Deal and NZIA.

In particular, the regulation should prioritize polysilicon and related upstream materials, as these are the most exposed to forced labour risks, especially in regions such as Xinjiang. Clear, enforceable measures for these key inputs will have the greatest impact on eliminating forced labour from the PV supply chain and securing a responsible and resilient European solar industry.

² Note that the new U.S Department of Labor report on products made with child and forced labour also lists downstream products such as ingots, wafers, cells, and modules from China as high risk. See more at p. 20: https://www.dol.gov/sites/dolgov/files/ilab/child_labor_reports/tda2023/2024-tvpra-list-of-goods.pdf

³ <https://www.dhs.gov/uflpa-entity-list>

Guidelines, Implementing/Delegated Acts

During the first half of 2026, a series of guidelines will be adopted to clarify the implementation of the Forced Labour Regulation. For ESMC, the priority guidelines are the ones about due diligence, remediation to victims and the guideline about due diligence when forced labour has been imposed by states and independent due diligence is not possible.

ESMC recommendations to the Guidelines

- Ensure clear, accessible guidelines that explain to economic operators, particularly SMEs, how to integrate due diligence into all stages of their supply chains and address forced labour when discovered.
- Economic operators should be advised to avoid corporate ESG-initiatives that allow for bifurcation and instead prioritize compliance with legislation by terminating relationships where forced labour risks are present and due diligence in accordance with the UNGPs is not feasible.⁴
- We recommend the Commission to have a dedicated section in the guidelines on the Xinjiang region due to the widespread nature of forced labour in the region.
- Involve solar PV industry stakeholders and other relevant parties in drafting the guidelines and acts.
- Leverage insights from academia, NGOs, European industry representatives, and third countries, particularly the U.S., in developing the guidelines.
- When possible, align guidelines with the goals of NZIA of reshoring manufacturing capacity to Europe.

Union Network against Forced Labour Products

The Forced Labour Regulation stipulates that a Union Network against Forced Labour Products should be established, composed of representatives from the Commission and member states. The purpose of this network is to streamline the implementation of the legislation. According to the regulation, the network is also mandated to cooperate with external stakeholders.

ESMC recommendations to the Union Network

- We recommend that the Union Network collaborate with NGOs, relevant industry stakeholder – such as ESMC – labour representatives, and academic institutions with expertise on forced labour, particularly regarding the Uyghur Region in China.

Adopted by the ESMC Working Group on Sustainable Solar PV Supply Chains 18th December, 2025.

⁴ See more at https://esmc.solar/wp-content/uploads/2024/10/Supply-chain-traceabil-standard_ESMC_input-2024-10-18.pdf