Studia Administracji i Bezpieczeństwa
nr 19 (2025)
s. 273–286

ISSN 2543-6961
e-ISSN 2720-3093
LICENCJA: CC BY-NC

Robert Siuciński
ORCID: 0000-0002-4952-4695
Uniwersytet Łódzki

Administrative procedures adopted in the EU Regulation 2024/3015 on prohibiting products made with forced labour on the Union market: The most recent EU response to human rights violations

Procedury administracyjne przyjęte w rozporządzeniu UE 2024/3015 w sprawie zakazu produktów wytwarzanych z wykorzystaniem pracy przymusowej na rynku unijnym: najnowsza odpowiedź UE na naruszenia praw człowieka

Abstract
The new EU Regulation 2024/3015 on prohibiting products made with forced labour on the Union market was published in the Official Journal of the European Union on December 12, 2024, and shall apply from December 14, 2027 (except for the several enumerated articles which apply from December 13, 2024). The author puts forward the hypothesis that the regulation fits into the global trend to combat the use of a widespread forced labour in the world. Other acts adopted in this context include e.g.: the Fighting Against Forced Labour and Child Labour in Supply Chains Act (Canada), the Uyghur Forced Labor Prevention Act (United States), the Modern Slavery Act 2015 (United Kingdom) and the Modern Slavery Act (Australia). The aim of this paper is to analyse and critically assess the administrative procedures adopted in the EU regulation, assuming that particular attention will be paid to "investigations", "decisions", and "enforcement" issues. The author tests the hypothesis that the regulation fits into the third generation administrative procedures.

Keywords: administrative procedure, forced labour, products made with forced labour, the EU Regulation on prohibiting products made with forced labour on the Union market, the lead competent authority

Abstrakt
Nowe rozporządzenie UE 2024/3015 w sprawie zakazu produktów wytwarzanych z wykorzystaniem pracy przymusowej na rynku unijnym zostało opublikowane w Dzienniku Urzędowym Unii Europejskiej 12 grudnia 2024 r. i wejdzie w życie 14 grudnia 2027 r. (z wyjątkiem kilku wskazanych w nim artykułów, które weszły w życie 13 grudnia 2024 r.). Autor stawia hipotezę, że rozporządzenie wpisuje się w globalny trend zwalczania powszechnego wykorzystywania pracy przymusowej na świecie. Inne akty prawne przyjęte w tym zakresie to m.in.: ustawa o walce z pracą przymusową i pracą dzieci w łańcuchach dostaw (Kanada), ustawa o zapobieganiu pracy przymusowej Ujgurów (Stany Zjednoczone), ustawa o współczesnym niewolnictwie z 2015 r. (Wielka Brytania) oraz ustawa o współczesnym niewolnictwie (Australia). Celem niniejszego artykułu jest analiza i krytyczna ocena procedur administracyjnych przyjętych w rozporządzeniu UE, przy założeniu, że szczególna uwaga zostanie poświęcona kwestiom „dochodzeń", „decyzji" i „egzekwowania". Autor testuje hipotezę, według której rozporządzenie wpisuje się w procedury administracyjne trzeciej generacji.

Słowa kluczowe: postępowanie administracyjne, praca przymusowa, produkty wytwarzane z wykorzystaniem pracy przymusowej, rozporządzenie UE w sprawie zakazu produktów wytwarzanych z wykorzystaniem pracy przymusowej na rynku unijnym, wiodący właściwy organ

Introduction

The aim of this article is to analyse and assess the administrative procedures adopted in the Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937[1] (hereinafter referred to as "the EU regulation" or "the regulation")[2]. As stated in the EU regulation itself, the global number of people in forced labour is estimated at 27.6 million. It is further highlighted that women and children, persons with disabilities, ethnic minorities, lower casters, indigenous and tribal people, as well as migrants, in particular undocumented ones, who have a precarious status and operate in the informal economy are the most vulnerable groups to experience forced labour. Effective actions are necessary to prevent the persistence of forced labour,[3] the freedom of which is considered a human right,[4] and the EU regulation is a response to this need.

[1] Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market and amending Directive (EU) 2019/1937 (Text with EEA relevance), OJ L, 2024/3015, https://eur-lex.europa.eu/eli/reg/2024/3015/oj/eng#ntr2-L_202403015EN.000101-E0002 [date of access: 12.12.2024].

[2] For earlier research, see: A. Fruscione, *The European Commission Proposes a Regulation to Ban Products Made With Forced Labour*, "Global Trade and Customs Journal" 2023, vol. 18, issue 3, pp.120-124; F. Caygın Aydın, *Strengthening the EU's Stand Against Forced Labour: the Regulation on Prohibiting Products Made with Forced Labour*, The Danish Institute for Human Rights 2025, https://www.humanrights.dk/files/media/document/Forced%20Labour%20Regulation%20report_070125.pdf; Grado V., *Trade Prohibitions on Forced-Labour Products: A First Assessment of the Forthcoming EU's Forced Labour Regulation,* [in:] eds. J. Bäumler et al., "European Yearbook of International Economic Law", vol. 15, Cham 2024, pp 149–190; C. Methven O'Brien, A. Weatherburn, *Commission Proposal for a Regulation on prohibiting products made with forced labour on the Union market: The issue of remedies*, European Parliament, 2023, https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/702583/EXPO_BRI(2023)702583_EN.pdf; C. Martínez San Millán, *European Union's governance through trade. Considerations on the Proposal for a Regulation on prohibiting products made with forced labour on the Union market*, "Spanish Yearbook of International Law" 2023, no. 27, pp. 163-189; A. Altmayer, S. Spinaci, *Proposal for a ban on goods made using forced labour, Briefing EU Legislation in Progress*, PE 739.356, November 2023, https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/739356/EPRS_BRI(2023)73 9356_EN.pdf; N. Burnichon, A. Bourgin, *Les futures obligations en matière de lutte contre le travail forcé pour les opérateurs européens: une approche comparée au regard du droit américain*, "Revue Lamy Droit des affaires" 2023, no. 197, pp. 16-22; O. Claude, C. Ghilardi, *Les réglementations émergentes sur l'interdiction des produits issus du travail forcé; Note sous Commission Européenne, doc. COM(2022) 453 final, 14 septembre 2022, proposition de règlement relatif à l'interdiction des produits issus du travail forcé sur le marché de l'Union*, "Revue internationale de la compliance et de l'éthique des affaires" 2022, no. 6, pp. 36-37.

[3] A lot of research has been done on forced labour. For example, see: International Labour Conference, *A global alliance against forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, International Labour Office, Geneva 2005, https://webapps.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf; D. R. Maul, *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, "Labor History" 2007, vol. 48, issue 4, pp. 477–500; N. Phillips, F. Mieres, *The Governance of Forced Labour in the Global Economy,* "Globalizations" 2014, vol. 12, issue 2, pp. 244-260; L. Palumbo, *Slavery, Forced Labour, and Trafficking,* [in:] *Taking Vulnerabilities to Labour Exploitation Seriously. A Critical Analysis of Legal and Policy Approaches and Instruments in Europe*, ed. L. Palumbo, IMISCOE Research Series, Cham 2024, pp. 1-30.

[4] International Labour Organization, *ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Conference, 86th Session, Geneva 1998.

In respect of the research methods and techniques used in this article, the author conducts a critical analysis of primary and secondary sources. The former embrace, in particular, legal acts discussed in this work, and the latter include the subject literature. Thus, the method of analysis and criticism of literature, as well as the dogmatic-legal method (or analytical method) allowing for the analysis and interpretation of legal acts are employed. Auxiliarily, comparative legal methodology is used with regard to the need to analyse foreign (non-EU) law. Finally, the hypothetico-deductive methodology is applied in this article. This means that "a causal hypothesis is initially formulated, some observational consequences are predicted on the base of this hypothesis and they are finally confronted with the data."[5]. In other words, the author will start with two "probable hypotheses and find further support for them through positive confirmations."[6].

In order to give a clear picture of the different possible approaches in the world to the topic discussed, namely prohibiting products made with forced labour, the author puts forward a hypothesis that the EU regulation fits into the global trend to combat the use of widespread forced labour. He will analyse the EU regulation in the context of a similar legislation that was previously adopted in the United States: the Uyghur Forced Labor Prevention Act.[7] He will also note the existence of some other acts adopted in this context in Canada, in the United Kingdom and Australia.

Besides, in this article the author will test the hypothesis that the EU regulation fits into the use of so-called third generation administrative procedures. The EU regulation refers to the introduction of socially significant public policies with the use of appropriate administrative procedures (policy – and decision-making procedures). It establishes controls and the evaluation of the enforcement and the implementation of the regulation, which exert impact on its efficiency, thanks to which the implementation of administrative procedures can be perceived as an ongoing process.[8]

---

[5] S. Mateiescu S., *The Limits of Interventionism – Causality in the Social Sciences,* [in:] *Probabilities, Laws, and Structures*, eds. D. Dieks, W.J. González, S. Hartmann, M. Stöltzner and M. Weber, Dordrecht 2012, p. 152. More: Russo F., *Causality and causal modelling in the social sciences. Measuring variations*. Methodos Series. New York 2009, p. 70 et seq.

[6] W. C. Salmon W.C., *The Foundations of Scientific Inference. 50th Anniversary Edition*, University of Pittsburgh Press 2017, p. 115.

[7] H.R. 1155 – Uyghur Forced Labor Prevention Act, 117th Cong. (2021–2022), *Ensuring that goods made with forced labor in the Xinjiang Uyghur Autonomous Region of the People's Republic of China do not enter the United States market, and for other purposes*, https://www.congress.gov/bill/117th-congress/house-bill/1155/text [date of access?[date of access: 12.12.2024]

[8] J. Barnes, *Three generations of administrative procedures,* [in:] *Comparative Administrative Law*, eds. S. Rose-Ackerman, P.L. Lindseth, B. Emerson, Cheltenham 2017, pp. 302-318; J. Barnes, *Towards a third generation of administrative procedure.* First draft – Conference on Comparative Administrative Law, April 29-30, 2016, https://law.yale.edu/sites/default/files/area/conference/compadmin/compadmin16_barnes_towards.pdf; J. Barnes, *El procedimiento administrativo. Análisis histórico y comparado,* [in:] *Curso de Derecho Administrativo*

Before discussing the procedures adopted in the EU regulation, it should be stressed that for the purposes of the EU regulation under discussion, forced labour "means forced or compulsory labour as defined in Article 2 of ILO Convention No 29, including forced child labour"; and forced labour imposed by state authorities "means the use of forced labour as described in Article 1 of ILO Convention No 105". Importantly, a very broad definition of "a product made with forced labour" has been adopted for the purposes of the regulation. It means "a product for which forced labour has been used in whole or in part at any stage of its extraction, harvest, production or manufacture, including in the working or processing related to a product at any stage of its supply chain".

The article proceeds in five parts. After the introduction, part 1 explores the Uyghur Forced Labor Prevention Act, which is in force in the United States, part 2 "investigations", part 3 "decisions", and part 4 "enforcement of decisions" issues. Part 5 includes discussion and conclusion.

1. United States: The Uyghur Forced Labor Prevention Act

The Uyghur Forced Labor Prevention was enacted on December 23, 2021, and took effect on June 21, 2022. This act differs from the EU regulation because it has not adopted a risk-based approach but has established a rebuttable presumption that all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of China, or by persons working with the Xinjiang Uyghur Autonomous Region government for purposes of the "poverty alleviation" programme or the "pairing-assistance" programme which subsidises the establishment of manufacturing facilities in the Xinjiang Uyghur Autonomous Region, shall be deemed to be goods, wares, articles, and merchandise described in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307)[9] and shall not be entitled to entry at any of the ports of the United States (section 4 entitled "Prohibition on importation of goods made in the Xinjiang Uyghur Autonomous Region").[10] Moreover, the Uyghur Forced Labor Prevention

Iberoamericano, eds. J. Rodríguez-Arana, L. Rodríguez Rodríguez, M. Rodríguez Martín-Retortillo, Granada 2015, pp. 203-294.

[9] Section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) states that it is illegal to import into the United States "goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part" by forced labor. Such merchandise is subject to exclusion or seizure and may lead to criminal investigation of the importer.

[10] This presumption applies unless the Commissioner of US Customs and Border Protection determines, by clear and convincing evidence, that any specific goods, wares, articles, or merchandise were not produced wholly or in part by convict labour, forced labour, or indentured labour under penal sanctions; and submits to the appropriate congressional committees and makes available to the public a report that contains such determination.

Act has another important characteristic related to the enforcement strategy to effectively address forced labour in the Xinjiang Uyghur Autonomous Region of China or products made by Uyghurs, Kazakhs, Kyrgyz, Tibetans, or members of other persecuted groups through forced labour in any other part of China. The strategy includes issuing specific "Withhold Release Orders" to support enforcement of section 4, with regard to each listed facility or entity.[11] At the time of writing this article (June 2025), the last Withhold Release Order was issued by the US Customs and Border Protection on May 28, 2025. It was issued against Zhen Fa 7, a Chinese-flagged fishing vessel. It means that the US Customs and Border Protection officers at all US ports of entry detain seafood harvested by Zhen Fa 7 "based on reasonable suspicion that the vessel uses forced labor to harvest such seafood."[12] This approach is completely different from the one designed by the EU, which will be discussed below.

It should be noted that such acts/regulations concerning the fight against forced labour are part of a broader current trend. The scope of this study does not allow for a comprehensive discussion of all legal acts, but it is worth paying particular attention to, e.g.: the Fighting Against Forced Labour and Child Labour in Supply Chains Act adopted in Canada,[13] the Modern Slavery Act 2015 adopted in the UK[14] and the Modern Slavery Act 2018 adopted in Australia.[15]

Investigations

Article 3, namely "Prohibition of products made with forced labour" is the essence of the EU regulation. According to this provision, "economic operators shall not

[11] On the Uyghur Forced Labor Prevention Act see also: M.M. Fang, *A Never-Ending U.S.-China Solar Trade War? The Uyghur Forced Labor Prevention Act and International Trade Law*, "Minnesota Journal of International Law" 2024, vol. 33, issue 1, pp. 189-225, https://scholarship.law.umn.edu/minn-jrnl-intl-law/vol33/iss1/4; Y. Ru, *The US Uyghur Forced Labor Protection Act: the GATT 1994 Perspective*, "Journal of World Trade" 2024, vol. 58, issue 5, pp. 761-779, https://kluwerlawonline.com/journalarticle/Journal+of+World+Trade/58.1/TRAD2024038; S. Kang, *WTO-Consistency of the Uyghur Forced Labor Prevention Act (UFLPA): The Re-Emergence of the Process Production Methods (PPM) Regulations*, "Asian Journal of WTO & International Health Law and Policy" 2024, vol. 19, no. 2, pp. 281-314.

[12] Customs and Border Protection, CBP issues Withhold Release Order on Zhen Fa 7, May 28, 2025, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-zhen-fa-7 [date of access: 12.12.2024]

[13] Fighting Against Forced Labour and Child Labour in Supply Chains Act, S.C. 2023, c. 9, Assented to 11 May 2023, consolidated to 2 December 2025, https://laws.justice.gc.ca/eng/acts/F-10.6/page-1.html [date of access: 12.12.2024].

[14] **Modern Slavery Act 2015**, *c.* 30, enacted 26 March 2015, United Kingdom of Great Britain and Northern Ireland, https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted [date of access: 12.12.2024].

[15] **Modern Slavery Act 2018 (Cth)**, *Act No. 153 of 2018*, enacted 10 December 2018, in force 1 January 2019, Commonwealth of Australia, https://www.legislation.gov.au/C2018A00153/latest/text [date of access: 12.12.2024]. jeśli podajemy stronę internetową, to [date of access], jeśli źródło, to wydaje mi się, że analogicznie do str. 2 podpunkt f z wytycznych: Federal Register of Legislation of 2018, item

place or make available on the Union market products that are made with forced labour, nor shall they export such products".[16] It should be however mentioned that the EU regulation does not apply to the withdrawal of products which have reached so-called "end users" in the EU market.

Unlike in the United States where a rebuttable presumption has been established, the EU has decided to adopt a risk-based approach when evaluating the "likelihood" of a breach of the prohibition included in Article 3.

Before going into details on the risk-based approach and the investigations, it is important for us to note which bodies are responsible. Thus, when it comes to the "allocation of investigations", on the one hand, the Commission will act as the lead competent authority in cases where the suspected forced labour is taking place outside the territory of the Union. On the other hand, in a situation where the suspected forced labour is taking place in the territory of a Member State, a competent authority of that Member State (and not the Commission) will act as the lead competent authority. In the original project of the EU regulation, a much greater burden and obligations rested on Member States, so this change and the final shape of the regulation should be assessed positively.

Importantly, a risk-based approach is used not only when evaluating the "likelihood" of a breach of a prohibition included in Article 3, but also "when initiating and conducting the preliminary phase of the investigations and when identifying the products and economic operators concerned". However, as set out in the EU regulation, when assessing the "likelihood" of a breach Article 3, both the Commission and the competent authorities should take into consideration "all relevant, factual, and verifiable information" available to them, and use certain criteria "in order to prioritise products suspected to have been made with forced labour". These criteria are as follows:

- "the scale and severity of the suspected forced labour, including whether forced labour imposed by state authorities could be a concern"
- "the quantity or volume of products placed or made available on the Union market"
- "the share of the part of the product suspected to have been made with forced labour in the final product".

At this point, the question of what the risk-based approach is (in the context of initiating a preliminary investigation) should be answered. Consequently, when initiating a preliminary investigation, the lead competent authority should (to

[16] Regulation (EU) 2024/3015 of the European Parliament and of the Council of 27 November 2024 on prohibiting products made with forced labour on the Union market, op. cit., Art. 3.

the extent possible) concentrate "on the economic operators and, where relevant, product suppliers involved in the steps of the supply chain as close as possible to where the forced labour is likely occurring, and with the highest leverage to prevent, mitigate and bring to an end the use of forced labour." Moreover, the lead competent authority should focus on "the size and economic resources of the economic operators" in question, "in particular whether the economic operator is an SME, and the complexity of the supply chain."

From the point of view of the efficient conduct of the procedure, the principle of coordination of investigations and mutual assistance is crucial. In the light of the EU regulation, the Commission and competent authorities should "cooperate closely with each other and provide each other with mutual assistance" so that they are able to implement the EU regulation "in a consistent and efficient" way. The EU regulation under discussion clarifies that on each occasion (in other words – at all stages of the process) the lead competent authority should respect the right of the economic operator to be heard. There is also an additional duty on the lead competent authority, namely, to communicate via the information and communication system (referred to in Article 34 of the EU Regulation 2019/1020[17]) if it finds out new information about suspected forced labour taking place in a territory for which it is not competent.

At the same time, the lead competent authority can get appropriate help from other relevant competent authorities upon request. Such help may involve, for example, "requesting support in order to contact economic operators whose place of establishment is within the territory of that Member State or whose language of operation is that of a Member State."

Article 17 of the EU regulation concerns preliminary phase of investigations. This provision stipulates that prior to launching an investigation, the lead competent authority should "request information from the economic operators" in respect of which the assessment is made and, "where relevant, other product suppliers, on the relevant actions they have taken in order to identify, prevent, mitigate, bring to an end or remediate risks of forced labour in their operations and supply chains with respect to the products under assessment". Economic operators are given 30 working days for reply and are allowed to submit any other information they consider useful. Next, the lead competent authority concludes the preliminary phase of its investigation and makes a decision whether there is a substantiated concern that economic operators have placed or made available on

[17] Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (Text with EEA relevance), OJ L 169, 25.6.2019, p. 1–44.

the Union market products made with forced labour, or they have exported such products. The existence of such a concern regarding violation of Article 3 is one of the most important elements of the procedure because it leads to the opening of an investigation. Particular attention should be paid to the matters to be communicated to economic operators subject to the investigation within 3 working days of the date of the decision to trigger such investigation. These are as follows:

- the commencement of the investigation,
- the possible consequences of the investigation,
- the products subject to the investigation,
- the reasons for the commencement of the investigation, unless it would jeopardise its outcome,
- the right of the economic operators to submit documents or information to the lead competent authority, and the date by which such information should be submitted.

There are numerous information obligations on the part of economic operators under investigation. If the lead competent authority so requests, they must provide (within 60 working days, but rightly with the possibility of an extension) any information that is necessary and relevant for the investigation. This includes "information identifying the products under investigation and, where appropriate, identifying the part of the product to which the investigation should be limited, as well as the manufacturer, producer, product supplier, the importer or the exporter of those products or parts thereof." Following the risk-based approach, the lead competent authority (when requesting such information) prioritises the economic operators involved in the steps of the supply chain as close as possible to where the forced labour is likely occurring. Besides, the lead competent authority considers the economic operators' size and resources, including whether it is a small or medium-sized enterprise, the quantity of products in question, the complexity of the supply chain, and the scale of suspected forced labour.

Under exceptional circumstances and only if necessary, organising field inspections would be possible, but it is the duty of the lead competent authority to take account of the place where the risk of forced labour is situated. On the one hand, the lead competent authority carries out its inspection under national and the EU laws where the risk of forced labour is situated in the Member State's territory. On the other hand, where the risk of forced labour is situated outside the EU's territory, the lead competent authority, namely the Commission as explained above, is bound to conduct all necessary checks and inspections subject to prior consent from the economic operators in question, as well as subject to notification

to the government of the third country in which the inspections are to take place and provided there is no objection from that government.

Decisions

It is incumbent upon the lead competent authority to assess all information and evidence and decide whether or not Article 3 of the EU regulation has been violated. Importantly, it should endeavour to adopt its decision or close the investigation within 9 months of the date it initiated the investigation. The EU regulation imposes an obligation on the lead competent authority to close the investigation and inform the economic operators about this fact[18] if it cannot establish a violation of Article 3. Closing the investigation does not preclude the initiation of a new investigation in relation to the same product and economic operator in the case of new relevant information.

This article is aimed at analysing all important elements of the decision issued by the lead competent body in the event that it discovers a breach of Article 3. Thus, such a decision shall contain:

- a prohibition on the placing or making available of the products in question on the EU market and on exporting them,
- an order requiring the economic operators that have been subject to the investigation to withdraw the products that have already been placed or made available on the EU market or to remove content from an online interface referring to the products or listings of the products concerned,
- an order requiring the economic operators that have been subject to the investigation to dispose of the products concerned or, if parts of the product which are found to be in violation of Article 3 are replaceable, an order requiring those economic operators to dispose of those parts of that product. Significantly, decisions taken by a lead competent authority of one Member State should be recognised and enforced by competent authorities in the other Member States, "insofar as they relate to products with the same identification information and as originating from the same supply chain which has been found to be using forced labour."

The economic operators affected by a decision may request a review of that decision at any time.[19] However, such a request should be accompanied by all information demonstrating that the products are placed or made available on the market or are to be exported in compliance with Article 3. "That information shall contain new substantial information that was not brought to the attention of the lead competent authority during the investigation".

[18] As well as all other competent authorities through the information and communication system.

[19] The lead competent authority takes a decision within 30 working days of the receipt of that request.

Last but not least, Article 22 of the EU regulation regulates the content of decisions regarding the violation of Article 3. Thus, a decision should embrace all of the following:

- the findings of the investigation ,
- the information, as well as the evidence underpinning the findings,
- reasonable time limits for the economic operators to comply with the orders, which shall not be less than (generally) 30 working days; when setting the time limits, the lead competent authority should take into consideration the size and economic resources of the economic operator, including whether the operator is a small or medium-sized enterprise, the share of the part of the product and whether it is replaceable; the time limits shall be proportionate to the time needed to comply with the different orders and no longer than necessary,
- all relevant information, in particular the details allowing the identification of the product to which the decision applies, including details about the manufacturer, producer, product suppliers, the importer, the exporter and, where appropriate, the production site,
- where available and applicable, information required under customs legislation as defined in Article 5, point 2, of the EU Regulation No 952/2013,[20]
- information on the taking of a judicial review against a decision.

It is worth stressing that the Commission should adopt implementing acts further specifying the details of the information to be included in the decision.

Enforcement of decisions

It may always happen that an economic operator fails to comply with the above-discussed decision. In such a situation, the competent authorities are responsible for the enforcement of that decision. Thus, they shall ensure all of the following:

- the prohibition on the placing or making available of the products in question on the EU market and on the export of them,
- the withdrawal from the EU market by relevant authorities of products that have already been placed or made available on the market, in accordance with the EU and national laws,
- the disposal of withdrawn products and products remaining with the economic operator, at the expense of that economic operator,

[20] 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. 1–101.

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

Additionally, penalties will be imposed on the economic operator which has failed to comply with the decision. Penalties will be inflicted by the competent authority either directly, in cooperation with other authorities, or by way of an application to the competent judicial authorities.

It is interesting to note that an order to withdraw and dispose of products placed or made available on the EU market should be communicated, through the information and communication system, to the market surveillance authorities referred to in Article 10 of Regulation (EU) 2019/1020 and any other relevant authorities for the products in question. The enforcement of the withdrawal and disposal of the above-mentioned products should be the responsibility of the competent authority, in coordination with any other relevant authorities for the products in question.

When it comes to the method of disposal of products made with forced labour, economic operators and the Member States competent authorities responsible for the disposal of products should dispose of those products by recycling them or, when that is not possible, by rendering those products inoperable. Perishable products should be donated for charitable or public interest purposes or, when that is not possible, be rendered inoperable. The method of disposal of products made with forced labour should be in compliance with the waste hierarchy regulated in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.[21]

Discussion and conclusion

A special issue of "Public Administration and Security Studies" is devoted to "analysing Europe's response to contemporary crises and their wider implications".[22] The aim of the issue is to "examine the multifaceted challenges confronting Europe, including the European Union and its member states […]". In fact, Europe has been flooded with products derived from forced labour for a long time. The crisis of human rights violations has even increased in the past few years. For example, it has been recently revealed that "a substantial volume of apparel tainted by

[21] OJ L 312, 22.11.2008, p. 3-30.

[22] Y. Uluyol et al., *Tailoring Responsibility: Tracing Apparel Supply Chains from the Uyghur Region to Europe*, Sheffield Hallam University Helena Kennedy Centre for International Justice 2023, https://www.researchgate.net/publication/376410063_Tailoring_Responsibility_Tracing_Apparel_Supply_Chains_from_the_Uyghur_Region_to_Europe [date of access: date of access: 12.12.2024].

Uyghur forced labour is moving into the EU without restriction."[23] The new EU Regulation 2024/3015 on prohibiting products made with forced labour on the Union market is a response to that crisis.

Research has been carried out in a broader context to test two hypotheses, namely that there is a global trend towards combating forced labour and that the EU regulation fits into the use of third generation administrative procedures. This study reinforced both of them. As regards the first of the hypotheses mentioned, it has been shown that the EU regulation is not the only one aimed at solving the crisis of forced labour. Appropriate legislative solutions have also been adopted in other countries, e.g. the US, the UK, Canada or Australia (although the approaches they follow may differ significantly).

Regarding the second hypothesis, according to J. Barnes, the third-generation procedures are carried out within the framework of the networked policy-making, involving "a greater variety of actors and voices".[24] They are "based on procedural collaboration between administrations" and aim at enabling "participation in different stages". The third-generation procedures "allow for more diversity and decentralization, foster deliberative arenas, mutual learning and information gathering, and permit more flexibility, monitoring and revisability". The "ongoing information exchange between agencies at national, supranational, and global levels", "assessing public policy options", "monitoring and reviewing decisions, programs, plans, or standards" are another feature of these procedures. Moreover, the promotion of public values to be taken into consideration by private parties is inscribed in the third-generation procedures. Nevertheless, "their most characteristic feature is that they are based on collaborative governance. Collaboration focuses on bringing together and engaging critical stakeholders and administrations at a national and transnational level."[25] We should now ask: how does all this translate into the assessment of the EU regulation? As stated above, the EU regulation fits into the use of third generation administrative procedures. Apart from the obvious fact of promoting public values, for the sake of illustration only, a few of its provisions should be mentioned: first, the Commission and competent authorities should "cooperate closely with each other and provide each other with mutual assistance". Second, "if economic operators demonstrate that they have eliminated forced labour from the supply chain with regard to the product concerned, without changing that product and by bringing to an end the forced labour identified in the decision, the lead competent authority shall review its decision."

[23] Ibidem.
[24] J. Barnes, *Three generations...*, op. cit., pp. 308-309.
[25] Ibidem.

Third, by December 14, 2029, and every 5 years thereafter, the Commission shall carry out an evaluation of the enforcement and the implementation of the EU regulation. Fourth, the Commission shall create a database of forced labour risks in order to support the work of competent authorities in evaluating potential infringements of Article 3 of the EU regulation and help economic operators detect possible forced labour risks in their supply chains. Such a database should be made publicly available through the "Forced Labour Single Portal".

In conclusion, this article contributes to the literature by offering insights on the new EU Regulation 2024/3015 on prohibiting products made with forced labour on the Union market in the context of its administrative procedures. The aim of this work was to explore the administrative procedures adopted in the EU regulation, including "investigations", "decisions", and "enforcement of decisions" issues. Undoubtedly, they have the potential to actively combat forced labour, although it remains to be seen how they will be applied in practice. Further research could embrace the analysis of their effectiveness and could also answer the question whether a risk-based approach (EU) or a rebuttable presumption (US) is more effective in practice.

Bibliography

1. Altmayer A., Spinaci S., *Proposal for a ban on goods made using forced labour, Briefing EU Legislation in Progress*, PE 739.356, November 2023, https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/739356/EPRS_BRI(2023)739356_EN.pdf.
2. Barnes J., *El procedimiento administrativo. Análisis histórico y comparado,* [in:] *Curso de Derecho Administrativo Iberoamericano*, eds. J. Rodríguez-Arana, L. Rodríguez Rodríguez, M. Rodríguez Martín-Retortillo, Granada 2015, pp. 203-294.
3. Barnes J., *Three generations of administrative procedures,* [in:] *Comparative Administrative Law*, eds. S. Rose-Ackerman, P.L. Lindseth, B. Emerson, Cheltenham 2017, pp. 302-318.
4. Barnes J., *Towards a third generation of administrative procedure.* First draft – Conference on Comparative Administrative Law, April 29-30, 2016, https://law.yale.edu/sites/default/files/area/conference/compadmin/compadmin16_barnes_towards.pdf.
5. Burnichon N., Bourgin A., *Les futures obligations en matière de lutte contre le travail forcé pour les opérateurs européens: une approche comparée au regard du droit américain*, "Revue Lamy Droit des affaires" 2023, no. 197, pp. 16-22.
6. Caygın Aydın F., *Strengthening the EU's Stand Against Forced Labour: the Regulation on Prohibiting Products Made with Forced Labour*, The Danish Institute for Human Rights 2025, https://www.humanrights.dk/files/media/document/Forced%20Labour%20Regulation%20report_070125.pdf.
7. Claude O., Ghilardi C, *Les réglementations émergentes sur l'interdiction des produits issus du travail forcé; Note sous Commission Européenne, doc. COM(2022) 453 final, 14 septembre 2022, proposition de règlement relatif à l'interdiction des produits issus du travail forcé sur le marché de l'Union*, "Revue internationale de la compliance et de l'éthique des affaires" 2022, no. 6, pp. 36-37.

8. Customs and Border Protection, *CBP issues Withhold Release Order on Zhen Fa 7*, May 28, 2025, https://www.cbp.gov/newsroom/national-media-release/cbp-issues-withhold-release-order-zhen-fa-7.
9. Fang M.M., *A Never-Ending U.S.-China Solar Trade War? The Uyghur Forced Labor Prevention Act and International Trade Law*, "Minnesota Journal of International Law" 2024, vol. 33, issue 1, pp. 189-225, https://scholarship.law.umn.edu/minn-jrnl-intl-law/vol33/iss1/4.
10. Fruscione A., *The European Commission Proposes a Regulation to Ban Products Made With Forced Labour*, "Global Trade and Customs Journal" 2023, vol. 18, issue 3, pp. 120-124.
11. Grado V., *Trade Prohibitions on Forced-Labour Products: A First Assessment of the Forthcoming EU's Forced Labour Regulation,* [in:] eds. J. Bäumler et al., "European Yearbook of International Economic Law", vol. 15, Cham 2024, pp. 149–190.
12. International Labour Conference*, A global alliance against forced labour. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, International Labour Office, Geneva 2005, https://webapps.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf.
13. Kang S., *WTO-Consistency of the Uyghur Forced Labor Prevention Act (UFLPA): The Re-Emergence of the Process Production Methods (PPM) Regulations*, "Asian Journal of WTO & International Health Law and Policy" 2024, vol. 19, no. 2, pp. 281-314.
14. Martínez San Millán C., *European Union's governance through trade. Considerations on the Proposal for a Regulation on prohibiting products made with forced labour on the Union market*, "Spanish Yearbook of International Law" 2023, no. 27, pp. 163-189.
15. Mateiescu S., *The Limits of Interventionism – Causality in the Social Sciences* [in:] *Probabilities, Laws, and Structures*, eds. D. Dieks, W.J. González, S. Hartmann, M. Stöltzner and M. Weber, Dordrecht 2012.
16. Maul, D. R., *The International Labour Organization and the Struggle against Forced Labour from 1919 to the Present*, "Labor History" 2007, vol. 48, issue 4, pp. 477–500.
17. Methven O'Brien C., Weatherburn A., *Commission Proposal for a Regulation on prohibiting products made with forced labour on the Union market: The issue of remedies*, European Parliament, 2023, https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/702583/EXPO_BRI(2023)702583_EN.pdf.
18. Palumbo L., *Slavery, Forced Labour, and Trafficking,* [in:] *Taking Vulnerabilities to Labour Exploitation Seriously. A Critical Analysis of Legal and Policy Approaches and Instruments in Europe*, ed. L. Palumbo, IMISCOE Research Series, Cham 2024, pp. 1-30.
19. Phillips N., Mieres F., *The Governance of Forced Labour in the Global Economy,* "Globalizations" 2014, vol. 12, issue 2, pp. 244-260.
20. Ru Y., *The US Uyghur Forced Labor Protection Act: the GATT 1994 Perspective*, "Journal of World Trade" 2024, vol. 58, issue 5, pp. 761-779, https://kluwerlawonline.com/journalarticle/Journal+of+World+Trade/58.1/TRAD2024038.
21. Russo F., *Causality and causal modelling in the social sciences. Measuring variations*. Methodos Series. New York: Springer 2009.
22. Salmon W.C., *The Foundations of Scientific Inference. 50th Anniversary Edition*, University of Pittsburgh Press 2017.
23. Uluyol Y. et al., *Tailoring Responsibility: Tracing Apparel Supply Chains from the Uyghur Region to Europe*, Sheffield Hallam University Helena Kennedy Centre for International Justice 2023, https://www.researchgate.net/publication/376410063_Tailoring_Responsibility_Tracing_Apparel_Supply_Chains_from_the_Uyghur_Region_to_Europe.