
Recommendations for the Designation of National Competent Authorities under the EU Forced Labour Product Ban Regulation

Executive summary

- National competent authorities under EU Regulation 2024/3015 on prohibiting products made with forced labour on the Union market (also known as the Forced Labour Product Ban Regulation, FLPBR, or FLR) will have two core duties: investigating products made with forced labour within EU Member States, and deciding and enforcing product bans, with complementary obligations of cooperation with the European Commission and other EU Member States. This note offers recommendations to designate such authorities based on criteria of effectiveness and efficiency.
- FLR competent authorities need specialised knowledge in labour rights, forced labour and human trafficking for labour exploitation. Therefore, we recommend that EU Member States designate labour inspectorates and/or other bodies already equipped to investigate labour abuses as competent authorities for the core duty of investigating and making decisions on products made with forced labour, as well as for international coordination. For the enforcement function, customs or national market surveillance authorities should be designated.
- To ensure FLR competent authorities operate efficiently and effectively we recommend coordinating closely with other authorities with related mandates in law enforcement and worker and victim protection. They should also work closely with social partners and NGOs, with strict guarantees that information will be used solely for the purposes of investigating potential forced labour and supporting potential victims. In doing so, we recommend that EU Member States identify and make use of existing coordination frameworks, such as national referral mechanisms (NRMs) for human trafficking where they exist and avoid fragmenting labour authorities.
- FLR authorities should adopt a human rights-based, victim-centred and trauma-informed approach that takes into consideration the specific needs of impacted workers. The note concludes with a series of recommendations and examples of existing good practices, with particular attention to the situation of migrant workers.

Designating authorities under the FLR: roles and competences needed

EU Member States shall designate one or more competent authorities to carry out the obligations set out in the FLR. In this section, we look at the nature and implementing context of these obligations and propose to divide them in two clusters: (1) investigations and decision-making and (2) enforcement.

We propose that labour inspectorates or similar bodies already equipped to investigate labour abuses are designated as FLR competent authorities for cluster 1. These authorities should be staffed with personnel that have technical knowledge of labour rights, particularly forced labour, labour exploitation and human trafficking for labour exploitation as they exist in the relevant jurisdiction, as well as international labour law, given that, under the FLR, forced labour must be aligned with the definition laid out in the ILO conventions 29 and 105.

While there is the possibility to divide the obligations between more institutions than proposed below, the need for coordination (in terms of ringfenced time and resources) will increase with each additional authority brought into the implementation process. The FLR mandates that, where EU Member States have designated more than one competent authority, they shall delineate their functions and establish communication and coordination mechanisms that enable those authorities to collaborate closely.¹

When an existing body is designated as an FLR competent authority, an assessment should be carried out to ensure that it is provided with additional financial and human resources to fulfil its new functions and the anticipated workload. Staff should also be provided with ongoing training on critical issues related to the authorities' mandate, including understanding the continuum of labour exploitation, identifying forced labour, conducting investigations, understanding the drivers of labour exploitation in the relevant EU Member State and the risks that migrant workers face, and how to link workers and victims with existing support organisations, protection mechanisms and services.

It will also be important to assess whether the designated competent authority has conflicting duties or practices that could undermine its role in investigating labour abuses. This is particularly important when considering that many potential victims of forced labour within the EU are migrant workers. Safeguards should be established to ensure that the competent authority does not take action that would result in the worker being unable to engage with investigations or access remedy or subjecting the worker to immigration sanctions or employer retaliation.

Lastly, competent authorities should be given a far-reaching mandate to allow them to investigate cases of forced labour effectively. They should have legal authority to access company premises and workplaces, demand access to and review company documents and records, and interview workers and other individuals involved.

¹ FLR, Article 5.2.

Cluster 1: Investigation and decision making

Obligations	Functions and competences	Recommended national authorities
<ul style="list-style-type: none"> ○ Art. 17 & 18: Initiating and conducting preliminary investigations and investigations into products suspected to have been made with forced labour. ○ Art. 19.2: Conducting in-country field inspections. ○ Art. 20: making decisions on whether products are in violation of the prohibition of forced labour and communicating the outcome of the decision to economic operators and all competent authorities nationally and in the EU. ○ Art. 21: Reviewing and withdrawing decisions. ○ Art. 37: imposing penalties. <p>Along with their core investigation obligations, the competent authority must also engage with economic operators:</p> <ul style="list-style-type: none"> ○ Art. 10: Providing information and assistance to SMEs as well as training sessions on FL risk indicators and on how to engage with competent authorities. <p>The competent authority has a set of complementary obligations of cooperation with the European Commission (EC) and other EU Member States, with regards to investigations and decisions:</p> <ul style="list-style-type: none"> ○ Art. 16: Cooperating with and provide mutual support to the EC and authorities in order to implement the FLR in a consistent and efficient manner. ○ Art. 16: Managing requests for information. 	<ul style="list-style-type: none"> ○ Technical knowledge of forced labour indicators and risks, particularly within the relevant national context. ○ Technical knowledge on how to conduct investigations of labour practices, including field inspections in workplaces. ○ Thorough knowledge and experience in implementing national, European and international laws on labour and related issues. ○ Trauma-informed knowledge on how to identify and work with workers facing multiple risks and intersectional discrimination, and victims of severe forms of labour exploitation. ○ Experience in working with/knowledge of relevant support organisations, including NGOs, trade unions and specialised victims support services. ○ Knowledge and expertise on standards and best practices in the field of responsible business, supply chain management, due diligence, etc. ○ Understanding of interconnections between FLR and other national and EU laws on trafficking in human beings, migration, workers' rights, victims' rights, corporate sustainability due diligence and reporting, etc. <p>For cooperation obligations:</p> <ul style="list-style-type: none"> ○ Ability and mandate to communicate confidential information linked to the investigations, with appropriate safeguards in place (see more below). ○ Experience in international cooperation and information exchange with EU bodies and other EU Member States. 	<ul style="list-style-type: none"> ○ Labour inspectorates or other authorities already equipped to investigate labour abuses in the workplace, as they have a strong understanding of national and EU labour laws, are accustomed and able to intervene at company premises, and have an understanding of workers' and victims' needs. Where relevant, a special unit could be formed under the labour inspectorates to deploy specialists. ○ Tax authorities could support the imposition of penalties and their enforcement.

Cluster 2: Enforcement

Obligations	Functions and competences	Recommended national authorities
<ul style="list-style-type: none"> ○ Art. 23 to 25: enforcing decisions. ○ Art. 26 to 30: control, suspend, release or detain products. <p>The competent authority has a set of complementary obligations of cooperation with the European Commission and other EU Member States, with regards to:</p> <ul style="list-style-type: none"> ○ Art. 31: Cooperating closely with Commission and customs authorities, and exchange of risk-related information. 	<ul style="list-style-type: none"> ○ Technical and operational ability to monitor and control product movements. ○ Legal authority to enter production sites and seize goods or place them under seal. ○ Legal authority to order products' disposal where necessary and control compliance with the orders. <p>For cooperation obligations:</p> <ul style="list-style-type: none"> ○ Ability and mandate to communicate confidential information linked to the investigations, with appropriate safeguards in place. ○ Experience in international cooperation and information exchange with EU bodies and other EU Member States. 	<ul style="list-style-type: none"> ○ Market surveillance authorities (domestic market). ○ Customs authorities (border control) are already designated under the FLR text² to perform specific cross-border functions.

² FLR, chapter V.II (Arts 26-31).

Recommendations for coordination

This section makes recommendations for cross-government coordination to prevent duplication between FLR competent authorities and other bodies with overlapping roles. Recommendations also seek to ensure that competent authorities receive necessary information and support to carry out duties and cooperate effectively with actors providing protection and support services to potential victims.

- **Allocate the core functions of the FLR to already existing labour authorities** to avoid the fragmentation of labour surveillance. Where possible, centralise labour surveillance functions in a single, appropriately resourced body accessible to workers, and with enforcement capability.
- **Establish a bespoke coordination mechanism between FLR authorities and other national authorities with relevant mandates with appropriate data protection safeguards.** This mechanism could include relevant authorities from the following groups, either as integrants or as observers:
 - **Enforcement authorities.** These could include labour inspectorates and other authorities equipped to investigate workplaces (if they are not the lead competent authority), customs authorities and market surveillance authorities, occupational health and safety authorities, tax authorities, police, prosecutors, and judicial bodies with mandates on human trafficking and criminal labour exploitation.
 - **Authorities that provide assistance and protection to victims.** These could include human trafficking NRMs, entities responsible for providing protection and support services under the EU Victims' Rights³ and Trafficking Directives⁴, entities that provide residence permits (in particular, for victims of trafficking and/or other forms of labour abuse, but not only as there may be other relevant permits available), and whistleblower authorities.
 - **Authorities with connected mandates.** These could include national human rights institutions and national authorities appointed under the Corporate Sustainability Due Diligence Directive (CSDDD).
 - **Civil society and social partners.** These could include trade unions, NGOs with mandates on the rights of migrant workers and victim support organisations, including those providing free legal aid and counselling.
- **Include appropriate data protection safeguards** when establishing bespoke coordination mechanisms for forced labour product bans to enable cooperation and data exchange that is in the interest of data subjects. In line with core data protection principles, including purpose limitation and data confidentiality, a bespoke coordination mechanism should ensure that workers' personal data is only used for purposes of investigating forced labour, enforcing product bans, and supporting workers' access to

³ Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

⁴ 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

their rights, available supports, protection mechanisms and remedies. It should not be used for immigration control purposes.

- **Identify and make use of existing and complementary coordinating frameworks, such as national referral mechanisms for victims of human trafficking, when designing bespoke coordination mechanisms for forced labour product bans.** For instance, EU Member States may want to consider designating bodies already part of NRMs as competent authorities or integrating designated competent authorities within NRMs. Member states should also consider broadening the scope of the NRM framework to include victims of forced labour in efforts to identify, support and protect potential victims, particularly when such a framework does not exist for victims of forced labour. They should also consider including worker support organisations in coordination efforts. A coordination protocol with national NRMs is essential to clarify who serves as the first responder in cases of forced labour. It should also ensure that FLR competent authorities know who to contact for prompt referrals to the NRM, to help minimise re-traumatisation for victims.

Recommendations and practical examples for establishing a competent authority

This section offers recommendations and practical examples for EU Member States to consider when establishing FLR competent authorities. Many of these recommendations focus on the specific needs of migrant workers, including those with precarious migration status, as they represent a significant portion of the workforce at risk of labour exploitation within the EU. For the FLR to be effective, national competent authorities must take steps to engage meaningfully with migrant workers, address their needs and circumstances, and protect them from retaliation and abuse.

Recommendation	Practical examples
Embed a trauma-informed, victim-centred approach in the mandate of the competent authority. The EU Fundamental Rights Agency (FRA) underlines ⁵ that this approach, which recognises the impact of trauma and violence on a person's physical and psychological well-being, is crucial for potential victims of forced labour. FLR competent authorities must be able to promptly connect impacted workers and victims with specialised organisations that provide care and support, for instance, by including first responders in all field investigations.	<p>A group of EU organisations in the project 'Towards a more responsive victim-centred approach of the criminal justice system' (RE-JUST) developed an Action plan for developing victim-centred and trauma-informed criminal justice systems⁶ and a Compendium of good practices⁷ on support to victims.</p> <p>In Autumn 2024, the FRA released a training manual on how workplace inspectors can protect third-country worker rights⁸. Some of the examples mentioned in this section come from this manual.</p>
Strengthen competent authorities' knowledge of forced labour indicators and practices, particularly as these manifest in the jurisdiction where they are operating.	<p>The International Labour Organisation (ILO) has developed several resources on how to operationalise the indicators of forced labour. For instance, FLR Recital 20⁹ requires that the ILO 'Hard to see: Harder to count'¹⁰ handbook guidelines are taken into account when implementing the Regulation.</p> <p>The European Institute for Crime Prevention and Control has developed several materials linked to their work on trafficking in human beings, including the 2023 Policy brief on psychological coercion and</p>

⁵ EU Fundamental Rights Agency (2024), How Workplace Inspectors can Protect Third-Country Workers Rights, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-workplace-inspectors-training-manual_en_1.pdf, pp. 20 and following.

⁶ HEUNI et al, Action plan for developing victim-centred and trauma-informed criminal justice systems, <https://heuni.fi/documents/47074104/0/Action-plan-for-developing-victim-centred-and-trauma-informed-criminal-justice-systems.pdf/7242b5df-dd5f-e69b-f21a-e8115d8e233c/Action-plan-for-developing-victim-centred-and-trauma-informed-criminal-justice-systems.pdf?t=1618380078801>

⁷ RE-JUST, *Compendium of practices. Victims of crime and the justice system*, <https://prorefugiu.org/compendium-of-practices-victims-of-crime-and-the-justice-system/>

⁸ Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers' rights, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-workplace-inspectors-training-manual_en_1.pdf

⁹ FLR, Recital 20, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32024R3015>

¹⁰ International Labour Organisation (2024), Hard to see, harder to count: Handbook on forced labour surveys, <https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-surveys>

	<p>investigative interviewing.¹¹ The brief provides important insight into how potential victims can be manipulated and trapped without the use of physical violence or restrictions.</p>
<p>Ensure mechanisms for engaging with victims and other impacted workers are safe, transparent, fair, independent, accessible, responsive, timely, and inclusive. These mechanisms will be effective only if potential victims and impacted workers feel confident that using them will not put their livelihoods, residence status, or overall rights and well-being at risk.</p>	<p>The European Platform tackling undeclared work, which is part of the European Labour Authority, has collated practices¹² on safe reporting and complaint mechanisms for workers to denounce abuse and seek support.</p> <p>A 2019 project¹³ by the Centre on Migration, Policy and Society at the University of Oxford explores 'safe reporting' practices for victims and witnesses with precarious migration status.</p>
<p>Formalise cooperation with trade unions and civil society. The FRA has recognised that trade unions and NGOs are key in facilitating access to justice and reporting cases. Migrant workers often trust them to lodge complaints because they act independently of the national authorities¹⁴.</p>	<p>In several European countries, labour inspectors and anti-trafficking authorities have partnered with trade unions and NGOs to raise awareness on migrant workers' rights, reach out to migrants in most at-risk sectors, and identify indicators of forced labour exploitation.¹⁵ Trade unions and NGOs often provide legal advice on labour rights free of charge, confidentially and in many languages.¹⁶</p>
<p>Collect and release anonymised statistical data on the impact and effectiveness of FLR competent authorities to ensure that existing gaps in the legal articulation, resourcing, and functioning of these bodies are identified and addressed over time.</p>	<p>PICUM, a network of organisations working to ensure social justice and human rights for undocumented migrants recommends¹⁷ that data collected on complaints mechanisms should include the number of complaints lodged, the number of persons who received compensation, and the number and type of residence permits issued as a result of inspections or complaints.</p> <p>EU Member States already have an obligation under the Council of Europe Convention on Action against Human Trafficking, to provide statistics on the number of victims of human trafficking granted a residence permit, with an indication of the type of permit, its duration and the number of victims who claimed compensation, were granted compensation,</p>

¹¹ Korkman, J. (2023), Trafficking in human beings: Psychological coercion and investigative interviewing, *European Institute for Crime Prevention and Control (HEUNI)*, <https://heuni.fi/-/thb-psych-coercion-investigative-interviewing#0e6758de>

¹² European Labour Authority (2024), Platform subgroup on safe reporting and complaint mechanisms for workers to denounce abuse and seek support: Output paper, https://www.ela.europa.eu/sites/default/files/2024-04/Subgroup_output_paper-Safe_reporting_and_complaint_mechanisms.pdf

¹³ University of Oxford's Centre on Migration, Policy and Society (COMPAS) (Website), "Safe reporting" of crime for victims and witnesses with irregular migration status in the USA and Europe, <https://www.compas.ox.ac.uk/project/safe-reporting-of-crime-for-victims-and-witnesses-with-irregular-migration-status-in-the-usa-and-europe> [Accessed: 7 March 2025]

¹⁴ Fundamental Rights Agency (2024), How workplace inspectors can protect third-country workers rights, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-workplace-inspectors-training-manual_en_1.pdf, p. 38

¹⁵ <https://rm.coe.int/compedium-good-practice-labour-greta/1680a262ae>, p. 20.

¹⁶ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-workplace-inspectors-training-manual_en_1.pdf, p. 37

¹⁷ PICUM (2017), Undocumented migrant workers: Guidance for developing an effective complaints mechanism in cases of labour exploitation or abuse, https://picum.org/wp-content/uploads/2017/11/WorkerComplaintMechanismLeaflet_EN.pdf, p. 4.

	and effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, etc). ¹⁸
<p>Place a firewall between FLR competent authorities and immigration bodies. Migrant workers are often vulnerable to exploitation, particularly those with precarious or undocumented migration status, including those whose residence status is dependent on their employer. The Fundamental Rights Agency has found that a clear division of services between labour rights protection and immigration law enforcement mechanisms – commonly referred to as ‘firewalls’, which guarantee that personal data will not be shared with immigration authorities – is likely to increase reporting. A firewall is crucial to protect workers who file a complaint and workers identified during investigations and inspections. Reporting people to immigration authorities undermines trust between workers and competent authorities, and compromises inspectors’ ability to enforce employment standards and sanction employers in case of violations.¹⁹</p>	<p>In France and Ireland, labour inspectors are tasked with checking work permits during inspections; however, they do not share related information with the immigration authorities.²⁰</p> <p>In Belgium, labour inspectors maintain professional confidentiality regarding complaints filed by undocumented workers. Personal data is not shared with immigration authorities for enforcement purposes.²¹</p>
<p>Invest in overcoming language barriers. The FRA highlights²² that language barriers increase the risk of exploitation by limiting migrant workers’ access to information about their rights and their ability to seek support.</p>	<p>In Italy, labour inspectors draw on cultural mediators to establish person-to-person dialogues with migrant workers.²³</p> <p>In Finland, workplace inspectors have used on-site interpreters, telephone interpretation, and pre-translated questionnaires.²⁴</p>
<p>Consult workers and their representatives throughout the investigation, decision-making and enforcement process under the mandate to engage with stakeholders throughout investigations.²⁵ This ensures that workers’ interests are considered and no harm is caused during investigations and through product bans. This can also be used to ensure that the product bans are leveraged to secure better work</p>	<p>The Worker-Driven Social Responsibility network²⁶ (WSR) provides resources and examples of worker-driven social responsibility projects. The Fair Food Programme in the USA is one of the best-known instances of this model, that includes a worker-informed code of conduct and independent complaints processes and auditing. US academics</p>

¹⁸ see Council of Europe - Part III - Statistics on THB, question 42. (See GRETA questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties Fourth evaluation round Thematic focus: Addressing vulnerabilities to trafficking in human beings [1680abd8fa](#)

¹⁹ PICUM (2023), A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice, <https://picum.org/wp-content/uploads/2023/08/A-Worker-is-a-Worker-full-doc.pdf>

²⁰ EU Fundamental Rights Agency (2024), How Workplace Inspectors can Protect Third-Country Workers Rights, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-workplace-inspectors-training-manual_en_1.pdf, p. 37.

²¹ PICUM (2023), A Worker is a Worker: How to Ensure that Undocumented Migrant Workers Can Access Justice, p. 35 <https://picum.org/wp-content/uploads/2023/08/A-Worker-is-a-Worker-full-doc.pdf>

²² Ibid

²³ Ibid.

²⁴ Ibid.

²⁵ FLPBR, Articles 14.3.f, 17.1, 18.5.

²⁶ <https://wsr-network.org/>

conditions and access to remedy for workers.	have outlined ²⁷ strategies to use product bans as tools to support worker organisations in seeking better work conditions.
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Recommendations for a whole-of-government approach to forced labour

The following recommendations should be considered when designing a whole-of-government approach to forced labour within EU Member States.

Recommendation	Practical examples
<p>Provide residence solutions to workers who are undocumented or who have precarious residence status. Specific transitional permits should be made available when workers experience labour violations or other abuses.²⁸ This is not only relevant for undocumented workers, but also workers whose residence status is dependent on their employer.</p> <p>Even if no specific permit available, authorities should be able to issue an autonomous residence permit or other authorisation offering a right to stay, refrain from issuing a return decision to someone with an ongoing procedure related to their status, or, at minimum, postpone the removal of someone with ongoing civil or criminal proceedings.²⁹</p>	<p>In Finland, non-European Economic Area workers who have experienced labour exploitation or significant negligence in the workplace can apply for special residence permits due to such exploitation.³⁰</p> <p>In Ireland, non-EU citizens who held a work permit but became undocumented through “no fault of their own” - including in cases such as labour exploitation and abuse - can apply for a Reactivation Employment Permit based on a formal offer of employment.³¹</p>
<p>Entrench the non-punishment principle. EU Member States should improve their systems and capacity to identify and protect people who are victims of forced labour and ensure that they are not punished for their involvement in unlawful activities carried out as part of their trafficking or exploitation, or for infractions related to their immigration status, including undeclared work. This is established in article 8 of the EU Anti-Trafficking Directive.^{32,33}</p>	<p>In the UK, a section 45 defence³⁴ can be raised at any point in the criminal justice process by police or the defence and should prevent a victim from being criminalised if they were forced to commit criminal acts as part of their exploitation. However, its application is challenging. EU Member States must establish mechanisms that identify victims and ensure access to such defence.</p>

²⁷ Gordon, J. (2024), The US Forced Labor Import Ban as a Tool to Raise Labor Standards in Supply Chain Contexts: Strategic Approaches to Advocacy, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4756721

²⁸ Regarding victims of criminal labour exploitation including trafficking in human beings, see PICUM (2020), PICUM Key Messages and Recommendations on Human Trafficking, October 2020; PICUM (2020), Insecure Justice? Residence permits for victims of crime in Europe, Brussels: PICUM.

²⁹ Articles 6 and 9, “Return Directive” (Directive 2008/115/EC).

³⁰ PICUM, Labour migration policies Case study series - Finland, pp. 11-12 https://picum.org/wp-content/uploads/2023/08/Labour-migration-policies_Case-study-series_Finland_EN.pdf

³¹ PICUM, Labour migration policies Case study series - Ireland, p.12, https://picum.org/wp-content/uploads/2023/08/Labour-migration-policies_Case-study-series_Ireland_EN.pdf

³² (Directive 2011/36/EU) and its revision (Directive (EU) 2024/1712)

³³ See additional information on the non-punishment principle : [3511-LSI - Advocacy Document on the Non-Punishment Principle \(Nov 2023\).pdf](#) and [3512-LSI - Explanatory Brief on the Non-Punishment Principle \(Nov 2023\).pdf](#)

³⁴ For more information, see: Modern Slavery & Human Rights Policy & Evidence Centre (2022), Section 45 of the Modern Slavery Act: evidence review, <https://www.modernslaverypec.org/resources/section-45-modern-slavery-act-review>