



European Metals Answer to the Commission Call for Evidence on Forced Labour Regulation Guidelines

1. Introduction & Executive Summary

European Metals, the European non-ferrous metals association, is responding to the EU Commission Call for Evidence on the guidelines for the EU Forced Labour Regulation, which is an important step for a stable and responsible supply chain of critical raw materials.

The non-ferrous metals sector stands firm against any form of forced labour, which should be eradicated from the production of products placed in the EU market. Our sector has long experience in due diligence and responsible sourcing practices, and it supports a proportionate risk-based approach for due diligence activities related to forced labour that follows the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, United Nations Guiding Principles on Business and Human Rights (UNGPs) and the International Labour Organisation (ILO) Conventions.

Clear and consistent guidelines are essential to ensure effective compliance with this Regulation and facilitate its smooth implementation.

Below, the key recommendations on behalf of the EU non-ferrous metals sector:

- **Recognise the role of Voluntary Sustainability Standards (VSS) to facilitate compliance with the Regulation.**
- **Ensure alignment with international standards, namely OECD Guidelines, ILO Conventions and UNGPs.**
- **Ensure harmonisation with the existing EU due diligence framework.**
- **Preserve a proportionate risk-based approach for the best practices of forced-labour-related due diligence.**
- **Ensure an effective implementation of the Regulation in the entire phase of investigation and further clarify the scope of the Regulation.**
- **Differentiate between forced labour by private-sector actors and state-imposed forced labour.**
- **Clarify the human rights objective and the avoidance of geopolitical spillover in the implementation phase by competent authorities.**
- **Provide timely and effective complementary resources (i.e. FAQs, Database of forced labour risk areas and Forced Labour Single Portal).**



2. Detailed Key Recommendations

- **Recognise the role of Voluntary Sustainability Standards (VSS) that already promote best practices on forced labour in the non-ferrous metals sector.**

Companies operating in the non-ferrous metals sector rely on well-established ESG performance VSS and responsible sourcing frameworks to ensure a transparent and ethical raw materials value chain. The upcoming guidelines should recognise the role of the existing initiatives in facilitating compliance with the requirements of this Regulation, such as the Copper Mark (including the Molybdenum, Nickel and Zinc Marks)¹, the Joint Due Diligence Standard², the LBMA Responsible Gold Guidance³, the LBMA Responsible Silver Guidance⁴, the Responsible Minerals Initiative (RMI)⁵, the RMI All Minerals Standard⁶, and its Facility Standard, the Initiative for Responsible Mining Assurance (IRMA)⁷, the Aluminium Stewardship Initiative (ASI)⁸, the ICMM's Performance Expectations⁹, and the forthcoming Consolidated Mining Standard Initiative (CMSI)¹⁰.

Those initiatives explicitly address forced labour within their frameworks and require companies to implement policies, management systems, and operational practices to prevent, identify, and remediate forced labour risks at sites and the supply-chain level. Certification-based schemes require regular independent third-party audits to award and maintain certification, while ICMM's Performance Expectations operate as a performance and membership framework supported by site-level assessments and independent assurance processes.

The guidance should also recognise the role of emerging cross-sector transparency tools, such as the Global Battery Alliance (GBA) Battery Passport¹¹, in supporting compliance with the Regulation. The Battery Passport is designed to provide standardised supply chain data on sustainability performance, including indicators relevant to forced labour risks, and is intended to operate as a third-party assured framework. In particular, the GBA's Forced Labour Rulebook¹² sets out defined indicators, data expectations, and verification parameters to guide companies in assessing and disclosing forced labour risks within battery value chains.

¹ The Copper Mark ([link](#)), the Molybdenum Mark ([link](#)), the Nickel Mark ([link](#)), and the Zinc Mark ([link](#)).

² The Joint Due Diligence Standard ([link](#))

³ The LBMA Responsible Gold Guidance ([link](#)).

⁴ The LBMA Responsible Silver Guidance ([link](#))

⁵ The Responsible Minerals Initiative ([link](#)).

⁶ The RMI Global Responsible Sourcing Due Diligence Standard for Mineral Supply Chains All Minerals ([link](#)).

⁷ The Initiative for Responsible Mining Assurance ([link](#))

⁸ The Aluminium Stewardship Initiative ([link](#)).

⁹ The ICMM's Performance Expectations ([link](#)).

¹⁰ The Consolidated Mining Standard Initiative ([link](#)).

¹¹ The Global Battery Alliance (GBA) Battery Passport ([link](#)).

¹² The Global Battery Alliance (GBA) Forced Labour Rulebook ([link](#)).



Supported by years of industry experience, those standards are firmly rooted in practical operations and provide credible, risk-based mechanisms to demonstrate how forced labour risks are addressed in practice.

- **Ensure alignment with international standards, namely OECD Guidelines, ILO Conventions and UNGPs.**

International organisations, such as the OECD, ILO, and the United Nations, establish due diligence guidelines and principles to prevent, identify, and remediate forced labour. Any guidelines should be consistent with these international standards to ensure uniform definitions, clear legal interpretation and eliminate conceptual uncertainty.

Specifically, the ILO Conventions distinguish the definitions of “forced labour” and “child labour”, as they are distinct forms of labour exploitation, driven by different causes that require different solutions. Guidelines should reflect this distinction and further clarify what “forced child labour” constitutes, as the Regulation mentions it in several articles.

Specific reference should be made to the “Tool No. 2 in the ILO Toolkit on Developing National Action Plans on Forced Labour”¹³, which provides concrete examples on how forced labour and child labour differ, thereby clarifying the elements that constitute “forced child labour”.

The clarity and accuracy of definitions such as “forced child labour” could be further strengthened with the explicit reference to the OECD Practical Actions for Companies to Identify and Address the Worst Forms of Child Labour in Mineral Supply Chains¹⁴ and the ILO document on child labour in mining and global supply chains¹⁵.

This alignment is also crucial in view of preserving the principle of responsible disengagement, in a way that disengagement remains a measure of last resort. This is particularly relevant for companies operating in high-risk regions, where abrupt disengagement may harm vulnerable workers and reduce leverage to drive meaningful improvement. Guidelines should clarify when disengagement is appropriate versus continued engagement with remediation.

- **Guidelines should secure harmonisation with the existing EU due diligence framework, ensuring a proportionate risk-based approach for the forced-labour-related due diligence best practices.**

¹³ ILO Toolkit on Developing National Action Plans on Forced Labour Tool No. 2 ([link](#)).

¹⁴ The OECD's Practical Actions for Companies to Identify and Address the Worst Forms of Child Labour in Mineral Supply Chains ([link](#))

¹⁵ ILO “Child labour in mining and global supply chains” ([link](#)).



The Regulation should be applied uniformly with other EU due diligence pieces of legislation that aim to safeguard human rights, such as the Corporate Sustainability Due Diligence Directive (CS3D), Corporate Sustainability Reporting Directive (CSRD), EU Battery Regulation, and the EU Conflict Minerals Regulation.

Guidelines must confirm that the Regulation does not impose additional due diligence obligations, creating a new due diligence regime that goes beyond existing EU due diligence laws, such as the CS3D. This is crucial to avoid overlapping requirements, duplication of work, and inconsistencies in the EU due diligence framework.

In this context, guidelines on best practices for due diligence related to forced labour should be based on a proportionate risk-based approach, enabling companies to focus their efforts and resources on areas where the most severe risks of forced labour lie. This would avoid endless checks throughout the entire value chain and allow economic operators to prioritise the most severe risks of forced labour.

It is essential that practical examples and concrete case studies are included in the guidelines to clarify expectations on companies to identify, prevent, mitigate and remediate forced labour.

The methodologies and implementation experience developed by Voluntary Sustainability Standards mentioned above, such as Copper Mark, Joint Due Diligence Standard, LBMA, ASI, RMI, IRMA, CMSI, and ICMM, can provide practical examples of operationalising risk-based due diligence, including the use of independent third-party assessments to evaluate systems for identifying and addressing forced labour risks. In parallel, the UK Modern Slavery Act¹⁶ should also be taken as an example, especially for its useful lessons around transparency and reporting.

Where VSS certification is not present, and where the concerned companies are not subject to existing EU due diligence pieces of legislation, a more rigorous application of the provisions of this Regulation and a more thorough auditing should be ensured. This will be especially relevant for the countries in the high-risk areas.

In addition to VSS compliance, guidelines should also encourage authorities to specify the indicators on which assessments will be based.

- **Guidelines should bring more clarity on the scope of the Regulation and ensure its effective implementation throughout the entire investigation phase.**

As reported in Art. 1 of the Regulation, the aim is to “lay 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”.

¹⁶ The UK Modern Slavery Act 2015 ([link](#))



While Art. 1 focuses on the general objective of the Regulation, the upcoming guidelines should bring more clarification on which stages of the production affected or suspected to be affected by forced labour are in scope. In particular, clarification is needed on whether the scope covers only forced labour directly involved in the manufacture of the final product, or whether it also extends to upstream inputs (such as energy, raw materials, or chemicals) that may themselves be linked to forced labour.

Since the Regulation operates both within the Union market and at borders, investigations and border controls must work together to be effective. A common set of rules should be established for the National Competent Authorities designated by each Member State, the Commission, and the Customs Authorities to achieve a coordinated approach and mutual assistance throughout the investigative phase.

This will avoid internal market fragmentation, ensuring the functionality of the Single Market. In addition, guidelines should ensure that investigations are initiated only in case of substantiated concerns and based on evidence and a strong risk-based approach, as included in the Regulation. Information submitted by stakeholders on alleged cases should be based on specific, documented instances of forced labour rather than general sector-wide allegations, which might represent a wider reputational risk.

Guidelines should also clarify the specific types of evidence that authorities will consider meaningful in the preliminary phase of the investigation (i.e. risk assessments, due diligence records, incident response documentation, etc.). Guidelines should clarify that the requested documentation is aligned with the OECD's Practical Actions for Companies to Identify and Address the Worst Forms of Child Labour in Mineral Supply Chains.

Clear and practical guidance is also needed for the procedure that competent and customs authorities will apply during the preliminary phase of the investigation. Particularly, guidelines should clarify the maximum duration goods can be withheld, the process for companies to engage with authorities during this period, and whether interim remediation measures, such as demonstrated corrective actions, can be taken into account to release goods before the conclusion of the investigation.

- **Guidance should differentiate between forced labour by private-sector actors and state-imposed forced labour**

The guidance should explicitly recognise that forced labour can arise in different structural contexts, including forced labour occurring within private-sector operations or supply chains, and forced labour that is imposed by state authorities.



Forced labour imposed by states, where government policy and state apparatuses are the primary drivers of the abuse, presents unique challenges for due diligence and requires tailored approaches to identification, risk management, and disengagement.

Clear guidance on these distinctions would help companies design appropriate risk assessment methodologies, prioritise actions proportionate to the type of forced labour risk, and adopt context-appropriate remediation or disengagement strategies. To support practitioners, the Commission could reference or build on existing work such as the “ILO’s Hard to see, harder to count: Handbook on forced labour surveys”,¹⁷ which references state-sponsored forced labour.

- **Guidelines should also clarify the human rights objective and avoid geopolitical spillover effects in the implementation phase by competent authorities.**

The guidance would benefit from reaffirming that the Regulation is intended to function as a human rights instrument to prevent and address forced labour in supply chains, wherever it may happen, and its implementation will be objective, proportionate, and risk-based.

In this context, clear articulation of evidentiary standards, assessment methodologies, and enforcement principles is important to ensure that application of the Regulation remains firmly grounded in objective, evidence-based human rights criteria. This will avoid the risk for companies of uncertainty, sudden supply disruptions, or abrupt market restrictions where enforcement actions are not based on clearly substantiated forced labour. This is particularly challenging in sectors with concentrated supply chains or limited alternative sourcing options.

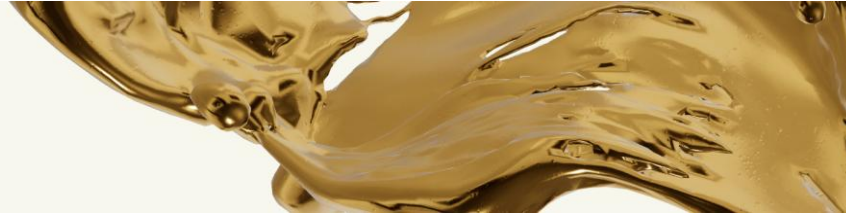
Clear guidance on evidentiary standards, proportionality, procedural safeguards, and remediation pathways would help ensure predictable and non-discriminatory application, reinforcing the Regulation’s human rights objective while providing necessary legal certainty for responsible businesses.

- **Guidelines should provide timely complementary resources to facilitate compliance, such as Frequently Asked Questions (FAQs), an effective Database of forced labour risk areas and a well-established Forced Labour Single Portal.**

Guidelines should include brief FAQs that answer practical questions, concretely supporting companies with compliance with the Regulation.

The Commission should also develop and establish the Database of forced labour risks on a timely basis, which will help economic operators identify high-risk geographic areas with severe risks of forced labour or affected by state-imposed forced labour.

¹⁷ The ILO’s Hard to see, harder to count: Handbook on forced labour surveys ([link](#)).



The database should build on information and experience from international organisations, such as the OECD, ILO, and the UN. The set-up of the database should also be accompanied by targeted training for economic operators on risk assessment and handling risks in high-risk regions.

The Regulation also indicates that the database should include forced labour risks in specific products or product groups. However, the database, together with the Forced Labour Single Portal, should avoid reputational harm for specific sectors by indirectly associating certain products with forced labour risks before formal investigation. Reputational harm should also be avoided in the information included in the decision to ban a product, which will be accessible via the Forced Labour Single Portal. Guidelines should therefore clarify how the EU will mitigate possible sector-wide reputational harm.

Taking into account the EU Conflict Minerals Regulation¹⁸ is one of the mandatory indicators for the Conflict-Affected and High-Risk Areas instrument, according to the Global Responsible Sourcing Due Diligence Standard for Mineral Supply Chains All Minerals, the Guidelines must describe the connection (or its absence) between the EU Conflict Minerals Regulation and the Forced Labour Risk Areas or Products Database.

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European Metals is an umbrella association representing the interests of the combined non-ferrous metals industry towards EU policy makers. We bring together the companies and associations shaping Europe's non-ferrous metals ecosystem: from upstream mining and refining to downstream use and high-quality recycling. By connecting technical expertise with policy action, we ensure that the importance of the metals sector is recognised, valued, and that our sector's future is secured. For more information, visit our website: <https://european-metals.eu/>

¹⁸ Regulation (EU) 2017/821 ([link](#)).