INFORMATION NOTE

Forced Labour and Market Access

The EU Forced Labour Regulation and the United States forced labour import regime — what they require, how they differ, and what they mean for supply chains in Türkiye

Business and Human Rights Association (BHRTR) · September 2026
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About BHRTR

The Business and Human Rights Association (İş Dünyası ve İnsan Hakları Derneği — BHRTR) is the first NGO in Türkiye with a central focus on business and human rights. Working in the light of the UN Guiding Principles, it promotes responsible business conduct and works to combat modern slavery in supply chains.

Its work covers human rights risk and impact assessment, human rights and environmental due diligence (HREDD), labour rights and governance, grievance mechanisms, remediation in supply chains, capacity building, training and policy development. Priority issues include forced labour and modern slavery, child labour, migrant workers, occupational health and safety, living wages, union rights, climate and just transition, and equality and inclusion.

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About this note

This note is a general information document for business, public sector and civil society readers. It summarises two regimes that increasingly determine market access for goods produced in or exported from Türkiye: the EU Forced Labour Regulation (EUFLR) and the United States forced labour import regime.

1. What counts as forced labour

Both regimes rest on the same definition. Under ILO Convention No. 29, forced labour is all work or service exacted from a person under the menace of any penalty and for which that person has not offered himself or herself voluntarily. Three elements must be present together:

- **Work or service —** in any sector, including the informal economy.
- **Menace of any penalty —** any physical, material or psychological pressure used to compel a person to work.
- **Involuntariness —** no free and informed consent when taking the job, or no freedom to leave at any time.

The distinction matters in practice. Poor housing, low pay or long working hours are not forced labour on their own; they become forced labour when they combine with coercion and turn systemic. The typical accumulation is: recruitment debt, retention of documents, restrictions on changing employer, unpaid wages and the threat of deportation — taken together, the worker has no realistic option but to keep working. Authorities make this assessment against the ILO's eleven indicators of forced labour.

The scale is not small: an estimated 27.6 million people worldwide are in forced labour, the greater part of it imposed by private actors rather than the state.

2. The EU Forced Labour Regulation (EUFLR)

2.1 What kind of instrument it is

Regulation (EU) 2024/3015 entered into force on 13 December 2024 and applies from 14 December 2027. It prohibits placing products made with forced labour on the EU market, making them available there (including through online and other distance sales), and exporting them from the EU.

Who is an "economic operator"? Under Article 2(9), any natural or legal person, or association of persons, placing or making available products on the EU market or exporting them. Upstream producers, manufacturers, importers, exporters, retailers and suppliers all fall within the definition; no turnover or employee threshold applies. There is a single category: a company that only imports finished goods cannot argue that responsibility sits with the manufacturer upstream.

An obligation of result, not of process. The EUFLR is not a due diligence law but a product-based market access ban. The CSDDD obliges companies to run a process; the EUFLR prohibits a product. A company that carried out extensive due diligence and still placed a product made with forced labour on the market is in breach: the prohibition attaches to the product, not to the quality of the process. It follows that a completed exercise is not a defence, and that a process gone through for form's sake carries little weight — the guidelines state explicitly that contractual clauses and supplier assurances should not be treated as sufficient without follow-up and verification. Documented, verified due diligence is still the most effective way to reduce exposure, but it is not a safe harbour.

2.2 Who and what is covered

- All economic operators placing or making products available on the EU market, or exporting from it — regardless of size, sector or location. There is no general SME exemption.
- All products wholly or partially made with forced labour, and their components, at every life-cycle stage: production, manufacture, harvest and extraction.

This scope is wider than the due diligence laws companies are used to. The German LkSG binds only companies above an employee threshold, and the CSDDD applies only above size thresholds. The EUFLR sets no threshold at all, because it regulates the product rather than the company. A small Turkish supplier exporting directly into the EU is as much an economic operator as a multinational brand.

2.3 The investigation threshold: "substantiated concern"

An authority does not need proof in order to act. What it needs is a substantiated concern: objective, factual and verifiable information giving reasonable suspicion. There is no fixed numerical threshold; the available information is weighed against the ILO indicators.

Why an audit report may not answer the concern

Textiles. A buyer's yarn is traced to spinning mills in a region where systematic forced labour is documented. The social audit report and certification it holds cover the cut-and-sew factory. The documents are genuine, but they speak to a different tier than the one the concern is about, so the concern survives them.

Automotive. A tier-1 supplier's site is audited and certified to the industry quality standard, and it holds signed codes of conduct from its tier-2 suppliers. But the concern is not about its site: it is about the metals further upstream and the smelters that supply them. A quality certification says nothing about labour conditions, and a signed code of conduct from a tier-2 is precisely the supplier assurance the guidelines say cannot stand on its own.

The pattern is the same: a document about another part of the chain does not dispel a substantiated concern. Only evidence reaching the tier and the input in question does — traceability records, segregation documentation, and worker testimony obtained where workers can speak freely.

2.4 How an investigation proceeds

- **Preliminary phase.** The lead competent authority (LCA) assesses whether a substantiated concern exists. A company can prevent escalation by showing that it is taking appropriate steps to address the situation. The list of competent authorities is at Annex I (as at September 2026).
- **Full investigation.** Follows if the concerns are not resolved. The authority sets the scope: specific parts and products, or — where forced labour appears systemic — a whole product category from a given supplier or region.

> **What are the "appropriate steps"?**
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> The guidelines expect an operator to be able to show, at this stage: policies that actually govern sourcing decisions; a functioning grievance mechanism workers can genuinely reach; concrete improvements to the conditions identified; documentation establishing where the product and its inputs come from; and remediation of the harm — restoring affected people to the situation they would have been in had the forced labour not occurred (wage restitution, financial compensation, rehabilitation support, disciplinary measures against those responsible) — together with action on root causes.
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> The LCA weighs what is realistic: the complexity and feasibility of what is required and the operator's own resources. A smaller supplier is not judged against the capacity of a large brand — but doing nothing is not an option either. Where remediation is genuinely under way, time may be allowed to complete it.

The sequence in outline

#	Step	Who acts
1	Information reaches the authority — via the single information submission point, the risk database, customs data or the authority's own risk analysis	Anyone; lead competent authority
2	Preliminary assessment of whether a "substantiated concern" exists	Lead competent authority
3	Notification to the operator if the case escalates to a full investigation	Lead competent authority
4	Operator submits evidence and representations	Economic operator
5	Full investigation and decision	Lead competent authority
6	Withdrawal and disposal of the banned product	Economic operator

2.5 Evidence: what helps, and what does not

The table below is, in effect, a checklist of what verified due diligence should be able to produce on request. The OECD six-step framework is not legally mandated, but it is treated as the practical reference model.

	Strengthens the position	Not sufficient on its own
Visibility	Multi-tier maps covering direct and indirect suppliers; facility names, addresses and geolocation data.	Knowledge of tier 1 only; a supplier list without verification of what sits behind it.
Traceability	Chain-of-custody certificates; certificates of origin; bills of materials identifying the suspect component's share; production-	A single certificate or audit report taken at face value; documentation that cannot be reconciled with actual volumes.

	Strengthens the position	Not sufficient on its own
	capacity evidence reconciling input and output volumes.	
Verification	Site visits, worker interviews and independent checks, with evidence that the follow-up happened; credible multi-stakeholder certification with genuine worker input.	Supplier questionnaires and factory audits without independent verification; audits where workers cannot speak freely.
Response	Documented corrective action plans and grievance mechanism data.	Silence from a supplier — treated as weighing toward a violation, not as a neutral gap.

The principle is that breadth beats any single certificate. In state-imposed forced labour contexts the credibility problem is most acute, and authorities there expect independent research and civil society sources.

What actually changes supplier behaviour

Social auditing is today an industry worth billions of dollars, and forced labour has not disappeared from supply chains. That gap explains why the guidelines are sceptical of audits and certifications: the problem is not the audits themselves, but that on their own they do not change how a supplier behaves.

Some of the strongest empirical evidence comes from a study of one global apparel buyer's audit records. Suppliers improved their performance when a corrective action request came with a credible commercial consequence — a warning that the commercial relationship would end if the situation did not improve; their probability of passing the next audit rose by roughly 22 percentage points. Where there was no such consequence, no improvement followed. The effect was stronger where the buyer's leverage was greater: where the supplier faced strong competition, or was in a longer-term relationship with the buyer.

Two implications follow, independent of sector. First, the leverage that makes due diligence work sits in the purchasing function, not the compliance function. If the only message a supplier hears from the buyer is price and delivery date, the compliance team's requirements will not be acted on — and how prices are set and how fast orders must be turned around are themselves among the drivers of the violations the audit is meant to detect. Second, a consequence only works where the relationship is worth keeping: a supplier that expects the buyer to leave at the first adverse finding, or for a marginally cheaper offer, has little reason to invest in anything.

(Matthew Amengual & Greg Distelhorst, "Cooperation and Punishment in Managing Social Performance: Labor Standards in the Gap Inc. Supply Chain", Strategic Management Journal, 46(11), 2025, pp. 2663–2689.)

2.6 No de minimis threshold

The guidelines direct authorities to establish the suspect component's share of the final product from the bill of materials. No minimum threshold below which a trace amount is disregarded has been identified: even a small percentage of forced-labour-linked material in a product's composition can be relevant to a ban decision.

Practical example: a hazelnut chocolate bar

The bill of materials for a single product carries two separate upstream exposures. The cocoa arrives through a trader that pools beans from many farms in a region where forced and child labour are documented; the sustainability certification on the bar operates on a mass-balance basis, so it certifies a volume in the system rather than the physical beans in that batch. The hazelnuts come from Türkiye's Black Sea harvest, where

> seasonal migrant labour and child labour risks are extensively documented and recruitment runs through labour intermediaries.
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> Neither ingredient is the majority of the bar by weight, and under the guidelines that is no help. A company that has traced its cocoa but never looked at its hazelnut supply has mapped the part of the product that was not the problem.
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> *The same logic applies wherever inputs are pooled before they reach the manufacturer: cocoa at the trader, cotton at the spinning mill, metal at the smelter. That pooling point — not the final factory, where most audit programmes stop — is where traceability breaks.*

2.7 Consequences of a ban

A ban decision has three consequences: the product may no longer be placed on the EU market or exported, products already on the market must be withdrawn, and they must be disposed of. Decisions apply generally (erga omnes) — binding any operator placing the product on the EU market, not only the company investigated — and are published on the Single Portal.

Penalties are set and applied by Member States, which must notify their penalty rules to the Commission by 14 December 2026. They attach to failure to comply with a ban decision rather than to the underlying violation: the primary enforcement mechanism is the product ban itself, not a fine. The guidelines set out a five-step penalty methodology with illustrative models in the range of 0–4% of annual global turnover; this is an illustrative model, not a confirmed schedule.

2.8 Institutional infrastructure

The Single Portal. The Commission launched the Forced Labour Single Portal in June 2026 alongside the guidelines and operates it through DG GROW. The Portal hosts the guidelines, the risk database, the contact details of the competent authorities, ban decisions, and the single information submission point through which anyone — including anonymously — can report suspected products.

The risk database. Established by the Commission; indicative and non-exhaustive. It identifies geographic areas and products for which forced labour risk is documented in credible, publicly available sources — principally the ILO and UN bodies — and is to concentrate on widespread and severe risks. It remains in development. Its use is voluntary and it is not a clearance list: a product's absence from it is not a defence. Its real significance is that it will shape where authorities look first.

Competent authorities and capacity. Member States were required to notify their authorities by 14 December 2025; as at 1 September 2026 a compilation covers only eleven Member States (Annex I). Germany is not among them: an accompanying implementing law is required there, and responsibilities were still under discussion. The Regulation only bites to the extent that authorities are resourced to investigate, and civil society organisations consistently argue that this capacity needs to be expanded. For companies this cuts both ways: enforcement will not be uniform from day one, but the obligation applies from 14 December 2027 regardless of how quickly any given authority can act.

The implementation guidelines. Adopted on 26 June 2026 and non-binding: they explain how the Commission expects the Regulation to work, and do not create obligations of their own. They are in three parts — for competent authorities, for economic operators, and for civil society and victims.

3. The United States regime

The US has no general due diligence statute comparable to the CSDDD. On forced labour specifically, however, its product-based border enforcement is in some respects stricter than the EU's, because it operates at the point of import and shifts the evidentiary burden onto the importer.

Tariff Act of 1930, Section 307. Prohibits the importation of goods produced abroad wholly or in part with forced labour, convict labour or indentured labour under penal sanctions; forced child labour is covered. Where information available to US Customs and Border Protection (CBP) indicates this "reasonably but not conclusively", the goods can be detained at the border.

UFLPA (2021). Goods produced wholly or in part in the Xinjiang Uyghur Autonomous Region, or by entities on the UFLPA Entity List, are presumed to have been made with forced labour and are barred from entry. The burden of rebutting that presumption falls on the importer. A supplier's statement is not enough: for high-risk inputs such as cotton, polysilicon and tomato products, chain of custody may need to be demonstrated several tiers down. The UFLPA is not framed as a due diligence statute, but its enforcement mechanism effectively compels deep supply chain due diligence.

How this reaches Türkiye

Xinjiang cotton → spun into yarn in China → yarn imported into Türkiye → fabric and garment produced in Türkiye → "Made in Türkiye" → exported to the US.

For customs origin purposes the product may well be Turkish; under the UFLPA it can still be excluded. The test is not where the final product was manufactured, but whether any part of it was produced in Xinjiang or by a listed entity.

4. The two regimes side by side

	EU — EUFLR	US — §307 / UFLPA
Legal character	Market access ban: prohibits placing on, making available on, and exporting from the EU market.	Import prohibition enforced at the border; the UFLPA adds a rebuttable presumption for a defined origin and entity list.
Geographic trigger	None; risk-based and case-specific.	§307 applies globally; the UFLPA presumption is tied to Xinjiang and to listed entities.
Threshold	Substantiated concern: objective, factual and verifiable information giving reasonable suspicion.	Information that is reasonable but not conclusive; under the UFLPA, the origin or entity link alone.
Burden of proof	The competent authority establishes the violation.	Under the UFLPA it falls substantially on the importer.
Scope of product	Wholly or partially made with forced labour, components included.	Same test; the final assembly country does not cure an upstream input.
Who is covered	All economic operators; no SME exemption and no size threshold.	The importer of record, regardless of size.
Consequences	Ban, withdrawal, disposal; Member State penalties for non-compliance with the ban.	Detention, exclusion and possible seizure of the shipment.
Application date	14 December 2027.	§307 long-standing; the UFLPA in force and actively enforced since 2022.

5. What this means in practice

- **Map beyond tier 1.** In textiles, fabric, yarn and where feasible raw fibre; in agriculture, the labour intermediary and the seasonal workforce.

- **Treat audits and certifications as an input, not a defence.** They answer the question they were designed for; check whether that is your question.
- **Keep the documentation an authority will ask for.** Bills of materials, certificates of origin, chain-of-custody records, shipping documents, and capacity data reconciling inputs with outputs. Their absence is itself a finding.
- **Act early, document it, and prefer remediation.** Demonstrable corrective action at the preliminary stage can stop a case. Cutting a supplier without remediation leaves workers worse off and does not clear the product.
- **Put the leverage where it works.** Bring purchasing inside the compliance process: supplier selection, price, lead times and order volatility shape conditions more than any audit programme. A continuous reporting channel workers can use also produces information between audits.
- **Build once, use three times.** The traceability infrastructure built for the EUDR and the CSDDD is what the EUFLR will test; but because the bar is higher here, that data needs deepening rather than re-labelling.

Annex I — National competent authorities

Authorities notified under the EU Forced Labour Regulation, as at 1 September 2026. The notification deadline was 14 December 2025; the compilation below covers eleven Member States. The remaining sixteen — including Germany, France, Spain and Poland — do not appear in it.

Member State	Authority
Belgium	Federal Public Service Economy — Directorate-General for Economic Analysis and International Economy (SPF Economie / FOD Economie)
Czech Republic	Ministry of Industry and Trade (Ministerstvo průmyslu a obchodu)
Denmark	Danish Business Authority — Market Surveillance Division (Erhvervsstyrelsen – Afd. Markedsovervågning); Danish Business Authority (Erhvervsstyrelsen)
Estonia	Labour Inspectorate (Tööinspektsioon)
Ireland	Commission for Communications Regulation; Department of Justice, Home Affairs and Migration; Department of Transport; Department of Agriculture, Food and the Marine — Feedingstuff, Fertiliser, Grain and Poultry Division; Department of Enterprise, Tourism and Employment; Department of Climate, Energy and the Environment; Sustainable Energy Authority of Ireland; Health Product Regulatory Authority; Commission for Railway Regulation; National Building Control & Market Surveillance Office; Health Service Executive — National Tobacco Control Office; Environmental Protection Agency; Health & Safety Authority; Road Safety Authority; Competition and Consumer Protection Commission; National Standards Authority of Ireland
Italy	Italian Competition Authority (Autorità Garante della Concorrenza e del Mercato); Customs and Monopolies Agency (Agenzia delle Dogane e dei Monopoli); National Labour Inspectorate (Ispettorato Nazionale del Lavoro); Ministry of Enterprises and Made in Italy — Market and Consumer Protection Department
Latvia	Consumer Rights Protection Centre (Patērētāju tiesību aizsardzības centrs)
Luxembourg	Administration des Douanes et Accises; ILNAS — Surveillance du Marché; Ministère de l'Économie; Ministère de la Santé; Administration luxembourgeoise vétérinaire et alimentaire
Netherlands	Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit); Human Environment and Transport Inspectorate (Inspectie Leefomgeving en Transport); Netherlands Labour Authority (Nederlandse Arbeidsinspectie)
Slovakia	Ministry of Economy (Ministerstvo hospodárstva Slovenskej republiky)

Member State	Authority
Slovenia	Ministry of Economy, Tourism and Sport (Ministrstvo za gospodarstvo, turizem in šport)

Several Member States have notified more than one authority, allocating responsibility along existing sectoral market surveillance lines rather than creating a single forced labour regulator — Ireland is the clearest case, with sixteen bodies. Germany, the largest single export market in the EU for many Turkish suppliers, has not yet designated.

Disclaimer

This information note reflects publicly available information as of early September 2026. It is intended for general information, does not constitute legal advice and cannot determine any company's legal liability; companies should assess how these instruments apply to their operations with their own legal advisers.

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