European Metals' Submission to the US Section 301 Investigation on the Prohibition on the Importation of Goods Produced with Forced Labour

About European Metals:

European Metals is the umbrella association representing the interests of the combined non-ferrous metals industry towards EU policymakers. 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. Several companies in the European Metals membership have operations and run facilities in both the US and the EU, showing the strong interconnection of the EU-US supply chain. For more information, visit our website: https://european-metals.eu/

1. European Metals Submission

The European non-ferrous metals sector stands firm against any form of forced labour, which has no place and should be eradicated from the production of products placed in the EU market.

Given the global dimension of the forced labour risks, the EU and the US should cooperate and stand together in order to find shared solutions to address the root causes of forced labour and prohibit products produced with forced labour from entering the intertwined EU-US supply chain.

In view of this, the EU has developed the so-called **Forced Labour Regulation**[1], which aims to prohibit products made with forced labour from being imported or produced in the EU market, but also exported from it. The Regulation is well aligned with internationally recognised standards, such as the United Nations Guiding Principles on Business and Human Rights (UNGPs), the guidelines developed by the Organisation for Economic Cooperation and Development (OECD), and the International Labour Organisation (ILO) Forced Labour Conventions No 29, the ILO Abolition of Forced Labour Convention No 105, and other ILO Conventions.

The scope of the Regulation covers all countries in which forced labour can be detected, all products suspected to be made with forced labour, and all forms of forced labour, including state-imposed forced labour. Regarding the investigation process to determine

[1] Regulation (2024/3015) of 27 November 2024 (link)

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if a product is made with forced labour, the European Commission will act as the competent authority in case of suspected forced labour taking place outside the territory of the Union, while Member States will act for forced labour cases within the EU.

The Regulation follows a strong and proportionate risk-based approach that allows the European Commission and the competent authorities of Member States to prioritise products suspected to have been made with forced labour, based on the following criteria:

(i) The scale and severity of the suspected forced labour

(ii) The quantity or volume of products placed or made available on the Union market

(iii) The share of the part of the product suspected to have been made with forced labour in the final product.

To guarantee an effective enforcement of the Regulation, the lead competent authority is empowered to adopt a decision in case of the violation of the obligations included in the Regulation. This decision contains:

a) A prohibition on the placing or making available of the products concerned on the Union market and on exporting them
b) 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 Union market or to remove content from an online interface referring to the products or listings of the products concerned
c) 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 are replaceable, an order requiring those economic operators to dispose of those parts of that product.

Importantly, the Regulation includes a crucial provision to promote international dialogue and cooperation to exchanges of information on forced labour risk areas or products, of best practices for bringing forced labour to an end, and of information on decisions to ban products, including their reasons and evidence, particularly with third countries that have similar legislation in place.

In addition, the EU has already in place other pieces of legislation on conducting mandatory supply chain due diligence to address adverse impacts related to human rights and environmental abuses. Some examples include:

- **The EU Corporate Sustainability Due Diligence Directive (CS3D)**[2]: This Directive requires large companies with operations in the EU to identify, prevent,

[2] Directive (EU) 2024/1760 of 13 June 2024 (link) and modified by Directive (EU) 2026/470 of 24 February 2026 (link).

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and mitigate adverse human rights and environmental impacts in their operations and value chains. The Directive includes forced labour and child labour in its scope as a serious form of human rights prohibition. This is a positive step forward in the EU to ensure that critical minerals and metals are sourced ethically and responsibly.

- **The EU Conflict Minerals Regulation**[3]: This Regulation aims to ensure that the EU importers of tin, tungsten, tantalum and gold (so-called 3TG) meet international responsible sourcing standards set by the OECD. It also ensures that global and EU smelters and refiners of 3TG source responsibly, addressing the illegal exploitation of minerals, and putting an end to the exploitation and abuse of local communities, including mine workers. The objective is to stop armed groups and forced labour in conflict-affected/high-risk areas (CAHRAs) from financing activities through mineral sales.

Furthermore, the EU is trying to strengthen cooperation with other third parties on responsible sourcing and due diligence via the inclusion of high standards and sustainability provisions in the Free Trade Agreements negotiated and concluded. Modern EU trade agreements contain rules on trade and sustainable development that obliged the EU and its trade partners to effectively implement international labour conventions, enforce labour laws, and promote the protection of labour rights worldwide.

The EU and the US share common objectives towards the eradication of forced labour from their well-connected critical raw materials value chains. Cooperation and dialogue between these two key partners are crucial to achieve this intent and strengthen measures adopted to fight all forms of forced labour.

2. Conclusion

Following the evidence included above, the EU and the US should cooperate to eradicate any forms of forced labour from their respective critical raw materials supply chains. Forced labour does not belong to the EU non-ferrous metal sector, and the EU is already well-equipped to counter forced labour risk from its value chain, as explained in this document.

European exports of aluminium and copper products to the United States are currently subject to 50% tariffs under Section 232, which have already reshaped trade flows and introduced a high degree of uncertainty for businesses. Additional measures under Section 301 would likely worsen the situation, deepen supply chain fragmentation, and potentially cede market share to competitors operating outside market-based systems.

[3] Regulation (EU) 2017/821 of 17 May 2017 (link).

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In view of this, the EU non-ferrous metal industry must not be seen as a source of forced labour, but rather as a reliable partner to cooperate with for its eradication.

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