

**Mapping of policies, regulations and guidelines for transparency and
traceability of value chains***Version of 22-04-2020***Introduction**

The purpose of this mapping is to provide an overview of national, regional and international policies, regulations, and guidelines relevant for the development of the UNECE Policy Recommendation on Transparency and Traceability for Sustainable Garment and Footwear Value Chains.

The mapping contains a selected number of existing legislation and policy options, without exhaustively covering the entire spectrum of possible instruments and initiatives, and aims at gaining an insight on the relevance and impacts of such instruments for an integrated and coherent policy and legal framework to support traceability, transparency and sustainability in value chains, with a focus on the garment and footwear industry.

The mapping looks at different kind of documents, including mandatory legislation, policy measures, resolutions, working documents, multi-stakeholder initiatives and guidelines. The analysis covers several geographical areas, binding and non-binding measures, garment and footwear-specific, and broader policies and legislation, and addresses both the social and environmental dimensions.

The documents analysed can be found in the mapping under the following criteria: industry, geographical and chronological. After a short description of the document that has been taking into account, the mapping highlights the specific provisions relating to transparency and traceability, indicates the source where to find the complete document and other relevant information such as the type of document, when it was enacted and when it came into effect along with enforcement and sanctions.

The mapping explores policies and legislative measures related to, among others, due diligence, product labelling, product safety, incentives, market surveillance, that can have an impact on possible approaches for enhancing traceability and transparency of sustainable garment and footwear value chains. It also shows that there are opportunities and a need to 1. expand to the garment and footwear sector, policies and legislation that are currently applied to other sectors; and 2. undertake legislative actions and to strengthen existing measures in the garment and footwear sector to enhance transparency and traceability of the supply chains.

This mapping is currently under development and is to be followed by an in-depth analysis of supporting measures to inform the drafting of the Policy Recommendation, and information entities to be considered for the set of data that will be part of the traceability standard for information exchange that will be developed under this project.

With support of:



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CROSS-INDUSTRY

Europe

Title	French Anti-Waste and Circular Economy Law (No. 105/2020)
Description	<p>The Anti-Waste and Circular Economy Law establishes measures to fight waste with the objective to adopt a circular economic model based on the eco-design of products, responsible consumption, the extension of shelf life and recycling of products and waste.</p> <p>The main measures of the Law are the following:</p> <ol style="list-style-type: none"> 1. new prohibitions on single-use plastics and to fight waste of food and non-food unsold products; 2. new obligations with the creation of new producer responsibility sectors to include new products in the circular economy and the reinforcement of the extended producer responsibility; 3. new tools to better control and sanction offences against the environment, to support companies in their eco-design initiatives (bonus/malus-type incentives) and to inform consumers about the environmental characteristic of products, their recyclability and reparability.
Provisions and contents relating to Transparency and Traceability	<p>The title II of the Law concerns consumers' information.</p> <p>Article 13 sets a mandatory methodology for environmental labeling. Companies shall provide consumers with information on the environmental qualities and characteristics of waste-generating products, in particular by marking, labeling or displaying, including the incorporation of recycled material, the use of renewable resources, sustainability, compostability, reparability, re-employment opportunities, recyclability and the presence of hazardous substances, precious metals or rare earths, in line with EU law. These qualities and characteristics are established by focusing on an analysis of the entire product lifecycle. This information must be visible or accessible electronically by the consumer at the time of purchase. In this context, consumers must also be informed of any adjustment in the eco-contribution paid by the producer (premium or penalty) according to environmental performance criteria.</p> <p>The law requires that compulsory warnings ("do not discard in the wild") or prohibited ones ("biodegradable" or "environmentally friendly") must be provided on products and packaging, in particular those made of plastic.</p> <p>It also establishes that any product presented as "recycled" must indicate the percentage of recycled material actually incorporated.</p> <p>Article 15 sets an optional environmental or social display system based on the analysis of the life cycle of the product.</p> <p>It is intended to provide the consumer with information on environmental characteristics and the respect of social criteria of a property, service or category of goods or services, based on mainly on a life cycle analysis. Private or public persons who wish to implement this environmental or environmental and social display, by way of marking, labeling or any other appropriate process which specifies the categories of goods and services concerned, the methodology to be used and the terms of display.</p>

Article 35 prohibits the destruction of unsold non-food products. Producers, importers and distributors of new non-food products for sale are required to re-use, including the donation of basic necessities to associations fighting precariousness and structures of the social and solidarity economy benefiting from the approval of the "solidarity enterprise of social utility", or recycle their unsold. Manufacturers using plastics in their products are also obliged to publish open data on the presence of endocrine disruptors in their goods. For certain categories of goods, a billing document must be given to the consumer and mention the existence and duration of the legal guarantee of conformity.

Source <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041553759&categorieLien=id>

Notes and comments National Law.
The Law was signed on February 10, 2020.
The Law is the outcome of a wide consultation with all the stakeholders (local authorities, companies, NGOs) launched in October 2017 and the result of a broad political consensus involving most of the political groups in the Parliament.
Some provisions are immediately applicable, the entry into force of others will be subject to the publication of a decree or postponed in order to give economic stakeholders a reasonable transition period.
In particular, the obligations regarding consumers information will be specified by decree for entry into force on 1 January 2022.
The optional environmental or social display system is intended to be supervised by decree, after an 18-month experiment. It is expected to make it compulsory, primarily for the textile sector, under conditions relating to the nature of the products and the size of the company defined by decree, after a provision has come into force adopted by the European Union with the same objective.
The Law introduces fines for producers who do not comply with information obligations or donation obligations of up to 15,000 Euro and fines of up to 30,000 Euros for producers who do not comply with the extended producer responsibility obligations.

Title **European Green Deal (2019)**

Description The European Green Deal is a set of policies and measures that aims to make Europe the first climate neutral continent by 2050. It also aims to protect, conserve and enhance the European Union's (EU) natural capital and protect the health and well-being of citizens from environment-related risks and impacts.
The Green Deal is an integral part of EU Commission's strategy to implement the United Nation's 2030 Agenda and the sustainable development goals and covers all sectors of the economy, notably transport, energy, agriculture, buildings, and industries such as steel, cement, ICT, textiles and chemicals.
Key elements of the programme are preserving Europe's natural environment and biodiversity, a 'farm to fork' strategy for sustainable food and a new circular economy action plan.

The measures announced in the European Green Deal are the following:

Legislative proposals

1. European Climate Law, enshrining the 2050 climate-neutrality target in law;
2. Tax Reforms.

Strategies and Action Plans:

1. new industrial strategy;
2. strategy for green financing and a Sustainable Europe Investment Plan;
3. comprehensive plan to increase the EU emissions reduction target for 2030 towards 55 %;
4. “Farm to Fork Strategy” on sustainable food along the whole value chain;
5. cross-cutting strategy to protect citizens' health from environmental degradation and pollution;
6. Biodiversity Strategy for 2030;
7. New Circular Economy Action Plan.

Financing instruments:

1. New Just Transition Fund.

Non-legislative initiatives:

1. European Climate Pact.

Specifically, the New Circular Economy Action Plan will:

1. incorporate a ‘sustainable products’ policy to support the circular design of all products based on a common methodology and principles;
2. promote the reduction and reuse of materials before recycling them;
3. encourage new business models and establishes minimum requirements to avoid environmentally harmful products from being placed on the EU market;
4. strength extended producer responsibility.

Textiles, construction, electronic and plastics are the sectors where actions will be focused.

Measures regarding reusable, durable and repairable products will be included in the New Circular Economy Action Plan that will also consider the need for a “right to repair”.

Provisions and contents relating to Transparency and Traceability

Consumer information is recognized as a key to encourage and allow consumers to make conscious choices.

In order to help consumers to make more sustainable decisions and reduce the risk of ‘green washing’, the information should be realisable, comparable and verifiable. Companies making ‘green claims’ should prove these against a standard methodology to assess their impact on the environment. Regulatory and non-regulatory efforts will be made by the European Commission to prevent false green claims.

Another tool, indicated by the European Green Deal to improve greater transparency, is represented by digitalisation, i.e. electronic product passports which are able to provide information on a product’s origin, composition, repair and dismantling possibilities, and end of life handling.

The European Green Deal highlights that public authorities should guarantee that their procurement is green and specifies that the European Commission will propose legislation and guidance on green public purchasing.

Source https://ec.europa.eu/info/sites/info/files/european-green-deal-communication_en.pdf

Notes and comments The European Green Deal was presented by the President of the European Commission on December 11, 2019 with an initial roadmap of the key policies and measures needed to achieve the European Green Deal. It will be updated as needs evolve and the policies responses are formulated. All EU actions and policies will have to contribute to the European Green Deal objectives. Before presenting her flagship policy to the European Parliament, the European Commission President Ursula von der Leyen said at the European Commission: "This is Europe's man on the moon moment. Our goal is to reconcile the economy with our planet, to reconcile the way we produce, the way we consume with our planet and to make it work with our people."

Title Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector

Description The Disclosure Regulation lays down harmonised rules to financial market participants and advisers with regard to:

1. the integration and consideration of sustainability risks and adverse sustainability impacts in their decision making or investment advice processes; and
2. the provision of sustainability related information with regard to financial products.

The purpose of the Disclosure Regulation is to achieve more transparency on how financial market participants and advisers consider sustainability risks in their investment decisions and insurance or investment advice. A sustainability risk is defined as an environmental, social or governance event or condition that, if it occurs, could have a negative material impact on the value of an investment. The disclosure obligations under the Disclosure Regulation apply to all financial market participants.

Provisions and contents relating to Transparency and Traceability The Disclosure Regulation requires, amongst others, that the entities concerned disclose:

- (A) In their pre-contractual documents:
 1. the manner in which sustainability risks are integrated into their investment decision or insurance advice;
 2. the potential impacts of sustainable risks on the returns of financial products; and
 3. information on how the financial products consider principal adverse impacts on sustainability factors.
- (B) on their website:
 1. information on their remuneration policies on how they integrate sustainability risks; and
 2. information on their strategies to consider adverse impacts of investment decisions on sustainability.

Financial market participants and advisers will be subject to additional disclosure obligations where the financial product promotes environmental and social characteristics or has sustainable investment as its objectives.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R2088>

Notes and comments Eu binding legislative act. It applies in its entirety across EU.
The Disclosure Regulation was signed by the European Parliament and the Council of the European Union on November 27, 2019 and published in the Official Journal of the European Union on December 9, 2019.
It entered into force in December 29, 2019 and shall apply from March 10, 2021, with product rules to be implemented by December 30, 2022.
This Regulation have been adopted as part of the Action Plan.

Title **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**

Description The Market Surveillance Regulation is part of the “Good Package” (Document of the European Commission reinforcing trust in the single market) which also contained the proposal for a Regulation of the European Parliament and of the Council on the mutual recognition of goods lawfully marketed in another member State, adopted in March 2019 (the Mutual Recognition Regulation).
Both Regulations reflect the EU stated objective to reinforce trust in the EU single market by ensuring compliance with, and enforcement of product legislation (through the Market Surveillance Regulation) and at the same time improving and facilitating mutual recognition for goods (through the Mutual Recognition Regulation).
The Market Surveillance Regulation strengthens and modernises market surveillance of non-food products in order to protect citizens from unsafe and non-compliant products and to provide a level playing field for economic operators.
It establishes the European Union Product Compliance Network (the Network). The purpose of the Network is to serve as a platform for structured coordination and cooperation between enforcement authorities of the Member States and the European Commission and to streamline the practices of market surveillance within the EU, while making market surveillance more effective.

Provisions and contents relating to Transparency and Traceability Article 4.1 of the Regulation requires that, for certain product categories, there should be an economic operator in the EU that can provide information and cooperate with the market surveillance authorities. This provision specifies that the economic operators are:

1. the manufactures;
2. the importers where the manufacturer is not established in the EU;
3. an authorised representative, or
4. a fulfilment service provider, when none of the above are established in the EU.

Article 4.2 lists the obligations of economic operators. These include:

1. verifying that a Declaration of Conformity has been drawn up and to keep this in case it is requested by a market surveillance authority
2. informing the market surveillance authority if they suspect that a product does not comply;
3. cooperating with the market surveillance authority.

Most EU product legislation (e.g. RoHS, LVD and EMC) already requires that the importer’s name, trade mark and postal address be on imported products, but the Market Surveillance Regulation goes further requiring all economic operators to include the name, registered trade name or

registered trademark, and contact details, including the postal address, of the economic operator on the product or on its packaging, the parcel or an accompanying document

The Regulation also requires the European Commission to draw up guidelines for the practical implementation of Article 4 for the purposes of market surveillance authorities and economic operators.

Under Article 8, the European Commission, in accordance with Regulation (EU) 2018/1724, shall ensure that the “Your Europe portal” provides users with easy online access to information about the product requirements and rights, obligations and rules derived from the Regulation.

Article 17 demands market surveillance authorities to perform their activities with a high level of transparency and to make available to the public any information that they consider to be relevant in order to protect the interests of end users. Market surveillance authorities shall respect the principles of confidentiality and of professional and commercial secrecy and shall protect personal data in accordance with EU and national law.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

Notes and comments The Market Surveillance Regulation was published in the Official Journal of the European Union on June 25, 2019. The provisions of the Regulation will apply from July 16, 2021 with the exception of a few provisions.

The Regulation applies to products subject to identified EU harmonization legislation, unless the legislation contains more specific provisions on market surveillance and enforcement. The identified EU harmonisation legislation includes:

EU legislation on products, such as:

1. EU Regulations on medical devices and *in vitro* diagnostic medical devices;
2. the Ecodesign Directive, the Ecolabel Regulation and the Energy Labelling Regulation;
3. vehicles legislation;
4. the machinery Directive;
5. the batteries Directive;
6. the toy safety Directive;

EU legislation on chemicals:

7. the Fertilisers Regulation;
8. the Detergents Regulation;
9. the Persistent Organic Pollutants Regulation;
10. the Volatile Organic Compounds Directive;
11. the REACH Regulation;
12. the CLP Regulation;
13. the Ozone Depleting Substances Regulation;
14. the Cosmetics Regulation;
15. the Biocidal Products Regulation;

16. the RoHS Directive (restriction of the use of certain hazardous substances in electrical and electronic equipment);
EU legislation on waste:
17. the packaging and packaging waste Directive;
18. the WEEE Directive.

Title	Dutch Child Labor Due Diligence Law (2019)
Description	<p>The Dutch Child Labor Due Diligence Law introduces a duty of care to prevent child labor defined by the Law as any form of work conducted by persons under the age of 18.</p> <p>The legislation, based on the UNGPs standards of due diligence, aims to protect Dutch consumers to be able to purchase products or goods that are free of child labor.</p> <p>The Law applies to:</p> <ol style="list-style-type: none"> 1. companies registered in the Netherlands; 2. any company that delivers their products or services to the Dutch market more than once a year.
Provisions and contents relating to Transparency and Traceability	<p>Companies falling within the scope of the new Child Labor Due Diligence Act are required to:</p> <ol style="list-style-type: none"> 1. exercise due diligence to identify whether there is a "reasonable suspicion" that goods or services to be supplied have been created using child labor; 2. develop and execute a plan of action, in line with the UNGPs' and OECD' Guidelines standards, in case of such reasonable suspicion; and 3. submit a disclosure statement, which will be made publicly available. <p>The statement has to declare that the company has carried out due diligence related to child labor throughout its supply chain. In order to guarantee transparency all statements shall be published on the website of the competent authority.</p> <p>The statement will be recorded in a public register held by the Dutch Authority on Consumers and Markets.</p>
Source	https://www.ropesgray.com/en/newsroom/alerts/2019/06/Dutch-Child-Labor-Due-Diligence-Act-Approved-by-Senate-Implications-for-Global-Companies
Notes and comments	<p>National law.</p> <p>The Dutch Child Labor Due Diligence Law was adopted by the Dutch Parliament on February 7, 2017 and was supposed to come into force on January 1, 2020.</p> <p>The rules for the investigation and plan of action will be determined by secondary legislation, which will refer to ILO-IOE Child Labor Guidance Tool for Business.</p> <p>Non-compliance with the obligation to exercise due diligence or develop and execute a plan of action as required by the Law can result in an administrative fine up to EUR 870,000 or, in the event this is not deemed adequate, a fine of up to 10% of the company's turnover in the preceding</p>

financial year. Under the Law, repeated non-compliance with the Law within five years as of the imposition of an administrative fine is considered an economic offense under the Dutch Economic Offences Act.

Individuals and NGOs can also file complaints in the event their interests are affected by a company non-compliance.

Title	Swiss Responsible Business Initiative (2018)
Description	The Swiss Responsible Business Initiative, a coalition of 80 non-governmental organizations and trade unions led by the Swiss Coalition for Corporate Justice, demands the introduction of article 101 (a) “Responsibility of Business” in the Constitution. It aims at introducing mandatory due diligence provisions for multinational companies, together with a specific liability provision and a provision ensuring the applicability of the law as an overriding mandatory provision, regardless of the law applicable under the private international law rules.
Provisions and contents relating to Transparency and Traceability	It refers to the UNGPs and requires certain companies to incorporate respect for human rights and the environment in all their activities. In particular, companies shall: <ol style="list-style-type: none"> 1. review all their business relationships and activities to identify potential human rights risks; 2. take effective measures to address the negative impacts identified; and 3. report transparently on the violations and mitigation measures.
Source	https://corporatejustice.ch
Notes and comments	Legislative proposal. The Swiss Responsible Business Initiative was launched in April 2015 by a coalition of Swiss civil society organizations and currently debated in the Swiss Parliament. On January 31, 2020, the Legal Affairs Committee of the National Council reaffirmed its commitment to and voted in favour of its counter proposal. In March 2020, the National Council decided to follow the decision of its Legal Affairs Committee and stick to its counter proposal. Mandatory due diligence will also be applied to Swiss based companies’ activities abroad. Companies who haven’t complied with their due diligence obligations will be held accountable in front of Swiss Courts.
Title	Directive (EU) 2018/851 of the European Parliament and of the Council of 30 May 2018 amending Directive 2008/98/EC on waste
Description	The Directive sets up a legislative framework for the handling of waste in the EU. It lays down the basic concepts and definitions related to waste management, such as waste, recycling, recovery and explains when waste ceases to be waste and becomes a secondary raw material (so called end-of-waste criteria), and how to distinguish between waste and by-products. The Directive establishes some basic waste management principles: <ol style="list-style-type: none"> 1. the obligation to handle waste in a way to protect the environment and human health; 2. the principle of the waste hierarchy;

3. the extender producer responsibility principle and
4. in application of the polluter-pays principle, the requirement that the costs of disposal of waste are borne by the holder of waste, by previous holders or by the producers of the product from which the waste came.

Provisions and contents relating to Transparency and Traceability

According to Article 6 waste can be considered to have ceased to be waste if:

- (a) the substance or object is to be used for specific purposes;
- (b) a market or demand exists for such a substance or object;
- (c) the substance or object fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- (d) the use of the substance or object will not lead to overall adverse environmental or human health impacts.

Article 9, dedicated to the prevention of waste, provides that Member States shall take measures to prevent waste generation. They shall at least:

- (i) promote and support sustainable production and consumption models;
- (ii) encourage the design, manufacturing and use of products that are resource-efficient, durable, repairable and re-usable;
- (iii) encourage, as appropriate and without prejudice to intellectual property rights, the availability of spare parts, instruction manuals, technical information, or other instruments, equipment or software enabling the repair and re-use of products without compromising their quality and safety; reduce waste generation in processes related to industrial production and manufacturing, taking into account best available techniques;
- (iv) promote the reduction of the content of hazardous substances in materials and products;
- (v) reduce the generation of waste, in particular waste that is not suitable for preparing for re-use or recycling;
- (vi) identify products that are the main sources of littering, notably in natural and marine environments, and take appropriate measures to prevent and reduce litter from such products.

Under Article 9 (1)(d) Member States shall also encourage the re-use of products and the setting up of systems promoting repair and re-use activities, including in particular for textile, as well as packaging.

More generally, the Directive establishes that Member States should make use of economic instruments and other measures to provide incentives for the application of the waste hierarchy such as those specified in Annex IV of the Directive, which includes several measures that can apply to the textiles and clothing sector, such as charges and restrictions for the landfilling and incineration of waste, 'Pay-as-you-throw' schemes for waste producers, sustainable public procurement to encourage better waste management and the use of recycled products and materials, fiscal measures to enhance recycle and re-use, incentives for local authorities to promote waste prevention and intensify separate collection schemes and extended producer responsibility schemes.

According to the Directive, specific end-of-waste criteria should be considered for textiles. Where criteria have not been set at Union level, Member States may establish detailed criteria to certain types of waste and where criteria have not been set at either Union or national level, a Member State may decide on a case-by-case basis.

Article 11(1) requires that the Member States set up separate waste collection for textiles by January 1, 2025 and Article 11(6) asks the European Commission to consider the setting of preparing for re-use and recycling targets also for textile waste by 2024. In addition, the Directive introduce targets for the recycling of municipal waste. In particular, 55% of municipal waste will have to be recycled by 2025, 60% by 2030 and 65% by 2035.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018L0851>

Notes and comments EU legislative act.
The Waste Framework Directive has been published on June 14, 2018, entered into force on July 4, 2018 and has to be implemented in national regulation on July 5, 2020 at the latest. It amended Directive 2008/98/EC on waste.

Title **European Commission Action Plan on Financing Sustainable Growth (2018)**

Description The Action Plan on Financing Sustainable Growth has three main objectives:

1. reorient capital flows towards sustainable investment, in order to achieve sustainable and inclusive growth;
2. manage financial risks stemming from climate change, environmental degradation and social issues;
3. foster transparency and short-termism in financial and economic activity.

The Action Plan includes, among other, measures aimed at improving corporate governance, a commitment to assess by 2019 the possibility of introducing supply chains due diligence requirements for corporate boards. Such mandatory due diligence would not be limited to a particular topic.

Provisions and contents relating to Transparency and Traceability Action point 10 commits to examining and assessing the need to require corporate boards to develop and disclose a sustainability strategy, including appropriate due diligence throughout the supply chain.
"Action 10: Fostering sustainable corporate governance and attenuating short-termism in capital markets.
1. To promote corporate governance that is more conducive to sustainable investments, by Q2 2019, the Commission will carry out analytical and consultative work with relevant stakeholders to assess:

- a) the possible need to require corporate boards to develop and disclose a sustainability strategy, including appropriate due diligence throughout the supply chain, and measurable sustainability targets; and
- b) the possible need to clarify the rules according to which directors are expected to act in the company's long-term interest."

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0097>

Notes and comments The Action Plan on Financing Sustainable Growth was released by the European Commission on March 8, 2018.

Title	European Parliament resolution of 29 May 2018 on sustainable finance (2018/2007(INI))
Description	The European Parliament Resolution on Sustainable Finance calls for an EU global mandatory due diligence framework including a duty of care based, among others, on the French Duty of Vigilance Law.
Provisions and contents relating to Transparency and Traceability	<p>“Disclosure</p> <p>13. Emphasises that disclosure is a critical enabling condition for sustainable finance; welcomes the work of the Taskforce on Climate-related Financial Disclosure (TCFD) and calls on the Commission and the Council to endorse its recommendations; calls for the incorporation of the cost of non-action on climate, environmental and other sustainability risks in disclosure frameworks; suggests that the Commission include proportional and mandatory disclosure in the framework of the revision of the Accounting Directive, the Non-Financial Reporting Directive, the Capital Requirements Directive and Capital Requirements Regulation as from 2020, which would include a transposition period in which companies could prepare for implementation; notes that Article 173 of the French Energy Transition Bill offers a possible template for the regulation of mandatory climate risk disclosure by investors; calls for the consideration of an enlargement of the scope of application of the Non-Financial Reporting Directive; stresses, in this respect, that the reporting framework requirements should be proportionate with regard to the risks incurred by the institution, its size and degree of complexity; recommends that the type of disclosure currently required under the Package Retail and Insurance based Investment Products Regulation and through the Key Information Document should be extended to all retail financial products.”</p>
Source	https://www.europarl.europa.eu/doceo/document/TA-8-2018-0215_EN.html?redirect
Notes and comments	<p>Resolution.</p> <p>The European Parliament Resolution on Sustainable Finance was adopted on 29 May 2018.</p>
Title	Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017 setting a framework for energy labelling and repealing Directive 2010/30/EU
Description	<p>The Energy Labeling Regulation sets mandatory labelling requirements for energy-related products placed on the EU market.</p> <p>The new framework for energy labelling simplifies and updates the energy efficiency labelling requirements for products sold in the EU.</p> <p>Energy Labeling displays the product’s energy efficiency with the objective to support consumers’ choices into more energy efficient products and encourage businesses to offer more efficient products.</p>
Provisions and contents relating to Transparency and Traceability	All products shall be labelled on a new, updated and clearer scale from A (most efficient) to G (least efficient). This system replaces the system of A+++ to G labels, which as a result of the development of ever more energy efficient products in recent years no longer enables consumers to distinguish clearly between the most energy efficient items. Rescaling shall take place when 30% of products sold on the EU market fall into the top energy efficiency class A, or when 50% of these products fall into the top two energy efficiency classes A and B. The new scale will help consumers make better informed purchasing choices.

The new Labeling Energy Regulation establishes a common product registry database, the European Product Database for Energy Labeling, with a compliance section and an online portal aims at supporting market surveillance authorities and provide consumers with additional information about the products. Manufacturers, importers or authorised representatives shall register their appliances, which require an energy label, in this database before selling them on the EU market.
The database allows consumers to consult product labels and information sheets, making it easier to compare the energy efficiency of household appliances.
Under the Energy Labeling Regulation, manufacturers have to comply with information obligations.

Source https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2017.198.01.0001.01.ENG

Notes and comments EU binding legislative act. It applies in its entirety across EU.
The Energy Labeling Regulation replaces former Energy Labelling Directive 2010/30/EU.
Manufacturers of items sold in EU are also required to follow Ecodesign legislation which sets minimum standards for the environmental performance of products.

Title French Duty of Vigilance Law (2017)

Description The French Duty of Vigilance Law establishes mandatory human rights due diligence for companies. Even if it does not refer specifically to the UNGPs' standards, the Law covers violations of human rights identical to the full spectrum of human rights expressed in the UNGPs' standards.
The Law covers any company established in France with either:

1. more than 5,000 employees working for the company and its direct or indirect French-registered subsidiaries, or
2. more than 10,000 employees working for the company and in its direct or indirect subsidiaries globally.

The law applies to a company's activities and that of its business relationships as defined by the law. These activities cover those of:

1. parent company itself;
2. companies it controls directly or indirectly, as defined by the French Code of Commerce;
3. subcontractors and suppliers with whom it maintains an 'established business relationship'.

Provisions and contents relating to Transparency and Traceability The companies covered by the Law must establish, publish and implement a vigilance plan to identify and address:

1. violation of human rights;
2. severe bodily or environmental damage, or
3. health risks

in their operations, supply chains and business relationships.
The due diligence plan has to include:

1. a mapping that identifies, analyses and ranks risks;
2. procedures to regularly assess, in accordance with the risk mapping, the situation of subsidiaries, subcontractors or suppliers with whom the company maintains an established commercial relationship;

3. appropriate actions to mitigate risks or prevent serious violations;
4. an alert mechanism that collects potential or actual risks, developed in working partnership with the trade union organizations representatives of the company concerned;
5. a monitoring scheme to follow up on the measures implemented and assess their efficiency.

The vigilance plan, as well as the reports on its implementation, will be published on the company's website and included in the company's annual report.

Source <http://www.respect.international/french-corporate-duty-of-vigilance-law-english-translation/>

Notes and comments National Law.
 The French Duty of Vigilance Law was adopted on February 21, 2017 and came into force on March 28, 2017.
 Article 1 of the Law provides that if a company under the law's scope fails to establish, implement or publish a vigilance plan, any concerned parties can file a complaint with the relevant jurisdiction.
 After receiving formal notice to comply with the Law, a company is given a three-month period to meet its obligations. If the company still fails to meet obligations after the three-month period is over, a judge could oblige the company to publish a plan.
 The judge also rules on whether a vigilance plan is complete and appropriately fulfils the obligations described in the Law.
 Article 2 refers to the provisions of the French Civil Code and states that in the event of a breach of the obligations laid down in Article 1, when harm occurs, the company can be held liable, and will have to compensate for the harm that proper fulfilment of the obligations – publishing an adequate vigilance plan – would have avoided.

Title European Parliament Resolution of 12 September 2017 on the impact of international trade and the EU's trade policies on global value chains (2016/2301(INI))

Description The European Parliament Report on Global Value Chains asked the Commission to consider proposals for corporate due diligence, taking into account the French Duty of Vigilance Law and the Green Card Initiative.

Provisions and contents relating to Transparency and Traceability It stresses the need for global value chains transparency strategies and rules, including the consideration of immediate action towards developing binding and enforceable legislation, associated remedies and independent monitoring mechanisms involving the EU Institutions, the Member States and civil society in accordance with the steps outlined in the UNGPs and the Organization for Economic Co-operation and Development (OECD) Guidelines relating to the proactive identification of risks to human rights, the drawing up of action plans to address, prevent and mitigate these risks, adequate response to known abuses, and transparency.
 It also demands the introduction of:

1. a transparent and functioning mandatory 'social and environmental traceability' labelling system along the entire production chain, in compliance with the World Trade Organization Technical Barriers to Trade Agreement, while in parallel promoting similar action at international level;
2. a legal framework for labeling rules regarding the origin of products entering the EU market or rules that guarantee effective traceability;

3. a public access to data collected from parties trading in products or goods imported into the EU, subject to appropriate justification and upon a request made on the grounds of public interest.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017IP0330&rid=2>

Notes and comments Resolution.
It was approved on 12 September 2017 by a significant majority of 497 votes to 124, with 56 abstentions.
Klara Skrivankova, UK and Europe Programme Manager, said: “This resolution is an important step in the direction of making trade and global value chains more sustainable and accountable. The European Commission should follow these recommendations and introduce binding regulations on transparency and human rights due diligence to ensure that EU businesses tackle human rights abuses head on, and all the way down their supply chains.”

Title Council Conclusions on Responsible Global Value Chains (2016)

Description The Council of the European Union in its Conclusions on Global Value Chains (GVCs) highlights that the EU can have a positive impact on sustainable development by promoting responsible management of GVCs, making them sustainable and inclusive, in line with the EU objective to ensure that inclusive economic growth is developed together with social justice and respect for human rights, including core labour standards and sustainable environmental practices. It notably underlined the importance of engaging with the private sector on these issues.
The Council underlines that one of the main goals of the EU is that inclusive economic growth and development go hand in hand with social justice, human rights, including core labor standards, and sustainable environmental practices and policy frameworks.
The Council also highlights the key role of the 2030 Agenda on Sustainable Development.

Provisions and contents relating to Transparency and Traceability The Conclusions support relevant efforts that had been undertaken through initiatives such as the EU garment initiative. Additionally, the Council further strongly encourages the European Commission and the Member States to share best practices, including the promotion of new and innovative approaches, and to scale up such initiatives and expedite their delivery. The Council encourages the European Commission and the Member States to intensify their work on Responsible Business Conduct through National Action Plans on CSR/RBC and Business and Human Rights. It also puts in evidence the joint responsibility of governments and business to foster responsible supply chains and calls the European Commission and the Member States to enhance the implementation of due diligence in order to achieve a global level playing field.

Source <http://data.consilium.europa.eu/doc/document/ST-8833-2016-INIT/en/pdf>

Notes and comments The Council Conclusions were published in May 12, 2016.

Title European Parliament Resolution of 25 October 2016 on corporate liability for serious human rights abuses in third countries (2015/2315(INI))

Description The European Parliament Resolution on corporate liability for serious human rights abuses in third countries asks for urgent binding and enforceable rules in the field of corporate responsibility and due diligence, related sanctions and monitoring mechanisms.

In the Resolution, Parliament gives an overview of the context within which serious human rights abuses in third countries take place and addresses a number of specific requests to corporations, the EU and its institutions, and the Member States.

Provisions and contents relating to Transparency and Traceability

“Calls addressed to Member States and their duty to protect human rights (...)
 18. Calls on the EU and the Member States to lay down clear rules setting out that companies established in their territory or under their jurisdiction must respect human rights throughout their operations, in every country and context in which they operate, and in relation to their business relationships, including outside the EU; (...)
 19. Recalls that recent legislative developments at national level, such as the UK Modern Slavery Act’s Transparency in Supply Chains Clause and the French bill on duty of care represent important steps towards mandatory human rights due diligence, and that the EU has already taken steps in this direction (EU Timber Regulation, EU Non-Financial Reporting Directive, Commission Proposal for a Regulation setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas); calls on the Commission and the Member States, as well as all states, to take note of this model with regard to the introduction of mandatory human rights due diligence;
 20. Stresses that mandatory human rights due diligence should follow the steps required in the United Nations Guiding Principles on Business and Human Rights (UNGPs) and be guided by certain overarching principles related to the proactive identification of risks to human rights, the drawing up of rigorous and demonstrable action plans to prevent or mitigate these risks, adequate response to known abuses, and transparency; stresses that policies should consider the size of companies and resulting coping capabilities with special attention to micro, small and medium-sized enterprises; stresses that consultation with relevant actors should be ensured at all stages, as well as disclosure of all relevant project or investment-specific information to affected stakeholders;
 21. Calls on all states, and in particular the EU and Member States to prioritise for immediate action the establishment of mandatory human rights due diligence for business enterprises which are owned or controlled by the state, and/or receive substantial support and services from state agencies or European institutions as well as for businesses that provide goods or services through public procurement contracts”.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016IP0405>

Notes and comments On October 25, 2016 the Resolution that calls for mandatory human rights due diligence was adopted by the European Parliament with a large cross-party majority of 569 votes for, 54 against, and 74 abstentions.

Title Council Conclusions on Business and Human Rights – (2016)

Description The EU Council on Foreign Affairs adopted Conclusions on Business and Human Rights which reiterate the need for the EU and its Member States to enhance corporate respect for human rights as defined in the UNGPs and address the obstacles faced by victims to access remedy. The document calls on the EC to launch an EU Action Plan on Responsible Business Conduct addressing due diligence and access to remedy, including at EU legislative level, as appropriate. The document endorses the 2016 Council of Europe Recommendations and calls for their implementation.

Provisions and contents relating to Transparency and Traceability

The Council put forward conclusions supporting the international guidance by the UN, OECD and ILO on human rights in business. The Council encourages the Commission to strengthen the implementation of due diligence and to foster dialogue and cooperation among all relevant public and private stakeholders. The Council, however, did not ask for a legislative proposal on this topic.

“8. The Council calls on all business enterprises, both transnational and domestic, to comply with the UN Guiding Principles, the ILO Tripartite Declaration and the OECD Guidelines, inter alia by integrating human rights due diligence into their operations to better identify, prevent and mitigate human rights risks.

9. The Council underlines the critical role of business transparency in enabling markets to recognize, incentivize and reward respect for human rights by companies, recognizing the close linkage with other areas within the responsible business agenda e.g. private sector development and anti-corruption and anti-trafficking policies.”

Source https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_business_and_human_rights_foreign_affairs_council.pdf

Notes and comments The Council Conclusions on Business and Human Rights were adopted by the Council at its meeting held on June 20, 2016.

Title Green Card Initiative (2016)

Description

The Green Card Initiative is an initiative at EU level launched by eight national parliaments to ensure corporate accountability for human rights abuses.

The initiative calls for duty of care legislation protecting individuals and communities whose human rights and local environment are affected by the activity of EU-based companies.

Provisions and contents relating to Transparency and Traceability

The letter sent to the Commission proposes the following:

“6. We call on the European Commission to support any initiative towards a strengthening of corporate social responsibility and table an ambitious legislative proposal implementing the CSR principles at European level and meeting the following characteristics:

1. It shall apply to all enterprises having their headquarters in a European Union Member State, whatever their business sector. Where applicable, there shall be a threshold to exempt the smallest enterprises from it, but it shall include parent companies and holdings;
2. It shall include precise obligations regarding the duty of due diligence of companies with respect to their business relations, their subsidiaries and their suppliers to effectively prevent the overall human, social and environmental risks to which employees, local populations and environment may be exposed owing to their direct or indirect business
3. It shall add to these rules effective, proportionate and dissuasive actions or even, where applicable, sanctions commensurate to the environmental, social or health damage caused by non-compliance.”

Source <https://corporatejustice.org/eu-duty-of-care-green-card-media-alert-18-may.pdf>

Notes and comments The Green Card is a form of enhanced political dialogue through which EU national parliaments can jointly propose that the European Commission take action in the form of a new legislative or non-legislative initiative, or changes to existing legislation.

In particular, this initiative was launched by the following: Parliaments of Estonia, Lithuania, Slovakia and Portugal, the UK House of Lords, the House of Representatives in the Netherlands, the Senate of the Republic in Italy, and the National Assembly in France.

Title	Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC
Description	The Personal Protective Equipment (PPE) Regulation covers the design, manufacture and marketing of personal protective equipment. It defines legal obligations to ensure that PPE on the EU internal market provides the highest level of protection against risks. The CE marking affixed to PPE provides evidence of compliance of the product with the applicable EU legislation.
Provisions and contents relating to Transparency and Traceability	<p>Under the PPE Regulation manufactures, importers and distributors have certain obligations, including traceability and monitoring requirements. Article 8 establishes that manufacturers or their representatives shall:</p> <ol style="list-style-type: none">1. comply with the essential health and safety requirements of the PPE Regulation, directly or by using harmonized European standards;2. draw up the technical documentation referred and carry out the applicable conformity assessment procedure;3. ensure that the PPE which they place on the market bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the PPE does not allow it, that the required information is provided on the packaging or in a document accompanying the PPE;4. indicate, on the PPE, their name, registered trade name or registered trademark and the postal address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the PPE;5. ensure that the PPE is accompanied by the additional instructions and information required by Annex II of the Regulation in a language which can be easily understood by consumers and other end-users. Such instructions and information, as well as any labeling, shall be clear, understandable, intelligible and legible;6. provide the EU declaration of conformity with the PPE or the internet address at which the EU declaration of conformity can be accessed. <p>Manufacturers who consider or have reason to believe that PPE which they have placed on the market is non-compliant with this Regulation shall immediately take the corrective measures necessary to bring that PPE into conformity, to withdraw it or to recall it, as appropriate. Furthermore, where the PPE presents a risk, manufacturers shall immediately inform the competent national authorities of the Member States in which they made the PPE available on the market to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken. Article 9 and 10 set similar obligations for importers and distributors that shall place only compliant PPE on the market.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0425
Notes and comments	<p>EU Binding legislative act. It applies in its entirety across the EU.</p> <p>The PPE Regulation is applicable from April 21, 2018, replacing the previous Directive 89/686/EEC.</p> <p>The PPE Regulation guideline (1st edition - April 2018) aim to facilitate a common understanding and implementation of the PPE Regulation.</p>

Title	Scottish Human Trafficking and Exploitation Act (2015)
Description	<p>The Human Trafficking and Exploitation Act brings into force a new single offence of human trafficking for all types of exploitation and an offence of slavery, servitude and forced or compulsory labor. The Act also brings into force statutory aggravations of human trafficking where there is evidence that another crime has been carried out against a background of human trafficking and aggravations where a human trafficking offence has been committed by a public official, or separately, where the victim is a child.</p> <p>The Act was intended to strengthen and consolidate existing laws on human trafficking and offer more robust support to victims.</p>
Provisions and contents relating to Transparency and Traceability	<p>Part V regulates reporting obligations and introduces a duty to notify and provide information about victims.</p> <p>In particular, Article 36 places a duty on Scottish Ministers to review and report on the trafficking and exploitation strategy at least every three years since the last publication of the strategy or report on the strategy. Reports on reviews must be published and must include an assessment as to the extent to which the strategy has been complied with. Scottish Ministers are able to revise the strategy following its review, but if no revisions are made, the reasons for that must be contained in the review report.</p> <p>Article 38 places a duty on named Scottish public authorities to notify the chief constable of Police Scotland about victims or suspected victims of human trafficking and exploitation.</p> <p>Article 39 provides for liability for offence covered by the Act committed by businesses through consent, connivance or attributable to any neglect.</p>
Source	http://www.legislation.gov.uk/asp/2015/12/contents/enacted
Notes and comments	<p>National law.</p> <p>In October 2015 the Scottish Parliament unanimously passed the Human Trafficking and Exploitation Act that fully came into effect on May 31, 2016.</p> <p>This was the culmination of significant work between agencies and across the political spectrum, including the CrossParty Group on Human Trafficking.</p> <p>The Act raised the maximum penalty for trafficking to life imprisonment for both human trafficking and crimes related to exploitation and placed a duty on Scottish Ministers to secure provision of immediate support and recovery services for victims of human trafficking and exploitation.</p>
Title	Northern Ireland Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (2015)
Description	<p>The Human Trafficking and Exploitation Act creates criminal offences of human trafficking slavery, forced labour and servitude and victim protection measures in Northern Ireland.</p> <p>In particular, the Act:</p> <ol style="list-style-type: none"> 1. simplified the legislative framework surrounding offences of human trafficking and slavery; 2. enhanced public protection by amending the sentencing framework for human trafficking and slavery-like offences and introducing slavery and trafficking prevention orders; 3. established a statutory minimum sentence for those convicted of human trafficking and slavery-like offences;

4. enhanced provision to facilitate the confiscation of criminal assets that have been accumulated as a result of human trafficking and slavery-like offences;
5. made statutory provision in respect of the assistance and support for victims and potential victims of human trafficking and slavery;
6. introduced new measures aimed at protecting victims of human trafficking and slavery-like offences during investigations and criminal proceedings, including the introduction of a statutory defence for slavery or trafficking victims who have been compelled to commit certain offences.

Provisions and contents relating to Transparency and Traceability

Section 13 establishes a duty to notify about suspected victims of offences under section 1 (slavery, servitude or compulsory labor) or 2 (human trafficking)

Northern Ireland legislation requires an annual Modern Slavery and Human Trafficking strategy.

The strategy:

1. enhances the operational response to pursue and disrupt offenders and bring them to justice;
2. puts the protection and needs of victims at the centre of our response and;
3. engages partners across key services, business, non-Governmental organisations and the wider public in preventing these crimes.

Source <http://www.legislation.gov.uk/niu/2015/2/contents>

Notes and comments National law.
The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act came into effect on January 15, 2015.

Title UK Modern Slavery Act (2015)

Description The UK Modern Slavery Act (MSA) is a criminal law that defines modern slavery as including the offences of “slavery, servitude and forced or compulsory labour’ and ‘human trafficking.”

It applies to any commercial organisations that supplies goods or services carries on a business or part of a business in the UK and whose annual turnover is £36 million or above.

The MSA is based on the California Transparency Supply Chains Act.

The MSA affects companies covered by the Act, in four ways:

1. it applies to all sectors, not just retail and manufacturing;
2. it applies to both the sale of goods and the supply of services;
3. the turnover threshold is lower (MSA £36 million v California Act \$100 million); and
4. there is no minimum ‘footprint’ threshold for ‘carrying out business’.

Provisions and contents relating to

Section 54 of the MSA requires companies covered by the Act to disclose the steps they are taking to address modern slavery in their businesses and supply chains in a Slavery and Human Trafficking Statement published for each financial year of the organisation.

The statement must be:

Transparency and Traceability	<ol style="list-style-type: none"> 1. approved by the board; 2. signed by a director and 3. accessible via a link that is prominently displayed on the homepage of the organization’s website. <p>The MSA does not specify what the statement must include or how it should be structured, but it presents a non-exhaustive list of six issues that the statement may cover:</p> <ol style="list-style-type: none"> 1. the organisation’s structure, its business and its supply chains; 2. its policies in relation to slavery and human trafficking; 3. its due diligence processes in relation to slavery and human trafficking in its business and supply chains; 4. the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk; 5. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators; and 6. the training and capacity building about slavery and human trafficking available to its staff.
Source	http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted
Notes and comments	<p>National law.</p> <p>The MSA was passed into law on March 26, 2015.</p> <p>It was the first of its kind in Europe, and one of the first in the world, to specifically address slavery and trafficking in the 21st century.</p> <p>Under the MSA, if a company fails to produce a slavery and human trafficking statement for a particular financial year the UK Secretary of State may seek an injunction through the High Court requiring the organisation to comply. If the company fails to comply with the injunction, it will be in contempt of a court order, which is punishable by an unlimited fine.</p> <p>UK Home Office released guidance in October 2015.</p>
Title	Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups
Description	EU non-financial reporting Directive (NFRD) requires large and listed companies to provide an annual statement on non-financial information (NFI) about their business.
Provisions and contents relating to Transparency and Traceability	<p>According to NFRD, the NFI to be included is essentially “information to the extent necessary for an understanding of the undertaking’s development, performance, position and impact of its activity, relating to, as a minimum, environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters, including:</p> <ol style="list-style-type: none"> a) a brief description of the undertaking’s business model; b) a description of the policies pursued by the undertaking in relation to those matters, including

- c) due diligence processes implemented;
- d) the outcome of those policies;
- e) the principal risks related to those matters linked to the undertaking's operations including,
- f) where relevant and proportionate, its business relationships, products or services which are likely
- g) to cause adverse impacts in those areas, and how the undertaking manages those risks;
- h) non-financial key performance indicators relevant to the particular business".

Concerning diversity information, the NFRD prescribes "...a description of the diversity policy applied in relation to the undertaking's administrative, management and supervisory bodies with regard to aspects such as, for instance, age, gender, or educational and professional backgrounds, the objectives of that diversity policy, how it has been implemented and the results in the reporting period. If no such policy is applied, the statement shall contain an explanation as to why this is the case".

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0095>

Notes and comments EU legislative act.
The NFRD amended Directive 2013/34/EU on disclosure of income tax information.
Companies are required to include non-financial statements in their annual reports from 2018 onwards.
Companies may use international, European or national guidelines to produce their statements – for instance, they can rely on:

1. the [UN Global Compact](#);
2. the [OECD guidelines for multinational enterprises](#);
3. [ISO 26000](#).

In June 2017 the European Commission published its [guidelines to help companies disclose environmental and social information](#). These guidelines are not mandatory and companies may decide to use international, European or national guidelines according to their own characteristics or business environment.
In June 2019 the European Commission published [guidelines on reporting climate-related information](#). They consist of a new supplement to the existing guidelines on non-financial reporting, which remain applicable.

Title Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC

Description The Public Contracts Directive is part of a package of three Public Procurement Directives (the Public Contracts Directive 2014, The Concessions Contracts Directive 2014, and the Utilities Directive 2014) that establishes the EU legal framework for procurement by public authorities and utilities.
It seeks to ensure greater inclusion of common societal goals in the procurement process. These goals include environmental protection, social responsibility, innovation, combating climate change, employment, public health and other social and environmental considerations. All procedures must comply with the principles of EU law, and in particular with the free movement of goods, the freedom of establishment and the

freedom to provide services, as well as the principles deriving therefrom, such as equal treatment, non-discrimination, mutual recognition, proportionality and transparency.

Provisions and contents relating to Transparency and Traceability

Article 18 requires contracting authorities to treat economic operators equally and without discrimination and to act in a transparent and proportionate manner.

Section 2 of Chapter III is dedicated to publication and transparency. Specifically, the procurement procedures must ensure the necessary transparency at all stages. This is achieved in particular through the publication of the essential elements of procurement procedures and through the dissemination of information on candidates and tenderers, as well as through the provision of sufficient documentation regarding all steps of the procedure.

According to Article 43 (1), contracting authorities, when intend to purchase works, supplies or services with specific environmental, social or other characteristics, can require a specific label as means of proof that the works, services or supplies correspond to the required characteristics, provided that all of the following conditions are fulfilled:

- a) the label requirements only concern criteria which are linked to the subject-matter of the contract and are appropriate to define characteristics of the works, supplies or services that are the subject-matter of the contract;
- b) the label requirements are based on objectively verifiable and non-discriminatory criteria;
- c) the labels are established in an open and transparent procedure in which all relevant stakeholders, including government bodies, consumers, social partners, manufacturers, distributors and non-governmental organizations, may participate;
- d) the labels are accessible to all interested parties;
- e) the label requirements are set by a third party over which the economic operator applying for the label cannot exercise a decisive influence.

Where an economic operator had demonstrably no possibility of obtaining the specific label indicated by the contracting authority or an equivalent label within the relevant time limits for reasons that are not attributable to that economic operator, the contracting authority shall accept other appropriate means of proof, which may include a technical dossier from the manufacturer, provided that the economic operator concerned proves that the works, supplies or services to be provided by it fulfil the requirements of the specific label or the specific requirements indicated by the contracting authority.

Source <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32014L0024>

Notes and comments EU legislative act.
The Public Contracts Directive repealed Directive 2004/18/EC and 200/17/EC.
The European Commission advocates for the set-up of publicly accessible contract registers, which publish awarded contracts and their amendments. Public procurement notice data from Tenders Electronic Daily is available on the EU Open Data Portal.

Title	Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC/* COM/2013/078 final – 2013/0049 (COD)
Description	<p>The proposed new Consumer Product Safety Regulation is intended:</p> <ol style="list-style-type: none">1. to simplify legislation, create uniform rules and remove legislative overlaps in regard to the safety of consumer products;2. to improve product identification and traceability combined with the enhanced use of the Rapid Alert Information System (RAPEX);3. to align itself with Regulation (EC) No 768/2008 (A common framework for the marketing of products); and,4. promote the increased use of European standards by developing existing standards and creating new ones in alignment with the European Standardization Regulation 1025/2012.
Provisions and contents relating to Transparency and Traceability	<p>The Proposal sets significant obligations on economic operators in producer supply chains into the EU.</p> <p>All economic operators must be able to identify the economic operator that previously handled the product and to whom they supplied the product, up to 10 years later.</p> <p>Parliament proposed that manufacturers should be authorized to indicate the country of origin in English only ('Made in [country]'), since this is easily understood by consumers.</p> <p>The amended text requires manufacturers to:</p> <ol style="list-style-type: none">1. keep the technical documentation in paper or electronic form at the disposal of the market surveillance authorities and provide it to those authorities, upon reasoned request;2. ensure that their product is accompanied by instructions and safety information addressed to the consumer in a clear and comprehensible manner;3. ensure that they have procedures in place for taking corrective action, withdrawing or recalling their products;4. warn consumers who are at risk due to the non-conformity of the product. <p>The proposed changes prescribe more explicit obligations on parties in the supply chain to take responsibility for the safety of products they are handling.</p> <p>Each economic operator below the manufacturer in the supply chain will be expected to ensure that the economic operator above them has complied with certain key duties, in particular:</p> <ol style="list-style-type: none">1. obligations on importers to ensure that the manufacturer has complied with its obligations on labeling for manufacturer's identity and product identification, and has produced technical documents for the product;2. obligation on distributors to verify that the manufacturer and the importer have complied with their obligations on labeling for identity and product identification and that the product is accompanied by consumer instructions and safety information.
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2013:0078:FIN
Notes and comments	<p>EU legislative proposal.</p> <p>The Proposal is set to repeal Directives 2001/95/EC (General Product Safety) and 87/357/EEC (Dangerous Imitations).</p>

The European Economic and Social Committee issued an opinion on the proposal in May 2013. It welcomed the Regulation as relevant and appropriate but criticized the fact that the precautionary principle is not mentioned in the text. It also said that consumers have a right to a clear and precise information on the origin of products. The Committee of the Regions did not issue an opinion. On October 21, 2019 Parliament decided to carry this file over into the new term.

Title	2013/179/EU: Commission Recommendation of 9 April 2013 on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations
Description	<p>The Commission Recommendation is a general recommendation on the use of common methods to measure and communicate the life cycle environmental performance of products and organisations.</p> <p>It aims at including the resource use and emission profile of an organization, but also the logistic of product distribution and storage as an element to be considered in the method of measurement.</p>
Provisions and contents relating to Transparency and Traceability	<p>The Guide defines the principles to observe in conducting a Product Environmental Footprint (PEF) study including transparency. The PEF methodology is included in Annex A of the Commission Recommendation and provides both general guidelines to calculate the PEF and specific methodology requirements for the definition of rules for product category (Product Environmental Footprint Category Rules). PEF information shall be disclosed in such a way as to provide intended users with the necessary basis for decision making, and for stakeholders to assess its robustness and reliability.</p> <p>The PEF Report shall fulfil criteria about transparency, consistency, etc. In the section dedicated to interpreting PEF results, mandatory reporting elements include full transparency of value choices, rationale and expert judgements.</p> <p>The verification should be based on the following guiding principles:</p> <ol style="list-style-type: none">1. a high degree of credibility for the measurement and communication;2. proportionality of the cost and benefit of the verification to the intended use of PEF and OEF results;3. verifiability of the life cycle data as well as the traceability of products and organisations.
Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013H0179
Notes and comments	<p>EU non-binding act.</p> <p>The Commission Recommendation was approved on April 9, 2013.</p> <p>The Communication on “A European Consumer Agenda - Boosting confidence and growth” stressed that consumers have the right to know the environmental impacts throughout the life cycle of the products they intend to buy and they should be supported in easily identifying the truly sustainable choice. It stated that the European Commission will develop harmonised methodologies to assess the life cycle environmental performance of products and companies as a basis for providing reliable information to consumers.</p>

Title	Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code
Description	<p>The Regulation establishes the Union Customs Code (UCC), setting out the general rules and procedures applicable to goods brought into or taken out of the customs territory of the EU, adapted to modern trade models and communication tools.</p> <p>The UCC and the related delegated and implemented acts aim to:</p> <ol style="list-style-type: none">1. offer greater legal certainty and uniformity to businesses;2. increase clarity for customs officials throughout the EU;3. complete the shift by customs to a paperless and fully electronic environment;4. simplify customs rules and procedures and facilitate more-efficient customs transactions in line with modern-day needs;5. reinforce swifter customs procedures for compliant and trustworthy businesses;6. safeguard the financial and economic interests of the EU and of the EU countries, as well as the safety and security of EU citizens.
Provisions and contents relating to Transparency and Traceability	<p>The UCC defines the criteria to determine the origin of goods.</p> <p>The origin of goods must be verified on the grounds of the parameters sets in Article 60.</p> <p>When only one country is involved in the manufacture of a product, article 60(1) UCC applies. This article provides that “goods wholly obtained in a single country or territory shall be regarded as having their origin in that country or territory”.</p> <p>The article 31 UCC-DA specifies the notion of “goods wholly obtained”. This article enumerates an exhaustive list of goods which shall be considered as wholly obtained in a single country or territory.</p> <p>When two or more countries are involved in the manufacture of the product, article 60(2) UCC applies. This article provides that “goods the production of which involves more than one country or territory shall be deemed to originate in the country or territory where they underwent their last, substantial, economically justified processing or working, in an undertaking equipped for that purpose, resulting in the manufacture of a new product or representing an important stage of manufacture”.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32001L0095
Notes and comments	<p>EU Binding legislative act. It applies in its entirety across the EU.</p> <p>The UCC entered into force on May 1, 2016.</p> <p>The Regulation has been amended and implemented several times. These include:</p> <ol style="list-style-type: none">1. Commission Delegated Regulation (EU) 2015/2446 of 24 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code2. Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) 952/2013 of the European Parliament and of the Council laying down the Union Customs Code3. Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Councils regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446.

4. Regulation (EU) 2016/2339 of the European Parliament and of the Council of 14 December 2016 amending Regulation (EU) No 952/2013 laying down the Union Customs Code, as regards goods that have temporarily left the customs territory of the Union by sea or air
5. Regulation (EU) 2019/474 of the European Parliament and of the Council of 19 March 2019 amending Regulation (EU) No 952/2013 laying down the Union Customs Code
6. Regulation (EU) 2019/632 of the European Parliament and of the Council of 17 April 2019 amending Regulation (EU) No 952/2013 to prolong the transitional use of means other than the electronic data-processing techniques provided for in the Union Customs Code.

In order to identify the country of origin, the European Court of Justice has rejected the concept of "transformation" or "processing" as merely referring to acts of preservation or external changes in the appearance of the product (such as packaging), but it is necessary to make a change in the composition or specific properties of the product.

Title	Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products
Description	<p>The Biocidal Products Regulation concerns the placing on the market and use of biocidal products, which are used to protect humans, animals, materials or articles against harmful organisms like pests or bacteria, by the action of the active substances contained in the biocidal product. This Regulation aims to improve the functioning of the biocidal products market in the EU, while ensuring a high level of protection for humans and the environment.</p> <p>According to the Biocidal Products Regulation, a biocidal product cannot be placed on the market or used unless it contains approved active substances and has been authorised.</p> <p>The Regulation also includes provisions to reduce animal testing by making data sharing on vertebrate studies compulsory and encouraging a more flexible approach to testing.</p> <p>To obtain the authorisation needed to supply and use these products, companies must demonstrate that the product is effective and does not present unacceptable risks to humans, animals or the environment.</p>
Provisions and contents relating to Transparency and Traceability	<p>Article 22 specifies the authorisation shall include a summary of the biocidal product characteristics with the following information:</p> <ol style="list-style-type: none"> a) trade name of the biocidal product; b) name and address of the authorisation holder; c) date of the authorisation and its date of expiry; d) authorisation number of the biocidal product; e) qualitative and quantitative composition in terms of the active substances and non-active substances; f) manufacturers of the biocidal product (names and addresses including location of manufacturing sites); g) type of formulation of the biocidal product; h) hazard and precautionary statements; i) product-type and, where relevant, an exact description of the authorised use;

- j) target harmful organisms;
- k) application doses and instructions for use;
- l) categories of users;
- m) particulars of likely direct or indirect adverse effects and first aid instructions and emergency measures to protect the environment;
- n) instructions for safe disposal of the product and its packaging;
- o) conditions of storage and shelf-life of the biocidal product under normal conditions of storage;
- p) where relevant, other information about the biocidal product.

Article 68 (1) sets obligations for authorization holders. They must ensure that:

1. biocidal products are classified, packaged and labelled in accordance with the approved summary of biocidal product characteristics, in particular the hazard statements and the precautionary statements;
2. labels are not misleading in respect of the risks from the product to human health, animal health or the environment or its efficacy and, in any case, do not mention the indications 'low-risk biocidal product', 'non-toxic', 'harmless', 'natural', 'environmentally friendly', 'animal friendly' or similar indications.

According to Article 68 (2), the label must show clearly and indelibly the following information:

- a) the identity of every active substance and its concentration in metric units;
- b) the nanomaterials contained in the product, if any, and any specific related risks, and, following each reference to nanomaterials, the word 'nano' in brackets;
- c) the authorisation number allocated to the biocidal product by the competent authority or the Commission;
- d) the name and address of the authorisation holder;
- e) the type of formulation;
- f) the name and address of the authorisation holder;
- g) the type of formulation;
- h) the uses for which the biocidal product is authorised;
- i) directions for use, frequency of application and dose rate, expressed in metric units, in a manner which is meaningful and comprehensible to the user, for each use provided for under the terms of the authorisation;
- j) particulars of likely direct or indirect adverse side effects and any directions for first aid;
- k) if accompanied by a leaflet, the sentence 'Read attached instructions before use' and, where applicable, warnings for vulnerable groups;
- l) directions for the safe disposal of the biocidal product and its packaging, including, where relevant, any prohibition on the reuse of packaging;
- m) the formulation batch number or designation and the expiry date relevant to normal conditions of storage;
- n) where applicable, the period of time needed for the biocidal effect, the interval to be observed between applications of the biocidal product or between application and the next use of the product treated, or the next access by humans or animals to the area where the biocidal product has been used, including particulars concerning decontamination means and measures and duration of necessary

- ventilation of treated areas; particulars for adequate cleaning of equipment; particulars concerning precautionary measures during use and transport;
- o) where applicable, information on any specific danger to the environment particularly concerning protection of non-target organisms and avoidance of contamination of water;
- p) for biocidal products containing micro-organisms, labelling requirements in accordance with Directive 2000/54/EC.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R0528>

Notes and comments The Biocidal Regulation was adopted on May 22, 2012 and was applicable from September 1, 2013, with a transitional period for certain provisions. It repealed the Biocidal Products Directive (Directive 98/8/EC).
As in the previous Directive, the approval of active substances takes place at Union level and the subsequent authorisation of the biocidal products at Member State level. This authorisation can be extended to other Member States by mutual recognition. However, the new Regulation also provides applicants with the possibility of a new type of authorisation at Union level (Union authorisation).
A dedicated IT platform, the Register for Biocidal Products (R4BP 3), is used for submitting applications, exchanging data and information between the applicant, ECHA, Member State competent authorities and the European Commission. Another IT tool, IUCLID, is used for preparing the applications.

Title 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

Description The Directive on Preventing and Combating Trafficking in Human Beings and Protecting its victims sets out minimum standards to be applied throughout the EU in preventing and combating trafficking in human beings and protecting victims. The Directive takes a victim-centred approach, including a gender perspective, to cover actions in different areas such as criminal law provisions, prosecution of offenders, victims' support and victims' rights in criminal proceedings, prevention and monitoring of the implementation.
Its main elements are:

1. a revised definition of offences involving trafficking in human beings;
2. a requirement for each Member State to establish jurisdiction for trafficking offences committed by one of its nationals, even if committed abroad and the conduct in question would not be considered a criminal offence in the place of commission
3. detailed provisions on assistance and support for victims of human trafficking;
4. specific and detailed provisions on assistance and support for child victims.

Provisions and contents relating to Transparency and Traceability With reference with transparency and traceability, the Directive sets:

1. a requirement for Member States to appoint national rapporteurs or establish equivalent mechanisms to collect statistical data on trafficking in human beings and monitor and assess trends; and

2. the establishment of an EU Anti-Trafficking Coordinator to collect data gathered by national rapporteurs, contribute to a biennial report on progress made across the EU in combating trafficking in human beings and to coordinate the EU's anti-trafficking strategy.

Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011L0036
Notes and comments	<p>EU legislative act.</p> <p>The Directive replaces Council Framework Decision 2002/629/JHA.</p> <p>All EU Member States transposed the Directive into national laws except Denmark.</p> <p>The Directive increased criminal penalties for trafficking offences, requires Member States to enable competent national law enforcement authorities to seize and confiscate items ("instrumentalities") used for the commission of, and proceeds derived from, human trafficking offence. It also establishes a non-prosecution and non-punishment provision which requires Member States to ensure that their competent national law enforcement authorities have a right not to proceed with a prosecution or impose a penalty in the case of victims of trafficking who have been compelled to take part in criminal activities.</p>
Title	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions
Description	<p>The Directive on industrial emissions (IED) establishes the main principles for permitting and control of large industrial installations based on an integrated approach and the application of best available techniques (BAT).</p> <p>The IED aims to achieve a high level of protection of human health and the environment taken as a whole by reducing harmful industrial emissions across the EU.</p> <p>The IED is based on the following principles:</p> <ol style="list-style-type: none"> 1. an integrated approach, 2. best available techniques, 3. flexibility, 4. inspections, 5. public participation.
Provisions and contents relating to Transparency and Traceability	<p>In order to ensure the effective implementation and enforcement of the IED, operators have to report annually to the Member States' competent authority on compliance with permit conditions (for all IED installations, Article 14(1)d and Article 62 for waste incineration plants).</p> <p>According to Article 24(3)b, the data submitted by operators, which includes emissions monitoring data, shall be made publicly available, including via the internet. Further Article 24 emphasises the importance of public access to information on, and participation in, permit procedures.</p> <p>Through the European Pollutant Release and Transfer Register (E-PRTR) emission data reported by Member States are made accessible in a public register, which is intended to provide environmental information on major industrial activities.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010L0075

Notes and comments	<p>EU legislative act.</p> <p>The IED was adopted on November 24, 2010 and entered into force on January 6, 2011.</p> <p>The IED recasts and codifies seven existing Directives related to industrial emissions:</p> <ol style="list-style-type: none"> 1. Directive 78/176/EEC of February 20, 1978 on waste from the titanium dioxide industry (Titanium Dioxide Directive); 2. Directive 82/883/EEC on the surveillance and monitoring of titanium dioxide waste; 3. Directive 92/112/EEC on the reduction of titanium dioxide industrial waste; 4. Directive 1999/13/EC on reducing emissions of volatile organic compounds (VOCs); 5. Directive 2000/76/EC on waste incineration (Waste Incineration Directive (WID)); 6. Directive 2008/1/EC concerning integrated pollution prevention and control (IPPC Directive); 7. Directive 2001/80/EC on the limitation of emissions of certain pollutants from large combustion plants (LCP Directive).
Title	Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel
Description	<p>The Ecolabel Regulation sets the updated procedures and fees related provisions as regards the establishment and application of the voluntary European Union Environmental Label (EU Ecolabel), including various functional and administrative relations and duties.</p> <p>The objective of the Regulation is to contribute to reducing the negative impact of consumption and production on the environment, health, climate and natural resources by promoting those products with a higher level of environmental performance through award of the EU Ecolabel. More generally, it aims to streamline the previous Regulation to raise awareness, understanding and respect for the EU Ecolabel, bring about more eco-labelled products and reduce administrative costs and burdens on business.</p> <p>The EU Ecolabel Regulation promotes the EU's transition to a circular economy, supporting both sustainable production and consumption. It applies to any goods or services which are supplied for distribution, consumption or use on the European Union market whether in return for payment or free of charge on condition that the ecological criteria have been clearly established.</p> <p>The EU Ecolabel is a voluntary environmental labelling scheme that is awarded to products and services meeting high environmental standards throughout their life cycle: from raw material extraction, to production, distribution and disposal.</p>
Provisions and contents relating to Transparency and Traceability	<p>According to Article 6, the label is awarded in consideration of European environmental and ethical objectives. In particular:</p> <ol style="list-style-type: none"> 1. the impact of goods and services on climate change, nature and biodiversity, energy and resource consumption, generation of waste, pollution, emissions and the release of hazardous substances into the environment; 2. the substitution of hazardous substances by safer substances; 3. durability and reusability of products; 4. ultimate impact on the environment, including on consumer health and safety; 5. compliance with social and ethical standards, such as international labour standards; 6. taking into account criteria established by other labels at national and regional levels; 7. reducing animal testing.

The label cannot be awarded to products containing substances classified by Regulation (EC) No1272/2008 as toxic, hazardous to the environment, carcinogenic or mutagenic, or substances subject to the regulatory framework for the management of chemicals (Article 6.6).

In order to be awarded the label, economic operators shall submit an application to:

1. one or more EU countries, which will send it to the competent national body;
2. a non-EU country, which will send it to the EU country where the product is marketed.

If the product complies with the label criteria, the competent body shall conclude a contract with the operator, establishing the terms of use and withdrawal of the label. The operator may then place the label on the product. The use of the label is subject to payment of a fee when the application is made and an annual fee.

Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32010R0066
Notes and comments	EU binding legislative act. It applies in its entirety across EU. The system was introduced by Regulation (EEC) No. 880/92 and amended by Regulation (EC) No. 1980/2000. The last version entered into force on February 2010.
Title	Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products
Description	The Ecodesign Directive sets a framework for performance criteria which manufacturers must meet in order to legally bring their product to the EU market. It aims to ensure the free movement of energy-related products within the internal market and provide for the setting of requirements which the energy-related products covered by implementing measures must fulfil in order to be placed on the market and/or put into service. By increasing energy efficiency and the level of protection of the environment while at the same time increasing the security of the energy supply, it contributes to sustainable development. All energy using products sold in the domestic, commercial and industrial sectors are covered by the Directive with the exception of all means of transport which are covered by other legislation.
Provisions and contents relating to Transparency and Traceability	Under the Ecodesign Directive, the manufacturer (or his authorized representative in the EU) is the main person responsible for placing a product on the market. According to Article 8, before placing a product on the market and/or putting such a product into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with all the relevant requirements of the applicable implementing measure is carried out. After placing a product covered by implementing measures on the market and/or putting it into service, the manufacturer or its authorised representative, shall keep relevant documents relating to the conformity assessment performed and declarations of conformity issued available for inspection by Member States for a period of 10 years after the last of that product has been manufactured.

Distributors and retailers are also responsible and liable if they trade items that do not comply with the Directive. Any importer must ensure that the procedures for the verification of conformity of the product have been performed, must check for the CE marking and ensure that the technical documentation of the product is available to national competent authorities. Article 14 regards consumers' information. According to this provision, manufacturers shall ensure, in the form they deem appropriate, that consumers are provided with:

1. the information on the role that they can play in the sustainable use of the product; and
2. when required by the implementing measures, the ecological profile of the product and the benefits of ecodesign.

Source <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0125>

Notes and comments EU legislative act.
The Ecodesign Directive is implemented through product-specific regulations, directly applicable in all EU countries. In November 2016 was released the Working Plan 2016 - 2019 as a part of the Commission's programme Clean energy for all Europeans. A number of non-EU countries (USA, Australia, Brazil, China and Japan) have legislation similar to the EU Ecodesign Directive.

Title Italian Ronchi Decree (2009)

Description The Decree sets the requirements for the "Made in Italy" labeling. The product must be entirely realized in Italy to obtain the "Made in Italy" label. Entirely realized in Italy means that the goods have been designed, produced, processed and packaged exclusively within the Italian territory.
The Decree also prevent companies from using indications on their goods such as: "100% Italia", "Made in Italy" and "tutto italiano" (all Italian), or other similar indications, unless the product is entirely realized in Italy.
The Decree introduces new conditions for the crime of misleading indication of origin.

Provisions and contents relating to Transparency and Traceability The trademark owner or licensee must:

1. provide the indication of origin or other information sufficient to prevent the consumer from being misled on the actual origin of the product;
2. declare that additional information concerning the exact foreign origin of the product will be made available to the consumer during the marketing of the goods.

The crime of misleading information occurs when a company makes a false or misleading use of its trademarks and when one of these conditions are not met.
In accordance with the Ministerial Notice of November 9, 2009:
In order not to incur in the misleading indication, it is necessary to provide an information appendix related to the foreign indication of the product:

1. product manufactured in

2. product manufactured in non-EU countries
3. product from outside the EU
4. product imported from non-EU countries
5. product not manufactured in Italy.

Source <http://www.parlamento.it/parlam/leggi/decreti/09135d.htm>

Notes and comments National law.
The Ronchi Decree was adopted on September 25, 2009.
The Ronchi Decree revised article 4 of Law n. 350 of 2003 with respect to the use of Italian trademarks and the "Made in Italy" and modify the conditions of the misleading indication of origin.

Title Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the Safety of Toys

Description The Toy Safety Directive (TSD) lays down the safety criteria that toys must meet before they can be marketed in the EU. Toys must also comply with any other EU legislation applicable to them.
The TSD applies to products designed or intended, whether or not exclusively, for use in play by children under 14 years of age. Particular safety requirements are detailed in Annex II of the TSD.

Provisions and contents relating to Transparency and Traceability The TSD requires economic operators to supply consumers with information, warnings and precautions regarding the safe use of toys. These types of information are dependent on the specific function of the toy and are detailed in Annex V of the TSD.
Under Article 4, manufactures shall:

- a) ensure that toys have been designed and manufactured in accordance with the safety requirements;
- b) ensure that toys are accompanied by instructions and safety information;
- c) place on toys or their packaging, or in the accompanying documents their contact and identification information;
- d) perform safety assessment to identify hazards that a toy may present;
- e) carry out the applicable conformity assessment procedure;
- f) ensure that series production remain in conformity;
- g) ensure that their toys bear a type, batch, serial or model number or other element allowing their identification;
- h) draw up the TD and keep the TD for 10 years after toy has been placed on the market.

Manufacturers whose toys have been declared to meet the safety requirements detailed in the TSD should bear the CE mark to the toy, to an affixed label or to the packaging, as an indication of conformity with the TSD.
Article 6 requires importers of toys bearing the CE marking to:

- a) place only CE compliant toys on the EU market;
- b) indicate their name, registered trademark and address on the toy's surface or its packaging or in the documentation that accompanies it;

- c) ensure that toys have instructions for use and safety information;
- d) the storage and transportation of toys is in accordance with the requirements specified in Article 10 and Annex II;
- e) when necessary, perform sample testing of products to validate its compliance;
- f) keep a copy of the product's Declaration of Conformity for 10 years;
- g) provide the national authorities with all the documentation required to demonstrate toy's compliance with the EU legislation.

Article 7 establishes that the distributors' obligations are the following:

- a) to ensure toys are compliant with the relevant EU legislation and bears the CE marking;
- b) to ensure toys are stored and transported in a way that its compliance is not jeopardised;
- c) to provide the authorities with the documentation needed to validate toys compliance.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0048>

Notes and comments EU legislative act.
The TSD replaced the former Directive 88/378/EEC.
The TSD has applied since July 20, 2011 while the chemical safety requirements have applied since July 20, 2013.

Title The Danish Financial Statements Act (2008)

Description Since 2009, large Danish companies have an obligation to report on Corporate Social Responsibility (CSR). The objective of the legal requirement is to encourage businesses to take an active position on CSR and communicate this to their surroundings. For financial years commencing January 1, 2018 or later, the requirement for mandatory CSR reporting under section 99 a of the Danish Financial Statements Act extends to the following:

1. Class D companies (listed companies and State-owned enterprises);
2. Class C companies that exceeds at least two of the three size limits in two consequent years:
 - Balance sum of 156 million DKK;
 - Revenue of 313 million DKK;
 - An average number of 250 employees (full-time).

Subsidiaries are exempt from having to report on CSR if the parent company does so for the entire group. The same reporting requirement has also been introduced for institutional investors, mutual funds and other listed financial businesses (financial institutions and insurance companies, etc.) not covered by the Danish Financial Statements Act.

Provisions and contents relating to Transparency and Traceability The companies that are covered by the statutory requirement have to state:

1. brief description of the company's business model;
2. the business' CSR policies, including any standards, guidelines or principles for CSR used. At a minimum: environmental policies, including measures to reduce the climate impacts of the company's activities; social conditions and employee conditions; expect for human rights; and measures to fight bribery and corruption.

3. for each policy area, how the business translates its CSR policies into action and any systems or procedures in this respect must be described. details must also be given of the due diligence processes applied, if the business uses such processes.
4. the risks related to the business's activities of the company and details of how the company manages the risks in question.
5. details concerning the companies' non-financial key performance indicators.
6. details describing the company's assessment of achieved results of its CSR initiatives and future expectations.
7. If the business has no CSR policy, this must be explicitly disclosed.

Source http://csrgov.dk/file/319999/proposal_report_on_social_resp_december_2008.pdf

Notes and comments National law.
The Act was adopted in 2008 and amended several times.
On May 21, 2015 the Act was amended, including new requirements for the disclosure of non-financial information, hereby implementing EU Directive 2014/95/EU. The amendment entails that the provision of the Act concerning CSR reporting that includes around 1,100 undertakings will be adjusted in accordance with the Directive's requirements.
Danish legislation differs from Directive 2014/95/EU in how it defines a large undertaking. First, companies with 250 employees are already considered large for Danish legislation in contrast to the 500 employees required by Directive. Second, the Danish framework not only applies to those companies that fall under the definition of public interest enterprises, but also covers accounting class C and accounting class D enterprises, and certain financial enterprises, such as, institutional investors, mutual funds and other listed financial enterprises that are not subject to the Danish Financial Statements Act.
On December 20, 2018, was adopted an amendment to section 99 a of the Act. The amendment came into force on January 1, 2019 and is effective for financial years commencing January 1, 2020 or later.
The amendment introduced a "safe harbour" principle, which allows companies to omit disclosure of information in the CSR report, if the disclosure will cause significant damage to the business in relation to ongoing negotiations or disputes. Utilisation of this exemption must be disclosed in the report.

Title Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Description The European Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) aims to improve the protection of human health and the environment from the risks that can be posed by chemicals, while enhancing the competitiveness of the EU chemicals industry. It also promotes alternative methods for the hazard assessment of substances in order to reduce the number of tests on animals. To comply with the Regulation, companies must identify and manage the risks linked to the substances they manufacture and market in the EU. They have to demonstrate to European Chemical Agency (ECHA) how the substance can be safely used and they must communicate the risk management measures to the users.

Provisions and contents relating to Transparency and Traceability

The REACH establishes procedures for collecting and assessing information on the properties and hazards of substances. Companies need to register their substances and to do this they need to work together with other companies who are registering the same substance.

ECHA receives and evaluates individual registrations for their compliance, and the EU Member States evaluate selected substances to clarify initial concerns for human health or for the environment. Authorities and ECHA's scientific committees assess whether the risks of substances can be managed.

Authorities can ban hazardous substances if their risks are unmanageable. They can also decide to restrict a use or make it subject to a prior authorisation.

Under the REACH, all 'actors' in the supply chain have a responsibility to ensure that they manufacture, place on the market or use substances without harming human health or the environment. The duties of an actor will depend on their role. More specifically, manufacturers, importers and all downstream users are responsible for identifying, assessing and managing the risks posed by chemicals and for providing appropriate safety information to their uses.

Manufacturers and importers have to register any substance manufactured or imported at greater than 1 tonne per annum. Such substances can be substances on their own, in a mixture or incorporated into an article with the intention of being released from that article. Registration involves gathering information on the substances and submission of a registration dossier to the European Chemicals Agency (ECHA).

Registrants also have a responsibility to inform downstream users how to use substances safely and to communicate with users on any other aspects of the REACH.

Under the REACH, companies that source their chemicals in the EU and use them in their industrial or professional activities are considered downstream users. Downstream users have a key role to play in advancing the safe use of chemicals by implementing safe use at their own site and communicating relevant information both to their suppliers and their customers.

The distributor has a duty to communicate information on substances within the supply chain, facilitating the movement of information from manufacturers on the safe use of chemicals and from downstream users on chemical uses.

Reach mandates the traceability for all chemical substances, including those used in garment and footwear manufactured or imported in Europe.

Source

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20190702&from=it>

Notes and comments

EU binding legislative act. It applies in his entirety across the EU.

The REACH came into force on June 1, 2007, replacing about 40 items of earlier legislation. It amends Directive 1999/45/EC and repeals Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC.

The European Chemicals Agency (ECHA), based in Helsinki, is the EU administrative centre for REACH with responsibility for implementing and monitoring the system. ECHA's primary role is to help companies comply with the legislation, address chemicals of concern and provide information on chemicals.

Title	General Product Safety Regulations – United Kingdom (2005)
Description	<p>The General Product Safety Regulations (GPSR) provides a broad umbrella of regulations to ensure that consumer products, when marketed, are safe. It creates a series of obligations on producers and distributors to help to ensure that this goal is achieved and to reduce the risk to consumers from unsafe products.</p> <p>The GPSR gives wide powers to Trading Standards departments and other authorities to ensure that unsafe products do not remain on the market and, if need be, are recalled.</p>
Provisions and contents relating to Transparency and Traceability	<p>Under the GPSR, a producer must provide appropriate information to consumers to enable them to:</p> <ol style="list-style-type: none">1. assess the risk inherent in a product throughout the period of its use (where such risks are not immediately obvious);2. take precautions against those risks. <p>This means clear, legible, durable warnings and instructions.</p> <p>Producers must also allow for traceability by indicating on the product or its packaging:</p> <ol style="list-style-type: none">1. the name and address of the producer;2. the product reference or, where applicable, the batch of products to which it belongs. (Regulation 7) <p>A distributor must exercise due care in helping to ensure safety through:</p> <ol style="list-style-type: none">1. not selling dangerous products;2. providing information to purchasers;3. maintaining traceability;4. co-operating with enforcement authorities. (Regulation 8) <p>Also, to enable consumers to become aware of risks the product might present producers should:</p> <ol style="list-style-type: none">1. sample test marketed products;2. investigate and, if necessary, keep a register of complaints concerning the safety of the product;3. keep distributors informed of the results of such monitoring where a product presents a risk or may present a risk. <p>As a result of the monitoring undertaken, where producers discover that a product they are placing on the market or have already supplied poses risks to the consumer and is unsafe, producers must immediately, in writing, notify the local trading standards service of:</p> <ol style="list-style-type: none">1. that information;2. the action taken to prevent risk to the consumer;3. the identity of each Member State in which it has been marketed or supplied (this applies when the product is being, or has been, marketed or otherwise supplied to consumers outside the United Kingdom). <p>In the event of a serious risk the notification must include the following:</p> <ol style="list-style-type: none">1. information enabling a precise identification of the product or batch of products in question2. a full description of the risks that the product presents3. all available information relevant for tracing the product

4. a description of the action undertaken to prevent risks to the consumer.

Source	http://www.legislation.gov.uk/ukxi/2005/1803/contents/made
Notes and comments	<p>National law.</p> <p>The GPSR implemented European Union Directive 2001/95/EC and revoked the UK General Product Safety Regulations 1994. It also repealed section 10 of the UK Consumer Protection Act 1987 which had previously imposed a more limited general safety requirement. Garment fall within the GPSR.</p> <p>Failing to comply with the obligations imposed by the Regulations of economic operators is an offence, which exposes both the company and any director or manager who consented or connived in, or whose neglect allowed, the action or failure leading to the offence. The penalty is up to three months imprisonment and/or an unlimited fine.</p>
Title	Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on General Product Safety
Description	<p>The General Product Safety Directive (GPSD) sets out safety requirements for all consumer products being placed on the EU market. The GPSD aims to improve consumer product safety and to strength market surveillance of products in the EU.</p> <p>The key aspect related to the scope of the GPSD is that its only focus is on consumer products, although this does also include products under foreseeable conditions to be used by consumers, even if not intended for them. It does not exclude products covered by other CE marking legislation, so the GPSD should be applied alongside all other applicable legislation.</p>
Provisions and contents relating to Transparency and Traceability	<p>Manufacturers, own-branders and importers of consumer goods (all of which are termed a 'producer' under the Directive) have certain obligations, including traceability and monitoring requirements.</p> <p>In particular, producers must provide:</p> <ol style="list-style-type: none"> 1. consumers with relevant information that enables them to evaluate the potential risks of a product during use or foreseeable use; 2. on the product or packaging, the details of the producer, the product reference and where applicable a batch number. <p>Distributors must:</p> <ol style="list-style-type: none"> 1. not supply products which they know or should reasonably have known to be unsafe; 2. participate in monitoring activities, passing on safety concerns back to producers.
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001L0095
Notes and comments	<p>EU legislative act.</p> <p>It is a horizontal directive in that it applies when no other sector directive exists or where safety objectives contained in the GPSD are missing from a sectoral directive.</p> <p>The GPSD does not have a CE marking requirement as it is not a new approach directive.</p> <p>Garment fall within the GPSD.</p>

Title	Italian Legislative Decree on administrative liability of companies and legal entities (No. 231/2001)
Description	<p>The Decree on administrative liability of legal entities introduces corporate criminal liability for crimes committed in the interest or advantage of the company, including human rights violations.</p> <p>Liability occurs where the following requirements are met:</p> <ol style="list-style-type: none"> 1. the crime is included in the exhaustive list provided by the Decree; 2. the crime has been committed with the participation of an employee/manager of the legal entity; 3. the crime has been committed in the interest or to the advantage of the company.
Provisions and contents relating to Transparency and Traceability	<p>In order to avoid incurring liability, the company shall demonstrate that:</p> <ol style="list-style-type: none"> 1. it has efficiently adopted a "model of organisation, management and control" with the potential to prevent the crime that occurred, and 2. it has established an internal body entrusted with monitoring and supervising compliance with this model. <p>The provision raised awareness among companies about prevention of eventual offences, in accordance with the objectives of human rights due diligence.</p> <p>Corporate liability may also accrue for crimes committed by Italian enterprises operating abroad, especially if part of violations that occurred in Italy and if the state where the offence occurred has not yet initiated proceedings.</p>
Source	https://www.gazzettaufficiale.it/eli/id/2001/06/19/001G0293/sg
Notes and comments	<p>National law.</p> <p>The Decree was adopted on June 8, 2001.</p> <p>Criminal liability is enforced through administrative fines and disqualification measures.</p> <p>Fines are assessed on the severity of the act, the degree of liability on the part of the bod, and the activity performed to eliminate or mitigate the consequences of the act in order to prevent the commission of further unlawful acts.</p> <p>Fines are applied for quotas no lower than one hundred and no greater than one thousand. Amounts range from no less than 258,000 Euros to a maximum amount of 1.549,000 Euros.</p> <p>The scope of the law is still limited to human rights violations codified as criminal offences.</p>

America

Title	US Trade Facilitation and Trade Enforcement Act (2015)
Description	<p>The Trade Facilitation and Trade Enforcement Act (TFTEA) seeks to prevent goods produced using forced labor from being imported into the United States. The Act amended section 307 of the 1930 Tariff Act forced.</p> <p>Prior to the amendment, the import ban was only enforced if the product was already available in the US market in quantities high enough to meet consumptive demand.</p>

Provisions and contents relating to Transparency and Traceability Under the Act all importing companies must conduct supply chain due diligence to prove to US Customs and Border Protection (CBP) authorities their products were not made using forced labor. To ensure products can be imported into the US, companies should carry out due diligence to assess the risks in their supply chain. Specific risks factors may include the country of origin, type of product, related industry and more. In the event US customs issues a ‘withhold release order’, companies have 90 days to prove the product was not minded, produced, or manufactured using forced labor. To do so, companies must provide a certificate of origin signed by the foreign seller or owner of the article. In addition, they must provide proof that every effort was made to determine the type of labor used in the production of each component. The level of due diligence required to complete these steps is on par with many existing human trafficking and modern slavery regulations.

Source <https://www.congress.gov/bill/114th-congress/house-bill/644/text>

Notes and comments National law. The Trade Facilitation and Trade Enforcement Act (TFTEA) was signed into law P.L. 114-125 on February 24, 2016. It is the first comprehensive authorization of US Customs and Boarder Protection since the Department of Homeland Security was created in 2003, with the overall objective to ensure a fair and competitive trade environment. Non-compliance with the TFTEA can result in import holds, potentially causing significant losses, operational setbacks and even brand damage.

Title US Reporting Requirements for Myanmar (2012)

Description Since July 2012 the US Government permits new investment in Myanmar as part of its sanction reforms but imposes reporting requirements in order to encourage investors to act responsibly in entering the market. The Treasury Department’s Office of Foreign Assets Control (OFAC) issued General License 17 under the Burmese Sanctions Regulations which authorized new investment in Myanmar subject to a set of proposed investment reporting requirements to be administered by the State Department.

Provisions and contents relating to Transparency and Traceability The Reporting Requirements on Responsible Investment in Burma require that any person whose aggregate new investment exceeds \$500,000 in Burma must submit an annual public report. Any New Investment by a US person is counted, regardless of how the investment arrives in Myanmar. This includes new investment:

1. made directly by the US person;
2. made as part of a joint venture or public-private partnership;
3. made indirectly via a subsidiary or investment in a fund or fund-of-funds, or via investment in a third-country company whose main business activity is in Myanmar.

The annual public report includes:

1. name of submitter, acknowledgment of public reporting and a point of contact;
2. overview of operations in Myanmar. Policies, procedures and implementation steps relating to human rights, worker rights, environmental protection and anti-corruption;

3. information regarding the use of security service providers, including provider certifications; human rights, anti-corruption and other standards; and oversight/auditing;
4. information on property acquisition via purchase, use, lease or other rights, including regarding the impact of such activities on local parties or stakeholders;
5. report on total payments valued over \$10,000 to each Government of Myanmar entity, sub-national or administrative governmental entity or non-state group.

Notably, companies are not required to have human rights, labor and environmental policies and procedures or to demonstrate that they implement them effectively, but rather merely to identify whether or not they exist.

Source <https://fas.org/sgp/crs/row/R41336.pdf>

Notes and comments National Law.
The US Reporting Requirements for Myanmar was adopted in October 12, 2012 and was the subject of a lengthy and vigorous comment process by business and civil society groups which concluded with the final rules.

Title The California Transparency in Supply Chains Act (2010)

Description The Act aims to ensure that large retailers and manufacturers provide consumers with information regarding their efforts to eradicate slavery and human trafficking from their supply chains, educate consumers on how to purchase goods produced by companies that responsibly manage their supply chains, and, thereby, improve the lives of victims of slavery and human trafficking. (S.B. 657, § 2, subd. (j).)
The Act applies to every retail seller and manufacturer doing business in California that has annual worldwide gross receipts that exceed \$100 million (S.B. 657, § 3, subd. (a) (1).)

Provisions and contents relating to Transparency and Traceability Companies subject to the Act must disclose information regarding their efforts to eradicate human trafficking and slavery within their supply chains on their website or, if a company does not have a website, through written disclosures. (S.B. 657, § 3, subd. (b).)
Specifically, in its supply chains disclosure, a company must disclose to what extent, if any, it:

1. Engages in verification of product supply chains to evaluate and address risks of human trafficking and slavery. The disclosure shall specify if the verification was not conducted by a third party (S.B. 657, § 3, subd. (c) (1).)
2. Conducts audits of suppliers to evaluate supplier compliance with company standards for trafficking and slavery in supply chains. The disclosure shall specify if the verification was not an independent, unannounced audit. (S.B. 657, § 3, subd. (c) (2).)
3. Requires direct suppliers to certify that materials incorporated into the product comply with the laws regarding slavery and human trafficking of the country or countries in which they are doing business. (S.B. 657, § 3, subd. (c) (3).)
4. Maintains internal accountability standards and procedures for employees or contractors failing to meet company standards regarding slavery and trafficking. (S.B. 657, § 3, subd. (c) (4).)
5. Provides company employees and management, who have direct responsibility for supply chain management, training on human trafficking and slavery, particularly with respect to mitigating risks within the supply chains of products. (S.B. 657, § 3, subd. (c) (5).)

Source	https://oag.ca.gov/sites/all/files/agweb/pdfs/cybersafety/sb_657_bill_ch556.pdf
Notes and comments	<p>National law.</p> <p>The Act was signed on September 30, 2010 and came into effect on January 1, 2012.</p> <p>The exclusive remedy for non-compliance under the Act is an injunction brought by the California Attorney General. There are no specified damages, monetary penalties or a private right of action.</p> <p>California General Attorney released a resource guide in April 2015.</p>
Title	US Consumer Product Safety Act (1972) and Consumer Product Safety Improvement Act (2008)
Description	<p>The Consumer Product Safety Act (CPSA) was enacted to establish the Consumer Product Safety Commission (CPSC) and define its authority with the purpose of protecting the public against unreasonable risks of injury associated with consumer products, assisting consumers in evaluating the comparative safety of consumer products, developing uniform safety standards for consumer products and promoting research and investigation into the causes and prevention of product-related deaths, illnesses, and injuries.</p> <p>The Consumer Product Safety Improvement Act (CPSIA) amended CPSA with significant new regulatory and enforcement tools.</p> <p>CPSIA addresses, among other things, lead, phthalates, toy safety, tracking labels, third-party testing and certification, imports, a publicly searchable database of reports of harm.</p>
Provisions and contents relating to Transparency and Traceability	<p>Section 102 of the CPSIA requires every manufacturer or importer of all consumer products that are subject to a consumer product safety rule enforced by the CPSC to issue a general certificate of conformity based on testing of the product and stating that the product complies with the applicable standard, regulation or ban. The certificate must accompany the product and be furnished to the retailer or distributor.</p> <p>Section 102 also requires the manufacturers or importers of children’s products to certify that the products comply with all relevant product safety standards by issuing a children’s product certificate supported by tests performed by a CPSC-accepted third-party testing laboratory that has been accredited.</p> <p>Tracking labels are required for all products that are designed and intended primarily for children ages 12 and younger, including children’s apparel. The tracking label must be affixed to the product (to the extent practical) and packaging, visible, legible, and provide certain basic identifying information, including:</p> <ol style="list-style-type: none"> 1. manufacturer or private labeler name; 2. location and date of production of the product; 3. detailed information on the manufacturing process, such as a batch or run number, or other identifying characteristics; and 4. any other information to facilitate ascertaining the specific source of the product.
Source	<p>https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/Summary-List/Consumer-Product-Safety-Act</p> <p>https://www.cpsc.gov/Regulations-Laws--Standards/Statutes/The-Consumer-Product-Safety-Improvement-Act</p>

Notes and comments	<p>National law. The Consumer Product Safety Act entered into law on October 27, 1972. In 2008 was amended by the Consumer Product Safety Improvement Act and in 2011 by Public Law 112-28 to provide CPSC with greater authority and discretion in enforcing current consumer product safety laws. Public Law 112-28 addresses lead content limits and exceptions from these limits, third-party testing and certification and issues related to small batch manufacturers.</p>
Title	<p>US Federal Trade Commission Made in USA Policy (1997)</p>
Description	<p>The FTC Act 45 (a) states that a product advertised or offered for sale with a ‘Made in USA’, ‘Made in America’, or equivalent label must have domestic origins that are consistent with orders and decision of the FTC. The issue of when a product may be marked to indicate that it is a product of the United States is within the jurisdiction of the Federal Trade Commission (FTC). Federal Trade Commission (FTC) regulates ‘Made in America’, ‘Made in the USA’, or any claims of U.S. origin for all products sold or advertised in the United States.</p>
Provisions and contents relating to Transparency and Traceability	<p>FTC has provided a policy statement requiring an article may not lawfully be labelled with the unconditional statement that it is “Made in U.S.A.” unless it is composed ‘all or virtually all’ of United States-origin materials, and is made almost completely with United States labor. If a product is made with any significant imported materials, or any significant foreign labor, no unconditional “Made in U.S.A.” claim can be made. ‘All or virtually all’ means that all significant parts and processing of a product are made in U.S. and that the product contains negligible foreign content, i.e. final assembly or processing of the product takes place in the United States. Additionally, each State has its own separate standards apart from and sometimes in contrast to the FTC’s federal guidelines. Each new market should be scrutinized before entering to ensure that any proposed “Made in USA” label can be used and supported. FTC policy applies to all products advertised or sold in the U.S., except for those specifically subject to country-of-origin labeling by other laws. If the U.S. Custom Service determines that a good is not of foreign origin there is no requirement for labeling with the country of origin, with the exception of automobile, textile, or wool products. “Assembled in the United States” without further qualification is acceptable. The act of assembly shall be considered as principal or substantial and the product must have its own last substantially transformation in the United States. “Packaging with the US flag” whether the use of American Flag, map, other U.S. symbol or U.S. geographic reference (as well as over emphasis of a U.S. address or headquarters of the manufacturer) implies a U.S. country of origin claim, depends on the circumstances in which it is used.</p>
Source	<p>https://www.ftc.gov/tips-advice/business-center/guidance/complying-made-usa-standard</p>
Notes and comments	<p>On September 26, 2019, the FTC hosted a public consultation to enhance its understanding of consumer perception of “Made in the USA” and other U.S.-origin claims and to consider whether it can improve its “Made in USA” enforcement program.</p>

Title	US Toxic Substance Control Act (1976)
Description	<p>The Toxic Substance Control Act (TSCA) regulates the introduction of new or already existing chemicals and addresses the production, importation, use and disposal of specific chemicals.</p> <p>The TSCA grants the Environmental Protection Agency (EPA) authority to collect data on chemicals used to evaluate, assess, mitigate and control risks that might be posed by their manufacture, processing and use. TSCA provides a variety of control methods to prevent chemicals from posing unreasonable risks, including reporting, recordkeeping and testing requirements and restrictions related to chemical substances and mixtures. The TSCA authorized EPA to secure information on all new and existing chemical substances, as well as to control any of the substances that were determined to cause unreasonable risk to public health or the environment.</p> <p>Certain substances are generally excluded from TSCA including, among others, food, drugs, cosmetics, and pesticides.</p>
Provisions and contents relating to Transparency and Traceability	<p>The EPA is demonstrating its commitment to transparency by making additional information about new chemical notices available to the public on the agency's website.</p> <p>Users can search and view monthly updates for active Premanufacture Notice (PMN), Significant New Use Notice (SNUN) and Microbial Commercial Activity Notices (MCAN) by case number. Visitors to the updated chemical review status tracker can view and search monthly updates for any active PMN, SNUN and MCAN of interest by case number.</p> <p>Under the TSCA section 5, the EPA is required to make a determination on whether a new chemical substance present unreasonable risk to human health or the environment under known, intended or reasonably foreseen conditions of use after EPA reviews a PMN, a MCAN, or SNUN and makes a determination. Users can view and download a spreadsheet with all active cases and their status.</p>
Source	https://www.epa.gov/laws-regulations/summary-toxic-substances-control-act
Notes and comments	<p>National law.</p> <p>The TSCA was enacted in 1976 and was amended in June 2016 by the Lautenberg Chemical Safety for the 21st Century Act (the Lautenberg Chemical Safety Act).</p> <p>The Lautenberg Chemical Safety Act includes many improvements such as:</p> <ol style="list-style-type: none"> 1. mandatory requirement for EPA to evaluate existing chemicals with clear and enforceable deadlines; 2. risk-based chemical assessments; 3. increased public transparency for chemical information; and 4. consistent source of funding for EPA to carry out the responsibilities under the new law.
Title	US Fair Packaging and Labeling Act (1966)
Description	The Fair Packaging and Labeling Act (FPLA) was enacted to enable consumers to obtain accurate package quantity information to facilitate value comparisons and prevent unfair or deceptive packaging and labeling of "consumer commodities."

	<p>The FPLA is designed to facilitate value comparisons and to prevent unfair or deceptive packaging and labeling of many household “consumer commodities”.</p>
<p>Provisions and contents relating to Transparency and Traceability</p>	<p>Section 1453 of the FPLA directs the Federal Trade Commission (FTC) to issue regulations requiring that all “consumer commodities” be labelled to disclose information and authorizes additional regulations where necessary to prevent consumer deception or to facilitate value comparisons with respect to descriptions of ingredients, slack fill of packages, use of “cents-off” or lower price labeling or characterization of package sizes. The FPLA requires each package of household “consumer commodities” that is included in the coverage of the FPLA to bear a label on which there is:</p> <ol style="list-style-type: none"> 1. a statement identifying the commodity; 2. the name and place of business of the manufacturer, packer, or distributor; 3. and the net quantity of contents in terms of weight, measure, or numerical count. <p>The requirements of FPLA apply to any person engaged in the packaging or labeling of consumer commodities and to any person engaged in the distribution of packaged or labelled consumer commodities.</p>
<p>Source</p>	<p>https://www.ecfr.gov/cgi-bin/text-idx?SID=3c728bec27b281cc1c882b029a09cd5d&mc=true&node=pt16.1.502&rgn=div5</p>
<p>Notes and comments</p>	<p>National law. The Fair Packaging and Labeling Act came into effect on July 1,1967. The FTC amends the rules and regulations promulgated under the Fair Packaging and Labeling Act to:</p> <ol style="list-style-type: none"> 1. modernize the place-of-business listing requirement; 2. incorporate a more comprehensive metric chart; 3. address the use of exponents with customary inch/pound measurements; 4. delete outdated prohibitions on retail price sales representations; and 5. acknowledge the role of the weights-and-measures laws of individual states.
<p>Title</p>	<p>US Federal Hazardous Substances Act (1960)</p>
<p>Description</p>	<p>The Federal Hazardous Substances Act (FHSA) set forth requirements for hazardous household substances in products. The FHSA defines as banned hazardous substances those products that are intended for use by children that present an electrical, mechanical, or thermal hazard, with some exceptions. The FHSA allows the Consumer Product Safety Commission to ban through rulemaking certain products that are so dangerous or the nature of the hazard is such that the cautionary labeling requirements are not adequate to protect consumers. The FHSA requires precautionary labeling on the immediate container of hazardous household products to help consumers safely store and use those products and to give them information about immediate first aid steps to take if an accident happens. Whether a product must be labeled depends on its formulation and the likelihood that consumers will be exposed to any hazards.</p>

<p>Provisions and contents relating to Transparency and Traceability</p>	<p>The precautionary statements on the hazardous household products are set in Section 2(p)(1) of FHSA. These statements include:</p> <ol style="list-style-type: none"> 1. signal words; 2. affirmative statements of the principal hazard(s) associated with a hazardous substance; 3. the common or usual name, or chemical name, of the hazardous substance; 4. the name and place of business of the manufacturer, packer, distributor, or seller; 5. statements of precautionary measures to follow; 6. instructions, when appropriate, for special handling and storage; 7. the statement “Keep Out of the Reach of Children” or its practical equivalent; and 8. first-aid instructions. <p>Section 2(p)(2) of FHSA specifies that all such statements shall be located prominently on the label of such a substance and shall appear in conspicuous and legible type in contrast by typography, layout, or colour with other printed matter on the label. The FHSA contains the Commissions’ interpretations and policies for the type size and placement of cautionary material on the labels of hazardous substances and contains other criteria for such cautionary statements that are acceptable to the Commission as satisfying section 2(p)(2) of the FHSA.</p> <p>Labels that do not comply with the FHSA may be considered misbranded.</p>
<p>Source</p>	<p>https://www.cpsc.gov/s3fs-public/fhsa.pdf</p>
<p>Notes and comments</p>	<p>National law. The FHSA was approved on July 12, 1960. The Child Safety Protection Act (CSPA) amended certain provisions of the Federal Hazardous Substances Act to better protect small children from choking hazards. The CSPA requires warning labels on specific products and mandates that manufacturers, importers, distributors and retailers report certain choking incidents.</p>
<p>Title</p>	<p>US Tariff Act (1930)</p>
<p>Description</p>	<p>The Tariff Act raised US import duties with the goal of protecting American farmers and other industries from foreign competition. All products imported into the US must conform to country of origin marking.</p>
<p>Provisions and contents relating to Transparency and Traceability</p>	<p>Section 304 of the Tariff Act controls the issue of when a product must be marked to show a foreign country of origin. In particular, Section 304 of the Tariff Act of 1930, as amended [19 U.S.C. § 1304] requires that, unless excepted, all articles of foreign origin, (or their containers) must be marked permanently, legibly and in a conspicuous place, so as to inform an ultimate purchaser in the United States of the English name of the article’s country of origin.</p>

A marking must be:

1. permanent: the country of origin must be noted permanently on an article or its container, and must be designed to remain on the article or container until it reaches the “ultimate purchaser” in the US;
2. legible: the marking must be in lettering which is clear, and which can be read without strain; and
3. conspicuousness: the marking must appear on the article or its container in a place which is readily accessible, and where the marking can be found upon casual examination.

The “ultimate purchaser” is the person in the United States to whom the country of origin of a foreign article must be communicated.

For most imported products, the country of origin for marking purposes is the last country where they product underwent a “substantial transformation” prior to being imported into the United States. A “substantial transformation” is defined generally as working or processing which results in the creation of a new and different article of commerce, having a name, character or use different from those of its components.

The “substantial transformation” test must be applied on a case-by-case basis; often, it is necessary to obtain guidance or rulings from Customs. Section 307, as amended by the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. §1307), prohibits the importation of merchandise mined, produced or manufactured, wholly or in part, in any foreign country by forced labor.

Source	https://www.cbp.gov/trade/nafta/guide-customs-procedures/country-origin-marking
Notes and comments	National law. Part 134, Customs Regulations, implements the country of origin marking requirements and the exceptions of 19 U.S.C. 1304. Textile products are subject to special rules of origin established under Section 334 of the Uruguay Round Agreements Act [19 U.S.C. Section 3592; see 19 C.F.R. Section 102.21].

Oceania

Title	Australian Modern Slavery Act (2018)
Description	The Act establishes a Modern Slavery Reporting Requirement to require certain large businesses and other entities in Australia to make annual public reports (Modern Slavery Statements) on their actions to address modern slavery risks in their operations and supply chains. Annual statements will be required from: <ol style="list-style-type: none"> 1. Australian entities (including corporate Commonwealth entities and Commonwealth companies) with annual revenue of \$100 million or more 2. foreign entities operating in Australia with annual revenue of \$100 million or more and 3. the Australian Government. Entities with lower annual revenue may voluntarily provide statements.

<p>Provisions and contents relating to Transparency and Traceability</p>	<p>The statements require to include information on:</p> <ol style="list-style-type: none"> 1. the entity’s structure, operations and supply chains; 2. potential modern slavery risks in those operations and supply chains; 3. actions the entity has taken to assess and address the risks identified; and how the entity assesses the effectiveness of those actions. <p>The Australian Government will make these statements publicly available through an online central register. The Act also requires the Australian Government to publish an annual Modern Slavery Statement covering Commonwealth procurement and investment activities.</p>
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<p>Source</p>	<p>https://www.legislation.gov.au/Details/C2018A00153</p>
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<p>Notes and comments</p>	<p>National law. The Australian Parliament passed the Act on November 29, 2018. The Act entered into force on January 1, 2019.</p>
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Asia

<p>Title</p>	<p>Indian Companies Act (2013)</p>
<p>Description</p>	<p>The Act aims to improve corporate governance by making companies more accountable. It introduces significant changes in the provisions related to governance, e-management, compliance and enforcement, disclosure norms, auditors, mergers and acquisitions.</p>

<p>Provisions and contents relating to Transparency and Traceability</p>	<p>The Company Act has formulated Section 135, Companies Corporate Social Responsibility (CSR) Rules 2014 and Schedule VII which prescribes mandatory provisions for Companies to fulfil their CSR. The Act requires that companies set up a CSR board committee, which must consist of at least three directors, one of whom must be independent. That committee must ensure that the company spends at least 2 percent of the average net profits of the company made during the three immediately preceding financial years on CSR activities. If the company fails to spend this amount on CSR, the board must disclose why in its annual report. The requirement applies to any company that is incorporated in India, whether it is domestic or a subsidiary of a foreign company and which has</p> <ol style="list-style-type: none"> 1. net worth of Rs. 5 billion or more (US\$83 million), 2. turnover of Rs. 10 billion or more (US\$160 million), or 3. net profit of Rs. 50 million or more (US\$830,000) during any of the previous three financial years. <p>The Act defines CSR as activities that promote poverty reduction, education, health, environmental sustainability, gender equality and vocational skills development. Companies can choose which area to invest in or contribute the amount to central or state government funds earmarked for</p>
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socio-economic development. The Act does, however, specify that companies shall give preference to the local area and areas around where it operates.

Source	http://egazette.nic.in/WriteReadData/2019/209478.pdf
Notes and comments	National law. It was adopted in 2012 and was the subject of a lengthy and vigorous comment process by business and civil society groups which concluded with the final rules.
Title	Indonesian Law on Limited Liability Company (No. 40/2007) and Government Regulation on Social and Environmental Responsibility of Limited Liability Companies (No. 42/2012)
Description	Law No. 40 of 2007 on Limited Liability Company and Government Regulation No. 47 of 2012 on Social and Environmental Responsibility of Limited Liability Company aim to realize sustainable economic development to improve the quality of life and environment that benefit the local community and society in general as well as the company itself in order to establish a harmonious, balanced and environmentally compatible corporate relationship, values, norms, and culture of local communities.
Provisions and contents relating to Transparency and Traceability	Under Article 74 of the Law No. 40 of 2007 companies which perform its business activities in sectors of and/or related to natural resources are required to undertake social and environmental responsibilities. The Government Regulation No. 47 of 2012 specifies that all companies that manage or utilize natural resources or that impact natural resources are required to bear a social and environmental responsibility which is harmonious and balanced with the surroundings and the local society according to the values, norms and culture of that society. Obligations include the preservation of the function of the environment pursuant to the law along with its implementing regulation regarding natural resources or matters pertaining to natural resources as well as the ethics of running a company. Companies must include in their annual business plan CSR program and their related budget. This work plan is to be approved by the board of commissioners or the general meeting of shareholders of the company. The results of the implementation of the CSR work plan for the previous year must be included in the company's annual report, given to shareholders at the annual shareholders meeting.
Source	http://www.flevin.com/id/lgso/translations/Laws/Law%20No.%2040%20of%202007%20on%20Limited%20Liability%20Companies%20(BKPM).pdf
Notes and comments	National law. Law No. 40 of 2007 on Limited Liability Company entered into force on August 16, 2007. The Law states that every company which has participated in the implementation of CSR can be rewarded by the authorized agencies. A company which does not implement CSR can be subject to sanctions in accordance with the provisions of the relevant laws.

Global

Title	UN Global Compact and BSRs' A Guide to Traceability: A Practical Approach to Advance Sustainability in Global Supply Chains (2014)
Description	The purpose of this Guide is to provide an overview of the importance of traceability for sustainability purposes, outline the global opportunities and challenges it represents and summarize practical steps for implementing traceability programmes within companies.
Provisions and contents relating to Transparency and Traceability	<p>The Guide helps companies tackle supply chain traceability.</p> <p>The Guide is organized into three key sections.</p> <p>In Part 1, the guide defines traceability and explores its history, benefits and challenges, including an overview of current collaborative schemes on traceability.</p> <p>In Part 2, the Guide demonstrates a model for best practice in traceability and provides an overview of the different models of traceability and the global initiatives operating in the arena.</p> <p>In Part 3, the Guide provides guidance to companies around the world, large and small, on how to effectively engage in traceability.</p>
Source	https://www.unglobalcompact.org/docs/issues_doc/supply_chain/Traceability/Guide_to_Traceability.pdf
Notes and comments	<p>Study from the UN Global Compact Office and BSR.</p> <p>The Guide was adopted on March 2014.</p> <p>It defines traceability as “a process by which a product is moved from its original raw material extraction and production phase to the final customer” and was created after the Traceability Task Force — founded by the United Nation Global Compact Advisory Group on Supply Chain Sustainability — identified the need for additional guidance and information.</p>

Title	United Nations Guiding Principles on Business and Human Rights (2011)
Description	<p>The United Nations Guiding Principles on Business and Human Rights (UNGPs) are a set of global standards for States and companies to prevent, address and remedy human rights abuses committed linked to business activities.</p> <p>The UNGPs apply to all states and all businesses worldwide.</p>
Provisions and contents relating to Transparency and Traceability	<p>I. The State Duty to protect Human Rights</p> <p>A. Foundational principles</p> <p>1. States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication.</p> <p>Commentary</p>

...States also have the duty to protect and promote the rule of law, including by taking measures to ensure equality before the law, fairness in its application, and by providing for adequate accountability, legal certainty, and procedural and legal transparency.

...

21. In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:

- * (a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
- * (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
- * (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

Commentary

The responsibility to respect human rights requires that business enterprises have in place policies and processes through which they can both know and show that they respect human rights in practice. Showing involves communication, providing a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders, including investors.

...

Effectiveness Criteria For Non Judicial Grievance Mechanisms

31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:

- (a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- (d) Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- (e) Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- (f) Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;
- (g) A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;

Operational-level mechanisms should also be:

- (h) Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance and focusing on dialogue as the means to address and resolve grievances.

Commentary

... (e) Communicating regularly with parties about the progress of individual grievances can be essential to retaining confidence in the process. Providing transparency about the mechanism's performance to wider stakeholders, through statistics, case studies or more detailed information

about the handling of certain cases, can be important to demonstrate its legitimacy and retain broad trust. At the same time, confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary;

...

B. Operational Principles

General State Regulatory and Policy Functions

3. In meeting their duty to protect, States should:

(a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps; (b) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights; (c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations; (d) Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.

Commentary

...Communication by business enterprises on how they address their human rights impacts can range from informal engagement with affected stakeholders to formal public reporting.

...

Source https://www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf

Notes and comments The UNGPs are the most authoritative international statement to date regarding the responsibilities of business with respect to human rights, however they are not binding international law.
The UN Human Rights Council endorsed the Guiding Principles in its resolution of June 16, 2011. In the same resolution, the UN Human Rights Council established the UN Working Group on Business and Human Rights.
The UNGPs are the result of six years of research and extensive multi-stakeholder consultations around the world on the issue of human rights and transnational corporations and other business enterprises.

GARMENT AND FOOTWEAR

Europe

Title	European Parliament Resolution of 27 April 2017 on the EU Flagship Initiative on the Garment Sector
Description	The European Parliament Resolution on the EU flagship initiative on the garment sector demands the Commission to propose binding supply chains due diligence to ensure human rights protection across global supply chains in the garment sector. It highlights the importance of guaranteeing mandatory obligations, both in the upstream and downstream segments of supply chains.
Provisions and contents relating to Transparency and Traceability	<p>The European Parliament Resolution calls for transparency and traceability throughout the supply chain.</p> <p>The Parliament requests that legislation on mandatory due diligence be based on the OECD guidelines for the garment supply chains, on OECD guidelines for multinational internationally agreed human rights, and on social and environmental standards. It also called for the enforcement of labour standards and human rights, remedies for victims, the promotion of gender equality, and increased transparency and traceability in the supply chain.</p> <p>The European Parliament Resolution asks the Commission to go a step further than cooperation on development through voluntary initiatives. It emphasises that voluntary initiatives were not sufficiently effective in addressing abuses of human rights and labor rights. Furthermore, it considers that chapters of EU trade agreements on sustainable development should be obligatory and enforceable. The Parliament also calls on the Commission to introduce preferential tariffs for garments whose sustainable production had been demonstrably proven into the upcoming reform of the GSP rules on trade. (EP, 2019a).</p> <p>The Resolution asks the Commission to address the following aspects:</p> <ol style="list-style-type: none">1. key criteria for sustainable production, transparency and traceability, including the transparent collection of data and tools for consumer information,2. due diligence checks and auditing,3. access to remedy,4. gender equality,5. children's rights,6. supply-chain due diligence reporting,7. the responsibility of companies in the event of man-made disasters and awareness raising in the European Union. <p>The Resolution also encourages the Commission to acknowledge other national legislative proposals and initiatives that have the same goal as the legislation, once those proposals and initiatives have been audited and shown to meet the requirements of the European legislation.</p>
Source	https://www.europarl.europa.eu/doceo/document/TA-8-2017-0196_EN.html

Notes and comments Resolution.

During the Parliament’s deliberations, Commission representatives declared that developing legislation on mandatory due diligence for companies based in the EU was not a priority. Commission officials alleged that it was necessary to evaluate the impact of the recently adopted EU directive on non-financial reporting, which was due for transposition to the national level in December 2016.

The Council also favours the voluntary approach. In its Conclusions on business and human rights from June 2016, it encouraged the Commission to enhance the implementation of due diligence but did not envisage any legislative proposal. In its Conclusions on Sustainable Garment Value Chains adopted shortly after the European Parliament Resolution on the Flagship Initiative, on May 2017, the Council took 'good note of the European Parliament Resolution calling for comprehensive action in this sector' and called on the Commission to adopt a comprehensive approach that goes beyond development cooperation, based on synergies with environmental and labor policies and trade tools. Council's various recommendations again did not include any mentions on binding obligations.

Title Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products

Description The Textile Regulation applies to textile products and products or textile components made up at least 80 % by weight of textile fibres. The Textile Regulation aims to eliminate potential obstacles to the proper functioning of the internal market and to provide consumers with adequate and relevant information. It also aims to introduce more flexibility so that the legislation can be adapted in line with the technological developments expected in the sector. In addition, it provided an opportunity to simplify and improve the regulatory framework for the development and uptake of new fibres, and to enhance the transparency of the process of adding new fibres to the list of fibre names. The Textile Regulation revised the main provisions of the Textile Directives to facilitate its direct applicability and ensure that citizens, economic operators and public authorities can easily identify their rights and obligations.

Provisions and contents relating to Transparency and Traceability The Regulation introduces the following new elements:

1. a general obligation to state the full fibre composition of textile products and clarification of the rules regarding labels and marks indicating fibre composition;
2. minimum technical requirements for applications for new fibre names;
3. a requirement to indicate the presence of non-textile parts of animal origin;
4. clarification of the exemption for customised products made up by self-employed tailors; and
5. empowerment of the Commission to adopt delegated acts amending the technical annexes to the Regulation.

The Textile Regulation contains rules on:

1. the labelling and marking of the fibre composition of textile products;
2. the labelling or marking of textile products containing non-textile parts of animals; and
3. the determination of the fibre composition of textile products by quantitative analysis of binary and ternary textile fibre mixtures.

The Regulation does not regulate other types of labelling, such as size or care labelling.

Source <http://data.europa.eu/eli/reg/2011/1007/2018-02-15>

Notes and comments Eu binding legislative act. It applies in its entirety across the EU. The Textile Regulation repealed and replaced the three Textile Directives: Directive 2008/121/EC on textile names,

1. Directive 96/73/EC on certain methods for the quantitative analysis of binary textile fibre mixtures and
2. Directive 73/44/EEC on the approximation of the laws of the Member States relating to the quantitative analysis of ternary fibre mixtures.

Title **Dutch Agreement on Sustainable Garment and Textiles (2016)**

Description The Dutch Agreement on Sustainable Garment and Textiles is a multi-stakeholders initiative in the regulation of transnational business where industry organizations, trade unions, non-governmental organizations and the Dutch government have joint forces to ensure responsible business conducts in the garment and textile sector. The Agreement, based on the OECD Guidelines and the UNGPs, concerns the actions of Dutch enterprises or enterprises operating in the Dutch market. The main objective of the Agreement is to achieve substantial progress towards:

1. improving the situation for groups experiencing adverse impacts in respect of specific risks in the garment and textile production or supply chain within 3-5 years;
2. providing individual enterprises with guidelines;
3. and developing joint activities and projects to address problems that enterprises in the garment and textiles sector cannot resolve completely and / or on their own, committing to work in line with the content of the Agreement.

The main obligations of the Parties are the inclusion of nine themes in their internal policies and plans for responsible business practices. The priority themes identified by the Parties are the following:

1. discrimination and gender;
2. child labour;
3. forced labour;
4. freedom of association;
5. living wage;
6. safety and health in the workplace;
7. raw materials;
8. water pollution and use of chemicals, water and energy;
9. animal welfare.

Provisions and contents relating to Transparency and Traceability

The Parties regard the performance of due diligence as a first and necessary step on the way to achieving results, in accordance with the UNGPs and OECD Guidelines.

The Parties have to sign a Declaration in which they state that:

1. they will conduct a due diligence process, which is consistent with their size and business circumstances, within one year after signing the Agreement;
2. they will present an annual action plan as part of their due diligence process to the secretariat of the Agreement on Sustainable Garment and Textile (AGT Secretariat) for assessment/approval and declare themselves to be in agreement with the process of assessment.

In the annual action plan the Parties must include the following:

1. the insight that they have gained into their production or supply chain through the due diligence process and the possible impacts in their supply chain in terms of the UNGPs and the OECD Guidelines;
2. how their own purchasing process (delivery times, pricing, duration of contracts, etc.) contributes to potential (risks of) adverse impacts and measures to be taken to mitigate them;
3. the policy and the measures they pursue with regard to the nine themes prioritised by the Parties and how they will participate in the collective projects formulated by the Parties for these themes which are consistent with the substantial risks found in these themes;
4. are setting quantitative and qualitative objectives in terms of improvements for the duration of the agreement.

The Parties must disclose the list of suppliers within one year after signing; and publicise progress reports latest three years after signing.

AGT Secretariat assess the quality and ambitions of these improvement plans.

The Agreement focus on traceability as a tool to guarantee animal welfare.

Enterprises have to implement traceability and assurance systems with independent certification (following on from the Traceable Down Standard and Responsible Down Standard) so that garments and textiles containing products of animal origin can be traced back to stockbreeders and farms and animal welfare standards can be monitored.

Source <https://www.ser.nl/-/media/ser/downloads/engels/2016/agreement-sustainable-garment-textile.pdf>

Notes and comments The Agreement was signed on July 4, 2016 by 55 companies constituting around 30% of the garment and textile sectors in the Netherlands, 5 NGOs, Dutch trade unions and the Dutch government.
The Agreement has a term of five years from the date of signature.
Every year, the Parties that have signed the Agreement report on their relevant activities and on the progress they have made.
The Agreement does not establish sanctions or liability for the signatory corporations in breach but it offers a platform for redress for those experiencing negative impacts caused by the Parties to the Agreement.

Title **Commission Staff Working Document on Sustainable Garment Value Chains through EU Development Action (2017)**

Description The Commission Staff Working Document on Sustainable Garment Value Chains (CSWD) relates to existing engagement and aims to outline the EU response towards more sustainable garment value chains in the field of the Union's development policy.

The CSWD lays out elements for an effective response to capacity-building, awareness-raising and technical assistance needs with a view to capitalising on the opportunities and addressing the key challenges in the sector.

The CSWD considers development cooperation an effective tool to encourage private companies and governments in third countries to fulfil their sustainability commitments. It also envisages a range of measures such as dialogues at bilateral, regional and multilateral levels, technical assistance and capacity building, support to the implementation of trade and other bilateral agreements, as well as EU action at multilateral level. With CSWD the Commission intended to demonstrate its commitment towards sustainability in garment supply chains.

The entire document is focused on EU development cooperation activities that the Commission is aiding financially.

Three main thematic priorities and three intervention areas have emerged on the basis of ongoing activities.

Provisions and contents relating to Transparency and Traceability

The three thematic priorities are:

1. women's economic empowerment;
2. decent work and living wages; and
3. transparency and traceability in the value chain.
4. The three intervention areas are:
5. providing financial support;
6. promoting social and environmental best practices; and
7. reaching out to consumers and awareness-raising.

Specifically, the CSWD covers a mapping of existing traceability approaches and fundamental elements that operational traceability systems should have.

It aims at explaining how better tracing and tracking products throughout the whole supply chain can help increase transparency and generate new opportunities of developing a reliable garment industry in which social and environmental standards are respected.

Source https://ec.europa.eu/europeaid/staff-working-document-sustainable-garment-value-chains-through-eu-development-action_en

Notes and comments EU Working document.
The Council of the EU welcomes the CSWD as “an important first step that should lead to further ambitious efforts in the garment sector that extend beyond development cooperation.”

Title Council conclusions on Sustainable Garment Value Chains (2017)

Description The Council published conclusions welcoming the Commission staff working document and the Parliament’s resolution calling for comprehensive action in the garment and footwear sector. The Council calls on the Commission to address sustainable garment value chains ‘in a comprehensive manner that also extends beyond development cooperation to promote a safer, greener and fairer garment industry’. These conclusions were motivated by observations of human rights violations in this sector that employs 75 million people worldwide and especially in developing countries.

Provisions and contents relating to Transparency and Traceability The Council encourages the Commission to support moves to increase transparency and traceability in garment supply chains, for example through coordination with ongoing activities within Member States and international initiatives by the industry and welcomes the new OECD due diligence guidance for the responsible supply chains in the garment and footwear sector.

Source <https://www.consilium.europa.eu/media/24008/garment-value-chains-st09381en17.pdf>

Notes and comments Council Conclusions.
The Foreign Affair Council adopted the Conclusions on May 17, 2017.

Title Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer

Description The Footwear Labeling Directive introduces a common labelling system for the main components of footwear sold in the EU. It harmonized the diverse laws and regulations that had previously existed in EU countries relating to the labelling of materials. More specifically, the Directive lays down the rules regarding:

1. the content and form of the label;
2. responsibility for the label.

The scope of the the Footwear Labeling Directive is to provide consumers with information to allow them to make informed buying decisions. The Directive also helps to protect the industry from unfair competition and enhances the operation of the internal market in the EU. It protects consumer interests by reducing the risk of fraud for both consumers and industry.

Provisions and contents relating to Transparency and Traceability The information shall be conveyed on the footwear. The manufacturer or his authorized agent established in the EU may choose either pictograms - adequately informing consumers of the meaning of these pictograms - or written indications in selected languages. The label must describe the materials of the three main parts of the footwear:

1. the upper;
2. the lining and insole;
3. the outer sole.

According to Article 4, the label should state whether the material is made of:

1. leather;
2. coated leather;
3. textile;
4. other materials.

If no single material accounts for at least 80% of the product, the label should indicate the two main materials used.

The labelling must be visible, securely attached and accessible and the dimensions of the pictograms must be sufficiently large to make it easy to understand the information contained therein. It must not be possible to mislead the consumer. Manufacturers, importers, distributors and retail sellers are responsible for complying with labeling requirements and may be subject to civil or criminal penalties for selling mislabeled products.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31994L0011>

Notes and comments EU legislative act.
The Footwear Labeling Directive entered into force on May 5, 1994.
It was amended by Directive 2006/96/EC and Directive 2006/96/EC.

Title Italian Reguzzoni – Versace Law (No. 55/2010)

Description The Law establishes a system of compulsory labeling of finished and intermediate products in the fields of textiles, shoes and leather goods, in order to identify the country of origin of each stage of production and to ensure the traceability of the products.
The Law aims to allow the final consumers to receive adequate information about the manufacturing process of the products.

Provisions and contents relating to Transparency and Traceability Under Article 3, producers must provide clear, concise and specific information on the conformity of the manufacturing processes with the rules in force on labor matters, guaranteeing compliance to the conventions signed with the International Labor Organization throughout the supply chain with regard to the certification on hygiene and product safety, the exclusion of child labor from the production process, consistency with EU regulations and conformity with international agreements on environmental matters.
According to Article 4 the label “Made in Italy” is allowed only:

1. for finished products;
2. if at least two of the production steps have been carried out in the Italian territory;
3. if traceability is verifiable for the remaining steps.

The products for which the conditions for the use of the designation “Made in Italy” are not met, must indicate the country of origin.

Source <https://www.gazzettaufficiale.it/eli/id/2010/04/21/010G0077/sg>

Notes and comments National law.
The Law was enacted on April 8, 2010.
Currently it is not applicable in Italy because the European Union has not accepted the Italian implementing Law.
Article 1 of the Law states that the words “made in Italy” cannot be used unless two stages of the manufacturing process take place in Italy and (implicitly) that to this purpose the last of these stages is not necessarily included, while the EU Customs Code provides that: “goods wholly obtained in a single country or territory shall be regarded as having their origin in that country or territory. Goods the production of which involved

more than one country or territory shall be deemed to originate in the country or territory where they underwent their last substantial transformation.”

America

Title	US Fur Products Labeling Act (2010)
Description	Any wearing apparel that is manufactured, imported or sold that contains fur must comply with the labeling requirements under Fur Products Labeling Act (FPLA).
Provisions and contents relating to Transparency and Traceability	<p>Fur products– made either entirely or partly with fur — must have a label disclosing:</p> <ol style="list-style-type: none"> 1. whether the fur is natural or pointed, bleached, or dyed; 2. the name of the animal; 3. if the fur product is composed of more than 10 percent surface area of pieces; 4. the country of origin of imported fur products, including the country of origin for imported furs made into fur products in the U.S.; 5. any other information that is required or permitted; 6. the name or registered identification number of the manufacturer or dealer; 7. if the fur is used or damaged; 8. the textile or wool content of the product. <p>The above required information also must appear on invoices and in advertising for the fur products.</p> <p>Labels must be:</p> <ol style="list-style-type: none"> 1. conspicuous; 2. durable enough to remain on the fur garment until it is delivered to the consumer; 3. legible and readily accessible to the consumer, with all parts of the information in letters of equal size and conspicuousness and on the same side of the label. <p>There are no specific label and font size requirements.</p> <p>Domestic fur products may be labeled to show origin, but the law does not require it. Domestic furs also may be labeled to show the particular state or part of the country in which they originated.</p>
Source	https://www.ftc.gov/tips-advice/business-center/guidance/how-comply-fur-products-labeling-act
Notes and comments	<p>National law.</p> <p>Manufacturers, importers, distributors and retail sellers are responsible for complying with fur labeling requirements and may be subject to civil or criminal penalties for selling mislabeled products.</p>

A violation of the FPLA or the Commission’s rules under the Act is considered an unfair method of competition and an unfair and deceptive act or practice under the FTC Act.

In December 2010, the Congress passed the Truth in Fur Labeling Act. As of March 18, 2011, the FTC’s exemption to the Fur Products Labeling Act for fur products with a component value of \$150 or less was no longer in effect.

Title	US Care Labeling of Textile Wearing Apparel and Certain Piece Goods (2000)
Description	The Federal Trade Commission’s (FTC) Care Labeling Rule provides regular instructions to purchasers through care labels or other methods, prohibits deceptive acts or practices that fail to disclose instructions to regular care and requires appropriate terminology and symbols that accurately describe care procedures.
Provisions and contents relating to Transparency and Traceability	<p>The Rule requires manufacturers and importers to attach care instructions to textile garment. In particular, manufacturers or importers must comply with the following:</p> <ol style="list-style-type: none"> 1. provide instructions prescribing a regular care procedure for the garment, or provide warnings if the garment cannot be cleaned without harm; 2. have a reasonable basis for the care labeling instructions, including that following them, will cause no substantial harm to the product; 3. warn consumers about certain procedures that they may assume to be consistent with the instructions on the label, but that would harm the product; 4. ensure that care labels remain attached and legible throughout the useful life of the product. <p>Care labels must be attached to products prior to sale in the United States; however, care labels do not have to be attached to products when they enter the United States. The importer must ensure the labels are attached prior to sale. Labels must be attached permanently and securely and be legible during the useful life of the product and be seen or easily found by consumers at the point of sale. For packaged items, the care label must appear also on the outside of the package or on a hangtag if it is not clearly visible through the packaging.</p>
Source	https://www.ftc.gov/node/119456
Notes and comments	<p>National law.</p> <p>The Rule do not apply to:</p> <ol style="list-style-type: none"> 1. footwear, gloves, hats, neckties and belts; 2. leather and suede, and household article; 3. totally reversible garments with no pockets.

Title	US Textile Fiber Products Identification Act (1959)
Description	<p>The Act and the Federal Trade Commission’s (FTC) implementing regulations mandate content disclosures in the labeling, invoicing, and advertising of textile fiber products.</p> <p>Under the Act, misbranding is unlawful as is falsely or deceptively invoicing or advertising textile fiber products.</p> <p>The Act and regulations apply to any fiber, yarn or fabric, whatever in the finished or unfinished state or use or intended for use in household textile products as well as the textile products themselves.</p> <p>The Act also directs the FTC to establish a generic name for each man-made fiber that does not as yet have such a name.</p>
Provisions and contents relating to Transparency and Traceability	<p>The Act and the FTC’s implementing regulations require textile products to bear a conspicuous and clear label containing:</p> <ol style="list-style-type: none"> 1. the generic name and amount in percentage terms of constitute fibers contained in the product; 2. the name of the manufacturer or the registered identification number; 3. the name of the country in which the textile fiber was produced, processed or manufactured. <p>The Act also contains advertising and record-keeping provisions.</p>
Source	https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/textile-products-identification-act-text
Notes and comments	<p>National law.</p> <p>On February 18, 2020, the FTC published a Notice to Proposed Rulemaking (NPR) to amend the Textile Fiber Products Identification Act to incorporate by reference the latest ISO 2076 standard: ISO 2076:2013(E), “Textiles—Man-made fibers—Generic names.”</p> <p>The proposed amendment should reduce compliance costs and increase flexibility for firms providing textile fiber information to consumers.</p>
Title	US Wool Products Labeling Act (1940)
Description	<p>The Wool Products Labeling Act and the FTC’s implementing regulations prohibit the importation, manufacture, sale, offer for sale, transportation for sale, distribution or advertising of any wool product which is misbranded or falsely or deceptively advertised.</p>
Provisions and contents relating to Transparency and Traceability	<p>The Act requires marketers to attach a label to each wool product disclosing:</p> <ol style="list-style-type: none"> 1. the percentages by weight of the wool, recycled wool and other fibers accounting for 5% or more of the product, and the aggregate of all other fibers; 2. the maximum percentage of the total weight of the wool product of any non-fibrous matter; 3. the name under which the manufacturer or other responsible company does business or, in lieu thereof, the registered identification of such company; and 4. the name of the country where the wool product was processed or manufactured. <p>This information must be disclosed conspicuously and nondeceptively by stamp, tag, label or other mean.</p>

Manufacturers of wool products must maintain records showing the information required to be on the label for all wool products they produce. The record must establish a traceable line from the raw materials to the finished product.

Source <https://www.ftc.gov/node/119457>

Notes and comments National law.
The WPLA was enacted on October 14, 1940.
A 2014 amendment to the Wool Rules allows certain hang-tags stating a fiber generic name, trademark or fiber characteristics that do not disclose the product's full fiber content; however, if the wool product contains any other fiber, the hang-tag must disclose clearly and conspicuously that it does not provide the product's full fiber content (e.g., "This tag does not disclose the product's full fiber content" or "See label for the product's full fiber content").
Products containing fiber from other animals must comply with either the Fur Products Labeling Act or the Textile Products Identification Act.

Global

Title OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector (2017)

Description The Guidance aims to help enterprises to implement the due diligence recommendations contained in the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Human Rights and other relevant RBC standards along the garment and footwear supply chain in order to avoid and address the potential negative impacts of their activities and supply chains. The Guidance underlines that due diligence should be ongoing, proactive and should be applied with flexibility and should not lead to a "tick the box" approach.

The Guidance serves to:

1. encourage the development of a common understanding of due diligence and responsible supply chain management in the garment and footwear sectors; and
2. specify responsibilities of enterprises in the design and implementation of effective risk-based due diligence.

It applies to all enterprises operating in the supply chain, including but not limited to:

1. raw material and fibre producers,
2. material manufacturers and processors,
3. components manufacturers,
4. footwear and garment manufacturers,
5. brands,
6. retailers,
7. enterprises operating at various points along the supply chain including traders, buying agents, distributors, etc. and
8. industry-wide supply chain initiatives and multi-stakeholder initiatives that hold the objective of fulfilling collaborative due diligence.

Provisions and contents relating to Transparency and Traceability

The document provides a definition of traceability as the process by which enterprises track materials and products and the conditions in which they were produced through the supply chain.

In order to manage risks of adverse impacts linked to raw material production enterprises may engage in traceability schemes.

The mechanisms to achieve traceability suggested by the Guidance are the following:

1. Physical segregation: certified materials and products are physically tracked at each stage along the value chain.
2. Mass balance: certified and non-certified materials can be mixed. However, the exact volume of certified material entering the value chain must be controlled and an equivalent volume of the certified product leaving the value chain can be sold as certified. This is a common scheme for products and commodities where segregation is very difficult or impossible to achieve.
3. Book and claim: book and claim do not seek to have traceability at each stage in the supply chain. Instead, the model relies on the link between the volumes of certified material produced at the beginning of the supply chain and the amount of certified product purchased at the end of the value chain. In this model, an enterprise can obtain a verification certificate for the volume of certified materials that it puts into the supply chain. Certified and non-certified materials flow freely throughout the supply chain. Certificates are then bought via a trading platform and can be issued by an independent body.

The Guidance encourages enterprises to participate in credible industry initiatives or multi-stakeholder initiatives to establish traceability where they already exist.

Recognition of initiatives and harmonisation of traceability systems is an important element to enable data sharing between enterprises and across schemes, to avoid duplication assessments and reduce costs.

Source <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-Garment-Footwear.pdf>

Notes and comments The Guidance was adopted in 2017.
It is a concrete response to the G7 Leaders' Declaration adopted on June 2015 in Schloss Elmau, which welcomed international efforts to "promulgate industry-wide due diligence standards in the textile and ready-made garment sector."

AGRI-FOOD

Europe

Title	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers
Description	<p>The Food Information Regulation lays down general principles governing the right of consumers to food information, with particular regard to food labelling.</p> <p>It aims to protect consumers' health and interests by providing a basis for final consumers to make informed choices and to make safe use of food, with particular regard to health, economic, environmental, social and ethical considerations, while ensuring the free movement of goods within the EU market and the fairness of trade.</p> <p>The Food Information Regulation applies to business operators at all stages of the food chain, where their activities concern the provision of food information to consumers; further they apply to all foods intended for the final consumer, including foods delivered by mass caterers and foods intended for supply to mass caterers.</p>
Provisions and contents relating to Transparency and Traceability	<p>Chapter IV is entirely dedicated to mandatory consumers' information.</p> <p>Article 9 of the new Regulation demands that the following particulars be mentioned:</p> <ol style="list-style-type: none">1. the name of the food;2. the list of ingredients;3. any allergens present;4. the quantities of certain ingredients or categories of ingredients (QUID)5. the net quantity of the food;6. the date of minimum durability or the 'use by' date;7. any special storage conditions and/or conditions of use;8. the name or business name and address of the food business operator (responsible for the product);9. the country of origin or place of provenance, where provided for;10. the instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;11. for alcoholic drinks, the actual alcoholic strength by volume;12. a nutrition declaration. <p>The mandatory particulars on the foodstuffs provided for by Article 9 must, of necessity, be displayed on the label in words and figures. The provision specifies that, without prejudice to the indications referred to in Article 35 (which concerns forms of expression and supplementary presentations), the indications can be expressed through pictograms or symbols.</p>

Article 8 provides that the Food Business Operator (FBO) responsible for the food information shall be the operator under whose name or business name the food is marketed. The FBO has the responsibility to ensure the presence and accuracy of information, in compliance with the rules, while not influencing the same information. It also attempts to clarify the responsibilities of economic operators regarding information provided on the label and advertising. In the case of foods from outside the EU, the labelling will be under the responsibility of the importer.

The Food Information Regulation does not impose the obligation to indicate the site of production or packaging plant.

According to Article 17, the name under which the product is sold is superseded by the indication of the name of the food.

Article 13 expressly requires that the mandatory information on foodstuffs shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and, where appropriate, indelible. It is specified, furthermore, that it shall not in any way be hidden, obscured, detracted from or interrupted by any other written or pictorial matter or any other intervening material.

The minimum height of the characters is defined in order to guarantee a significant contrast between the print and the background.

The general labelling requirements are complemented by a number of provisions applicable to all foods in specific circumstances or to certain categories of foods. In addition, there is a number of specific rules which are applicable to specific foods.

In accordance with Article 26 (2) (a), the indication of the country of origin or place of provenance shall be mandatory where failure to indicate this might mislead the consumer as to the true country of origin or place of provenance of the food, in particular if the information accompanying the food or the label as a whole would otherwise imply that the food has a different country of origin or place of provenance. In addition, the Food Information Regulation requires the origin labelling for fresh, chilled and frozen meat of swine, sheep, goats and poultry and establishes rules on the origin indication of the primary ingredient.

Article 26(3) requires that where the origin of a food is given and is different from the one of its primary ingredient, the origin of the primary ingredient shall be given or at least indicated as being different to the origin of the food.

Source <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011R1169>

Notes and comments EU binding legislative act. It applies in its entirety across EU.
The Food Information Regulation was adopted by the European Parliament and the Council on October, 25 2011 and was published in the Official Journal of the EU on 22 November 2011. It entered into force on December 13, 2014.
The new law combines two Directives into one Regulation:

1. 2000/13/EC- Labelling, presentation and advertising of foodstuffs;
2. 90/496/EEC - Nutrition labelling for foodstuffs.

The Regulation repealed the following EU legislation as of 13 December 2014:

1. Directive 87/250/EEC
2. (on alcoholic strength in the labelling of alcoholic beverages)
3. Directive 90/496/EEC (on nutrition labelling),
4. Directive 1999/10/EC (on food labelling),
5. Directive 2000/13/EC (on food labelling),

6. Directive 2002/67/EC (on foodstuffs containing quinine and caffeine) and 2008/5/EC (on food labelling) and
7. Regulation (EC) n. 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters.

Commission Implementing Regulation (EU) 2018/775 clarifies how the information on the origin of the primary ingredient should be displayed on labels, if required according to Article 26(3) of Regulation (EU) No 1169/2011. The new rules are applicable as of 1 April 2020.

On January 30, 2020, the Commission adopted a notice on the application of the provision of Article 26(3) of Regulation (EU) No. 1169/2011 with regard to the origin indication of the primary ingredient of food. It aims at assisting all players in the food chain as well as the competent national authorities to better understand and correctly apply the provisions of Regulation (EU) No 1169/2011 related to the origin indication of the primary ingredient.

Title	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption
Description	<p>This Regulation lays down animal and public health rules applying to:</p> <ol style="list-style-type: none"> 1. the collection, transport, storage, handling, processing and use or disposal of animal by-products; 2. the placing on the market, export and transit of animal by-products and derived products. <p>Animal by-products not intended for human consumption are a potential source of risks to public and animal health. Past crises related to outbreaks of foot-and-mouth disease, the spread of transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) and the occurrence of dioxins in feeding stuffs have shown the consequences of the improper use of certain animal by-products for public and animal health, the safety of the food and feed chain and consumer confidence. In addition, such crises may also have a wider adverse impact on society as a whole, by their impact on the socioeconomic situation of the farmers and of the industrial sectors concerned and on consumer confidence in the safety of products of animal origin. Disease outbreaks could also have negative consequences for the environment, not only due to the disposal problems posed, but also as regards biodiversity.</p>
Provisions and contents relating to Transparency and Traceability	<p>According to the Food and Veterinary Office of the Commission (FVO), improvements are necessary as regards the traceability of the flow of animal by-products and the effectiveness and harmonisation of official controls.</p> <p>In the section of the Regulation concerning collection, transport and traceability it is specified that operators consigning, transporting or receiving animal by-products or derived products shall keep a record of consignments and related commercial documents or health certificates. The operators shall have in place systems and procedures to identify:</p> <ol style="list-style-type: none"> 1. the other operators to which their animal by-products or derived products have been supplied; 2. the operators from whom they have been supplied. <p>This information shall be made available to the competent authorities on request.</p> <p>In order to ensure traceability of animal by-products or derived products, dedicated systems should be established. Every effort should be made to promote the use of electronic and other means of documentation which do not involve paper records, as long as they ensure full traceability.</p>

Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R1069
Notes and comments	EU binding legislative act. It applies in its entirety across EU. The Regulation was adopted on October 21, 2009 and came into force on December 4, 2009.
Title	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Description	<p>The Food Regulation lays down the general principles and requirements of food law, establishes the European Food Safety Authority and lays down procedures in matters of food safety.</p> <p>The principal aim of the Food Regulation is to protect human health and consumers' interests in relation to food. It applies to all stages of production, processing and distribution of food and feed, but there is an exemption for primary production for private domestic use, and the domestic preparation, handling, or storage of food for private domestic consumption.</p> <p>The Food Regulation proposes an integrated approach to food safety "from farm to table".</p> <p>The key changes of the Regulation are the following:</p> <ol style="list-style-type: none">1. improved legibility of information (minimum font size for mandatory information);2. clearer and harmonised presentation of allergens (e.g. soy, nuts, gluten, lactose) for prepacked foods (emphasis by font, style or background colour) in the list of ingredients;3. mandatory allergen information for non-prepacked food, including in restaurants and cafes;4. requirement of certain nutrition information for majority of prepacked processed foods;5. mandatory origin information for fresh meat from pigs, sheep, goats and poultry;6. same labelling requirements for online, distance-selling or buying in a shop;7. list of engineered nanomaterials in the ingredients;8. specific information on the vegetable origin of refined oils and fats;9. strengthened rules to prevent misleading practices;10. Indication of substitute ingredient for 'imitation' foods;11. clear indication of "formed meat" or "formed fish";12. clear indication of defrosted products.
Provisions and contents relating to Transparency and Traceability	<p>Article 18 contains general provisions for traceability. It requires that the traceability of food, feed, food-producing animals and any other substance intended to be, or expected to be, incorporated into a food or feed must be established at all stages of production, processing and distribution.</p> <p>Food business operators must be able to identify any person from whom they have been supplied with a food, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.</p>

Food or feed which is placed on the market or is likely to be placed on the market in the European Community shall be adequately labelled or identified to facilitate its traceability, through relevant documentation or information in accordance with the relevant requirements of more specific provisions.

Source <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002R0178>

Notes and comments EU binding legislative act. It applies in its entirety across EU.
The Food Regulation came into force on February 21, 2002, although certain key provisions apply only from January 1, 2005.
Article 18 regarding traceability has been applicable since January 1, 2005.

America

Title US Food Safety Modernization Act (2011)

Description The Food Safety Modernization Act (FSMA) was meant to strengthen the US food safety system by stressing three fundamental strategies: prevention, increased surveillance, and better response and recovery.

Provisions and contents relating to Transparency and Traceability It contains a specific section (SEC. 204) dedicated to enhancing tracking and tracing of food and recordkeeping.
As part of this provision, the FDA must, among other things, complete the following:

1. establish pilot projects in coordination with the food industry to explore and evaluate methods for rapid and effective tracking and tracing of foods. FDA is required to submit a report to Congress on the findings of the pilot projects together with FDA's recommendations for improving tracking and tracing of food;
2. assess the costs and benefits associated with the adoption and use of several product tracing technologies and the feasibility of such technologies for different sectors of the food industry (including small businesses);
3. to the extent practicable in assessing the costs, benefits, and feasibility of several product tracing technologies, evaluate domestic and international product tracing practices; consider international efforts and compatibility with global tracing systems, as appropriate; and consult with a diverse and broad range of experts and stakeholders;
4. establish within FDA, as appropriate, a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food;
5. publish a notice of proposed rulemaking to establish additional recordkeeping requirements for high risk foods;
6. designate high-risk foods for which the additional recordkeeping requirements are appropriate and necessary to protect the public health. The list of high-risk foods is to be published on FDA's Internet Web site when the Agency issues the final rule establishing additional recordkeeping requirements for high-risk foods; and
7. issue a small entity compliance guide within 6 months after the final rule is issued.

Source <https://www.fda.gov/food/food-safety-modernization-act-fsma/full-text-food-safety-modernization-act-fsma#SEC204>

Notes and comments National law.
The FSMA was signed into law in January 4, 2011
However, it took the FDA several years to finalize what the FSMA regulations would look like in practice, which did not occur until 2015. Compliance dates vary depending on the safety rule in question and the size of the operation. In a nutshell, large companies with more than 500 employees needed to achieve compliance in 2016, while small business with fewer than 500 employees were due in 2017. It reforms law governing the safety of human and animal foods produced in the USA.

Asia

Title Chinese Food Safety Law (2015)

Description The Food Safety Law (FSL) replaced the 2009 Food Safety Law (2009 FSL), which served as China’s first comprehensive food safety regulation.

Provisions and contents relating to Transparency and Traceability According to FSL Article 42, the State shall establish a full traceability system for food safety.
Food producers and distributors shall establish the traceability system for food safety in accordance with the FSL so as to ensure food traceability.
The State shall encourage food producers and distributors to collect and preserve production and distribution information and to establish the traceability system for food safety by means of information technology.
The food and drug administration under the State Council shall, together with relevant departments such as the agriculture administration, under the State Council, establish a synergy mechanism for full traceability of food safety.

Source <https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Amended%20Food%20Safety%20Law%20of%20China%20Beijing%20-%20Peoples%20Republic%20of%205-18-2015.pdf>

Notes and comments National law.
The first Food Safety Law was adopted on February 28, 2009 and came into force on June 1, 2009.
On March 26, 2019, was approved the Regulation on the Implementation of the Food Safety Law of the People's Republic of China. This law:

1. implements the most severe punishment and implement "punishment to person";
2. severely punish the illegal food safety behaviours with serious circumstances according to law;
3. strengthens the main responsibility of the enterprise;
4. adheres to the people-centred principle and strengthen the supervision of special food.

Title Tapei Regulations Governing Traceability of Foods and Relevant Products (2013)

Description	<p>The Regulations Governing Traceability of Foods and Relevant Products aim to develop an optimized food safety and traceability system covering production, manufacturing, supply and distribution.</p> <p>These Regulations, consisting of 10 Articles, are enacted pursuant to the provisions of Article 9 of the Food Safety and Hygiene Act.</p>
Provisions and contents relating to Transparency and Traceability	<p>Food businesses that engage in the manufacture, processing, preparation, packaging, sale, import and export of the foods and relevant products shall establish traceability systems and record detailed information of management items prescribed in Articles 4 to 6.</p> <p>Under Article 4, the traceability system shall include at least the following items:</p> <ol style="list-style-type: none">1. Product Information:<ol style="list-style-type: none">(1) product name;(2) main and minor raw materials; (3) food additives;(4) packaging containers;(5) storage conditions;(6) manufacturer;(7) responsible domestic manufacturer;(8) net weight, volume, quantity or measurement;(9) expiry date or manufacture date.2. Identification: including any unique mark, lot number, text or picture that is identifiable on raw materials, semi-finished products or finished products.3. Supplier Information:<ol style="list-style-type: none">(1) supplier (enterprise or company name, address, contact person and telephone number etc.);(2) product name;(3) net weight, volume, quantity or measurement;(4) lot number;(5) expiry date or manufacture date;(6) receiving date;(7) the products shall be labelled the country of origin of raw materials designated by the central competent authority in a public announcement; the country of origin of raw materials must be included.4. Product flow Information:<ol style="list-style-type: none">(1) distributor and recipient (enterprise or company name, address, contact person, telephone number etc.);(2) product name;(3) net weight, volume, quantity or measurement;(4) lot number;(5) expiry date or manufacture date;

(6) delivery date.

5. Other information of internal traceability related to the products.

Article 5: Food businesses that engage in the import of the foods and relevant products shall establish traceability system include at least the following items:

1. Product Information:

...

2. Identification: including any unique mark, lot number, text or picture that is identifiable on raw materials, semi-finished products or finished products.

3. Supplier Information:

...

4. Product Flow Information:

...

5. Other information of internal traceability related to the products.

Article 6: Food businesses that engage in the sale and export of the foods and relevant products shall establish traceability system include at least the following items:

1. Supplier Information:

....

2. Product Flow Information:

...

Article 8: Food businesses shall record detailed information of management items referred to Articles 4 to 6.

Food businesses shall maintain records such as complete proof and shall also keep documents regarding food traceability in written or electronic form for six months after expiry date.

According to Article 9, the municipal or county/city competent authority may enter the place of food businesses to perform on-site examination and ensure that food businesses are in compliance with the provisions of food traceability relevant documents, and businesses shall not evade, impede or refuse.

Source <http://extwprlegs1.fao.org/docs/pdf/tw140310E.pdf>

Notes and comments National law.
The Regulations Governing Traceability of Foods and Relevant Products was adopted in 2013 and revised on October 3, 2018.

Title Japanese Act on Special Measures Concerning Traceability of Beef Products, commonly known as the “Beef Traceability Act” (2003)

Description	The Beef Traceability Act provides a legal framework for Japan's beef traceability system.
Provisions and contents relating to Transparency and Traceability	<p>Using a unique identification number labeled on a beef product, consumers can get detailed information on the beef cow from which the beef product was made.</p> <p>Principally, wholesalers, retailers, restaurants, and processed meat producers are obliged to keep record of the identification numbers until a beef product is delivered to the consumers.</p> <p>The beef products whose identification numbers are not exempt from being delivered to the consumers are called <i>tokutei gyuniku</i> (literally, "designated beef").</p> <p>For a foreign beef product, the date of import is recorded.</p>
Source	http://www.maff.go.jp/e/policies/food_safety/attach/pdf/Traceability-3.pdf
Notes and comments	<p>National law.</p> <p>The Beef Traceability Act was established in 2003.</p> <p>It came into force in two steps. On December 1, 2003, the traceability system started with only beef farmers and slaughterhouses. On December 1, 2004, the system was extended to wholesalers, retailers, and restaurants that treated the designated beef.</p>

FISHERY PRODUCTS

Europe

Title	Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products
Description	<p>The Regulation regulates the labelling indications for all fishery and aquaculture products marketed within the EU, irrespective of the marketed method, offered to the final consumer or to a mass caterer.</p> <p>The Regulation establishes a common organization of the markets in fishery and aquaculture products (CMO), which includes the following elements:</p> <ol style="list-style-type: none">1. professional organizations (arts. 6-32);2. marketing standards (arts. 33 and 34);3. consumer information (arts. 35-39);4. competition rules (arts. 40 and 41);5. market intelligence (art. 42). <p>The CMO shall be guided by the principles of good governance laid down in article 3 of Regulation (EU) No. 1380/2013.</p> <p>Further the Regulation stipulates that implementation of the CMO shall be eligible to receive European Union financial support in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.</p>
Provisions and contents relating to Transparency and Traceability	<p>Article 35 of the Regulation sets out the mandatory information that must be provided for prepacked and non-prepacked products and specifies the following indications:</p> <ol style="list-style-type: none">1. commercial designation and scientific names;2. production method;3. catch area / country and body of water / country of production;4. fishing gear;5. defrosted;6. 'best before' date/'use by' date;7. allergens. <p>In addition to the above, prepacked products must also display all the relevant information specified in Articles 9 and 10 of Regulation (EU) No. 1169/2011 on the provision of food information to consumers.</p> <p>The Regulation also permits the provision of the following information on a voluntary basis, provided that it is clear, not ambiguous and verifiable:</p>

1. date of catch of fishery products or the date of harvest of aquaculture products;
2. date of landing of fishery products or information at the port at which the products were landed;
3. more detailed information on the type of fishing gear;
4. in the case of fishery products caught at sea, details of the flag State of the vessel that caught those products;
5. environmental information;
6. information of an ethical or social nature;
7. information on production techniques and practices;
8. information on the nutritional content of the product.

Voluntary information must not be displayed to the detriment of the space available for mandatory information on the marking or labelling.

Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R1379
Notes and comments	EU binding legislative act. It applies in its entirety across EU. In 2014 the EU has published a guide regarding EU's fish and agriculture consumer label.
Title	Commission Regulation (EC) No 2065/2001 of 22 October 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products
Description	The Regulation lays down specific rules for the application of Regulation 104/2000 on consumer information about fishery and aquaculture products.
Provisions and contents relating to Transparency and Traceability	Chapter III of the Regulation regards traceability and control. In accordance with article 8, the information required concerning the commercial designation, the production method and the catch area shall be available at each stage of marketing of the species concerned. This information together with the scientific name of the species concerned shall be provided by means of the labelling or packaging of the product, or by means of a commercial document accompanying the goods, including the invoice. The labelling must bear: <ol style="list-style-type: none"> 1. the commercial designation of the species; 2. the production method; 3. the catch area.
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32001R2065
Notes and comments	The Regulation is no longer in force since December 12, 2014. It was repealed by the Commission Implementing Regulation (EU) No 1420/2013 of 17 December 2013.

Title	Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy
Description	<p>This Regulation establishes a European Community system for control, inspection and enforcement aimed at ensuring compliance with the rules of the common fisheries policy.</p> <p>In order to set a comprehensive control regime, the whole chain of production and marketing is covered by such a regime.</p> <p>It includes a coherent traceability system complementing the provisions contained in Regulation (EC) No 178/2002 and protects the interests of consumers by providing the information concerning the marine products.</p>
Provisions and contents relating to Transparency and Traceability	<p>Article 58 requires that all lots of fishery and aquaculture products shall be traceable at all stage of production, processing and distribution from catching or harvesting to retail stage.</p> <p>Lots of fisheries and aquaculture products may be merged or split after first sale only if it is possible to trace them back to catching or harvesting stage.</p> <p>Member States shall ensure that operators have in place systems and procedures to identify any operator from whom they have been supplied with lots of fisheries and aquaculture products and to whom these products have been supplied. This information shall be made available to the competent authorities on demand.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009R1224
Notes	<p>EU binding legislative act. It applies in its entirety across EU.</p> <p>It was amended by the Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products.</p>
Title	Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing
Description	<p>The Regulation establishes a Community system to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) fishing.</p> <p>It is the legal base to identify IUU fishing, applied to all fishing vessels, except freshwater fishery products, aquaculture products, ornamental fish.</p>
Provisions and contents relating to Transparency and Traceability	<p>It seeks to ensure full traceability of all marine fishery products traded with the EU.</p> <p>The implemented Regulation (1010/2009) established the catch certificate for importation and exportation of fishery products. According to Article 4 the catch certificate may be established, validated or submitted by electronic means or be replaced by electronic traceability systems ensuring the same level of control by the authorities.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008R1005

Notes and comments EU binding legislative act. It applies in its entirety across EU.
The Regulation amended Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealed Regulations (EC) No 1093/94 and (EC) No 1447/1999.

TIMBER

Europe

Title	Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market
Description	<p>The Timber Regulation lays down the obligations of operators who place timber and timber products on the market. It covers a broad range of timber products including solid wood products, flooring, plywood, pulp and paper. It does not include recycled products, as well as printed papers such as books, magazines and newspapers.</p> <p>The Timber Regulation applies to both imported and domestically produced timber and timber products. It prohibits the placing of illegal timber and timber products on the EU internal market and requires due diligence and risk management of EU traders of timber, including obligations to keep records that facilitate traceability.</p>
Provisions and contents relating to Transparency and Traceability	<p>A trader in the supply chain should be required to provide basic information on its supplier and its buyer to enable the traceability of timber and timber products.</p> <p>Article 5 (“Obligation of traceability”) requires that traders shall, throughout the supply chain, be able to identify:</p> <ol style="list-style-type: none"> 1. the operators or the traders who have supplied the timber and timber products; and 2. where applicable, the traders to whom they have supplied timber and timber products. <p>Article 6 (“Due diligence system”) explain the content that must have the due diligence system. More specifically the due diligence system shall contain the following elements:</p> <ol style="list-style-type: none"> 1. measures and procedures providing access to information concerning the operator’s supply of timber or timber products placed on the market, such as country of harvest, species, quantity, supplier details and information on compliance with national legislation; 2. risk assessment procedures enabling the operator to analyse and evaluate the risk of illegally harvested timber or timber products derived from such timber being placed on the market; 3. risk mitigation procedures. <p>Once on the market, the timber and timber products may be sold and/or transformed before they reach the final consumer. To facilitate the traceability of timber products, traders have an obligation to keep records of their suppliers and customers.</p> <p>The Timber Regulation also requires traders to keep the relevant information for at least five years and to provide that information to competent authorities if requested.</p>
Source	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32010R0995

Notes and comments EU binding legislative act. It applies in its entirety across EU.
In order to ensure compliance with the Timber Regulation, the European Commission has set up an Expert Group on the Timber Regulation and the Forest Law Enforcement, Governance and Trade (FLEGT) Regulation.
On February 12, 2016 was adopted the updated version of the Guidance Document for the Timber Regulation.

America

Title	US Lacey Act (1900)
Description	<p>The Lacey Act bans trafficking in illegal wildlife. The Act covers all fish and wildlife and their parts or products, plants protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and those protected by State law. Under the Lacey Act, the importer is responsible for making sure that imported plants and plant products are legally harvested, processed and imported. As such, all plants or plant products that are imported into the country must be declared, with a few exceptions, at the time of import.</p>
Provisions and contents relating to Transparency and Traceability	<p>The declaration requires importers to provide specific information on the plant or plant products contained in the importation:</p> <ol style="list-style-type: none"> 1. the scientific name, 2. value, 3. quantity, and 4. country of harvest origin for some products. <p>The Act tackles trade of illegal timber and timber products in the US along the entire supply chain and requires that importers exercise “due care” in identifying the source of their goods. This includes working with suppliers to ensure that timber is sourced from forests where legal harvest and chain of custody can be verified, as well as declaring the species, country of origin and other relevant information important to the wood or product’s origin.</p>
Source	https://www.fws.gov/le/pdf/files/Lacey.pdf
Notes and comments	<p>National law. The Lacey Act was passed in 1900 and became the first federal law protecting wildlife. It was amended in 2008 to include plants and plant products such as timber and paper derived from illegally harvested plants. The Act also created new declaration requirements for importing wood products. It enforces civil and criminal penalties for the illegal trade of animals and plants.</p>

Asia

Title	Japanese Clean Wood Act (2017)
Description	The Japanese Clean Wood Act (GOJ) aims to ensure that domestic and imported wood in Japan are harvested legally.
Provisions and contents relating to Transparency and Traceability	According to the GOJ, operators voluntarily register as a way of being recognised by the Government of Japan for their responsible behaviour. Registered operators are officially recognised as businesses that take measures to verify the legality of their wood and wood products. It recognizes legality based on the policies of the government of the country that is the source of the wood, rather than on a standard set by the GOJ. The Act requires registered operators to maintain verification documentation for five years.
Source	https://apps.fas.usda.gov/newgainapi/api/report/downloadreportbyfilename?filename=Japan%20Implements%20Clean%20Wood%20Act_Tokyo_Japan_5-26-2017.pdf
Notes and comments	National law. The Act was implemented on May 20, 2017. Compliance is voluntary except for government-funded construction projects.

MINERALS

Europe

Title	Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas
Description	<p>The Conflict Minerals Regulation establishes supply chain due diligence obligations for EU importers of “conflict minerals”. It sets obligations related to management systems, risk management and independent third-party audits.</p> <p>The Conflict Minerals Regulation applies to importers into the EU of at least 95% of all minerals or metals containing or consisting of tin, tantalum, tungsten or gold and requires those importers to perform due diligence in an effort to promote responsible sourcing of those minerals and metals to ensure that their supply chains do not contribute to funding of armed conflict.</p> <p>Covered companies will be required to use the OECD Due Diligence Guidance for Responsible Supply Chains of minerals from Conflict-Affected and High-Risk Areas as the framework for their supply chain due diligence.</p>
Provisions and contents relating to Transparency and Traceability	<p>The Conflict Minerals Regulation is designed to provide transparency and certainty as regards the supply practices of Union importers and of smelters and refiners sourcing from conflict-affected and high-risk areas.</p> <p>The Regulation clarifies that ‘chain of custody or supply chain traceability system’ means a record of the sequence of economic operators which have custody of minerals and metals as they move through a supply chain.</p> <p>As regards minerals, Article 4 requires Unions importers of minerals to operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:</p> <ol style="list-style-type: none"> 1. description of the mineral, including its trade name and type; 2. name and address of the supplier to the Union importer; 3. country of origin of the minerals; 4. quantities and dates of extraction, if available, expressed in volume or weight. <p>Where minerals originate from conflict-affected and high-risk areas or, where other supply chain risks as listed in the OECD Due Diligence Guidance have been ascertained by the Union importer, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, such as the mine of mineral origin, locations where minerals are consolidated, traded and processed, and taxes, fees and royalties paid.</p> <p>As regards metals, Article 4 requires Unions importers of metals to operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:</p> <ol style="list-style-type: none"> 1. description of the metal, including its trade name and type; 2. name and address of the supplier to the Union importer;

3. name and address of the smelters and refiners in the supply chain of the Union importer;
4. if available, records of the third-party audit reports of the smelters and refiners, or evidence of conformity with a supply chain due diligence scheme recognised by the European Commission;
5. otherwise countries of origin of the minerals in the supply chain of the smelters and refiners.

Where metals are based on minerals originating from conflict-affected and high-risk areas, or other supply chain risks as listed in the OECD Due Diligence Guidance have been ascertained by the Union importer, additional information in accordance with the specific recommendations for downstream economic operators set out in the Guidance.

According to Article 7(1-2), Union importers of minerals or metals must make available:

1. to Member States competent authorities the reports of any third-party audit carried out in accordance with Article 6
2. to their immediate downstream purchasers all information gained and maintained pursuant to their supply chain due diligence with due regard for business confidentiality and other competitive concerns.

Article 7(3), requires Union importers of minerals or metals to publish on the internet public annual report as widely as possible, on their supply chain due diligence policies and practices for responsible sourcing. That report must contain the steps taken by them to implement the obligations as regards their management system under Article 4, and their risk management under Article 5, as well as a summary report of the third-party audits, including the name of the auditor, with due regard for business confidentiality and other competitive concerns.

Where a Union importer can reasonably conclude that metals are derived only from recycled or scrap sources, it shall, with due regard for business confidentiality and other competitive concerns:

1. publicly disclose its conclusion; and
2. describe in reasonable detail the supply chain due diligence measures it exercised in reaching that conclusion.

Source <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0821>

Notes and comments EU binding legislative act.
The Conflict Minerals Regulation will apply across the EU from January 1, 2021.
Authorities from EU Member States will be responsible for ensuring and enforcing compliance and will determine any sanctions for non-compliance as well.
Importing companies must investigate global supply chains.

America

Title US Dodd-Frank Wall Street Reform and Consumer Protection Act (2002)

Description The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), creates financial regulatory processes to limit risk by enforcing transparency and accountability.

	The Dodd-Frank Act established the Financial Stability Oversight Council (FSOC) to address persistent issues affecting the financial industry and prevent another recession.
Provisions and contents relating to Transparency and Traceability	Section 1502 of the Dodd Frank Wall Street Reform and Consumer Protection Act includes a provision aimed at stopping the national army and rebel groups in the DRC from illegally using profits from the minerals trade to fund their fight. Section 1502 is a disclosure requirement that calls on companies to determine whether their products contain conflict minerals – by carrying out supply chain due diligence – and to report this to the Securities and Exchange Commission (SEC).
Source	https://www.congress.gov/111/plaws/publ203/PLAW-111publ203.pdf
Notes and comments	National law. The Dodd-Frank Act followed a number of financial regulation bills passed by Congress to protect consumers, including the Sarbanes-Oxley Act in 2002 and the Gramm-Leach-Bliley Act in 1999. The Dodd-Frank Act also established two new agencies: the Financial Stability Oversight Counsel and the Consumer Financial Protection Bureau to enforce rules and protect consumers. The Dodd Frank Wall Street Reform and Consumer Protection Act, passed by the US Congress in July 2010, introduced a disclosure requirement only and places no ban or penalty on the use of conflict minerals. If companies discover they have been sourcing conflict minerals from DRC or adjoining countries, it is not illegal for them to continue doing so; however, they must report this to the SEC.

Global

Title	OECD Due Diligence Guidance for Responsible Mineral Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (2016)
Description	The OECD Due Diligence Guidance provides detailed recommendations for due diligence for responsible supply chains related to conflict minerals, including recommending traceability system. The main purpose is to help companies to respect human rights and avoid contributing to conflict through their mineral purchasing decisions and practices. The OECD Due Diligence Guidance is for use by any company potentially sourcing minerals or metals from conflict-affected and high-risk areas Under the OECD Due Diligence Guidance companies are expected to make a positive contribution to economic, environmental and social progress with a view to achieving sustainable development. They are also expected to avoid and address adverse impacts through their own activities and prevent or mitigate adverse impacts directly linked to their operations, products or services by a business relationship. Businesses are not only responsible for the impacts and conditions of their direct operations but throughout their supply chains. The OECD Due Diligence Guidance are accompanied by a unique grievance mechanism – the National Contact Points – that contributes to their effectiveness and implementation.

Provisions and contents relating to Transparency and Traceability

In particular, the OECD Due Diligence Guidance sets:

1. an overarching due diligence framework for responsible supply chains of minerals from conflict-affected and high-risk areas (Annex I);
2. a model mineral supply chain policy providing a common set of principles (Annex II);
3. measures for risk mitigation and indicators for measuring improvement which upstream companies may consider with the possible support of downstream companies (Annex III); and
4. two Supplements on tin-tantalum-tungsten and gold tailored to the challenges associated with the structure of the supply chain of these minerals.

The OECD Due Diligence Guidance establishes a system of controls and transparency over the mineral supply chain. This includes a chain of custody or a traceability system or the identification of upstream actors in the supply chain.

Source <https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf>

Notes and comments The OECD Due Diligence Guidance on Minerals was adopted in 2016. It includes an appendix calling on stakeholders to engage in the legalisation and formalisation of artisanal mining communities.

The main purpose is:

1. to create secure, transparent and verifiable supply chains;
 2. to guarantee that legitimate artisanal mining communities can benefit from ongoing trade in conflict-affected and high-risk areas and to support their development.
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