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*Committee on Development*

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**2012/2097(INI)**

20.11.2012

# **AMENDMENTS**

## **1 - 40**

**Draft opinion**  
**Catherine Grèze**  
(PE498.150v01-00)

on Corporate Social Responsibility: promoting society's interests and a route to sustainable and inclusive recovery

(2012/2097(INI))

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PE500.608v01-00

**EN**

*United in diversity*

**EN**

AM\_Com\_NonLegOpinion

## Amendment 1

Enrique Guerrero Salom

on behalf of the S&D Group

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Notes that owing to the heterogeneity of the concept of CSR, with different companies having developed different standards on accounting, auditing and reporting, levels of CSR are hard to compare; emphasises that **compulsory** regulation in the context of CSR would create trust and fairness in business relations and have the benefits of certainty, enforceability, universality and stakeholder empowerment;

##### *Amendment*

1. Notes that owing to the heterogeneity of the concept of CSR, with different companies having developed different standards on accounting, auditing and reporting, levels of CSR are hard to compare; emphasises that **internationally agreed** regulation in the context of CSR would create trust and fairness in business relations and have the benefits of certainty, **progressive** enforceability, universality and stakeholder empowerment;

Or. en

## Amendment 2

Alf Svensson, Filip Kaczmarek, Santiago Fisas Ayxela

### Draft opinion

#### Paragraph 1

##### *Draft opinion*

1. Notes that owing to the heterogeneity of the concept of CSR, with different companies having developed different standards on accounting, auditing and reporting, levels of CSR are hard to compare; emphasises that **compulsory regulation** in the context of CSR would create trust and fairness in business relations and have the benefits of **certainty**, enforceability, universality and stakeholder empowerment;

##### *Amendment*

1. Notes that owing to the heterogeneity of the concept of CSR, with different companies having developed different standards on accounting, auditing and reporting, levels of CSR are hard to compare; emphasises that **minimum rules following the guiding principles of the UN** in the context of CSR would create trust and fairness in business relations and have the benefits of **comparability**, enforceability, universality and stakeholder empowerment;

Or. en

**Amendment 3**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

***1a. Agrees with the Commission that Corporate Social Responsibility (CSR) must cover human rights, labour and employment practices, environmental issues (such as biodiversity, climate change, resource efficiency) and combating bribery and corruption, i.e. through good tax governance (namely transparency, exchange of information and fair tax competition);***

Or. en

**Amendment 4**  
**Philippe Boulland**

**Draft opinion**  
**Paragraph 1 b (new)**

*Draft opinion*

*Amendment*

***1b. Points out that CSR covers a wide range of social standards on which very little focus is placed owing to a failure to establish indicators with which to measure progress on social issues;***

Or. fr

**Amendment 5**  
**Philippe Boulland**

**Draft opinion**  
**Paragraph 1 c (new)**

*Draft opinion*

*Amendment*

***1c. Stresses that it should be easy for investors and consumers to identify firms which have made a commitment to CSR, as this would encourage those firms in their efforts;***

Or. fr

**Amendment 6  
Philippe Boulland**

**Draft opinion  
Paragraph 1 d (new)**

*Draft opinion*

*Amendment*

***1d. Highlights the need for the EU to look at the possibility of introducing appropriate marks or labels to be used alongside the names, or on the products, of firms that have made a commitment to CSR, so as to make them easy to identify;***

Or. fr

**Amendment 7  
Enrique Guerrero Salom  
on behalf of the S&D Group**

**Draft opinion  
Paragraph 2**

*Draft opinion*

*Amendment*

2. Points out that CSR is essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote CSR in full consistency with current international guidelines; regrets, however, that the language of CSR is mostly

2. Points out that CSR is ***the best tool for companies to show their commitment, solidarity and responsibility towards society, and its also*** essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote

voluntary;

CSR in full consistency with current international guidelines; regrets, however, that the language of CSR is mostly voluntary;

Or. en

## **Amendment 8**

**Alf Svensson, Filip Kaczmarek, Santiago Fisas Ayxela**

### **Draft opinion**

#### **Paragraph 2**

##### *Draft opinion*

2. Points out that CSR is essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote CSR in full consistency with current international guidelines; *regrets, however, that the language of CSR is mostly voluntary;*

##### *Amendment*

2. Points out that CSR is essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote CSR in full consistency with current international guidelines;

Or. en

## **Amendment 9**

**Catherine Grèze, Judith Sargentini, Keith Taylor**

### **Draft opinion**

#### **Paragraph 2**

##### *Draft opinion*

2. Points out that CSR is essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote CSR in full consistency with current international guidelines; regrets, however, that the language of CSR is mostly voluntary;

##### *Amendment*

2. Points out that CSR is essential to achieving the objective of policy coherence for development (PCD); welcomes the Commission's commitment to promote CSR in full consistency with current international guidelines, *inter alia the recently updated OECD Guidelines for Multinational Enterprises, the ten principles of the United Nations Global Compact, the ISO 26000 Guidance*

*Standard on Social Responsibility, the ILO Tri-partite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and the United Nations Guiding Principles on Business and Human rights*; regrets, however, that the language of CSR is mostly voluntary;

Or. en

**Amendment 10**  
**Philippe Boulland**

**Draft opinion**  
**Paragraph 2 a (new)**

*Draft opinion*

*Amendment*

*2a. Deplores the lack of information for SMEs on the global compact under which businesses can commit themselves to aligning their operations and strategies with 10 universally accepted principles in the areas of human rights, labour, environment and anti-corruption;*

Or. fr

**Amendment 11**  
**Philippe Boulland**

**Draft opinion**  
**Paragraph 2 b (new)**

*Draft opinion*

*Amendment*

*2b. Stresses that the UN Global Compact and the ISO 26000 standards are not properly suited to the needs of SMEs, which makes the whole idea of CSR less effective within the EU;*

Or. fr

**Amendment 12**  
**Philippe Boulland**

**Draft opinion**  
**Paragraph 2 c (new)**

*Draft opinion*

*Amendment*

***2c. Draws attention to the need for thought to be given at both EU and national levels to how tax incentives might be used to promote CSR more widely among firms;***

Or. fr

**Amendment 13**  
**Enrique Guerrero Salom**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

*Amendment*

3. Emphasises that, ***as a purely voluntary commitment***, CSR is insufficient to deal with externalities resulting from the operations of multinationals, including environmental degradation and human rights violations; reiterates its call for the ***establishment of legally binding obligations*** for foreign investors operating in developing countries to respect human rights and environmental and ILO core labour standards;

3. Emphasises that, ***even if*** CSR is insufficient to deal with externalities resulting from the operations of multinationals, including environmental degradation and human rights violations ***is a very positive first step in order to prevent them***; reiterates its call for foreign investors ***and companies*** operating in developing countries to ***fully comply with international legally binding obligations regarding*** human rights and environmental and ILO core labour standards;

Or. en

**Amendment 14**  
**Alf Svensson, Filip Kaczmarek**



**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Emphasises that, as a purely voluntary commitment, CSR *is* insufficient to deal with externalities resulting from the operations of multinationals, including environmental degradation *and human rights violations*; reiterates its call for *the establishment of legally binding obligations for* foreign investors operating in developing countries to respect human rights and environmental and ILO core labour standards;

*Amendment*

3. Emphasises that, as a purely voluntary commitment, CSR *may be* insufficient to deal with externalities resulting from the operations of multinationals, including *human rights violations and* environmental degradation; reiterates its call for foreign investors operating in developing countries to respect human rights and environmental and ILO core labour standards;

Or. en

**Amendment 15**  
**Michael Cashman**

**Draft opinion**  
**Paragraph 3**

*Draft opinion*

3. Emphasises that, as a purely voluntary commitment, CSR is insufficient to deal with externalities resulting from the operations of multinationals, including environmental degradation and human rights violations; reiterates its call for the establishment of legally binding obligations for foreign investors operating in developing countries to respect human rights *and* environmental and ILO core labour standards;

*Amendment*

3. Emphasises that, as a purely voluntary commitment, CSR is insufficient to deal with externalities resulting from the operations of multinationals, including environmental degradation and human *and labour* rights violations; reiterates its call for the establishment of legally binding obligations for foreign investors operating in developing countries to respect human rights, environmental and ILO core labour standards, *UN Guiding Principles and other social considerations*; *calls for CSR policies also to include specific measures to tackle the unlawful practice of blacklisting workers and denying them access to employment, often due to their trade union membership and activities or health and safety representative role*;

**Amendment 16**  
**Enrique Guerrero Salom**  
on behalf of the S&D Group

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Highlights that companies should be encouraged to implement CSR practices, moreover those which have already implemented these practices shall be encouraged to pursuit its goals; asks the Commission to consider incentives, such as priority in EU public procurement contracts, in order to make CSR seen by companies as an opportunity and not as a threat;***

**Amendment 17**  
**Michael Cashman**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

*Amendment*

4. Stresses that CSR should result in clear commitments with performance indicators and that provision should be made for objective monitoring and effective accountability mechanisms for dealing with non-compliance;

4. Stresses that CSR should result in clear commitments ***to respecting the rights, protection and well-being of workers*** with performance indicators ***and clear benchmarks to measure improvements***, and that provision should be made for objective, ***inclusive and transparent*** monitoring and effective accountability ***and enforcement*** mechanisms for dealing with non-compliance, ***including a more open and clear procedure for filing and considering complaints and for initiating***

*investigations where necessary;*

Or. en

**Amendment 18**

**Alf Svensson, Filip Kaczmarek, Santiago Fisas Ayxela**

**Draft opinion**

**Paragraph 4**

*Draft opinion*

4. Stresses that CSR should result in clear commitments with performance indicators, and that provision should be made for objective monitoring and effective accountability mechanisms *for dealing with non-compliance;*

*Amendment*

4. Stresses that CSR should result in clear commitments with performance indicators, and that provision should be made for objective monitoring and effective accountability mechanisms;

Or. en

**Amendment 19**

**Philippe Boulland**

**Draft opinion**

**Paragraph 4 a (new)**

*Draft opinion*

*4a. Points out it, if uptake of CSR is to increase within the EU, it is essential for appropriate oversight bodies to be set up at both EU and national levels;*

*Amendment*

Or. fr

**Amendment 20**

**Santiago Fisas Ayxela**

**Draft opinion**

**Paragraph 5**

*Draft opinion*

*Amendment*

**5. Points out that the way in which extractive industries operate in developing countries requires moving beyond a voluntary approach; reiterates that CSR should be applicable to all enterprises so as to create a fair and equal playing field;**

*deleted*

Or. en

**Amendment 21  
Philippe Boulland**

**Draft opinion  
Paragraph 5**

*Draft opinion*

*Amendment*

5. Points out that the way in which **extractive** industries operate in developing countries requires moving beyond a voluntary approach; reiterates that CSR should be applicable to all enterprises so as to create a fair and equal playing field;

5. Points out that the way in which industries operate in developing countries requires moving beyond a voluntary approach; reiterates that CSR should be applicable to all enterprises so as to create a fair and equal playing field;

Or. fr

**Amendment 22  
Enrique Guerrero Salom  
on behalf of the S&D Group**

**Draft opinion  
Paragraph 5**

*Draft opinion*

*Amendment*

5. Points out that the way in which extractive industries operate in developing countries requires moving beyond a voluntary approach; reiterates that CSR should be applicable to all enterprises so as to create a fair and equal playing field;

5. Points out that the way in which extractive industries operate in developing countries requires ***a legislative proposal for country-by-country reporting founded on the standards of the Extractive Industries Transparency Initiative (EITI),***

*reporting on sales and profits, as well as taxes and revenues, in order to discourage corruption and prevent tax avoidance;*  
reiterates that CSR should be applicable to all enterprises so as to create a fair and equal playing field; *also calls on European extractive industries operating in developing countries to set an example of social responsibility and the promotion of decent work;*

Or. en

**Amendment 23**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Stresses that investment by the petroleum industry in Nigeria is a good example of the limitations of CSR as currently implemented, where companies have failed to take CSR initiatives to create sustainable business practices, or contribute to the development of their host states;*

Or. en

**Amendment 24**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*5b. Calls on the Commission to take*

*further initiatives that aim to unlock and strengthen the potential of CSR in tackling climate change (by linking it to resource and energy efficiency), e.g. in companies' raw materials purchasing process;*

Or. en

**Amendment 25**  
**Michael Cashman**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Stresses that CSR should apply to the entire global supply chain; takes the view that the concept of Responsible Supply Chain Management needs to be further elaborated as a mechanism for delivering CSR;

*Amendment*

6. Stresses that CSR should apply to the entire global supply chain, ***including all levels of sub-contracting and whether in the supply of goods, workers or services, that it should include provisions to extend protection to migrant, agency and posted workers and that it should be based on fair pay and decent working conditions and guarantee trade union rights and freedoms***; takes the view that the concept of Responsible Supply Chain Management needs to be further elaborated as a mechanism for delivering CSR;

Or. en

**Amendment 26**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

***6a. Takes the view that, in order to have a real impact on poverty reduction, the CSR agenda shall also put focus on SMEs as***

*Amendment*

*their cumulative social and environmental impacts are significant;*

Or. en

**Amendment 27**  
**Santiago Fisas Aixela**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

*Amendment*

*7. Considers that EU companies should be legally liable in their home countries for violations committed abroad by their subsidiaries and entities they control;*

*deleted*

Or. en

**Amendment 28**  
**Enrique Guerrero Salom**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

*Amendment*

7. Considers that EU companies should be legally liable in their home countries for violations committed abroad *by their subsidiaries and entities they control;*

7. Considers that EU companies should be legally liable *and different kinds of accountability and liability mechanisms should be implemented between them and their subsidiaries and entities they control in developing countries, also encourages the work of the EU civil society that has been actively engaged in raising awareness* for violations committed *by these companies* abroad;

Or. en

**Amendment 29**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Considers that EU companies should be legally liable in their home countries for violations committed abroad by their subsidiaries and entities they control;

*Amendment*

7. Considers that EU companies should be legally liable in their home countries for violations committed abroad by their subsidiaries and entities they control;  
***points out that the US Alien Tort Claims Act provides the option of suing a corporation or natural person for violating the law of nations or a Treaty of the US irrespective of the nationality of the accused or place in which the crime was committed; calls on the Commission to consider initiatives along this line;***

Or. en

**Amendment 30**  
**Alf Svensson, Filip Kaczmarek**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Considers that EU companies should be legally liable in their home countries for violations committed abroad ***by their subsidiaries and entities they control;***

*Amendment*

7. Considers that EU companies should be legally liable in their home countries for ***human rights*** violations committed abroad;

Or. en

**Amendment 31**  
**Michael Cashman**

**Draft opinion**  
**Paragraph 7**



*Draft opinion*

7. Considers that EU companies should be legally liable in their home countries for violations committed abroad by their subsidiaries and entities they control;

*Amendment*

7. Considers that EU companies should be legally liable in their home countries for violations ***of fundamental human, employment and trade union rights*** committed abroad by their subsidiaries and entities they control; ***insists that any enterprise that is found to be blacklisting workers or breaching human rights and labour standards should be excluded from receiving EU grants and funding and from taking part in calls for tender or other public procurement contracts at EU, national or public authority level;***

Or. en

**Amendment 32**  
**Michael Cashman**

**Draft opinion**  
**Paragraph 8**

*Draft opinion*

8. Insists that it is the duty of the state to protect against violations of human rights, including by businesses, to hold companies accountable and to provide access to justice for victims; calls on the Commission to provide effective measures to operationalise the UN Protect, Respect and Remedy Framework put forward by John Ruggie, the UN Special Representative on Business and Human Rights;

*Amendment*

8. Insists that it is the duty of the state to protect against violations of human ***and labour*** rights, including by businesses, to hold companies accountable, ***to uphold freedom of association and collective bargaining rights***, and to provide access to justice for victims; calls on the Commission to provide effective measures to operationalise the UN Protect, Respect and Remedy Framework put forward by John Ruggie, the UN Special Representative on Business and Human Rights;

Or. en

**Amendment 33**  
Catherine Grèze, Judith Sargentini, Keith Taylor

**Draft opinion**  
**Paragraph 8 a (new)**

*Draft opinion*

*Amendment*

***8a. Stresses that better implementation of the UN Guiding Principles on Business and Human Rights will contribute to EU objectives regarding specific human rights issues and core labour standards; hence, calls on the EU to strive for a clear international legal framework over the responsibilities and obligations of business with regard to human rights;***

Or. en

**Amendment 34**  
Catherine Grèze, Judith Sargentini, Keith Taylor

**Draft opinion**  
**Paragraph 8 b (new)**

*Draft opinion*

*Amendment*

***8b. Welcomes the fact that the number of companies disclosing information on their environmental, social and governance (ESG) performance has grown significantly in recent years; points out, however, that reporting companies still constitute only a small share of global business; notes that, while the EU Accounts Modernisation Directive 2003/51 ensures a minimum level of disclosure of both financial and non-financial key performance indicators, it does not stipulate any requirements in relation to the type of indicators to be included in annual reports; calls on the Commission to investigate further possible measures to strengthen disclosure of ESG information at the***

*European level, e.g. by complementing the Modernisation Directive through a comply or explain mechanism, instead of permitting companies the option of not reporting;*

Or. en

**Amendment 35**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 8 c (new)**

*Draft opinion*

*Amendment*

*8c. Reiterates its call for the inclusion of CSR clause in EU trade and investment agreements; in particular recommends the implementation of the CSR principle inter alia by export credit and development finance agencies and other institutions involved in foreign direct investment;*

Or. en

**Amendment 36**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 8 d (new)**

*Draft opinion*

*Amendment*

*8d. Stresses that EU assistance to governments of third countries in implementing social and environmental regulation together with effective inspection regimes, is a necessary complement to advancing the CSR of European business worldwide;*

Or. en

**Amendment 37**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 8 e (new)**

*Draft opinion*

*Amendment*

***8e. Stresses that Socially Responsible Investment (SRI) is part of the implementation process of CRS in investment decisions; notes that there is currently no universal definition of SRI but it usually combines investors' financial objectives with their concerns about social, environmental, ethical (SEE) and corporate governance issues;***

Or. en

**Amendment 38**  
**Catherine Grèze, Judith Sargentini, Keith Taylor**

**Draft opinion**  
**Paragraph 8 f (new)**

*Draft opinion*

*Amendment*

***8f. Urges the EU and its Member States to take further policy initiatives that aim to raise awareness and strengthen the development of SRI, inter alia by considering legal formulation of an SRI minimum standards setting, especially within the scope of its investment and trade agreements with developing countries;***

Or. en

**Amendment 39**  
**Michael Cashman**

**Draft opinion  
Paragraph 9 a (new)**

*Draft opinion*

*Amendment*

***9a. Notes that CSR is a mechanism with which employers can support their workers and local communities in developing countries and that it can ensure gains are equitably shared to develop sustainable economic and social prosperity and lift more people out of poverty, especially in times of financial crisis; regrets that protocols for social intervention are currently only voluntary and urges the Commission to make these binding;***

Or. en

**Amendment 40  
Michael Cashman**

**Draft opinion  
Paragraph 10 a (new)**

*Draft opinion*

*Amendment*

***10a. Calls for full and active consultation and involvement of representative organisations, including trade unions, in the development, operation and monitoring of companies' CSR processes and structures, including through the on-going development of workers' skills and qualifications through training and lifelong learning, working with employers in a genuine partnership approach;***

Or. en