



22.09.2020

DRAFT OPINION

of the Committee on Development

for the Committee on Legal Affairs

with recommendations to the Commission on corporate due diligence and
corporate accountability
(2020/2129(INL))

Rapporteur for opinion: Marc Tarabella

(Initiative - Rule 47 of the Rules of Procedure)

PA_INL

SUGGESTIONS

The Committee on Development calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- 1 Acknowledges that there is sufficient strong evidence that shows that the voluntary efforts of Union companies to prevent and mitigate the negative impacts of their behaviour on developing countries have failed as violations of human rights of individuals, in particular worker's rights, and of local communities are still taking place at the end of the supply chain;
- 2 Believes that there is strong need for a mandatory, harmonised framework at Union level to ensure a level playing field for business and welcomes the Commission's ongoing work on legislation requiring that Union companies conduct due diligence on respect for human rights and environmental obligations throughout their supply chains;
- 3 Calls on the Commission to apply a human rights-based approach to the future legislation which shall be designed, implemented, monitored and evaluated respecting the core human rights principles of transparency and access to information, inclusion and non-discrimination with a special focus on the most vulnerable;
- 4 Stresses that all human rights should be covered by the future legislation; considers that emphasis should be placed on workers and trade union rights, women, children or indigenous people; stresses that full alignment with existing legal obligations and standards at European and international level should be sought; is of the opinion that the legislation should address all types of human rights abuses;
- 5 Highlights that the obligation to respect and protect human rights, the environment and to avoid the risk of corruption should be embedded throughout whole global value chains, products, services and business relationships;
- 6 Is of the opinion that the new legislation should apply to all sectors, to all types of enterprises, whether public or private, and of all size across the Union; considers that the focus should be placed on the risks;
- 7 Is of the opinion that the future legislation should establish mandatory and effective corporate due diligence processes covering companies' activities and their business relationships, including their supply and subcontracting chains;
- 8 Underlines the need to design a sound monitoring system and to provide competent authorities (at Union and at national level) with effective instruments to monitor the compliance with the legislation, in particular at local level;
- 9 Expresses the opinion that the future legislation should establish a comprehensive system of liability that includes administrative, civil and criminal liability, and a sanctioning mechanism to enforce compliance with the new legislation and ensure enforcement, including through penalties and sanctions of all nature;
- 10 Stresses that access to effective remedy is crucial; considers that the legislation should

oblige companies to have an effective grievance mechanism that should be transparent, accessible, predictable, safe, trustworthy and accountable; considers, in addition, that such mechanism should provide for effective judicial remedies to victims of human rights violations, environmental damage and corruption abuses, individually and through collective actions; believes that special protection should be provided to human rights defenders and its lawyers;

- 11 Is convinced that it is crucial to make the sustainable development chapters of free trade agreements more enforceable and that the new legislation should explore ways of integrating the due diligence requirements into those chapters.