



**2022/0051(COD)**

8.12.2022

# **AMENDMENT 1366 - 1713**

**Draft report**  
**Lara Wolters**  
(PE738.450v01-00)

Corporate Sustainability Due Diligence and amending Directive (EU)  
2019/1937

Proposal for a directive  
(COM(2022)0071 – C9-0050/2022 – 2022/0051(COD))



**Amendment 1366**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. A supervisory authority may initiate an investigation on its own motion or as a result of substantiated concerns communicated to it pursuant to Article 19, where it considers that it has information indicating a possible misconduct by an entity engaged in independent third-party verification, an industry initiative or multi-stakeholder initiatives which may lead to a breach by an undertaking of these provisions.**

Or. en

**Amendment 1367**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Inspections shall be conducted ***in compliance with the national law of the Member State in which the inspection is carried out and with*** prior warning ***to the company***, except where prior notification ***hinders*** the effectiveness of the ***inspection***. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

3. Inspections shall be conducted ***without*** prior warning, except where prior notification ***is necessary in order to ensure*** the effectiveness of the ***checks***. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

Or. en

**Amendment 1368**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and with prior warning to the company, ***except where prior notification hinders the effectiveness of the inspection.*** Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

*Amendment*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and with prior warning to the company. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

Or. en

**Amendment 1369**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and ***with*** prior warning to the company, except where prior notification ***hinders*** the effectiveness of the inspection. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

*Amendment*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and ***without*** prior warning to the company, except where prior notification ***is necessary in order to ensure*** the effectiveness of the inspection. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

Or. en

**Amendment 1370**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 3**

*Text proposed by the Commission*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and with prior **warning** to the company, except where prior notification hinders the effectiveness of the inspection. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

*Amendment*

3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and with prior **official notification** to the company, except where prior notification hinders the effectiveness of the inspection. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).

Or. es

**Amendment 1371**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

If, as a result of the actions taken pursuant to paragraphs 1 and 2, a supervisory authority identifies a failure to comply with national provisions adopted pursuant to this Directive, it **shall** grant the company concerned an appropriate period of time to take remedial action, if such action is possible.

*Amendment*

If, as a result of the actions taken pursuant to paragraphs 1 and 2, a supervisory authority identifies a failure to comply with national provisions adopted pursuant to this Directive, it **may** grant the company concerned an appropriate period of time to take remedial action, if such action is possible.

Or. en

**Amendment 1372**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 18 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

If, as a result of the actions taken pursuant to paragraphs 1 and 2, a supervisory authority identifies a failure to comply with national provisions adopted pursuant to this Directive, it shall grant the **company** concerned an appropriate period of time to take remedial action, ***if such action is possible***.

*Amendment*

If, as a result of the actions taken pursuant to paragraphs 1 and 2, a supervisory authority identifies a failure to comply with national provisions adopted pursuant to this Directive, it shall grant the **undertaking** concerned an appropriate period of time to take remedial action.

Or. en

**Amendment 1373**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 18 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Taking remedial action does not preclude the imposition of administrative sanctions ***or the triggering of civil liability in case of damages, in accordance with Articles 20 and 22, respectively***.

*Amendment*

Taking remedial action does not preclude the imposition of administrative sanctions.

Or. en

**Amendment 1374**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Taking remedial action does not preclude the imposition of administrative sanctions

*Amendment*

Taking remedial action ***which rectifies in full the actual adverse impact*** does not

or the triggering of civil liability in case of damages, in accordance with Articles 20 and 22, respectively.

preclude the imposition of administrative sanctions or the triggering of civil liability in case of damages, in accordance with Articles 20 and 22, respectively.

Or. es

**Amendment 1375**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Taking remedial action does not preclude the imposition of administrative sanctions or the triggering of civil liability in case of damages, in accordance with Articles 20 and 22, respectively.

*Amendment*

Taking remedial action does not preclude the imposition of administrative sanctions or the triggering of civil liability, **including** in case of damages, in accordance with Articles 20 and 22, respectively.

Or. en

**Amendment 1376**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. When carrying out their tasks, supervisory authorities shall have **at least** the **following powers**:

*Amendment*

5. When carrying out their tasks, supervisory authorities shall have **powers in accordance with the national law of the Member State**;

Or. es

**Amendment 1377**  
**Jorge Buxadé Villalba**

**Proposal for a directive**

## Article 18 – paragraph 5 – point a

*Text proposed by the Commission*

**(a) to order the cessation of infringements of the national provisions adopted pursuant to this Directive, abstention from any repetition of the relevant conduct and, where appropriate, remedial action proportionate to the infringement and necessary to bring it to an end;**

*Amendment*

**deleted**

Or. es

### Amendment 1378

**Theresa Muigg**

#### Proposal for a directive

## Article 18 – paragraph 5 – point a

*Text proposed by the Commission*

**(a) to order the cessation of infringements of the national provisions adopted pursuant to this Directive, abstention from any repetition of the relevant conduct and, where appropriate, remedial action proportionate to the infringement and necessary to bring it to an end;**

*Amendment*

**(a) to order the cessation of infringements of the national provisions adopted pursuant to this Directive *or infringements of the provisions of the delegated act pursuant to Articles 3 (h) and 3 (j)*, abstention from any repetition of the relevant conduct and, where appropriate, remedial action proportionate to the infringement and necessary to bring it to an end;**

Or. en

### Amendment 1379

**Manon Aubry**

#### Proposal for a directive

## Article 18 – paragraph 5 – point a

*Text proposed by the Commission*

**(a) to order the cessation of**

*Amendment*

**(a) to order the cessation of**



infringements of the national provisions adopted pursuant to this Directive, abstention from any repetition of the relevant conduct and, *where appropriate*, remedial action proportionate to the *infringement and necessary to bring it to an end*;

infringements of the national provisions adopted pursuant to this Directive, abstention from any repetition of the relevant conduct and remedial action proportionate to the *damage that the undertaking has caused or contributed to*;

Or. en

**Amendment 1380**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) to impose pecuniary sanctions in accordance with Article 20;*

*deleted*

Or. es

**Amendment 1381**  
**Pascal Durand**

**Proposal for a directive**  
**Article 18 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) to exclude undertakings listed in the register referred to in Article 21 paragraph 8a from participating public procurement tender processes;*

Or. en

**Amendment 1382**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 18 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) to adopt interim measures to avoid the risk of severe and irreparable harm.**

**deleted**

Or. es

**Amendment 1383**

**Manon Aubry**

**Proposal for a directive**

**Article 18 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) to adopt interim measures to avoid the risk of severe and irreparable harm.**

**(c) to adopt interim measures to avoid the risk of harm.**

Or. en

**Amendment 1384**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Article 18 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) to adopt interim measures to avoid the risk of severe and irreparable harm.**

**(c) to adopt interim measures to avoid the risk of severe or irreparable harm.**

Or. en

**Amendment 1385**

**Pascal Durand**

**Proposal for a directive**

**Article 18 – paragraph 5 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) to put in place dissuasive sanction**

*for companies referred to in Article 2 in order to refraining them from entering into new or from extending existing business relationships with a third-country company that is listed in the public register referred to in Article 21 paragraph 8a.*

Or. en

**Amendment 1386**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 18 – paragraph 5 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) to assess the validity of prioritisation strategies under article 7 and 8 and order a review or impose sanctions if the requirements for such strategies have not been met.*

Or. en

**Amendment 1387**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 18 – paragraph 5 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) to decide on an exemption for companies in line with Article 8 paragraph 6 (1a) new (sole supplier).*

Or. en

*Justification*

*The supervisory authority shall have the power to decide on the exemption of companies to refrain from entering into new or extending existing relations as well as temporarily suspending the commercial relationship or terminating the business relationship with the*

*direct business partner if it is the sole supplier of a product or the sole provider of a service. An official dispensation decision by the supervisory authority could avoid particular hardship and create legal certainty for the obligated companies.*

**Amendment 1388**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**

**Article 18 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The national authorities supervising financial institutions shall adopt the appropriate preventive and sanctioning measures.**

Or. en

**Amendment 1389**

**Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 18 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Where the legal system of the Member State does not provide for administrative sanctions, this Article and Article 20 may be implemented in such a manner that the sanction is initiated by the competent supervisory authority and imposed by the competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative sanctions imposed by supervisory authorities.**

**deleted**

Or. es

**Amendment 1390**

**Geoffroy Didier**

**Proposal for a directive  
Article 18 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Where the legal system of the Member State does not provide for administrative sanctions, this Article and Article 20 may be implemented in such a manner that the sanction is initiated by the competent supervisory authority and imposed by the competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative sanctions imposed by supervisory authorities.**

**deleted**

Or. en

**Amendment 1391  
Luisa Regimenti**

**Proposal for a directive  
Article 18 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. Where the legal system of the Member State does not provide for administrative sanctions, this Article and Article 20 may be implemented in such a manner that the sanction is initiated by the competent supervisory authority and imposed by the competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative sanctions imposed by supervisory authorities.**

**deleted**

Or. en

**Amendment 1392  
Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Supervisory authorities shall publish each year and update without delays a list of all companies subject to this Directive.**

Or. en

**Amendment 1393**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. The lists of undertakings subject to this Directive shall display links to access undertakings' due diligence reports.**

Or. en

**Amendment 1394**  
**Manon Aubry**

**Proposal for a directive**  
**Article 18 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

**6c. Member States shall ensure that the supervisory authorities keep records of the investigations referred to in paragraph 1, indicating, in particular, their nature and result, as well as records of any notice of remedial action issued under paragraph 5. Competent authorities shall publish an annual activity report with the cases of non-compliance and explaining how they were dealt with, with due regard to commercial confidentiality.**

**Amendment 1395**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 18 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall ensure that each natural or legal person has the right to an effective judicial remedy against a legally binding decision by a supervisory authority concerning them.

*Amendment*

7. ***Without prejudice to Member State rules on companies' right to court appeal and other relevant safeguards*** Member States shall ensure that each natural or legal person has the right to an effective judicial remedy against a legally binding decision by a supervisory authority concerning them ***in accordance with national law.***

**Amendment 1396**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 18 – paragraph 7 a (new)**

*Text proposed by the Commission*

***7a. Member States shall ensure that any decisions of supervisory authorities regarding an undertaking's compliance with the Directive shall be without prejudice to the undertaking's civil liability under Article 22.***

**Amendment 1397**  
**Manon Aubry**

**Proposal for a directive**

**Article 18 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Decisions of supervisory authorities regarding a undertaking's compliance with this Directive shall be without prejudice to the undertaking's civil liability under Article 22.**

Or. en

**Amendment 1398**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Article 18 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b. Supervisory Authorities shall publish and regularly update a list of all undertakings subject to this Directive and maintain a publicly available and regularly updated record of undertakings that have not published a statement in accordance with Article 11.**

Or. en

**Amendment 1399**

**Manon Aubry**

**Proposal for a directive**

**Article 18 – paragraph 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b. In the context of ongoing civil liability proceedings, supervisory authorities shall share any information they may have at their disposal about a given undertaking with the court before which the proceedings brought under Article 22 are to be heard.**



#### **Amendment 1400**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann, Angelika Niebler**

#### **Proposal for a directive**

#### **Article 19 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that ***natural and legal persons*** are entitled to submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with ***the national provisions adopted pursuant to*** this Directive ('substantiated concerns').

##### *Amendment*

1. Member States shall ensure that ***stakeholders as referred to in Article 9 para.2*** are entitled to submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with ***Articles 6 to 11 and Article 15(1) and (2) of*** this Directive ('substantiated concerns'), ***if the notification procedure referred to in Article 9 did not have a satisfactory outcome.***

##### *Justification*

*In case of concerns, the company in question should be notified first to receive a chance to react to specific mistakes in their due diligence strategy via the notification procedure. It needs to be taken into account that companies might not have the same resources as interested stakeholders. Moreover, allowing any person to submit concerns carries large risks of being misused by competitors.*

#### **Amendment 1401**

**Geoffroy Didier**

#### **Proposal for a directive**

#### **Article 19 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that natural and legal persons are entitled to

##### *Amendment*

1. Member States shall ensure that natural and legal persons are entitled to

submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with the national provisions adopted pursuant to this Directive ('substantiated concerns').

submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with the national provisions adopted pursuant to **Articles 4 and 14** of this Directive ('substantiated concerns').

Or. en

#### *Justification*

*Not all the provisions of the Directive are requirements companies must comply with. For the sake of clarity and legal soundness, this Article should be specific about the relevant requirements covered by the substantiated concerns procedure. This amendment also coordinates with the proposed amendment on Article 17 excluding administrative supervision on compliance with Article 15 (page 22).*

#### **Amendment 1402** **Luisa Regimenti**

#### **Proposal for a directive** **Article 19 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that natural and legal persons are entitled to submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with the national provisions adopted pursuant to this Directive ('substantiated concerns').

##### *Amendment*

1. Member States shall ensure that natural and legal persons are entitled to submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with the national provisions adopted pursuant to **Articles 4 to 14** of this Directive ('substantiated concerns').

Or. en

#### **Amendment 1403** **Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive** **Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that, where the natural and legal persons submitting substantiated concerns so requests, the supervisory authority shall take the necessary measures for the appropriate protection of the identity of that person and for the appropriate protection of any other information in respect of which that person considers that the disclosure of such information would be harmful.***

Or. en

**Amendment 1404**

**Manon Aubry**

**Proposal for a directive**

**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that, where persons submitting substantiated concerns so request, the supervisory authority takes the necessary measures for the appropriate protection of the identity of that person and for the appropriate protection of any other information, which, if disclosed, would be harmful to that person.***

Or. en

**Amendment 1405**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Article 19 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall ensure that***

*the supervisory authority informs the person referred to in paragraph 1 on how it intends to follow up on the submission of the substantiated concern. Such information shall be provided within a reasonable period of time after its submission. Where a supervisory authority considers that there are insufficient grounds for acting on a substantiated concern, it shall inform the person of make available to the person all information regarding the measures taken, documentation or other evidence put forward by the undertaking to the supervisory authority in response of the initial substantiated concern. Supervisory authorities shall also ensure that the person which had submitted the initial concern can provide additional information in response to the undertaking's evidence.*

Or. en

**Amendment 1406**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*1c. Member States shall ensure that, where a supervisory authority considers that there are sufficient grounds for acting on a substantiated concern, it shall initiate, conduct and conclude an investigation of the concern within a reasonable period of time.*

Or. en

**Amendment 1407**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where the substantiated concern falls under the competence of another supervisory authority, the authority receiving the concern shall transmit it to that authority.

*Amendment*

2. Where the substantiated concern falls under the competence of another supervisory authority, the authority receiving the concern shall transmit it to that authority **and inform the person that has submitted a substantiated concern as provided for in paragraph 1.**

Or. en

**Amendment 1408**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Where the substantiated concern falls under the competence of another supervisory authority, the authority receiving the concern shall transmit it to that authority.

*Amendment*

2. Where the substantiated concern falls under the competence of another supervisory authority, the authority receiving the concern shall transmit it to that authority **and inform the person referred to in paragraph 1.**

Or. en

**Amendment 1409**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure **that** supervisory authorities assess the substantiated concerns and, where appropriate, exercise their powers as referred to in Article 18.

*Amendment*

3. Member States shall ensure **the independence and impartiality of** supervisory authorities **and that they thoroughly** assess the substantiated concerns and, where appropriate, exercise

their powers as referred to in Article 18.

Or. en

**Amendment 1410**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

4. The supervisory authority shall, as soon as possible and in accordance with the relevant provisions of national law and in compliance with Union law, inform the person referred to in paragraph 1 of the result of the assessment of their substantiated concern and shall provide the reasoning for it.

*Amendment*

4. The supervisory authority shall, as soon as possible and in accordance with the relevant provisions of national law and in compliance with Union law, inform the person referred to in paragraph 1 of the result of the assessment of their substantiated concern and ***of its decisions to accede to or refuse the request for action, and*** shall provide the reasoning for it ***and the results of any investigative steps subsequently taken.***

Or. en

**Amendment 1411**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

4. The supervisory authority shall, as soon as possible and in accordance with the relevant provisions of national law and in compliance with Union law, inform the person referred to in paragraph 1 of the result of the assessment of their substantiated concern and shall provide the reasoning for it.

*Amendment*

4. The supervisory authority shall, as soon as possible and in accordance with the relevant provisions of national law and in compliance with Union law, inform the person referred to in paragraph 1 of the result of the assessment of their substantiated concern and ***of its decision to accede to or refuse the request for action, and*** shall provide the reasoning for it.

Or. en

**Amendment 1412**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The supervisory authority shall make available to the person that has submitted a substantiated concern all information regarding the measures taken, and shall allow that person to provide additional information in response to the evidence received from the undertaking.**

Or. en

**Amendment 1413**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Member States shall ensure that the persons submitting the substantiated concern according to this Article ***and having, in accordance with national law, a legitimate interest in the matter*** have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the supervisory authority.

5. Member States shall ensure that the persons submitting the substantiated concern according to this Article have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the supervisory authority.

Or. en

**Amendment 1414**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a.** *Any such procedure shall be accessible, timely and not prohibitively expensive as well as provide adequate and effective remedies. Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.*

Or. en

**Amendment 1415**  
**Manon Aubry**

**Proposal for a directive**  
**Article 19 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a.** *Any such procedure shall be fair, equitable, timely and not prohibitively expensive. Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.*

Or. en

**Amendment 1416**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 19 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b.** *Member States shall ensure that Supervisory Authorities establish easily accessible channels for receiving*



*substantiated concerns. Such systems should be made available in relevant languages and at no cost.*

Or. en

**Amendment 1417**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**

**Article 20 – title**

*Text proposed by the Commission*

*Amendment*

Sanctions

*Administrative* sanctions

Or. en

**Amendment 1418**

**Sabrina Pignedoli**

**Proposal for a directive**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be *effective, proportionate and* dissuasive.

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be *sufficiently* dissuasive, *commensurate with the seriousness of the infringements and effective.*

*They shall include fines and other sanctions, such as:*

*(a) exclusion from entitlement to public benefits or aid;*

*(b) temporary or permanent exclusion from access to public funding, including*

*tender procedures, grants and concessions;*

*(c) temporary or permanent disqualification from the practice of commercial activities;*

Or. it

#### **Amendment 1419**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Miriam Lexmann, Angelika Niebler**

#### **Proposal for a directive**

#### **Article 20 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall lay down *the* rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

##### *Amendment*

1. Member States shall lay down rules on *administrative* sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive. *At least the following administrative measures and sanctions shall be provided for:*

*(a) a public statement indicating company responsible and the nature of the infringement;*

*(b) an order requiring the company responsible to cease the conduct constituting the infringement and to desist from any repetition of that conduct;*

*(c) administrative pecuniary sanctions.*

Or. en

##### *Justification*

*Sanctions need to be harmonised, otherwise we will see forum shopping by large multinationals.*

**Amendment 1420**  
**Lara Wolters**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

*Amendment*

1. Member States shall lay down the rules on sanctions applicable to infringements, **and misconduct leading to infringements** of national provisions adopted pursuant to this Directive, **including resulting from the investigations set out in Article 18**, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

Or. en

**Amendment 1421**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

*Amendment*

1. Member States shall lay down the rules on sanctions applicable to infringements, **and misconduct leading to infringements**, of national provisions adopted pursuant to this Directive **resulting from the investigation in Article 18**, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive

Or. en

**Amendment 1422**  
**Geoffroy Didier**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

*Amendment*

1. Member States shall lay down the rules on ***sanctions including pecuniary*** sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.

Or. en

**Amendment 1423**  
**Luisa Regimenti**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate ***and*** dissuasive.

*Amendment*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate, dissuasive ***and based on a gradual approach.***

Or. en

**Amendment 1424**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. ***The sanctions provided for shall be effective, proportionate and dissuasive.***

*Amendment*

1. Member States shall lay down, ***in accordance with their national law***, the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and, ***in accordance with their national law***, shall take all measures necessary to ensure that they are implemented.

Or. es

**Amendment 1425**

**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall lay down the rules so that companies which are formed in accordance with the legislation of a third country under article 2.2 shall be excluded from public procurement processes if they fail to appoint an authorised representative under article 16.***

Or. en

*Justification*

*Intended to ensure proper enforcement of the due diligence obligations to non-EU companies and guarantee a level playing field.*

**Amendment 1426**

**Manon Aubry**

**Proposal for a directive**

**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that***

*undertakings that allege that they have prioritised their action to justify not addressing a potential or actual adverse impact may still be held liable.*

Or. en

**Amendment 1427**

**Manon Aubry**

**Proposal for a directive**

**Article 20 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall ensure that when an undertaking alleges that it has had to prioritise its action to justify not addressing a potential or actual adverse impact, competent authorities carefully examine whether or not the prioritisation was strictly necessary before deciding on the liability of the undertaking.***

Or. en

**Amendment 1428**

**Manon Aubry**

**Proposal for a directive**

**Article 20 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Member States shall ensure that undertakings that have resorted to or relied on industry initiatives or schemes, multi-stakeholders initiatives, third-party verification or contractual clauses with business relationships may still be held liable.***

Or. en

**Amendment 1429**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of ***the company's*** efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, ***as well as*** collaboration with other entities to address adverse impacts in its value chains, as the case may be.

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of:

- (a) the undertaking's* efforts to comply with any remedial action required of them by a supervisory authority, ;
- (b) any investments made and any targeted support provided pursuant to Articles 7 and 8;*
- (c) any* collaboration with other entities to address adverse impacts in its value chains, as the case may be;
- (d) the severity and duration of the undertaking's infringement, or the severity of the impacts that have occurred;*
- (e) any previous infringements by the undertaking company and its subsidiaries;*
- (f) the financial benefits gained or losses avoided by the undertaking or its subsidiaries due to the infringement, if the relevant data are available;*
- (g) penalties imposed in respect of the same infringement in other Member States;*
- (h) the degree to which the undertaking has dealt with complaints or proposals raised by stakeholders, including through grievance mechanisms under Article 9;*

*(i) whether or not the undertaking is active in one of the sectors referred to in article 3 point (cb);*

*(j) any other aggravating or mitigating factors applicable to the circumstances of the case.*

Or. en

#### **Amendment 1430**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

#### **Proposal for a directive**

#### **Article 20 – paragraph 2**

##### *Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its **value** chains, as the case may be.

##### *Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of ***the legal framework applicable in the country where the adverse impact may occur or has occurred, the gravity and duration of the infringement, the importance of profits gained or losses avoided by the company, in so far as they can be determined*** the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, ***any previous infringements, cumulative effects of the different measures and sanctions already imposed on the company*** as well as ***the*** collaboration with other entities to address adverse impacts in its ***supply*** chains, as the case may be; ***any other aggravating or mitigating factors applicable to the circumstances of the case;***

Or. en



## *Justification*

*Mitigating factors around application of sanctions are usually foreseen in EU law. It might be that the company operates fully within the limits of the laws of third states but due to application of this directive it is placed in a situation of infringement which leads to legal uncertainty.*

### **Amendment 1431 Luisa Regimenti**

#### **Proposal for a directive Article 20 – paragraph 2**

##### *Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, as the case may be.

##### *Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of, *inter alia*:

***(a) the severity of the negative impact;***

***(b) the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, as the case may be;***

***(c) previous infringements;***

***(d) preventive measures adopted to avoid the repetition of a certain infringement.***

Or. en

### **Amendment 1432 Geoffroy Didier**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, as the case may be.

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of: ***the gravity and duration of the infringement;*** the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, as the case may be; ***previous infringements by the person responsible for the infringement; and measures taken by the company responsible for the infringement to prevent its repetition.***

Or. en

*Justification*

*The basis for the assessment of the administrative sanction should be carefully weighed against several criteria to be taken into consideration. Indeed, the sanction should reflect different circumstances such as: the gravity and duration of the infringement, the company's efforts to comply with any remedial action, previous infringements by the person responsible for the infringement, and measures taken by the company responsible for the infringement to prevent its repetition. Indeed, sanctions must be commensurate to the severity of the non-compliance and of the damage (if any) and not based on parameters that are wholly unrelated, such as company's turnover. Therefore, paragraph 3 should be deleted.*

**Amendment 1433**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their

nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its *value* chains, as the case may be.

nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its *supply* chains, as the case may be, ***the severity and duration of the company's infringement and the cumulative effects of the different measures and sanctions already imposed on the company.***

Or. en

**Amendment 1434**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, as the case may be.

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***the severity and duration of the undertaking's infringement, or the severity of any potential or actual adverse impact,*** as the case may be.

Or. en

**Amendment 1435**  
**Manon Aubry**

**Proposal for a directive**

## Article 20 – paragraph 2

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***as the case may be.***

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***the degree to which the undertaking has dealt with complaints or proposals raised by stakeholders, including pursuant to Article 9.***

Or. en

## Amendment 1436

Manon Aubry

### Proposal for a directive Article 20 – paragraph 2

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***as the case may be.***

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***and the financial benefits gained or losses avoided by the undertaking due to the infringement, if the relevant data are available.***

Or. en

**Amendment 1437**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***as the case may be.***

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***and any previous infringements by the undertaking of national provisions adopted pursuant to this Directive.***

Or. en

**Amendment 1438**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***as the case may be.***

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, ***any other aggravating or mitigating factors applicable to the circumstances of the case.***

Or. en

**Amendment 1439**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, **as the case may be.**

*Amendment*

2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of the company's efforts to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as collaboration with other entities to address adverse impacts in its value chains, **and penalties imposed in respect of the same infringement in other Member States.**

Or. en

**Amendment 1440**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Sanctions shall include at least be pecuniary sanctions, and may further include but shall not be limited to, specific performance, the seizure of commodities, as well as the temporary or indefinite exclusion from on-going or future procurement procedures or from the receipt of State aid, export credits, trade missions and advisory bodies to governments. public support schemes including schemes relying on export credit agencies and loans, and permits under export control schemes. Member**

*States shall keep a public record of sanctions that have been imposed.*

Or. en

**Amendment 1441**  
**Geoffroy Didier**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *When pecuniary sanctions are imposed, they shall be based on the company's turnover.* **deleted**

Or. en

**Amendment 1442**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *When pecuniary sanctions are imposed, they shall be based on the company's turnover.* **deleted**

Or. en

**Amendment 1443**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. When pecuniary sanctions are imposed, they shall be based on the

3. When pecuniary sanctions are imposed, they shall be based on the

*company's* turnover.

*undertaking's* turnover. **Member States shall provide for administrative fines comparable in size to fines currently provided for in competition law and data protection law. The maximum limit of pecuniary sanctions shall be not less than 5% of the total worldwide turnover of the undertaking in the business year preceding the fining decision.**

Or. en

**Amendment 1444**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. When pecuniary sanctions are imposed, they shall be based on the company's turnover.

*Amendment*

3. When pecuniary sanctions are imposed, they shall be based on the company's **worldwide annual turnover and not exceed 10% of the undertaking or group of undertakings' worldwide annual** turnover.

Or. en

**Amendment 1445**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 20 – paragraph 3**

*Text proposed by the Commission*

3. When pecuniary sanctions are imposed, they shall be based on the company's turnover.

*Amendment*

3. When pecuniary sanctions are imposed, they shall be based on the company's turnover, **as well as on the imputability of the infringement, also taking into account the size of the undertaking.**

Or. en



**Amendment 1446**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. When an undertakings is found liable for repeated infringements, pecuniary sanctions shall not exceed 20% of the undertaking's or group of undertakings' annual worldwide turnover.**

Or. en

**Amendment 1447**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Member States may impose periodic penalty payments to undertakings not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date set by that decision, in order to compel them to comply with the obligations of the present Directive, including obligations to remediate damage.**

Or. en

**Amendment 1448**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Sanctions may also include the request to perform an action, exclusion from public procurement, from State aid, from tax credits, from export credits, from trade missions and from advisory bodies to governments.**

Or. en

**Amendment 1449**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published.

4. Member States shall ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published **and made publicly available no later than one month after the decision on the sanction is taken. This should include the methodology and criteria adopted for applying sanctions.**

Or. en

**Amendment 1450**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Member States shall ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published.

4. Member States shall ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published **and publicly available no later than a month after the sanction is**

*imposed. This should include the methodology and criteria adopted for applying sanctions.*

Or. en

**Amendment 1451**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

4. Member States shall ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published.

*Amendment*

4. Member States shall ensure, *in accordance with their national law*, that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published.

Or. es

**Amendment 1452**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that a serious infringement by an undertaking of the national provisions adopted in accordance with this Directive constitutes a criminal offence, in particular when committed intentionally or with serious negligence.**

Or. en

**Amendment 1453**  
**Manon Aubry**

**Proposal for a directive**  
**Article 20 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Member States shall ensure that acts or omissions of directors of undertakings leading to a serious infringement by an undertaking of the national provisions adopted in accordance with this Directive constitutes a criminal offence, in particular when committed intentionally or with serious negligence.**

Or. en

**Amendment 1454**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – title**

*Text proposed by the Commission*

*Amendment*

European *Network of Supervisory Authorities*

**Role of the European Labour Authority**

Or. en

**Amendment 1455**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The **Commission** shall set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and alignment of regulatory, investigative,

The **European Labour Authority** shall set up, **coordinate and supervise** a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and

sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them.

alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them.

Or. en

**Amendment 1456**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them.

*Amendment*

The Commission shall, ***at no extra cost to European budgets***, set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them.

Or. es

**Amendment 1457**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and

*Amendment*

The Commission shall set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and

alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them.

alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them, *as well as ensuring the regular public disclosure of the activities of the Network.*

Or. en

**Amendment 1458**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Member States shall cooperate with the European Labour Authority in order to identify all non-European undertakings covered by this Directive, in particular by providing all necessary information in order to assess whether a non-European undertaking fulfils the criteria set in Article 2.*

Or. en

**Amendment 1459**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*The European Labour Authority shall set up a public database listing all undertakings subject to this Directive.*

Or. en

**Amendment 1460**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***The list of undertakings shall link each undertaking's name to the latest report it has published in accordance with Article 11. The list shall indicate which undertakings' have not published or are late in publishing their reports.***

Or. en

**Amendment 1461**  
**Manon Aubry**

**Proposal for a directive**  
**Article 21 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The **Commission may** invite Union agencies with relevant expertise in the areas covered by this Directive to join the European Network of Supervisory Authorities.

The **European Labour Authority shall** invite ***the European Agency for Fundamental Rights, the European Environment Agency, the European Labour Authority and the European Securities and Markets Authority and other*** Union agencies with relevant expertise in the areas covered by this Directive to join the European Network of Supervisory Authorities.

Or. en

**Amendment 1462**  
**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**  
**Article 21 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Supervisory authorities shall share relevant information with the single point of contact as a means of ensuring that the single point of contact has the necessary information to perform its tasks.**

Or. en

**Amendment 1463**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**

**Article 21 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The ENSA shall also support the Commission in developing the Single-Reporting-Instrument.**

Or. en

**Amendment 1464**

**Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 21 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Supervisory authorities shall take all appropriate steps needed to reply to a request for assistance by another supervisory authority without undue delay **and no later than 1 month after receiving the request.** Such steps may include, in particular, the transmission of relevant information on the conduct of an investigation.

3. Supervisory authorities shall take all appropriate steps needed to reply to a request for assistance by another supervisory authority without undue delay. Such steps may include, in particular, the transmission of relevant information on the conduct of an investigation **without disclosing reserved or confidential information.**



**Amendment 1465**  
**Pascal Durand**

**Proposal for a directive**  
**Article 21 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. The European Network of Supervisory Authorities shall keep and make publically available a register of third-country undertakings that do not comply with the requirements of this Directive. The competent supervisory authority shall list third-country undertakings that do not comply with the sanctions they may face in accordance with Article 20. Supervisory authorities shall make publically available the information necessary to identify European and third-country undertakings that failed to comply with the due diligence requirement referred to in Article 4.**

Or. en

**Amendment 1466**  
**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 21 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. The European Network of Supervisory Authorities shall publish a register of non-compliant companies for sustainability due diligence purposes. The competent supervisory authority shall list in this register companies that do not comply with the sanctions imposed on them in accordance with Article 20, as**

*well as relevant information to allow for their effective identification by stakeholders and other companies for the purposes of identifying actual and potential adverse impacts.*

Or. en

*Justification*

*This amendment aims to ensure that companies are aware of whether or not its business partner has been sanctioned. This would facilitate the identification of companies that may present a high level of risk on the basis of their record.*

**Amendment 1467**

**Manon Aubry**

**Proposal for a directive**

**Article 21 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. The European Labour Authority shall regularly communicate on the activities of the network.**

Or. en

**Amendment 1468**

**Pascal Durand, Valérie Hayer**

**Proposal for a directive**

**Article 21 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 21a**

**Revenues**

***The revenues generated by the application of pecuniary sanctions referred to in Article 20(3) shall be accrued against the costs of the operation and maintenance of national supervisory authorities. Any revenue remaining after covering these***

*costs shall constitute internal assigned revenue in accordance with Article 21(5) of Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council. Those remaining revenues shall be assigned to cover the costs of the operation and maintenance of the European Network of Supervisory Authorities and to the Union budget.*

Or. en

**Amendment 1469**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 22**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. es

**Amendment 1470**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 22**

*Text proposed by the Commission*

*Amendment*

*Article 22*

*deleted*

*Civil liability*

*1. Member States shall ensure that companies are liable for damages if:*

*(a) they failed to comply with the obligations laid down in Articles 7 and 8 and;*

*(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the*

*appropriate measures laid down in Articles 7 and 8 occurred and led to damage.*

2.

*Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.*

*In the assessment of the existence and extent of liability under this paragraph, due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its value chains.*

3. *The civil liability of a company for damages arising under this provision shall be without prejudice to the civil liability of its subsidiaries or of any direct and indirect business partners in the value chain.*

4. *The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.*

***5. Member States shall ensure that the liability provided for in provisions of national law transposing this Article is of overriding mandatory application in cases where the law applicable to claims to that effect is not the law of a Member State.***

Or. en

**Amendment 1471**  
**Luisa Regimenti**

**Proposal for a directive**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ***ensure that*** companies are liable for damages if:

*Amendment*

1. Member States shall ***outline rules for providing cases in which, according to the national rules on civil liability,*** companies are liable for damages if:

Or. en

**Amendment 1472**  
**Sabrina Pignedoli**

**Proposal for a directive**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ensure that companies are liable for damages if:

*Amendment*

1. Member States shall ensure that companies are liable for damages if ***they have failed to comply with the obligations laid down in Articles 7 and 8.***

Or. it

**Amendment 1473**  
**Geoffroy Didier**

**Proposal for a directive**

## Article 22 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall ensure that companies are liable for damages if:

*Amendment*

1. Member States shall ensure that companies are liable for damages ***caused by direct business relationships*** if:

Or. en

### Amendment 1474 Geoffroy Didier

#### Proposal for a directive Article 22 – paragraph 1 – point a

*Text proposed by the Commission*

(a) they failed to ***comply with the obligations laid down in Articles 7 and 8 and;***

*Amendment*

(a) they failed to ***take appropriate measures as defined in Article 3 q;***

Or. en

### Amendment 1475 Sabrina Pignedoli

#### Proposal for a directive Article 22 – paragraph 1 – point a

*Text proposed by the Commission*

(a) ***they failed to comply with the obligations laid down in Articles 7 and 8 and;***

*Amendment*

***deleted***

Or. it

### Amendment 1476 Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann

**Proposal for a directive**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) they failed to comply with the obligations laid down in Articles 7 and 8 and;

*Amendment*

(a) they ***intentionally or gross negligently*** failed to comply with the obligations laid down in Articles 7 and 8 and;

Or. en

**Amendment 1477**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) they failed to comply with the obligations laid down in ***Articles 7 and 8 and;***

*Amendment*

(a) they ***or an undertaking under their control*** failed to comply with the obligations laid down in ***this Directive and***

Or. en

**Amendment 1478**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) they failed to comply with the obligations laid down in Articles ***7 and 8*** and;

*Amendment*

(a) they failed to comply with the obligations laid down in Articles ***4 to 11*** and;

Or. en

**Amendment 1479**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) they failed to comply with the obligations laid down in **Articles 7 and 8** and;

*Amendment*

(a) they failed to comply with the obligations laid down in **this directive** and;

Or. en

**Amendment 1480**  
**Sabrina Pignedoli**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) **as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.**

*Amendment*

**deleted**

Or. it

**Amendment 1481**  
**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.

*Amendment*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage **caused by the activity of the company or by the activity of a direct or indirect partner with**



*which the company has a monitored business relationship.*

Or. en

### **Amendment 1482**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in *Articles 7 and 8 occurred* and led to damage.

*Amendment*

(b) as a result of this failure *the undertaking or a undertaking under their control caused or contributed to* an adverse impact that should have been identified, prevented, mitigated, brought to an end, *remedied* or its extent minimised through the appropriate measures laid down in *this Directive* and led to damage

Or. en

### **Amendment 1483**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann**

#### **Proposal for a directive**

#### **Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.

*Amendment*

(b) as a result of this failure an *actual* adverse impact *that they caused and* that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.

Or. en

## *Justification*

*Liability for actions of that were not itself caused by the company in question cannot be required, as it is often impossible to exert any influence on indirect relationships, or even get any information. This threatens to shift liability away from the party who actually caused the damage; that would lead to legal uncertainty and inappropriate results. Parties suffering damage could decide to claim damages against a company subject to the CSDDD instead of the company causing the damage. But according to general legal principles, liability is always linked to a culpable breach of duty that is causal for the damage. There is no objective reason to deviate from this in the planned legislation.*

### **Amendment 1484**

**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

#### **Proposal for a directive**

#### **Article 22 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) as a result of this failure **an** adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.

##### *Amendment*

(b) as a result of this failure adverse impact that should have been identified, **prioritised**, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.

Or. en

### **Amendment 1485**

**Theresa Muigg**

#### **Proposal for a directive**

#### **Article 22 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles **7 and 8** occurred and led to damage.

##### *Amendment*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles **4 to 11** occurred and led to damage.

**Amendment 1486**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) **as a result of this failure** an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in **Articles 7 and 8** occurred and led to damage.

*Amendment*

(b) an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in **this directive** occurred and led to damage.

Or. en

**Amendment 1487**  
**Gilles Lebreton, Virginie Joron, Alessandra Basso**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 **occurred and led to damage**.

*Amendment*

(b) as a result of this failure **they caused** an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8.

Or. fr

**Amendment 1488**  
**Geoffroy Didier**

**Proposal for a directive**  
**Article 22 – paragraph 1 – point b – point i (new)**

*Text proposed by the Commission*

*Amendment*

**i) Member States shall ensure that companies can not be held liable for damages caused by indirect business relationships.**

Or. en

*Justification*

*Paragraph 1 of the proposal states that the company should be liable for damages if they failed to comply with the obligations mentioned in Article 7 and 8 to prevent and mitigate potential adverse impacts or to bring actual impacts to an end and minimise their extent, and as a result of this failure an adverse impact that should have been identified through the appropriate measures occurred and led to damages. This paragraph should be limited to direct business relationships as companies have limited leverage and power to influence indirect business relationships. In addition, the a) is too broad as it contains a general reference to Articles 7 and 8. It should be amended in order to clarify that companies may be liable only when they have omitted to take "appropriate measures" as defined in Article 3 q) meaning measures which are notably commensurate with the degree of severity and the likelihood of the impact and reasonably available to the company, taking into account the circumstances of the specific case, including the company's influence of the concerned business relationship.*

#### **Amendment 1489**

**Lara Wolters**

#### **Proposal for a directive**

#### **Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Member States shall ensure that auditors can be held jointly liable if:**

**(a) faulty audits contributed to a failure of the company to comply with the obligations laid down in Articles 7 and 8 and;**

**(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8 occurred and led to damage.**

**Amendment 1490**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that undertakings are liable for damages that result from adverse human rights, good governance and environmental and climate impacts arising as a result of the activities of a subsidiary and, that should have been identified, prevented, mitigated, brought to an end or their extent minimised by their subsidiaries under this Directive.***

Or. en

**Amendment 1491**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Notwithstanding paragraph 1, Member States shall ensure that companies are liable for damages with respect to their subsidiaries, regardless of whether the company complied or failed to comply with the obligations laid down in Articles 4 to 11.***

Or. en

**Amendment 1492**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States shall ensure that undertakings are held liable to repair the damage that they or the undertakings they control have caused or contributed to as a result of a failure to comply with the obligations of this Directive.***

Or. en

**Amendment 1493**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall ensure that entities performing audits for third-party verifications are liable if:***

***(a) faulty audits contributed to a failure of an undertaking to comply with the obligations laid down in Articles 5 to 11 and;***

***(b) as a result of this failure an adverse impact that should have been identified, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 5 to 11 occurred and led to damage.***

Or. en

**Amendment 1494**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**

## Article 22 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.***

*deleted*

Or. en

### Amendment 1495

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann**

### Proposal for a directive

## Article 22 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

***Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an***

*deleted*

***end or minimise the extent of the adverse impact.***

Or. en

*Justification*

*Liability for actions of that were not itself caused by the company in question cannot be required, as it is often impossible to exert any influence on indirect relationships, or even get any information. This threatens to shift liability away from the party who actually caused the damage; that would lead to legal uncertainty and inappropriate results. Parties suffering damage could decide to claim damages against a company subject to the CSDDD instead of the company causing the damage. But according to general legal principles, liability is always linked to a culpable breach of duty that is causal for the damage. There is no objective reason to deviate from this in the planned legislation.*

**Amendment 1496  
Pascal Durand**

**Proposal for a directive  
Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

***Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.***

*Amendment*

Member States shall ensure that ***their liability regime as referred to in this article is such that undertakings that prove that they took all due care in line with this Directive to avoid the harm in question, or that the harm would have occurred even if all due care had been taken, are not held liable for that damage.***

Or. en

**Amendment 1497  
Manon Aubry**



**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Notwithstanding* paragraph 1, Member States shall ensure that where a *company has taken* the actions *referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5)*, it shall *not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action* actually taken, *including as regards verifying compliance, would be adequate* to prevent, mitigate, bring to an end *or* minimise the extent of the adverse impact.

*Amendment*

*Where there is a claim for damages in accordance with paragraph 1 and the claimant provides prima facie elements substantiating the likelihood of the defendant's liability*, Member States shall ensure that where a *undertaking can demonstrate that it complied with its obligations under this Directive, including that* the actions actually taken *were appropriate measures* to prevent, mitigate, bring to an end *and* minimise the extent of the adverse impact *in the circumstances of the case, it shall not be liable*.

Or. en

**Amendment 1498**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken *the actions* referred to in *Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5)*, it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has *an established* business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the

*Amendment*

*Member States shall ensure that companies are not exempt from liability for damages caused by an adverse impact arising as a result of the activities of an indirect partner if the company has not taken all appropriate measures referred to in Articles 4 to 11. Relying on audits and certification only shall not be deemed appropriate for the purposes of this Article.*

extent of the adverse impact.

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken ***all the appropriate measures*** referred to in ***Articles 4 to 11***, it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has ***a*** business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

Or. en

**Amendment 1499**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Notwithstanding ***paragraph 1***, Member States shall ensure that ***where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it*** shall ***not*** be liable for damages ***caused by*** an adverse impact arising as a result of the activities of an indirect partner with whom it has ***an established*** business relationship, unless ***it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring*** to an end or ***minimise*** the extent of the adverse impact.

*Amendment*

Notwithstanding ***paragraph 1***, Member States shall ensure that ***an undertaking*** shall be liable for damages ***that result from*** an adverse impact arising as a result of the activities of an indirect partner with whom it has ***a*** business relationship, unless ***they can prove they took appropriate measures capable of preventing, mitigating or bringing*** to an end or ***minimising*** the extent of the adverse impact.

Or. en

**Amendment 1500**  
**Geoffroy Didier**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of **an indirect** partner with whom it has an established business relationship, unless it **was unreasonable**, in the circumstances of the case, **to expect that the action actually taken, including as regards verifying compliance, would be adequate** to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

*Amendment*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of **a direct** partner with whom it has an established business relationship, unless it **is proven that the actions actually taken were**, in the circumstances of the case, **clearly inadequate** to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

Or. en

*Justification*

*Article 22 paragraph 2 states that companies should not be held liable for damages caused by indirect business relationships, if they carried out appropriate due diligence measures (contractual clauses and cascading). However, in coherence with the amendment above, this exoneration should concern only direct relationships. In addition, the proposal also indicates that the company should not be exonerated from liability if "it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact". This last part of the sentence beginning with "unless it was unreasonable..." (paragraph 2) lacks clarity and is too vague and subjective to be the basis of a responsibility regime. Which criteria would allow to judge whether the measures taken were inadequate to prevent or mitigate the risk? In the presence of damage, the judge will be led to consider that the measures were de facto inadequate. Therefore, it would be fairer if the plaintiff has to prove that the due diligence measures implemented by the company were manifestly inadequate, in the circumstances of the case, to prevent or mitigate the damage.*

**Amendment 1501**  
**Manon Aubry**

**Proposal for a directive**

## Article 22 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken *the* actions *referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5)*, it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

*Amendment*

Notwithstanding paragraph 1, Member States shall ensure that where a company *demonstrates that it* has taken *all appropriate* actions *required by this Directive*, it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has an established business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

Or. en

## Amendment 1502

Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior

### Proposal for a directive

## Article 22 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has *an established* business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

*Amendment*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has *a monitored* business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, *prioritise*, mitigate, bring to an end or minimise the extent of the adverse impact.

Or. en

## Amendment 1503

Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Article 22 – paragraph 2 – subparagraph 1

##### *Text proposed by the Commission*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has ***an established*** business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

##### *Amendment*

Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), it shall not be liable for damages caused by an adverse impact arising as a result of the activities of an indirect partner with whom it has ***a monitored*** business relationship, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

Or. en

## Amendment 1504

Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior

### Proposal for a directive

#### Article 22 – paragraph 2 – subparagraph 1 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***Notwithstanding paragraph 1, Member States shall ensure that where, as a consequence of the duty of prioritisation set by Article 6a, the adverse impact arises from a lower prioritised adverse impact that was not yet addressed, the company cannot be held liable, always provided that the prioritisation was adequate according to the severity, urgency and the likelihood of the adverse impacts.***

*Justification*

*Logical consequence of prioritisation. If an adverse impact happens on a lower risk activity faithfully and diligently identified as such, while a higher risk was being tackled by the company, then the company cannot be held liable on due diligence ground (though it can be for damage incurred).*

**Amendment 1505**  
**Luisa Regimenti**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In the assessment of the existence and extent of liability under this paragraph, due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its value chains.*

*deleted*

**Amendment 1506**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In the assessment of the existence and extent of liability under this paragraph, due account shall be taken of **the company's efforts, insofar as they relate directly to the damage in question, to comply with***

*In the extent of liability under this paragraph, due account shall be taken of any remedial action **performed by the undertaking.***

any remedial action *required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its value chains.*

Or. en

**Amendment 1507**  
**Pascal Durand**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*In the assessment of the existence and extent of liability under this paragraph, due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its value chains.*

*Amendment*

*Notwithstanding paragraph 1, Member States shall ensure that where a company has taken the actions referred to in Article 7(2), point (b) and Article 7(4), or Article 8(3), point (c), and Article 8(5), due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its value chains.*

Or. en

**Amendment 1508**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 22 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

In the assessment of the existence and extent of liability *under this paragraph,*

*Amendment*

In the assessment of the existence and extent of liability, due account shall be



due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its *value* chains.

taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its *supply* chains.

Or. en

### **Amendment 1509**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann**

#### **Proposal for a directive**

#### **Article 22 – paragraph 2 – subparagraph 2**

##### *Text proposed by the Commission*

In the assessment of the existence and extent of liability *under this paragraph*, due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its *value* chains.

##### *Amendment*

In the assessment of the existence and extent of liability, due account shall be taken of the company's efforts, insofar as they relate directly to the damage in question, to comply with any remedial action required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities to address adverse impacts in its *supply* chains.

Or. en

### **Amendment 1510**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive**

#### **Article 22 – paragraph 2 a (new)**



**2a. Where there is a civil liability claim for damages in accordance with Article 22 paragraph 1 and 2, and the claimant provides prima facie elements substantiating the likelihood of the respondent's liability under the Directive, Member States shall take such measures as are necessary to ensure that the causal link between the damage and the undertaking's failure to comply is presumed, and that it shall be for the respondent to prove it has complied with its obligations as laid down in the Directive and that the measures it took were appropriate.**

**Where claimants have provided reasonably available evidence sufficient to support their action in accordance to paragraph 1, Member States shall ensure that courts are enabled to order the defendant and third parties to disclose any evidence in their control, including evidence related to the nature of business relationships or the structure of the undertaking, if requested by the claimant and in accordance with national procedural law, subject to the applicable Union and national rules on confidentiality and proportionality.**

Or. en

**Amendment 1511**

**Theresa Muigg**

**Proposal for a directive**

**Article 22 – paragraph 2 a (new)**

**2a. Member States shall ensure that after the presentation of any reasonably available evidence by the claimant, that an entity is under the control of, or is**

*economic dependent on, the defendant; that the defendant failed to act with all due care; and that there is a causal link between such failure and the occurrence of harm, it is the defendant's burden to clarify the nature of its relationship with the subsidiary or value chain partner, to prove whether it took all reasonable measures to prevent the harm, and to rebut the presumption of the causal link.*

Or. en

**Amendment 1512**  
**Luisa Regimenti**

**Proposal for a directive**  
**Article 22 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a.** *Member States shall ensure that where a company prioritised adverse impacts in accordance with Article 6 and the damage stems from the less significant adverse impact that was not yet addressed, it shall not be liable for any the damage occurred, unless it was unreasonable, in the circumstances of the case, to expect that the action actually taken, including as regards verifying compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.*

Or. en

**Amendment 1513**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that the limitation period for bringing actions for damages is at least twenty-five years, and that such period is to be interrupted or suspended, depending on national law, if the supervisory authority is taking action under Article 18. The suspension shall end at the earliest one year after the decision of the supervisory authority;**

Or. en

**Amendment 1514  
Lara Wolters**

**Proposal for a directive  
Article 22 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The courts of Member States shall accept prima facie evidence that an entity is under the control or the ability to control of a company, unless the company can prove otherwise.**

Or. en

**Amendment 1515  
Manon Aubry**

**Proposal for a directive  
Article 22 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that claimants are able to seek injunctive measures before Union courts, including summary proceedings. These shall be in the form of a definitive or provisional measure to cease an action which may be in breach of this Directive, or to comply with a measure in this Directive**

**Amendment 1516**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 22 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that companies have the obligation to disclose the relevant documents in court if the complainants can demonstrate that such documentation is needed to make a decision on the case.**

Or. en

**Amendment 1517**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Member States shall ensure that measures are in place to ensure that costs of the proceedings are not prohibitively expensive for claimants to seek justice, which may include structural support, legal aid and limitation of court and administrative fees**

Or. en

**Amendment 1518**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d.** *Member States shall ensure that when a claim is brought, that a claimant provides elements substantiating the likelihood of a undertaking's liability under this Directive, a claimant can request acts of investigations by public authorities, such as searches, including in the facility of the undertaking and an production sites, expertise, and analysis of evidence.*

Or. en

**Amendment 1519**

**Manon Aubry**

**Proposal for a directive**

**Article 22 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2e.** *Member States shall ensure that when a claim is brought, that a claimant provides elements substantiating the likelihood of a undertaking's liability under this Directive and has indicated that additional evidence may lie in the control of the undertaking, courts are able to order that such evidence be disclosed by the undertaking in accordance with national procedural law, subject to the Union and national rules on confidentiality and proportionality.*

Or. en

**Amendment 1520**

**Manon Aubry**

**Proposal for a directive**

**Article 22 – paragraph 2 f (new)**

*Text proposed by the Commission*

*Amendment*

**2f. The courts of the Member States shall accept prima facie evidence that an entity is under the control or the ability to control of an undertaking, unless the undertaking can prove otherwise.**

Or. en

**Amendment 1521**

**Manon Aubry**

**Proposal for a directive**

**Article 22 – paragraph 2 g (new)**

*Text proposed by the Commission*

*Amendment*

**2g. Member States shall take measures to remove language barriers for claimants, including by providing translation of documents and interpretation during proceedings**

Or. en

**Amendment 1522**

**Manon Aubry**

**Proposal for a directive**

**Article 22 – paragraph 2 h (new)**

*Text proposed by the Commission*

*Amendment*

**2h. Member States shall ensure that trade union organisations and civil society organisations acting in the public interest can bring representative actions before courts on behalf of the collective interests of victims of adverse impacts, and that these entities have the rights and obligations of a claimant party in the proceedings.**

Or. en

**Amendment 1523**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 i (new)**

*Text proposed by the Commission*

*Amendment*

**2i. Member States shall ensure that undertakings that allege that they have prioritised their action to justify not addressing a potential or actual adverse impact may still be held liable under this Article.**

Or. en

**Amendment 1524**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 j (new)**

*Text proposed by the Commission*

*Amendment*

**2j. Member States shall ensure that when an undertaking alleges that it has had to prioritise its action to justify not addressing a potential or actual adverse impact, competent authorities carefully examine whether or not the prioritisation was strictly necessary before deciding on the liability of the undertaking.**

Or. en

**Amendment 1525**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 2 k (new)**

*Text proposed by the Commission*

*Amendment*

**2k.** *Member States shall ensure that undertakings that have resorted to or relied on industry initiatives or schemes, multi-stakeholders initiatives, third-party verification or contractual clauses with business relationships may still be held liable.*

Or. en

### **Amendment 1526**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

#### **Proposal for a directive Article 22 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The civil liability of a company for damages arising under this provision shall be without prejudice to the civil liability of its subsidiaries or of any ***direct and indirect*** business partners in the ***value*** chain.

3. The civil liability of a company for damages arising under this provision shall be without prejudice to the civil liability of its subsidiaries or of any business partners in the ***supply*** chain.

Or. en

### **Amendment 1527**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive Article 22 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The civil liability rules under this Directive shall ***be without prejudice to*** Union or national rules ***on*** civil liability ***related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.***

4. The civil liability rules under this Directive shall ***neither exclude nor limit undertakings' liability under*** Union or national rules ***regarding*** civil liability.



**Amendment 1528**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann**

**Proposal for a directive**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by ***or providing for stricter liability than*** this Directive.

*Amendment*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by this Directive.

*Justification*

*As regards the possibility of stricter rules, we need a level-playing field, otherwise we will see large-scale forum shopping.*

**Amendment 1529**

**Lara Wolters**

**Proposal for a directive**

**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.

*Amendment*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability, ***including rules on joint and several liability***, related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive. ***The***

*civil liability rules under this Directive shall neither exclude nor limit companies' liability under Union or national legal systems regarding civil liability.*

Or. en

**Amendment 1530**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.

*Amendment*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability, ***including rules on joint and several liability***, related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.

Or. en

**Amendment 1531**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive.

*Amendment*

4. The civil liability rules under this Directive shall be without prejudice to Union or national rules on civil liability related to adverse human rights impacts or to adverse environmental impacts that provide for liability in situations not covered by or providing for stricter liability than this Directive. ***The civil liability rules under this Directive shall neither exclude nor limit companies' liability under Union***

*or national legal systems regarding civil liability*

Or. en

**Amendment 1532**

**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 22 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that only those individuals or entities directly and materially affected by an adverse impact are qualified to file an action for civil liability and seek damages under the rules and obligations set out by this Directive.**

Or. en

**Amendment 1533**

**Sabrina Pignedoli**

**Proposal for a directive**

**Article 22 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the burden of proving that all reasonable steps have been taken to ensure compliance with the obligations laid down in Articles 7 and 8 of this Directive is borne by the respondent company.**

Or. it

**Amendment 1534**

**Geoffroy Didier**

**Proposal for a directive**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. ***Member States shall ensure that the liability provided for in provisions of national law transposing this Article is of overriding mandatory application in cases where the law applicable to claims to that effect is not the law of a Member State.***

***deleted***

Or. en

*Justification*

*The Directive requires Member States to ensure that the liability provided for in provisions of national law transposing this Article is of overriding mandatory application in cases where the law applicable to claims to that effect is not the law of a member state. Article 22 (5) would result in Member States' courts called on to adjudicate damage claims to systematically apply their own civil liability regime transposing Article 22 instead of the third country applicable law in cases where the damage has occurred in this third country. This provision should be deleted as it is not desirable that the EU becomes the most accessible territory for claims brought by victims of damages located outside the EU.*

**Amendment 1535**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann**

**Proposal for a directive**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Member States shall ensure that the liability ***provided for in provisions of national law transposing this Article is of overriding mandatory application in cases where the law applicable to claims to that effect is not the law of a Member State.***

5. Member States shall ensure that the ***limitation period for bringing civil liability claims concerning harm arising out of adverse impacts on human rights and the environment is five years.***

Or. en

*Justification*

*Overriding mandatory application goes against the logic of the amendments on para.4, see*

above. The limitation period present in national legislation was previously not addressed in the Commission proposal. In addition, this directive is not the legally appropriate instrument to define or change EU law on applicable law or competence of courts. ROME II and Brussels I regulations are the instruments where this discussion should take place to ensure all the risks, opportunities, necessary safeguards (parallel claims, conflicting competences, companies being punished twice for same facts)

#### **Amendment 1536**

**Manon Aubry**

#### **Proposal for a directive Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that ***the liability provided for in*** provisions of national law transposing this ***Article is of overriding mandatory application in cases where*** the law applicable to ***claims to that effect is not the law of a Member State.***

*Amendment*

5. Member States shall ensure that provisions of national law transposing this ***Directive shall apply irrespective of*** the law ***otherwise*** applicable to ***companies, to contractual obligations and to non-contractual obligations***

Or. en

*Justification*

*This amendment proposal is based on proposals drafted by the European Group for Private International law (EGPIL) in their Recommendation dated October 2021 and their Recommendation dated October 2022.*

#### **Amendment 1537**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Member States shall ensure that the ***liability provided for in*** provisions of national law transposing this ***Article is of overriding mandatory application in cases where*** the law applicable to ***claims to that effect is not the law of a Member State.***

*Amendment*

5. Member States shall ensure that the provisions of national law transposing this ***Directive shall apply irrespective of*** the law ***otherwise*** applicable to ***undertakings, to contractual obligations and to non-contractual obligations.***

**Amendment 1538**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Member States shall lay down rules applicable to limitation periods for bringing actions for damages. Limitation periods shall not begin to run before the harm arising out of a failure to comply with this Directive has ceased and the claimant knows, or can reasonably be expected to know of:***

***(a) the behaviour or adverse impacts and the fact that it constitutes a breach of this Directive;***

***(b) the fact that the breach of this Directive caused harm to it; and***

***(c) the identity of the undertaking.***

***Member States shall ensure that the limitation periods for bringing actions for damages are at least ten years. Member States shall ensure that a limitation period is suspended or, depending on national law, interrupted, if a supervisory authority takes action according to Article 18 of this Directive. The suspension shall end at the earliest one year after the decision of the supervisory authority.***

**Amendment 1539**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a.** *The law applicable to non-contractual obligations arising out of this Directive shall be the law determined by virtue of the Rome 2 Regulation, unless the plaintiff chooses to base his or her claim on the law of the country in which the event giving rise to the damage occurred.*

Or. en

**Amendment 1540**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b.** *Member States shall ensure that right holders, groups of rights holders or any legal or natural person with a legitimate interest are entitled to seek injunctive measures before Union courts, including through summary proceedings. These shall be available in the form of a provisional or a definitive measure to cease a practice where that practice may constitute a breach of this directive, or the form of a provisional or a definitive measure to take action to comply with this directive.*

Or. en

**Amendment 1541**  
**Manon Aubry**

**Proposal for a directive**  
**Article 22 – paragraph 5 b (new)**

*Text proposed by the Commission*

*Amendment*

**5b. Article 17 of the Rome 2 Regulation cannot be invoked by the defendant to exonerate or limit their liability.**

Or. en

**Amendment 1542  
Heidi Hautala, Marie Toussaint**

**Proposal for a directive  
Article 22 – paragraph 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**5c. Member States shall take measures to ensure the right to an effective remedy and to ensure that the costs and the length of the proceedings under national law do not prevent claimants from access to courts. These measures may include, among others, public funding, including structural support for victims of actual and potential adverse impacts, limitation of applicable court or administrative fees, or access to legal aid.**

Or. en

**Amendment 1543  
Heidi Hautala, Marie Toussaint**

**Proposal for a directive  
Article 22 – paragraph 5 d (new)**

*Text proposed by the Commission*

*Amendment*

**5d. Member States shall ensure that trade unions and civil society organisations or other relevant actors acting in the public interest can bring representative actions before court on behalf and for the protection of the collective interests of victims of actual and**



*potential adverse impacts, and that these entities have the rights and obligations of a claimant party in the proceedings.*

Or. en

**Amendment 1544**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 5 e (new)**

*Text proposed by the Commission*

*Amendment*

**5e.** *Member States shall ensure that the law applicable to non-contractual obligations arising from paragraphs 1 and 2 of this Article shall be the law determined by virtue of the Rome 2 Regulation, unless the plaintiff chooses to base their claim on the law of the country in which the event giving rise to the damage occurred. Article 17 of the Rome 2 Regulation cannot be invoked by the defendant to exonerate or limit their liability.*

Or. en

**Amendment 1545**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 22 – paragraph 5 f (new)**

*Text proposed by the Commission*

*Amendment*

**5f.** *Member States shall ensure that victims of actual and potential adverse impacts and any stakeholder with a legitimate interest are entitled to seek injunctive measures before Union courts. These shall be available in the form of a provisional or a definitive measure to cease a practice that may constitute a*

*breach of this Directive, or in the form of a provisional or a definitive measure to take effective actions to comply with this Directive.*

Or. en

**Amendment 1546**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 23 – title**

*Text proposed by the Commission*

**Reporting of breaches and** protection of reporting persons

*Amendment*

Protection of **stakeholders and** reporting persons

Or. en

**Amendment 1547**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 23 – paragraph 1**

*Text proposed by the Commission*

**Directive (EU) 2019/1937 shall apply to the reporting of all breaches of this Directive and the protection of** persons reporting **such** breaches.

*Amendment*

**Member States shall protect all stakeholders, including human rights and environmental rights defenders, and persons reporting breaches, as well as their representatives, from any reprisals or adverse impact when seeking to exercise their rights under this Directive.**

Or. en

**Amendment 1548**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 23 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall take the necessary measures to ensure that all stakeholder engagement procedures, and in particular those set in place to raise complaints or concerns, shall allow the confidentiality of those concerns, as well as the anonymity and safety and physical and legal integrity of all stakeholders and complainants, including human rights and environmental defenders. In the event that such procedures concern whistleblowers, those procedures should be in line with Directive (EU) 2019/1937 of the European Parliament and of the Council.***

Or. en

**Amendment 1549**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 23 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall take the necessary measures to ensure that stakeholders and other reporting persons are protected against Strategic Lawsuit against public participation.***

Or. en

**Amendment 1550**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 24**

*Text proposed by the Commission*

*Amendment*

*Article 24*

*deleted*

*Public support*

*Member States shall ensure that companies applying for public support certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.*

Or. es

**Amendment 1551**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**

**Article 24**

*Text proposed by the Commission*

*Amendment*

*Article 24*

*deleted*

*Public support*

*Member States shall ensure that companies applying for public support certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.*

Or. en

*Justification*

*Companies are often times dependent on public support, thus no connection shall be made. This provision violates basic principles of law. It establishes a de facto ban on public procurement and state aid for companies. It puts them on a “guilty” position from the start, having to demonstrate compliance with every rule in existence in order to access procurement and aid which is crucial to face the ongoing crisis. Unlike with physical persons, legal persons like companies do not have the possibility to ask for certificates of good conducts (no criminal record).*

**Amendment 1552**

**Kosma Zlotowski, Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 24**

*Text proposed by the Commission*

*Amendment*

**Article 24**

**deleted**

**Public support**

**Member States shall ensure that companies applying for public support certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.**

Or. en

**Amendment 1553**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 24**

*Text proposed by the Commission*

*Amendment*

**Article 24**

**deleted**

**Public support**

**Member States shall ensure that companies applying for public support certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.**

Or. en

**Amendment 1554**  
**Manon Aubry**

**Proposal for a directive**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that companies **applying for** public support **certify that no**

Member States shall ensure that **no** companies **benefiting from** public

*sanctions have been imposed on them* for a failure to comply with the obligations of this Directive.

support *has been sanctioned* for a failure to comply with the obligations of this Directive.

Or. en

**Amendment 1555**  
**Manon Aubry**

**Proposal for a directive**  
**Article 24 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that companies applying for public support certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.

*Amendment*

Member States shall ensure that companies applying for public support, ***including but not limited to government-backed loans, state aid, tax credit or export credit***, certify that no sanctions have been imposed on them for a failure to comply with the obligations of this Directive.

Or. en

**Amendment 1556**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In accordance with Article 18(2) of Directive 2014/24/EU, Article 36(2) of Directive 2014/25/EU and Article 30(3) of Directive 2014/23/EU, Member States shall take the necessary measures to ensure that throughout all stages of applying for public procurement or concessions as well as in the performance of public procurement or concession contracts undertakings comply with the obligations laid down in national provisions adopted pursuant to this Directive. Necessary measures shall***

*include but shall not be limited to the requirement for undertakings to prove compliance with the obligations laid down under this Directive by submitting evidence and supporting documents.*

Or. en

**Amendment 1557**

**Manon Aubry**

**Proposal for a directive**

**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*In accordance with Article 18(2) of Directive 2014/24/EU of the European Parliament and of the Council, Article 36(2) of Directive 2014/25/EU of the European Parliament and of the Council and Article 30(3) of Directive 2014/23/EU of the European Parliament and of the Council, Member States shall take appropriate measures to ensure that in the performance of public procurement or concession contracts companies comply with the obligations laid down in national provisions adopted pursuant to Articles 4 to 11a of this Directive.*

Or. en

**Amendment 1558**

**Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 25**

*Text proposed by the Commission*

*Amendment*

*Article 25*

*deleted*

*Directors' duty of care*

*1. Member States shall ensure that, when*

*fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.*

*2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.*

Or. es

#### **Amendment 1559**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

#### **Proposal for a directive Article 25**

*Text proposed by the Commission*

*Amendment*

*Article 25*

*deleted*

#### *Directors' duty of care*

*1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.*

*2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.*



*Justification*

*The responsibility for supply chains should lie with the company, not with a specific person, thus the directors' duties should not be regulated under this Directive and is not necessary to make due diligence obligations effective. It furthermore needs to be ensured that authorised representatives and directors are not directly tackled by sanctions as it would lead to a defensive culture to avoid costs rather than motivating to integrate sustainability in the business strategy and culture. The interference in national corporate governance models and direct intervention in companies' business models and strategy is simply disproportionate and its impacts insufficiently documented.*

**Amendment 1560**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive****Article 25**

*Text proposed by the Commission*

*Amendment*

*Article 25*

*deleted*

*Directors' duty of care*

*1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.*

*2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.*

**Amendment 1561**

**Jorge Buxadé Villalba**

**Proposal for a directive  
Article 25 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.**

**deleted**

Or. es

**Amendment 1562  
Tiemo Wölken, René Repasi**

**Proposal for a directive  
Article 25 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) **take into account** the consequences of their decisions for sustainability matters, including, **where applicable**, human rights, climate change **and** environmental **consequences, including** in the short, medium and long term.

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, **meaning a consideration for the needs of its shareholders, its employees and other stakeholders with the objective of sustainable value creation**, directors of companies referred to in Article 2(1) **evaluate and address** the consequences of their decisions for sustainability matters, including human rights, **in particular the rights of trade union and workers' representatives to negotiation, information consultation and participation**, climate change, environmental **and good governance actual or potential adverse impacts** in the short, medium and long term.

Or. en

**Amendment 1563**  
**Antonius Manders**

**Proposal for a directive**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.

*Amendment*

1. Member States shall ensure that, when fulfilling their **demonstrable** duty to act in the best interest of the company, **the relevant** directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.

Or. nl

**Amendment 1564**  
**Manon Aubry**

**Proposal for a directive**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) **take into account** the consequences of their decisions for sustainability matters, including, **where applicable**, human rights, climate change **and** environmental **consequences, including** in the short, medium and long term.

*Amendment*

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) **are accountable for** the consequences of their decisions for sustainability matters, including human rights, climate change, environmental **and good governance actual or potential adverse impacts** in the short, medium and long term.

Or. en

**Amendment 1565**  
**Kosma Zlotowski, Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. *Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.*

*deleted*

Or. en

**Amendment 1566**  
**Antonius Manders**

**Proposal for a directive**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.

2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of *the relevant* directors' *demonstrable* duties apply also to the provisions of this Article.

Or. nl

**Amendment 1567**  
**Manon Aubry**

**Proposal for a directive**  
**Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.

2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.

**Amendment 1568**  
**Manon Aubry**

**Proposal for a directive**  
**Article 25 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that acts or omissions by directors of an undertaking that have led to severe damage as a result of a failure to comply with the obligations of this Directive are considered criminal offenses, in particular when committed intentionally or with serious negligence.***

Or. en

**Amendment 1569**  
**Manon Aubry**

**Proposal for a directive**  
**Article 25 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Member States shall ensure that directors who have by acts or omissions led an undertaking to commit a serious breach of the obligations of this Directive are prohibited from directing, managing or administering a company***

Or. en

**Amendment 1570**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 26**

*Text proposed by the Commission*

*Amendment*

**Article 26**

**deleted**

***Setting up and overseeing due diligence***

***1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from stakeholders and civil society organisations. The directors shall report to the board of directors in that respect.***

***2. Member States shall ensure that directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.***

Or. en

**Amendment 1571**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**

**Article 26**

*Text proposed by the Commission*

*Amendment*

**Article 26**

**deleted**

***Setting up and overseeing due diligence***

***1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from***

*stakeholders and civil society organisations. The directors shall report to the board of directors in that respect.*

**2. Member States shall ensure that directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.**

Or. en

### *Justification*

*The responsibility for supply chains should lie with the company, not with a specific person, thus the directors' duties should not be regulated under this Directive and is not necessary to make due diligence obligations effective. It furthermore needs to be ensured that authorised representatives and directors are not directly tackled by sanctions as it would lead to a defensive culture to avoid costs rather than motivating to integrate sustainability in the business strategy and culture. The interference in national corporate governance models and direct intervention in companies' business models and strategy is simply disproportionate and its impacts insufficiently documented.*

### **Amendment 1572**

**Tiemo Wölken, René Repasi**

### **Proposal for a directive Article 26 – paragraph 1**

#### *Text proposed by the Commission*

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 **and in particular the due diligence policy referred to in Article 5**, with due consideration for relevant input from stakeholders **and** civil society organisations. The directors shall report to the board of directors in that respect.

#### *Amendment*

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4, **and for ensuring that the overall business model and strategy of the company is aligned to the transition to a sustainable economy and with the limiting of global warming to 1.5 °C in line with the Paris Agreement as provided for in Article 15**, with due consideration for relevant input from stakeholders, **including** civil society organisations **and trade unions and workers' representatives**. The directors shall **regularly** report **to the supervisory**

*board, where applicable, or to the board of directors in that respect.*

Or. en

### **Amendment 1573**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 26 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 **and in particular the due diligence policy referred to** in Article 5, with due consideration for relevant input from stakeholders **and** civil society organisations. The directors shall report to the board of directors in that respect.

##### *Amendment*

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible **and accountable** for putting in place and overseeing the due diligence actions referred to in Article 4, **and for ensuring that the overall business model and strategy of the undertaking is aligned to the transition to a sustainable economy and with the limiting of global warming to 1.5 °C in line with the Paris Agreement as provided for** in Article 15, with due consideration for relevant input from stakeholders, **including** civil society organisations **and trade unions and workers' representatives**. The directors shall **regularly** report to the board of directors in that respect.

Or. en

### **Amendment 1574**

**Jorge Buxadé Villalba**

#### **Proposal for a directive**

#### **Article 26 – paragraph 1**

##### *Text proposed by the Commission*

1. Member States shall ensure that **directors of** companies referred to in Article 2(1) are responsible for putting in

##### *Amendment*

1. Member States shall ensure that companies referred to in Article 2(1) are responsible for putting in place and



place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, ***with due consideration for relevant input from stakeholders and civil society organisations. The directors shall report to the board of directors in that respect.***

overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5.

Or. es

**Amendment 1575**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that directors of ***companies*** referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from stakeholders and civil society organisations. The directors shall report to the board of directors ***in that respect.***

*Amendment*

1. Member States shall ensure that directors of ***undertakings*** referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5 ***and implementing actions under Article 15***, with due consideration for relevant input from stakeholders and civil society organisations. The directors shall ***regularly*** report to the board of directors ***and discuss progress in mitigating adverse human rights, good governance, environmental and climate adverse impacts.***

Or. en

**Amendment 1576**  
**Antonius Manders**

**Proposal for a directive**  
**Article 26 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from stakeholders and civil society organisations. The directors shall report to the board of directors in that respect.

1. Member States shall ensure that **the relevant** directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from stakeholders and civil society organisations. The **relevant** directors shall report to the board of directors in that respect.

Or. nl

#### **Amendment 1577**

**Manon Aubry**

#### **Proposal for a directive Article 26 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that directors **take steps to** adapt the **corporate** strategy to **take into account** the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.

##### *Amendment*

2. Member States shall ensure that directors adapt the **business model and** strategy to **address sustainability risks and** the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9 **and the plan to combat climate change adopted pursuant to Article 15.**

Or. en

#### **Amendment 1578**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive Article 26 – paragraph 2**

##### *Text proposed by the Commission*

2. Member States shall ensure that directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified

##### *Amendment*

2. Member States shall ensure that directors take steps to adapt the corporate strategy **and their business models** to take into account the actual and potential

pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.

adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9 **and 15**.

Or. en

**Amendment 1579**  
**Antonius Manders**

**Proposal for a directive**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.

*Amendment*

2. Member States shall ensure that **the relevant** directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.

Or. nl

**Amendment 1580**  
**Tiemo Wölken, René Repasi**

**Proposal for a directive**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that companies duly take into account the fulfilment of the obligations referred to in paragraphs 1 and 2 when setting variable remuneration for directors, with a significant portion of that remuneration to be linked to the achievement of ecological and social sustainability targets, in particular including greenhouse gas emission reduction targets. Variable remuneration components shall be limited to twice the basic compensation and shall not exceed a maximum limit in relation to worker**

*income in the respective company.*

Or. en

**Amendment 1581**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall ensure that undertakings take into account the directors' obligations referred to in paragraphs 1 and 2 when setting variable remuneration and that at least half of director's variable remuneration is aligned with the achievement of sustainability and due diligence targets regarding human rights, good governance, environment and climate.**

Or. en

**Amendment 1582**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 28**

*Text proposed by the Commission*

*Amendment*

**Article 28**

**deleted**

***Exercise of the delegation***

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for an indeterminate period of time.***
- 3. The delegation of power referred to in***

*Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*

*4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*

*5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

*6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.*

Or. es

**Amendment 1583**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The power to adopt delegated acts referred to in **Article 11** shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

2. The power to adopt delegated acts referred to in **Articles 8a, 11 and 14** shall be conferred on the Commission for ***a*** period of ***5 years from ... (insert date of entry into force of the directive)***. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. en

**Amendment 1584**  
**Pascal Durand**

**Proposal for a directive**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

*Amendment*

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for ***a*** period of ***5 years from ... [date of entry into force of this Directive]***. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Or. en

**Amendment 1585**  
**René Repasi, Tiemo Wölken**

**Proposal for a directive**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for an indeterminate period of time.

*Amendment*

2. The power to adopt delegated acts referred to in **Article 3(2) and** Article 11 shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 1586**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 28 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for an indeterminate period of time.

*Amendment*

2. The power to adopt delegated acts referred to in Article **3 h, 3 j and** 11 shall be conferred on the Commission for an indeterminate period of time.

Or. en

**Amendment 1587**  
**René Repasi, Tiemo Wölken**

**Proposal for a directive**  
**Article 28 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of

*Amendment*

3. The delegation of power referred to in **Article 3, point (h) and** Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the

any delegated acts already in force.

validity of any delegated acts already in force.

Or. en

**Amendment 1588**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 28 – paragraph 3**

*Text proposed by the Commission*

3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

*Amendment*

3. The delegation of power referred to in Article **3 h, 3 j and** 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

**Amendment 1589**  
**Theresa Muigg**

**Proposal for a directive**  
**Article 28 – paragraph 6**

*Text proposed by the Commission*

6. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That

*Amendment*

6. A delegated act adopted pursuant to Article **3 h, 3 j and** 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will



period shall be extended by two months at the initiative of the European Parliament or of the Council."

not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

Or. en

**Amendment 1590**  
**René Repasi, Tiemo Wölken**

**Proposal for a directive**  
**Article 28 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 28a**

***Amendment to Directive (EU) 2020/1828  
on Representative Actions for the  
Protection of the Collective Interests of  
Consumers***

***The following is added to Annex I:***

***"(67) Directive(EU) .../... of the European  
Parliament and of the Council on  
Corporate Sustainability Due Diligence  
and amending Directive (EU) 2019/1937  
(OJ L ....., p. ...)."***

Or. en

**Amendment 1591**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – title**

*Text proposed by the Commission*

*Amendment*

Review

Review ***and report***

Or. en

**Amendment 1592**  
**René Repasi, Tiemo Wölken**

## Proposal for a directive

### Article 29 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

#### *Amendment*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives, ***in particular regarding its effectiveness in preventing potential adverse impacts, bringing actual adverse impacts to an end or minimising their extent globally*** and assess the following issues:

Or. en

## Amendment 1593

Heidi Hautala, Marie Toussaint

## Proposal for a directive

### Article 29 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

#### *Amendment*

No later than... [OP please insert the date = 5 years after the date of entry into force of this Directive] ***and every 3 years thereafter***, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. ***This report shall be accompanied, if appropriate, by legislative proposals.*** The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

Or. en

**Amendment 1594**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 29 – paragraph 1 – introductory part**

*Text proposed by the Commission*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives **and** assess the following issues:

*Amendment*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a **comprehensive** report to the European Parliament and to the Council on the implementation **and effectiveness** of this Directive. The report shall evaluate the effectiveness **and feasibility** of this Directive in reaching its objectives, **derive recommendations for actions and also** assess the following issues:

Or. en

*Justification*

*Given that the directive will have a significant impact on companies, the review should be comprehensive to ensure that an appropriate assessment of the effectiveness and feasibility in relation to the administrative and financial burden for companies is carried out.*

**Amendment 1595**  
**Manon Aubry**

**Proposal for a directive**  
**Article 29 – paragraph 1 – introductory part**

*Text proposed by the Commission*

No later than ... [OP please insert the date = 7 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

*Amendment*

No later than ... [OP please insert the date = 3 years after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

Or. en

#### **Amendment 1596**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann, Angelika Niebler**

#### **Proposal for a directive**

#### **Article 29 – paragraph 1 – introductory part**

*Text proposed by the Commission*

No later than ... *[OP please insert the date = 7 years after the date of entry into force of this Directive]*, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

*Amendment*

No later than **8** years after the date of entry into force of this Directive, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives and assess the following issues:

Or. en

#### **Amendment 1597**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive**

#### **Article 29 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) *whether the thresholds regarding the number of employees and net turnover laid down in Article 2(1) need to be lowered;*

*Amendment*

(a) *the impact of this Directive on SMEs, accompanied by an account and assessment of the effectiveness of the different measures and tools for support provided to SMEs by the Commission and Member States;*

Or. en

#### **Amendment 1598**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Jens Gieseke,**

Angelika Niebler

**Proposal for a directive**  
**Article 29 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) whether the ***thresholds regarding the number of employees and net turnover laid down in Article 2(1) need to be lowered;***

*Amendment*

(a) whether the ***impact of the Directive was justified and reached the targeted goals, including the associated indirect costs and the economic, social and environmental benefits thereof, including on SMEs;***

Or. en

*Justification*

*The assessment of whether the directive leads to successful results should come before modifying it.*

**Amendment 1599**  
**Manon Aubry**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) whether the thresholds regarding the number of ***employees and*** net turnover laid down in Article 2(1) need to be lowered;

*Amendment*

(a) whether the thresholds regarding the number of ***workers, the modality for calculating thresholds, and the*** net turnover laid down in Article 2(1) need to be lowered;

Or. en

**Amendment 1600**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(aa) whether the thresholds regarding the number of employees and net turnover laid down in Article 2(1) need to be modified;**

Or. en

*Justification*

*see a)*

**Amendment 1601  
Jorge Buxadé Villalba**

**Proposal for a directive  
Article 29 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) whether the list of sectors in Article 2(1), point (b), needs to be changed, including in order to align it to guidance from the Organisation for Economic Cooperation and Development;**

**deleted**

Or. es

**Amendment 1602  
Heidi Hautala, Marie Toussaint**

**Proposal for a directive  
Article 29 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) whether the list of sectors in Article 2(1), point (b), needs to be **changed**, including in order to align it to guidance from the Organisation for Economic Cooperation and Development;

(b) whether the list of sectors in Article 3, point (cb), needs to be **expanded**, including in order to align it to guidance from the Organisation for Economic Cooperation and Development;

Or. en

**Amendment 1603**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the effectiveness of the enforcement mechanisms put in place at national level and of the sanctions and procedures for civil liability in particular;***

Or. en

**Amendment 1604**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) the use and accessibility of complaints procedures and follow-up actions undertaken by undertakings and public authorities;***

Or. en

**Amendment 1605**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

***(bc) the involvement of stakeholders throughout all due diligence processes;***

Or. en

**Amendment 1606**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point b d (new)**

*Text proposed by the Commission*

*Amendment*

***(bd) the convergence and divergence between Member States in national legislation following the implementation of this Directive;***

Or. en

**Amendment 1607**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Angelika Niebler**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) whether the Annex needs to be modified, including in light of international developments***

***deleted***

Or. en

**Amendment 1608**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

***(c) whether the Annex needs to be modified, including in light of international developments***

***(c) whether the Annex needs to be modified***



**Amendment 1609**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) whether Articles 4 to 14 should be extended to adverse climate impacts.** **deleted**

**Amendment 1610**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) whether Articles 4 to 14 should be extended to adverse climate impacts.** **deleted**

**Amendment 1611**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) whether Articles 4 to 14 should be extended to adverse *climate* impacts.**

**(d) whether Articles 4 to 14 should be extended to *additional* adverse impacts.**

**Amendment 1612**  
**Raffaele Stancanelli**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

- da. (e) assess the impact of the Directive on SMEs;*
- (f) assess the availability of support instruments;*
- (g) adopt guidelines;*
- (h) modify model contractual clauses*
- (i) approve other flanking measures.*

Or. it

*Justification*

*The report should also assess the impact on SMEs and evaluate support measures and instruments, taking into account the burdensome nature of these obligations for SMEs and their inequality with large companies regarding access to resources.*

**Amendment 1613**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

- (da) the impact of the Directive on SMEs, as well as the availability of adequate accompanying measures, supporting tools and guidelines.*

Or. en

**Amendment 1614**  
**René Repasi, Tiemo Wölken**

**Proposal for a directive**

**Article 29 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) whether the civil liability rules laid down in Article 22 need to be modified;***

Or. en

**Amendment 1615**

**Angelika Niebler**

**Proposal for a directive**

**Article 29 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) whether human rights improvements have been achieved through due diligence***

Or. en

**Amendment 1616**

**Adrián Vázquez Lázara, Ilana Cicurel, Karen Melchior**

**Proposal for a directive**

**Article 29 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) whether existing Union legislation is consistent with this Directive***

Or. en

**Amendment 1617**

**René Repasi, Tiemo Wölken**

**Proposal for a directive**

**Article 29 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) whether additional legislative measures need to be adopted with a view to specific adverse impacts;***

Or. en

**Amendment 1618**  
**Angelika Niebler**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) effects and impacts on the competitiveness of European companies***

Or. en

**Amendment 1619**  
**René Repasi, Tiemo Wölken**

**Proposal for a directive**  
**Article 29 – paragraph 1 – point d c (new)**

*Text proposed by the Commission*

*Amendment*

***(dc) the achievement of the objectives of this Directive, including the convergences in the implementation of measures between the Member States.***

Or. en

**Amendment 1620**  
**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall adopt and publish, by ... **[OJ to insert: 2 years from the entry into force of this Directive]** at the latest, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall adopt and publish, by **5 years** from the entry into force of this Directive at the latest, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

*Justification*

*Member States need to receive the guidelines first in order to implement the Directive in a harmonised way.*

**Amendment 1621**

**Kosma Złotowski, Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 30 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Member States shall adopt and publish, by ... [OJ to insert: **2 years** from the entry into force of this Directive] at the latest, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

Member States shall adopt and publish, by ... [OJ to insert: **3 years** from the entry into force of this Directive] at the latest, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

**Amendment 1622**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**

**Article 30 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

They shall apply those provisions *as follows*:

They shall apply those provisions *from four years after national transposition as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a)*;

Or. en

*Justification*

*Companies need sufficient time to implement.*

### **Amendment 1623**

**Manon Aubry**

#### **Proposal for a directive**

#### **Article 30 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

They shall apply those provisions *as follows*:

They shall apply those provisions *from... [OJ to insert: 2 years from the entry into force of this Directive]*

Or. en

### **Amendment 1624**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive**

#### **Article 30 – paragraph 1 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

They shall apply those provisions *as follows*:

They shall apply those provisions *from... [OJ to insert: 2 years from the entry into force of this Directive]*.

Or. en

### **Amendment 1625**

**Manon Aubry**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) from... [OJ to insert: 2 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);** **deleted**

Or. en

**Amendment 1626**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) from... [OJ to insert: 2 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);** **deleted**

Or. en

*Justification*

*added above*

**Amendment 1627**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) from... [OJ to insert: 2 years from the entry into force of this Directive] as regards companies referred to in Article** **deleted**

*2(1), point (a), and Article 2(2), point (a);*

Or. en

**Amendment 1628**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

(a) from... [OJ to insert: 2 years from the entry into force of *this Directive*] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);

*Amendment*

(a) from... [OJ to insert: 2 years from the entry into force of *the legislation which the Member States transpose*] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);

Or. es

**Amendment 1629**  
**Kosma Złotowski, Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

(a) from... [OJ to insert: 2 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);

*Amendment*

(a) from... [OJ to insert: 3 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (a), and Article 2(2), point (a);

Or. en

**Amendment 1630**  
**Jorge Buxadé Villalba**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*



*(b) from ... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).* *deleted*

Or. es

**Amendment 1631**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) from ... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).* *deleted*

Or. en

**Amendment 1632**  
**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler**

**Proposal for a directive**  
**Article 30 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) from ... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).* *deleted*

Or. en

**Amendment 1633**  
**Manon Aubry**

**Proposal for a directive**

**Article 30 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) from ... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).** *deleted*

Or. en

**Amendment 1634**

**Kosma Zlotowski, Jorge Buxadé Villalba**

**Proposal for a directive**

**Article 30 – paragraph 1 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) from ... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).**

**(b) from ... [OJ to insert: 5 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), point (b), and Article 2(2), point (b).**

Or. en

**Amendment 1635**

**Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjärd, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Angelika Niebler**

**Proposal for a directive**

**Annex I**

*Text proposed by the Commission*

*Amendment*

**[...]**

*deleted*

Or. en

*Justification*

*Instead of an Annex, the Due Diligence obligations shall be based on the OECD Framework and the UNGPs, as these are the international standards relevant to the process and that have proven to work well in practice. The Annex presents a list of government to government*

*frameworks, which are impossible to implement, have overlapping provisions and thus do not provide any legal certainty.*

**Amendment 1636**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1**

*Text proposed by the Commission*

***Violations of*** rights and prohibitions included in international human rights agreements

*Amendment*

Rights and prohibitions included in international human rights agreements

Or. en

*Justification*

*This amendment should apply throughout the list of texts in the Annex.*

**Amendment 1637**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Violation of the right to self-determination in accordance with common Article 1 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights;***

Or. en

**Amendment 1638**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 7**

*Text proposed by the Commission*

7. **Violation of** the right to enjoy just and favourable conditions of work including **a fair wage**, a decent living, safe and healthy working conditions and reasonable limitation of working hours in accordance with Article 7 of the International Covenant on Economic, Social and Cultural Rights;

*Amendment*

7. The right to enjoy just and favourable conditions of work including **remuneration that provides for** a decent living, safe and healthy working conditions and reasonable limitation of working hours. **This includes both the right to a living wage for employees and the right to a living income for self-employed workers and smallholders** in accordance with Article 7 of the International Covenant on Economic, Social and Cultural Rights;

Or. en

**Amendment 1639**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 7**

*Text proposed by the Commission*

7. Violation of the right to enjoy just and favourable conditions of work including a fair wage, a decent living, safe and healthy working conditions and reasonable limitation of working hours in accordance with Article 7 of the International Covenant on Economic, Social and Cultural Rights;

*Amendment*

7. Violation of the right to enjoy just and favourable conditions of work including a fair wage, a decent living, safe and healthy working conditions and reasonable limitation of working hours in accordance with Article 7 of the International Covenant on Economic, Social and Cultural Rights **and Article 23.3 of the Universal Declaration of Human Rights**;

Or. en

**Amendment 1640**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Violation of the right to an adequate standard of living for oneself and her/his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions in accordance with Article 11.1 of the International Covenant on Economic, Social and Cultural Rights and Article 25.1 of the Universal Declaration of Human Rights ;**

Or. en

**Amendment 1641**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. The right to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to continuous improvement of living conditions in accordance with Article 11 of the International Covenant on Economic, Social and Cultural Rights**

Or. en

**Amendment 1642**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**17a. Violation of the prohibition to obstruct the ability of persons to earn a living income in accordance with Article 11 of the International Covenant on**

**Amendment 1643**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 1 - point 18 – introductory part**

*Text proposed by the Commission*

18. Violation of the prohibition of causing any *measurable* environmental degradation, such as harmful soil change, water or air pollution, harmful emissions or excessive water consumption or other impact on natural resources, that

*Amendment*

18. Violation of the prohibition of causing any *quantitative and qualitative* environmental degradation *and contributing to climate change*, such as harmful soil change, water or air pollution, harmful emissions, *including GHG emissions*, or excessive water consumption or other impact on natural resources, that

**Amendment 1644**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 1 - point 18 – point a**

*Text proposed by the Commission*

(a) impairs the natural bases for the preservation and production of food or

*Amendment*

(a) impairs the natural bases for the preservation and production of food *and feed* or

**Amendment 1645**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 18 – point e**

*Text proposed by the Commission*

(e) affects ecological integrity, ***such as deforestation,***

*Amendment*

(e) affects ecological integrity, ***and the intrinsic value of ecosystems as well as the interrelations between them,***

Or. en

**Amendment 1646**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 18 – paragraph 1**

*Text proposed by the Commission*

in accordance with Article 3 of the Universal Declaration of Human Rights, Article 5 of the International Covenant on Civil and Political Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights;

*Amendment*

in accordance with Article 3 of the Universal Declaration of Human Rights, Article 5 of the International Covenant on Civil and Political Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights ***and the right to a clean, healthy and sustainable environment,***

Or. en

**Amendment 1647**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***19a. The rights of indigenous peoples to self-determination in accordance with Article 3 and their right to be consulted in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, in accordance with Article 32 of the United Nations***

*Declaration on the Rights of Indigenous Peoples*

Or. en

**Amendment 1648**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 20**

*Text proposed by the Commission*

20. *Violation of the* indigenous peoples' right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired in accordance with Article 25, 26 (1) and (2), 27, and 29 (2) of the United Nations Declaration on the Rights of Indigenous Peoples;

*Amendment*

20. Indigenous peoples' right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired in accordance with Article **10**, 25, 26 (1) and (2), 27, **28** and 29 (2) of the United Nations Declaration on the Rights of Indigenous Peoples *and customary rights*;

Or. en

**Amendment 1649**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 1 - point 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**20a. *The right of indigenous peoples and other peoples' to self-determination. The right of indigenous peoples and other peoples and communities with collective customary land and resource rights, to give or withhold their free, prior and informed consent for any project affecting their lands or territories or other resources and prior to their relocation, in accordance with Article 3, 10 and 32 of the UN declaration on the Rights of Indigenous Peoples; Articles 1 and 27 of the International Covenant on Civil and***



*Political Rights; Articles 1 and 15 of the International Convention on Economic Social and Cultural Rights; articles 20, 21 of the African Charter on Human and Peoples' Rights;*

Or. en

**Amendment 1650**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 1 - point 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**20a. *Violation of the indigenous peoples' right to give, modify, withhold or withdraw their free, prior, and informed consent to interventions, decisions and activities that may affect their lands, territories, resources and rights, in accordance with Article 10, 11(2), 19, 28, 29(2), 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples and Article 6 and 16 (2) of ILO Convention 169 on Indigenous and Tribal Peoples ;***

Or. en

**Amendment 1651**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 1 - point 20 b (new)**

*Text proposed by the Commission*

*Amendment*

**20b. *The indigenous peoples' right to give, modify, withhold or withdraw their free, prior, and informed consent to interventions, decisions and activities that may affect their lands, territories, resources and rights, in accordance with***

*Article 10, 11 (2), 19, 28, 29 (2), 32 (2), of the United Nations Declaration on the Rights of Indigenous Peoples and Article 6 and 16 (2) of ILO Convention 169 on Indigenous and Tribal Peoples;*

Or. en

## **Amendment 1652**

**Manon Aubry**

### **Proposal for a directive**

#### **Annex I – Part I – subheading 1 - point 21**

*Text proposed by the Commission*

21. Violation of a prohibition or right not covered by points 1 to 20 above but included in the human rights agreements listed in Section 2 of this Part, ***which directly impairs a legal interest protected in those agreements, provided that the company concerned could have reasonably established the risk of such impairment and any appropriate measures to be taken in order to comply with the obligations referred to in Article 4 of this Directive taking into account all relevant circumstances of their operations, such as the sector and operational context.***

*Amendment*

21. Violation of a prohibition or right not covered by points 1 to 20 above but included in the human rights agreements listed in Section 2 of this Part, ***where there is a foreseeable risk that the such prohibition or right may be affected***

Or. en

## **Amendment 1653**

**Heidi Hautala, Marie Toussaint**

### **Proposal for a directive**

#### **Annex I – Part I – subheading 1 - point 21**

*Text proposed by the Commission*

21. Violation of a prohibition or right not covered by points 1 to **20** above but included in the human rights agreements

*Amendment*

21. Violation of a prohibition or right not covered by points 1 to **20a** above but included in the human rights agreements

listed in Section 2 of this Part, which directly impairs a legal interest protected in those agreements, provided that the **company** concerned could have reasonably established the risk of such impairment and any appropriate measures to be taken in order to comply with the obligations referred to in Article 4 of this Directive taking into account all relevant circumstances of their operations, such as the sector and operational context.

listed in Section 2 of this Part, which directly impairs a legal interest protected in those agreements, provided that the **undertaking** concerned could have reasonably established the risk of such impairment and any appropriate measures to be taken in order to comply with the obligations referred to in Article 4 of this Directive taking into account all relevant circumstances of their operations, such as the sector and operational context.

Or. en

**Amendment 1654**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 1 - point 21 a (new)**

*Text proposed by the Commission*

*Amendment*

**21a. In conflict affected areas, violations of international humanitarian law as laid out notably in the Geneva Conventions and the additional protocols.**

Or. en

**Amendment 1655**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2**

*Text proposed by the Commission*

*Amendment*

Human rights and fundamental freedoms conventions

Human rights and fundamental freedoms conventions **and instruments**

***These include, amongst others:***

Or. en

**Amendment 1656**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International Convention on  
the Protection of the Rights of all Migrant  
Workers and Members of their Families;***

Or. en

**Amendment 1657**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The European Convention on  
Human Rights***

Or. en

**Amendment 1658**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 b (new)**

*Text proposed by the Commission*

*Amendment*

- ***The Charter of Fundamental  
Rights of the European Union***

Or. en

**Amendment 1659**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 c (new)**

*Text proposed by the Commission*

*Amendment*

- ***The European Social Charter***

Or. en

**Amendment 1660**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 d (new)**

*Text proposed by the Commission*

*Amendment*

- ***The European Convention on The  
Legal Status of Migrant Workers***

Or. en

**Amendment 1661**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 3 e (new)**

*Text proposed by the Commission*

*Amendment*

- ***Council of Europe Convention on  
preventing and combating violence  
against women and domestic violence***

Or. en

**Amendment 1662**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 6 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International Convention for the Protection of All Persons from Enforced Disappearance***

Or. en

**Amendment 1663**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 7 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The United Nations Declaration of the Elimination of Violence against Women;***

Or. en

**Amendment 1664**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 9 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The United Nations Declaration on Human Rights Defenders;***

Or. en

**Amendment 1665**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 10 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The United Nations Declaration  
on the Rights of Peasants and Other  
People Working in Rural Areas;*

Or. en

**Amendment 1666**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 10 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The United Nations Declaration  
on Human Rights Defenders*

Or. en

**Amendment 1667**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 10 b (new)**

*Text proposed by the Commission*

*Amendment*

- *The International Convention on  
the Protection of the Rights of All  
Migrant Workers and Members of their  
Families;*

Or. en

**Amendment 1668**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 11 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The United Nations Declaration*

*on the Elimination of All Forms of  
Intolerance and of Discrimination Based  
on Religion or Belief*

Or. en

**Amendment 1669**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 11 b (new)**

*Text proposed by the Commission*

*Amendment*

- *The United Nations Declaration  
on the Rights of Peasants and Other  
People Working in Rural Areas*

Or. en

**Amendment 1670**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 14 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The International Labour  
Organisation's Convention on Indigenous  
and Tribal Peoples (no. 169);*

Or. en

**Amendment 1671**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 14 a (new)**

*Text proposed by the Commission*

*Amendment*

- *The International Labour*



***Organisation's Indigenous and Tribal Peoples' Convention, 1989 (No. 169)***

Or. en

**Amendment 1672**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 14 b (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International Labour Organisation's Violence and Harassment Convention, 2019 (No. 190)***

Or. en

**Amendment 1673**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 14 b (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International Labour Organisation's Domestic Workers Convention, 2011 (No. 189);***

Or. en

**Amendment 1674**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 14 c (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International Labour Organisation's Violence and Harassment***

**Amendment 1675**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 20 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***Occupational Safety and Health Convention, 1981 (No. 155)***

**Amendment 1676**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 23 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The rights to a clean, healthy and sustainable environment (UN GA A/76/L.75)***

**Amendment 1677**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 23 a (new)**

*Text proposed by the Commission*

*Amendment*

- ***The International humanitarian law instruments***

**Amendment 1678**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 b (new)**

*Text proposed by the Commission*

*Amendment*

- *the Rome Statute of the International Criminal Court;*

Or. en

**Amendment 1679**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 b (new)**

*Text proposed by the Commission*

*Amendment*

- *The Four Geneva Conventions of 1949;*

Or. en

**Amendment 1680**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 c (new)**

*Text proposed by the Commission*

*Amendment*

- *The instruments and conventions of international humanitarian law, including the four Geneva Conventions of 1949 and their additional protocols;*

Or. en

**Amendment 1681**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 c (new)**

*Text proposed by the Commission*

*Amendment*

- ***The Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field***

Or. en

**Amendment 1682**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 d (new)**

*Text proposed by the Commission*

*Amendment*

- ***Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea***

Or. en

**Amendment 1683**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 d (new)**

*Text proposed by the Commission*

*Amendment*

- ***Occupational Safety and Health Convention, 1981 (No. 155)***

Or. en

**Amendment 1684**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 e (new)**

*Text proposed by the Commission*

*Amendment*

- ***Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)***

Or. en

**Amendment 1685**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 e (new)**

*Text proposed by the Commission*

*Amendment*

- ***Convention (III) relative to the Treatment of Prisoners of War***

Or. en

**Amendment 1686**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 f (new)**

*Text proposed by the Commission*

*Amendment*

- ***Convention on preventing and combating violence against women and domestic violence ('Istanbul Convention')***

Or. en

**Amendment 1687**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 f (new)**

*Text proposed by the Commission*

*Amendment*

- *Convention (IV) relative to the Protection of Civilian Persons in Time of War*

Or. en

**Amendment 1688**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 g (new)**

*Text proposed by the Commission*

*Amendment*

- *Additional protocols to the Geneva Conventions*

Or. en

**Amendment 1689**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 g (new)**

*Text proposed by the Commission*

*Amendment*

- *The European Convention on Human Rights;*

Or. en

**Amendment 1690**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 g (new)**

*Text proposed by the Commission*

*Amendment*

- ***The European Social Charter;***

Or. en

**Amendment 1691**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 23 h (new)**

*Text proposed by the Commission*

*Amendment*

- ***United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation of Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law***

Or. en

**Amendment 1692**

**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 23 h (new)**

*Text proposed by the Commission*

*Amendment*

- ***The Charter of Fundamental Rights of the European Union;***

Or. en

**Amendment 1693**

**Manon Aubry**

**Proposal for a directive**

**Annex I – Part I – subheading 2 - indent 23 i (new)**

*Text proposed by the Commission*

*Amendment*

- ***UNHRC Resolution on the Human Right to a Safe, Clean, Healthy and Sustainable Environment.***

Or. en

**Amendment 1694**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part I – subheading 2 - indent 23 j (new)**

*Text proposed by the Commission*

*Amendment*

- ***United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air supplementing the United Nations Convention against Transnational Organized Crime***

Or. en

**Amendment 1695**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part II – subheading 1**

*Text proposed by the Commission*

*Amendment*

violations of internationally recognized objectives and prohibitions included in environmental conventions

violations of ***EU*** internationally recognized objectives and prohibitions included in environmental ***and climate*** conventions ***and EU legislation***

Or. en

**Amendment 1696**  
**Manon Aubry**

**Proposal for a directive**



## **Annex I – Part II – subheading**

*Text proposed by the Commission*

violations of internationally recognized objectives and prohibitions included in environmental conventions

*Amendment*

violations of ***Union and*** internationally recognized objectives and prohibitions included in environmental conventions ***and Union legislation***

Or. en

### **Amendment 1697**

**Heidi Hautala, Marie Toussaint**

#### **Proposal for a directive**

**Annex I – Part II – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Violation of European environmental principles as defined in Article 191 TFEU; 1b. Violation of one of the universally binding rules of customary international environmental law including but not limited to:***

***(a) the obligation not to cause significant damage to the environment (prevention principle);***

***(b) the principle that lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (precautionary approach);***

***(c) the obligation to carry out an environmental impact assessment for activities likely to have a significant adverse impact on the environment;***

***(d) the approach that the polluter should, in principle, bear the cost of pollution (polluter-pays principle)***

Or. en

**Amendment 1698**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part II – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. Violation of the obligation to take all measures consistent with the UN Convention on the Laws of the Sea (UNCLOS) that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, in line with Article 194(1) of UNCLOS, and that shall include, inter alia, those designed to minimise to the fullest possible extent:***

***(a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping pursuant to Article 194 (3) (a) of UNCLOS;***

***(b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges pursuant to Article 194 (3) (b) of UNCLOS;***

***(c) pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea pursuant to Article 194 (3) (c) of UNCLOS;***

***(d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea pursuant to Article 194***

*(3)(d) of UNCLOS.*

Or. en

**Amendment 1699**  
**Theresa Muigg**

**Proposal for a directive**  
**Annex I – Part II – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. Violation of the obligation to take in line with Article 2 (a) as well as 3, 4, 7, 9, 10, 11 and 13 of the Paris Agreement all necessary measures to hold the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels***

Or. en

**Amendment 1700**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***12a. Violation of the greenhouse gas emissions reduction objectives of the Paris Agreement under the United Nations Framework on Climate Changes, the European Climate Law, and the Global Methane Pledge***

Or. en

**Amendment 1701**  
**Pascal Durand**

**Proposal for a directive**  
**Annex I – Part II – point 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**12a. Violation of the greenhouse gas emissions reduction objectives of the Paris Agreement under the United Nations Framework on Climate Changes**

Or. en

**Amendment 1702**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part II – point 12 b (new)**

*Text proposed by the Commission*

*Amendment*

**12b. Violation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) as well as the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement).**

Or. en

**Amendment 1703**  
**Heidi Hautala, Marie Toussaint**

**Proposal for a directive**  
**Annex I – Part II a (new)**

*Text proposed by the Commission*

*Amendment*

**IIa violations of internationally recognised objectives and prohibitions regarding good governance included in**

*EU and international conventions*

1. *OECD Guidelines for Multinational Enterprises, 2011*
2. *Council of Europe Civil law Convention on Corruption, 1999*
3. *United Nation Convention against Corruption, 2003*
4. *European Union Convention against Corruption Involving Officials, 1997*
5. *OECD Anti Bribery Convention, 1997*
6. *United Nations Basic Principles on the Independence of the Judiciary, 1985*
7. *United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985*

Or. en

**Amendment 1704**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a (new) – title**

*Text proposed by the Commission*

*Amendment*

*Violations of internationally recognized objectives and prohibitions included in good governance and anti-corruption conventions*

Or. en

**Amendment 1705**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 1 (new)**

*Text proposed by the Commission*

*Amendment*

**1. United Nations Basic Principles  
on the Independence of the Judiciary,  
1985**

Or. en

**Amendment 1706  
Manon Aubry**

**Proposal for a directive  
Annex I – Part II a – point 2 (new)**

*Text proposed by the Commission*

*Amendment*

**2. United Nations Convention  
Against Corruption, 2003**

Or. en

**Amendment 1707  
Manon Aubry**

**Proposal for a directive  
Annex I – Part II a – point 3 (new)**

*Text proposed by the Commission*

*Amendment*

**3. United Nations Declaration of  
Basic Principles of Justice for Victims of  
Crime and Abuse of Power, 1985**

Or. en

**Amendment 1708  
Manon Aubry**

**Proposal for a directive  
Annex I – Part II a – point 4 (new)**

*Text proposed by the Commission*

*Amendment*

**4. Council of Europe Civil Law on  
Corruption, 1999**

Or. en

**Amendment 1709**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 5 (new)**

*Text proposed by the Commission*

*Amendment*

**5. OECD Anti-Bribery Convention,  
1997**

Or. en

**Amendment 1710**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 6 (new)**

*Text proposed by the Commission*

*Amendment*

**6. European Union Convention  
against Corruption Involving Officials  
(EU Convention against Corruption)**

Or. en

**Amendment 1711**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 7 (new)**

*Text proposed by the Commission*

*Amendment*

**7. Principle Ten on Anti-Corruption  
of the UN Global Compact**

**Amendment 1712**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 8 (new)**

*Text proposed by the Commission*

*Amendment*

**8. Article 5 of the United Nations  
Framework Convention on Tobacco  
Control (UNFCTC)**

**Amendment 1713**  
**Manon Aubry**

**Proposal for a directive**  
**Annex I – Part II a – point 9 (new)**

*Text proposed by the Commission*

*Amendment*

**9. The OECD Multilateral  
Convention to Implement Tax Treaty  
Related Measures to Prevent BEPS**