



2022/0051(COD)

7.10.2022

DRAFT OPINION

of the Committee on Economic and Monetary Affairs

for the Committee on Legal Affairs

on the proposal for a directive of the European Parliament and of the Council
on Corporate Sustainability Due Diligence and amending Directive (EU)
2019/1937
(COM(2022)0071 – C9-0050/2022 – 2022/0051(COD))

Rapporteur for opinion (*): René Repasi(*) Associated committee – Rule 57
of the Rules of Procedure

PA_Legam

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The behaviour of companies across all sectors of the economy is key to success in the Union's sustainability objectives as Union companies, **especially** large ones, rely on global value chains. It is also in the interest of companies to **protect** human rights and the environment, in particular given the rising concern of consumers and investors regarding these topics. Several initiatives fostering enterprises which support value-oriented transformation already exist on Union⁷⁷, as well as national⁷⁸ level.

⁷⁷ 'Enterprise Models and the EU agenda', CEPS Policy Insights, No PI2021-02/ January 2021.

⁷⁸ E.g.
<https://www.economie.gouv.fr/entreprises/societe-mission>

Amendment

(4) The behaviour of companies across all sectors of the economy is key to success in the Union's sustainability objectives as Union companies, **including** large ones, rely on global value chains. It is also in the interest of companies to **respect international standards on** human rights and the environment, in particular given the rising concern of consumers and investors regarding these topics. Several initiatives fostering enterprises which support value-oriented transformation already exist on Union⁷⁷, as well as national⁷⁸ level. **Further, binding due diligence legislation has been implemented in Member States such as France and Germany which heightens the need for a level playing field for companies to avoid fragmentation and to provide legal certainty for businesses operating in the single market.**

⁷⁷ 'Enterprise Models and the EU agenda', CEPS Policy Insights, No PI2021-02/ January 2021.

⁷⁸ E.g.
<https://www.economie.gouv.fr/entreprises/societe-mission>

Or. en

Amendment 2

Proposal for a directive Recital 5

Text proposed by the Commission

(5) Existing international standards on responsible business conduct specify that companies should **protect** human rights and set out how they should address the protection of the environment across their operations and value chains. The United Nations Guiding Principles on Business and Human Rights⁷⁹ recognise the responsibility of companies to exercise human rights due diligence by identifying, preventing and mitigating the adverse impacts of their operations on human rights and by accounting for how they address those impacts. Those Guiding Principles state that businesses should avoid infringing human rights and should address adverse human rights impacts that they have caused, contributed to or are linked with in their own operations, subsidiaries and through their direct and indirect business relationships.

⁷⁹ United Nations' "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", 2011, available at https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

Amendment

(5) Existing international standards on responsible business conduct specify that companies should **respect** human rights and set out how they should address the protection of the environment across their operations and value chains. The United Nations Guiding Principles on Business and Human Rights⁷⁹ recognise the responsibility of companies to exercise human rights due diligence by identifying, preventing and mitigating the adverse impacts of their operations on human rights and by accounting for how they address those impacts. Those Guiding Principles state that businesses should avoid infringing human rights and should address adverse human rights impacts that they have caused, contributed to or are linked with in their own operations, subsidiaries and through their direct and indirect business relationships.

⁷⁹ United Nations' "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework", 2011, available at https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

Or. en

Amendment 3

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Companies should take appropriate

Amendment

(15) Companies should take appropriate

steps to set up and carry out due diligence measures, with respect to their own operations, their subsidiaries, as well as their *established* direct and indirect business relationships throughout their value chains in accordance with the provisions of this Directive. This Directive should not require companies to guarantee, in all circumstances, that adverse impacts will never occur or that they will be stopped. For example with respect to business relationships where the adverse impact results from State intervention, the company might not be in a position to arrive at such results. Therefore, the main obligations in this Directive should be ‘obligations of means’. The company should take the appropriate measures which can reasonably be expected to result in prevention or minimisation of the adverse impact under the circumstances of the specific case. Account should be taken of the specificities of the company’s value chain, sector or geographical area in which its value chain partners operate, the company’s power to influence its direct and indirect business relationships, and whether the company could increase its power of influence.

steps to set up and carry out due diligence measures, with respect to their own operations, their subsidiaries, as well as their direct and indirect business relationships throughout their value chains in accordance with the provisions of this Directive. This Directive should not require companies to guarantee, in all circumstances, that adverse impacts will never occur or that they will be stopped. For example with respect to business relationships where the adverse impact results from State intervention, the company might not be in a position to arrive at such results. Therefore, the main obligations in this Directive should be ‘obligations of means’. The company should take the appropriate measures which can reasonably be expected to result in prevention or minimisation of the adverse impact under the circumstances of the specific case. Account should be taken of the specificities of the company’s value chain, sector or geographical area in which its value chain partners operate, the company’s power to influence its direct and indirect business relationships, and whether the company could increase its power of influence.

Or. en

Amendment 4

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The value chain should cover activities related to the production of a good or provision of services by a company, including the development of the product or the service and the use and disposal of the product as well as the related activities of *established* business relationships of the company. It should

Amendment

(18) The value chain should cover activities related to the production of a good or provision of services by a company, including the development of the product or the service and the use and disposal of the product as well as the related activities of business relationships of the company. It should encompass

encompass upstream **established** direct and indirect business relationships that design, extract, manufacture, transport, store and supply raw material, products, parts of products, or provide services to the company that are necessary to carry out the company's activities, and also downstream relationships, including **established** direct and indirect business relationships, that use or receive products, parts of products or services from the company up to the end of life of the product, including inter alia the distribution of the product to retailers, the transport and storage of the product, dismantling of the product, its recycling, composting or landfilling.

upstream direct and indirect business relationships that design, extract, manufacture, transport, store and supply raw material, products, parts of products, or provide services to the company that are necessary to carry out the company's activities, and also downstream relationships, including direct and indirect business relationships, that use or receive products, parts of products or services from the company up to the end of life of the product, including inter alia the distribution of the product to retailers, the transport and storage of the product, dismantling of the product, its recycling, composting or landfilling.

Or. en

Amendment 5

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) ***As regards regulated financial undertakings providing loan, credit, or other financial services, “value chain” with respect to the provision of such services should be limited to the activities of the clients receiving such services, and the subsidiaries thereof whose activities are linked to the contract in question. Clients that are households and natural persons not acting in a professional or business capacity, as well as small and medium sized undertakings, should not be considered to be part of the value chain. The activities of the companies or other legal entities that are included in the value chain of that client should not be covered.***

Amendment

(19) Households and natural persons not acting in a professional or business capacity, as well as ***micro-undertakings as defined in Directive 2013/34/EU*** should not be considered to be part of the value chain.

Or. en

Amendment 6

Proposal for a directive Recital 20

Text proposed by the Commission

(20) In order to allow companies to properly identify the adverse impacts in their value chain and to make it possible for them to exercise appropriate leverage, the due diligence obligations should be limited in this Directive to established business relationships. For the purpose of this Directive, established business relationships should mean such direct and indirect business relationships which are, or which are expected to be lasting, in view of their intensity and duration and which do not represent a negligible or ancillary part of the value chain. The nature of business relationships as “established” should be reassessed periodically, and at least every 12 months. If the direct business relationship of a company is established, then all linked indirect business relationships should also be considered as established regarding that company.

Amendment

deleted

Or. en

Amendment 7

Proposal for a directive Recital 21

Text proposed by the Commission

(21) Under this Directive, EU companies with more than **500** employees on average and a worldwide net turnover exceeding EUR **150** million in the financial year preceding the last financial year should be required to comply with due diligence. ***As regards*** companies which do not fulfil those criteria, but which had more

Amendment

(21) Under this Directive, EU companies with more than **250** employees on average and a worldwide net turnover exceeding EUR **50** million in the financial year preceding the last financial year should be required to comply with due diligence. ***It should be noted that financial market participants, even if they have***

than **250** employees on average and more than EUR **40** million worldwide net turnover in the financial year preceding the last financial year and which operate in one or more high-impact sectors, due diligence should apply 2 years after the end of the transposition period of this directive, in order to provide for a longer adaptation period. In order to ensure a proportionate burden, companies operating in such high-impact sectors should be required to comply with more targeted due diligence focusing on severe adverse impacts. Temporary agency workers, including those posted under Article 1(3), point (c), of Directive 96/71/EC, as amended by Directive 2018/957/EU of the European Parliament and of the Council¹⁰³, should be included in the calculation of the number of employees in the user company. Posted workers under Article 1(3), points (a) and (b), of Directive 96/71/EC, as amended by Directive 2018/957/EU, should only be included in the calculation of the number of employees of the sending company.

¹⁰³ Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).

relatively few employees, can hold, sell and manage large volumes of assets and in doing so can have a considerable impact on value chains. Therefore, additional thresholds should be introduced to capture those activities.

With regard to companies which do not fulfil those criteria, but which had more than **50** employees on average and more than EUR **10** million worldwide net turnover in the financial year preceding the last financial year and which operate in one or more high-impact sectors, due diligence should apply 2 years after the end of the transposition period of this directive, in order to provide for a longer adaptation period. In order to ensure a proportionate burden, companies operating in such high-impact sectors should be required to comply with more targeted due diligence focusing on severe adverse impacts. Temporary agency workers, including those posted under Article 1(3), point (c), of Directive 96/71/EC, as amended by Directive 2018/957/EU of the European Parliament and of the Council¹⁰³, should be included in the calculation of the number of employees in the user company. Posted workers under Article 1(3), points (a) and (b), of Directive 96/71/EC, as amended by Directive 2018/957/EU, should only be included in the calculation of the number of employees of the sending company.

¹⁰³ Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (OJ L 173, 9.7.2018, p. 16).

Or. en

Amendment 8

Proposal for a directive Recital 22

Text proposed by the Commission

(22) In order to reflect the priority areas of international action aimed at tackling human rights and environmental issues, the selection of high-impact sectors for the purposes of this Directive should be based on existing sectoral OECD due diligence guidance. The following sectors should be regarded as high-impact for the purposes of this Directive: the manufacture of textiles, leather and related products (including footwear), and the wholesale trade of textiles, clothing and footwear; agriculture, forestry, fisheries (including aquaculture), the manufacture of food products, and the wholesale trade of agricultural raw materials, live animals, wood, food, and beverages; the extraction of mineral resources regardless of where they are extracted from (including crude petroleum, natural gas, coal, lignite, metals and metal ores, as well as all other, non-metallic minerals and quarry products), the manufacture of basic metal products, other non-metallic mineral products and fabricated metal products (*except machinery and equipment*), and the wholesale trade of mineral resources, basic and intermediate mineral products (including metals and metal ores, construction materials, fuels, chemicals and other intermediate products). *As regards the financial sector, due to its specificities, in particular as regards the value chain and the services offered, even if it is covered by sector-specific OECD guidance, it should not form part of the high-impact sectors covered by this Directive. At the same time, in this sector, the broader coverage of actual and potential adverse impacts should be ensured by also including very large companies in the scope that are regulated*

Amendment

(22) In order to reflect the priority areas of international action aimed at tackling human rights and environmental issues, the selection of high-impact sectors for the purposes of this Directive should be based on existing sectoral OECD due diligence guidance. The following sectors should be regarded as high-impact for the purposes of this Directive: the manufacture of textiles, leather and related products (including footwear), and the wholesale trade of textiles, clothing and footwear; agriculture, forestry, fisheries (including aquaculture), the manufacture of food products, and the wholesale trade of agricultural raw materials, live animals, wood, food, and beverages; the extraction of mineral resources regardless of where they are extracted from (including crude petroleum, natural gas, coal, lignite, metals and metal ores, as well as all other, non-metallic minerals and quarry products), the manufacture of basic metal products, other non-metallic mineral products and fabricated metal products, the wholesale trade of mineral resources, basic and intermediate mineral products (including metals and metal ores, construction materials, fuels, chemicals and other intermediate products) *and the provision of financial services, such as loans, credits, financing, pensions, market funding, risk management, payment services, securitisation, insurance or reinsurance services, investment services and activities, and other financial services.*

financial *undertakings, even if they do not have a legal form with limited liability.*

Or. en

Amendment 9

Proposal for a directive Recital 23

Text proposed by the Commission

(23) In order to achieve fully the objectives of this Directive addressing human rights and adverse environmental impacts with respect to companies' operations, subsidiaries and value chains, third-country companies with significant operations in the EU should also be covered. More specifically, the Directive should apply to third-country companies which generated a net turnover of at least EUR **150** million in the Union in the financial year preceding the last financial year or a net turnover of more than EUR **40** million but less than EUR **150** million in the financial year preceding the last financial year in one or more of the high-impact sectors, as of 2 years after the end of the transposition period of this Directive.

Amendment

(23) In order to achieve fully the objectives of this Directive addressing human rights and adverse environmental impacts with respect to companies' operations, subsidiaries and value chains, third-country companies with significant operations in the EU should also be covered. More specifically, the Directive should apply to third-country companies which generated a net turnover of at least EUR **50** million in the Union in the financial year preceding the last financial year or a net turnover of more than EUR **10** million but less than EUR **50** million in the financial year preceding the last financial year in one or more of the high-impact sectors, as of 2 years after the end of the transposition period of this Directive.

Or. en

Amendment 10

Proposal for a directive Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) *In line with the OECD Due Diligence Guidance for Responsible Business Conduct, meaningful stakeholder engagement is a key*

component of the due diligence process. The consultation and involvement of stakeholders can help companies to identify risks more precisely and to set up a more effective due diligence strategy. Therefore, the consultation and involvement of stakeholders should be required in all stages of the due diligence process. Their involvement and consultation may help to push back against pressure from financial markets and short-term investors and give voice to those with a strong interest in the long-term sustainability of the company.

Or. en

Amendment 11

Proposal for a directive Recital 28

Text proposed by the Commission

(28) In order to ensure that due diligence forms part of companies' corporate policies, and in line with the relevant international framework, companies should integrate due diligence into all their corporate policies and have in place a due diligence policy. The due diligence policy should contain a description of the company's approach, including in the long term, to due diligence, a code of conduct describing the rules and principles to be followed by the company's employees and subsidiaries; a description of the processes put in place to implement due diligence, including the measures taken to verify compliance with the code of conduct and to extend its application to **established** business relationships. The code of conduct should apply in all relevant corporate functions and operations, including procurement and purchasing decisions. Companies should also update their due

Amendment

(28) In order to ensure that due diligence forms part of companies' corporate policies, and in line with the relevant international framework, companies should integrate due diligence into all their corporate policies and have in place **and carry out** a due diligence policy. The due diligence policy should contain a description of the company's approach, including in the long term, to due diligence, a code of conduct describing the rules and principles to be followed by the company's employees and subsidiaries; a description of the processes put in place to implement due diligence, including the measures taken to verify compliance with the code of conduct and to extend its application to business relationships. The code of conduct should apply in all relevant corporate functions and operations, including procurement and purchasing decisions. Companies should also update **and publish** their due diligence

diligence policy annually.

policy annually.

Or. en

Amendment 12

Proposal for a directive Recital 30

Text proposed by the Commission

(30) Under the due diligence obligations set out by this Directive, a company should identify actual or potential adverse human rights and environmental impacts. In order to allow for a comprehensive identification of adverse impacts, such identification should be based on quantitative and qualitative information. For instance, as regards adverse environmental impacts, the company should obtain information about baseline conditions at higher risk sites or facilities in value chains. Identification of adverse impacts should include assessing the human rights, and environmental context in a dynamic way and in regular intervals: prior to a new activity or relationship, prior to major decisions or changes in the operation; in response to or anticipation of changes in the operating environment; and periodically, at least every 12 months, throughout the life of an activity or relationship. ***Regulated financial undertakings providing loan, credit, or other financial services should identify the adverse impacts only at the inception of the contract.*** When identifying adverse impacts, companies should also identify and assess the impact of a business relationship's business model and strategies, including trading, procurement and pricing practices. Where the company cannot prevent, bring to an end or minimize all its adverse impacts at the same time, it should be able to prioritize its action, provided it takes the measures reasonably available to the

Amendment

(30) Under the due diligence obligations set out by this Directive, a company should identify actual or potential adverse human rights and environmental impacts. In order to allow for a comprehensive identification of adverse impacts, such identification should be based on quantitative and qualitative information. For instance, as regards adverse environmental impacts, the company should obtain information about baseline conditions at higher risk sites or facilities in value chains. Identification of adverse impacts should include assessing the human rights, and environmental context in a dynamic way and in regular intervals: prior to a new activity or relationship, prior to major decisions or changes in the operation; in response to or anticipation of changes in the operating environment; and periodically, at least every 12 months, throughout the life of an activity or relationship. When identifying adverse impacts, companies should also identify and assess the impact of a business relationship's business model and strategies, including trading, procurement and pricing practices. Where the company cannot prevent, bring to an end or minimize all its adverse impacts at the same time, it should be able to prioritize its action, provided it takes the measures reasonably available to the company, taking into account the specific circumstances.

company, taking into account the specific circumstances.

Or. en

Amendment 13

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) So as to comply with the prevention and mitigation obligation under this Directive, companies should be required to ***take the following actions, where relevant. Where necessary due to the complexity of prevention measures, companies should*** develop and implement a prevention action plan. Companies ***should*** seek to obtain contractual assurances from a direct partner with whom they have ***an established*** business relationship that it will ensure compliance with the code of conduct or the prevention action plan, including by seeking corresponding contractual assurances from its partners to the extent that their activities are part of the companies' value chain. The contractual assurances should be accompanied by appropriate measures to verify compliance. To ensure comprehensive prevention of actual and potential adverse impacts, companies should also make investments which aim to prevent adverse impacts, provide targeted and proportionate support for an SME with which they have ***an established*** business relationship such as financing, for example, through direct financing, low-interest loans, guarantees of continued sourcing, and assistance in securing financing, to help implement the code of conduct or prevention action plan, or technical guidance such as in the form of training, management systems upgrading, and collaborate with other

Amendment

(34) So as to comply with the prevention and mitigation obligation under this Directive, companies should be required to develop and implement a prevention action plan. Companies ***may*** seek to obtain contractual assurances from a direct partner with whom they have ***a*** business relationship that it will ensure compliance with the code of conduct or the prevention action plan, including by seeking corresponding contractual assurances from its partners to the extent that their activities are part of the companies' value chain. The contractual assurances ***may help to efficiently pool and share responsibilities, especially for SMEs. However, relying on contractual assurances does not exclude the possibility of a company to be in breach of its due diligence obligations. It should also be noted that for some companies, including institutional investors, contractual assurances are difficult to obtain because they typically do not have a contractual relationship with an investee company. The contractual assurances*** should be accompanied by appropriate measures to verify compliance. To ensure comprehensive prevention of actual and potential adverse impacts, companies should also make investments which aim to prevent adverse impacts, ***including in their own operations***, provide targeted and proportionate support for an SME with which they have ***a*** business relationship

companies.

such as financing, for example, through direct financing, low-interest loans, guarantees of continued sourcing, and assistance in securing financing, to help implement the code of conduct or prevention action plan, or technical guidance such as in the form of training, management systems upgrading, and collaborate with other companies.

Or. en

Amendment 14

Proposal for a directive Recital 38

Text proposed by the Commission

(38) Under the due diligence obligations set out by this Directive, if a company identifies actual human rights or environmental adverse impacts, it should take appropriate measures to bring those to an end. It can be expected that a company is able to bring to an end actual adverse impacts in their own operations and in subsidiaries. However, it should be clarified that, as regards *established* business relationships, where adverse impacts cannot be brought to an end, companies should minimise the extent of such impacts. Minimisation of the extent of adverse impacts should require an outcome that is the closest possible to bringing the adverse impact to an end. To provide companies with legal clarity and certainty, this Directive should define which actions companies should be required to take for bringing actual human rights and environmental adverse impacts to an end and minimisation of their extent, where relevant depending on the circumstances.

Amendment

(38) Under the due diligence obligations set out by this Directive, if a company identifies actual human rights or environmental adverse impacts, it should take appropriate measures to bring those to an end. It can be expected that a company is able to bring to an end actual adverse impacts in their own operations and in subsidiaries. However, it should be clarified that, as regards *to* business relationships, where adverse impacts cannot be brought to an end, companies should minimise the extent of such impacts. Minimisation of the extent of adverse impacts should require an outcome that is the closest possible to bringing the adverse impact to an end. To provide companies with legal clarity and certainty, this Directive should define which actions companies should be required to take for bringing actual human rights and environmental adverse impacts to an end and minimisation of their extent, where relevant depending on the circumstances.

Or. en

Amendment 15

Proposal for a directive Recital 39

Text proposed by the Commission

(39) So as to comply with the obligation of bringing to an end and minimising the extent of actual adverse impacts under this Directive, companies should be required to take the following actions, **where relevant**. They should neutralise the adverse impact or minimise its extent, with an action proportionate to the significance and scale of the adverse impact and to the contribution of the company's conduct to the adverse impact. Where necessary due to the fact that the adverse impact cannot be immediately brought to an end, companies should develop and implement a corrective action plan with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. Companies **should** also seek to obtain contractual assurances from a direct business partner with whom they have **an established** business relationship that they will ensure compliance with the company's code of conduct and, **as necessary**, a prevention action plan, including by seeking corresponding contractual assurances from its partners, to the extent that their activities are part of the company's value chain. The contractual assurances should be accompanied by the appropriate measures to verify compliance. Finally, companies should also make investments aiming at ceasing or minimising the extent of adverse impact, provide targeted and proportionate support for an SMEs with which they have **an established** business relationship and collaborate with other entities, including, where relevant, to increase the company's ability to bring the adverse impact to an end.

Amendment

(39) So as to comply with the obligation of bringing to an end and minimising the extent of actual adverse impacts under this Directive, companies should be required to take the following actions. They should neutralise the adverse impact or minimise its extent, with an action proportionate to the significance and scale of the adverse impact and to the contribution of the company's conduct to the adverse impact. Where necessary due to the fact that the adverse impact cannot be immediately brought to an end, companies should develop and implement a corrective action plan with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. Companies **may** also seek to obtain contractual assurances from a direct business partner with whom they have **a** business relationship that they will ensure compliance with the company's code of conduct and a prevention action plan, including by seeking corresponding contractual assurances from its partners, to the extent that their activities are part of the company's value chain. The contractual assurances should be accompanied by the appropriate measures to verify compliance. Finally, companies should also make investments aiming at ceasing or minimising the extent of adverse impact, provide targeted and proportionate support for an SMEs with which they have **a** business relationship and collaborate with other entities, including, where relevant, to increase the company's ability to bring the adverse impact to an end.

Or. en

Amendment 16

Proposal for a directive Recital 42

Text proposed by the Commission

(42) Companies should provide the possibility for persons and organisations to submit complaints directly to them in case of legitimate concerns regarding actual or potential human rights and environmental adverse impacts. Organisations who could submit such complaints should include trade unions and other workers' representatives representing individuals working in the value chain concerned and civil society organisations active in the areas related to the value chain concerned where they have knowledge about a potential or actual adverse impact. Companies should establish a procedure for dealing with those complaints and inform workers, trade unions and other workers' representatives, *where relevant*, about such processes. Recourse to the complaints and remediation mechanism should not prevent the complainant from having recourse to judicial remedies. In accordance with international standards, complaints should be entitled to request from the company appropriate follow-up on the complaint and to meet with the company's representatives at an appropriate level to discuss potential or actual severe adverse impacts that are the subject matter of the complaint. This access should not lead to unreasonable solicitations of companies.

Amendment

(42) Companies should provide the possibility for persons and organisations to submit complaints directly to them in case of legitimate concerns regarding actual or potential human rights and environmental adverse impacts. Organisations who could submit such complaints should include trade unions and other workers' representatives representing individuals working in the value chain concerned and civil society organisations active in the areas related to the value chain concerned where they have knowledge about a potential or actual adverse impact. Companies should establish a procedure for dealing with those complaints and inform workers, trade unions and other workers' representatives, about such processes. Recourse to the complaints and remediation mechanism should not prevent the complainant from having recourse to judicial remedies. In accordance with international standards, complaints should be entitled to request from the company appropriate follow-up on the complaint and to meet with the company's representatives at an appropriate level to discuss potential or actual severe adverse impacts that are the subject matter of the complaint. This access should not lead to unreasonable solicitations of companies.

Or. en

Amendment 17

Proposal for a directive Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) If a company is causing or contributing to an actual or potential adverse impact, it should prevent or mitigate the impact, use its leverage and remediate or contribute to remediating the harm. Companies that are linked to an actual or potential adverse impact without causing or contributing to it, should make use of their leverage to the greatest extent possible to mitigate the impact and should assist in remedy. Many of the impacts associated with the products and services of financial institutions may constitute a situation of direct linkage, which means that the institution has not caused or contributed to an adverse impact. However, financial institutions can also cause and contribute to an adverse impact, which has been for instance recognised by the UN in the OHCHR Response to Request from BankTrack for Advice Regarding the Application of the UN Guiding Principles on Business and Human Rights in the Context of the Banking Sector from 12 June 2017.

Or. en

Amendment 18

Proposal for a directive Recital 43

Text proposed by the Commission

Amendment

(43) Companies should monitor the implementation and effectiveness of their due diligence measures. They should carry out periodic assessments of their own operations, those of their subsidiaries and,

(43) Companies should monitor the implementation and effectiveness of their due diligence measures. They should carry out periodic assessments of their own operations, those of their subsidiaries and,

where related to the value chains of the company, those of their *established* business relationships, to monitor the effectiveness of the identification, prevention, minimisation, bringing to an end and mitigation of human rights and environmental adverse impacts. Such assessments should verify that adverse impacts are properly identified, due diligence measures are implemented and adverse impacts have actually been prevented or brought to an end. In order to ensure that such assessments are up-to-date, they should be carried out at least every 12 months and be revised in-between if there are reasonable grounds to believe that significant new risks of adverse impact could have arisen.

where related to the value chains of the company, those of their business relationships, to monitor the effectiveness of the identification, prevention, minimisation, bringing to an end and mitigation of human rights and environmental adverse impacts. Such assessments should verify that adverse impacts are properly identified, due diligence measures are implemented and adverse impacts have actually been prevented or brought to an end. In order to ensure that such assessments are up-to-date, they should be carried out at least every 12 months and be revised in-between if there are reasonable grounds to believe that significant new risks of adverse impact could have arisen.

Or. en

Amendment 19

Proposal for a directive

Recital 44

Text proposed by the Commission

(44) Like in the existing international standards set by the United Nations Guiding Principles on Business and Human Rights and the OECD framework, it forms part of the due diligence requirement to communicate externally relevant information on due diligence policies, processes and activities conducted to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities. The proposal to amend Directive 2013/34/EU as regards corporate sustainability reporting sets out relevant reporting obligations for the companies covered by this directive. In order to avoid duplicating reporting obligations, this Directive should therefore not introduce any new reporting obligations in addition to those under

Amendment

(44) Like in the existing international standards set by the United Nations Guiding Principles on Business and Human Rights and the OECD framework, it forms part of the due diligence requirement to communicate externally relevant information on due diligence policies, processes and activities conducted to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities. The proposal to amend Directive 2013/34/EU as regards corporate sustainability reporting sets out relevant reporting obligations for the companies covered by this directive. In order to avoid duplicating reporting obligations, this Directive should therefore not introduce any new reporting obligations in addition to those under

Directive 2013/34/EU for the companies covered by that Directive as well as the reporting standards that should be developed under it. As regards companies that are within the scope of this Directive, but do not fall under Directive 2013/34/EU, in order to comply with their obligation of communicating as part of the due diligence under this Directive, they should publish on their website an annual statement in *a language customary in the sphere of international business*.

Directive 2013/34/EU for the companies covered by that Directive as well as the reporting standards that should be developed under it. As regards companies that are within the scope of this Directive, but do not fall under Directive 2013/34/EU, in order to comply with their obligation of communicating as part of the due diligence under this Directive, they should publish on their website an annual statement in *an official language of the Member State*.

Or. en

Amendment 20

Proposal for a directive Recital 45

Text proposed by the Commission

(45) In order to facilitate companies' compliance with their due diligence requirements through their value chain and limiting shifting compliance burden on SME business partners, the Commission should provide guidance on model contractual clauses.

Amendment

(45) In order to facilitate companies' compliance with their due diligence requirements through their value chain and limiting shifting compliance burden on SME business partners, the Commission should provide guidance on model contractual clauses. *The development of contractual clauses to manage environmental and human rights risks shall be prioritized, particularly in the sectors regarded as high-impact for the purposes of this Directive.*

Or. en

Amendment 21

Proposal for a directive Recital 47

Text proposed by the Commission

(47) *Although SMEs are not included*

Amendment

(47) *In order to support* SMEs, many of

in the scope of this Directive, they could be impacted by its provisions as contractors or subcontractors to the companies which are in the scope. The aim is nevertheless to mitigate financial or administrative burden on SMEs, many of which are already struggling in the context of the global economic and sanitary crisis. In order to support SMEs, Member States should set up and operate, either individually or jointly, dedicated websites, portals or platforms, and Member States could also financially support SMEs and help them build capacity. Such support should also be made accessible, and where necessary adapted and extended to upstream economic operators in third countries. Companies whose business partner is an SME, are also encouraged to support them to comply with due diligence measures, in case such requirements would jeopardize the viability of the SME and use fair, reasonable, non-discriminatory and proportionate requirements vis-a-vis the SMEs.

which are already struggling in the context of the global economic and sanitary crisis **and to mitigate financial or administrative burden on them**, Member States should set up and operate, either individually or jointly, dedicated websites, portals or platforms, and Member States could also financially support SMEs and help them build capacity. Such support should also be made accessible, and where necessary adapted and extended to upstream economic operators in third countries. Companies whose business partner is an SME, are also encouraged to support them to comply with due diligence measures, in case such requirements would jeopardize the viability of the SME and use fair, reasonable, non-discriminatory and proportionate requirements vis-a-vis the SMEs.

Or. en

Amendment 22

Proposal for a directive Recital 50

Text proposed by the Commission

(50) In order to ensure that this Directive effectively contributes to combating climate change, companies should adopt a plan to ensure that the business model and strategy of the company are compatible with the transition to a sustainable economy and with the limiting of global warming to 1.5 °C in line with the Paris Agreement. ***In case climate is or should have been identified as a principal risk for or a principal impact of the company's operations, the company***

Amendment

(50) In order to ensure that this Directive effectively contributes to combating climate change, companies should adopt a plan to ensure that the business model and strategy of the company are compatible with the transition to a sustainable economy and with the limiting of global warming to 1.5 °C in line with the Paris Agreement ***as well as the objective of climate neutrality by the year 2050 and reduction of net greenhouse gas emissions by at least 55% compared to***

should include emissions reduction objectives *in its plan*.

1990 levels by 2030 as laid down in Regulation (EU) 2021/1119. The plan should take into account the entire value chain and include emissions reduction objectives.

Or. en

Amendment 23

Proposal for a directive Recital 51

Text proposed by the Commission

(51) With a view to ensure that such emission reduction plan is properly implemented and embedded in the financial incentives of directors, the plan should be duly taken into account when setting directors' variable remuneration, *if* variable remuneration *is* linked to the contribution of a director to the company's business strategy and long-term interests and sustainability.

Amendment

(51) With a view to ensure that such emission reduction plan is properly implemented and embedded in the financial incentives of directors, the plan should be duly taken into account when setting directors' variable remuneration. Variable remuneration *should be* linked to the contribution of a director to the company's business strategy *medium-* and long-term interests and sustainability. *Concretely, executive directors should set out sustainable investment targets of minimum 50% when establishing performance measurement criteria in view of determining variable remuneration.*

Or. en

Amendment 24

Proposal for a directive Recital 57

Text proposed by the Commission

(57) As regards damages occurring at the level of *established* indirect business relationships, the liability of the company should be subject to specific conditions.

Amendment

(57) As regards damages occurring at the level of indirect business relationships, the liability of the company should be subject to specific conditions. The

The company should not be liable if it carried out specific due diligence measures. However, it should not be exonerated from liability through implementing such measures in case it was unreasonable 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 adverse impact. In addition, in the assessment of the existence and extent of liability, due account is to 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 as well as any collaboration with other entities to address adverse impacts in its value chains.

company should not be liable if it carried out specific due diligence measures. However, it should not be exonerated from liability through implementing such measures in case it was unreasonable 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 adverse impact. In addition, in the assessment of the existence and extent of liability, due account is to 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 as well as any collaboration with other entities to address adverse impacts in its value chains.

Or. en

Amendment 25

Proposal for a directive Recital 58

Text proposed by the Commission

(58) The liability regime does not regulate who should prove that the company's action was reasonably adequate under the circumstances of the case, therefore this question is left to national law.

Amendment

deleted

Or. en

Amendment 26

Proposal for a directive Recital 63

Text proposed by the Commission

(63) In all Member States' national laws, directors owe a duty of care to the company. In order to ensure that this general duty is understood and applied in a manner which is coherent and consistent with the due diligence obligations introduced by this Directive and that directors systematically take into account sustainability matters in their decisions, this Directive should clarify, in a harmonised manner, the general duty of care of directors to act in the best interest of the company, by laying down that directors take into account the sustainability matters as referred to in Directive 2013/34/EU, including, **where applicable**, human rights, climate change and environmental consequences, **including** in the short, medium and long term horizons. Such clarification does not require changing existing national corporate structures.

Amendment

(63) In all Member States' national laws, directors owe a duty of care to the company. In order to ensure that this general duty is understood and applied in a manner which is coherent and consistent with the due diligence obligations introduced by this Directive and that directors systematically take into account sustainability matters in their decisions, this Directive should clarify, in a harmonised manner, the general duty of care of directors to act in the best interest of the company, by laying down that directors take into account the sustainability matters as referred to in Directive 2013/34/EU, including human rights, climate change and environmental consequences in the short, medium and long term horizons. Such clarification does not require changing existing national corporate structures.

Or. en

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) on obligations for companies regarding actual and potential human rights adverse impacts and environmental adverse impacts, with respect to their own operations, the operations of their subsidiaries, and the value chain operations carried out by entities with whom the company has **an established** business relationship and

Amendment

(a) on obligations for companies regarding actual and potential human rights adverse impacts and **actual and potential** environmental adverse impacts, with respect to their own operations, the operations of their subsidiaries, and the value chain operations carried out by entities with whom the company has **a** business relationship **irrespective of its duration** and

Or. en

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The nature of business relationships as ‘established’ shall be reassessed periodically, and at least every 12 months.

Amendment

deleted

Or. en

Amendment 29

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) the company had more than **500** employees on average **and** had a net worldwide turnover of more than EUR **150** million in the last financial year for which annual financial statements have been prepared;

Amendment

(a) the company had more than **250** employees on average **or** had a net worldwide turnover of more than EUR **50** million in the last financial year for which annual financial statements have been prepared;

Or. en

Amendment 30

Proposal for a directive

Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the company did not reach the threshold under point (a) but has a balance sheet of more than EUR 43 million;

Or. en

Amendment 31

Proposal for a directive Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the company did not reach the threshold under points (a) and (aa), but has assets under management of more than EUR 1.2 billion;

Or. en

Amendment 32

Proposal for a directive Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) the company did not reach the thresholds under **point (a)**, but had more than **250** employees on average **and** had a net worldwide turnover of more than EUR **40** million in the last financial year for which annual financial statements have been prepared, provided that at least 50% of this net turnover was generated in one or more of the following sectors:

(b) the company did not reach the thresholds under **points (a), (aa) and (ab)**, but had more than **50** employees on average **or** had a net worldwide turnover of more than EUR **10 million or a total balance sheet of more than EUR 10** million in the last financial year for which annual financial statements have been prepared, provided that at least 50% of this net turnover was generated in one or more of the following sectors:

Or. en

Amendment 33

Proposal for a directive Article 2 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) the provision of financial services, such as loans, credits, financing,

pensions, market funding, risk management, payment services, securitisation, insurance or reinsurance services, investment services and activities, and other financial services.

Or. en

Amendment 34

Proposal for a directive Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) generated a net turnover of more than EUR **150** million in the Union in the financial year preceding the last financial year;

Amendment

(a) generated a net turnover of more than EUR **50** million in the Union in the financial year preceding the last financial year;

Or. en

Amendment 35

Proposal for a directive Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) generated a net turnover of more than EUR **40** million but not more than EUR **150** million in the Union in the financial year preceding the last financial year, provided that at least 50% of its net worldwide turnover was generated in one or more of the sectors listed in paragraph 1, point (b).

Amendment

(b) generated a net turnover of more than EUR **10** million but not more than EUR **50** million in the Union in the financial year preceding the last financial year, provided that at least 50% of its net worldwide turnover was generated in one or more of the sectors listed in paragraph 1, point (b).

Or. en

Amendment 36

Proposal for a directive Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. For the purposes of paragraph 1, the calculation of the number of employees of a company established in the Union shall take account of the employees it employs worldwide, meaning employees of the parent company and those of its subsidiaries.

Or. en

Amendment 37

Proposal for a directive Article 3 – paragraph 1 – point a – point iv – indent 19 a (new)

Text proposed by the Commission

Amendment

- a market operator as defined in Article 4(1), point (18), of Directive 2014/65/EU;

Or. en

Amendment 38

Proposal for a directive Article 3 – paragraph 1 – point a – point iv – indent 19 b (new)

Text proposed by the Commission

Amendment

- a credit rating agency as defined in Article 3(1), point (b), of Regulation (EC) 1060/2009 of the European Parliament and of the Council^{1a};

^{1a} Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating

agencies (OJ L 302, 17.11.2009, p.1).

Or. en

Amendment 39

Proposal for a directive

Article 3 – paragraph 1 – point a – point iv – indent 19 c (new)

Text proposed by the Commission

Amendment

- *an administrator as defined in Article 3(1), point (6), of Regulation (EU) 2016/1011 of the European Parliament and of the Council^{1a} ;*

^{1a} Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1).

Or. en

Amendment 40

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ‘adverse environmental impact’ means an adverse impact on the environment **resulting from** the violation of one of the prohibitions and obligations pursuant to the international environmental conventions listed in the Annex, Part II;

(b) ‘adverse environmental impact’ means an adverse impact on the environment, **including** the violation of one of the prohibitions and obligations pursuant to the international environmental conventions listed in the Annex, Part II;

Or. en

Amendment 41

Proposal for a directive Article 3 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘value chain’ means activities related to the production of goods or the provision of services by a company, including the development of the product or the service and the use and disposal of the product as well as the related activities of upstream and downstream **established** business relationships of the company. **As regards companies within the meaning of point (a)(iv), ‘value chain’ with respect to the provision of these specific services shall only include the activities of the clients receiving such loan, credit, and other financial services and of other companies belonging to the same group whose activities are linked to the contract in question.** The value chain of **such** regulated financial undertakings does not cover **SMEs** receiving loan, credit, financing, insurance or reinsurance of such entities;

Amendment

(g) ‘value chain’ means activities related to the production of goods or the provision of services by a company, including the development of the product or the service and the use and disposal of the product as well as the related activities of upstream and downstream business relationships of the company. The value chain of regulated financial undertakings **within the meaning of point (a) (iv)** does not cover **households and natural persons not acting in a professional and business capacity, as well as micro-undertakings as defined in Article 3(1) of Directive 2013/34/EU** receiving loan, credit, financing, insurance or reinsurance, **investment services and activities or other financial services** of such entities;

Or. en

Amendment 42

Proposal for a directive Article 3 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) ‘leverage’ means the ability of a company to effect change in the wrongful practices of the entity that causes or contributes to the adverse impact.

Or. en

Amendment 43

Proposal for a directive Article 3 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘stakeholders’ means ***the company’s employees, the employees of its subsidiaries, and other*** individuals, groups, communities or entities whose rights or interests are or could be affected by the products, services and operations of that company, its subsidiaries and its business relationships;

Amendment

(n) ‘stakeholders’ means ***any number of*** individuals, groups, communities or entities whose rights or interests are or could be affected by the products, services and operations of that company, its subsidiaries and its business relationships ***across the entire value chain, including workers and their representatives, local communities, children, indigenous peoples, citizens’ associations, trade unions, civil society organisations and the undertakings’ shareholders, as well as organisations whose statutory purpose is the defence of human rights, including social and labour rights, the environment and good governance;***

Or. en

Amendment 44

Proposal for a directive Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of point (h) of the first paragraph, the Commission shall adopt a delegated act in accordance with Article 28 to specify the minimum standards for the independent third-party verification;

Or. en

Amendment 45

Proposal for a directive Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When carrying out the actions referred to in paragraph 1, points (b) and (c), companies shall prioritise adverse impacts according to their severity and their likelihood. Severity is understood as a function of the scale, scope and irremediably character of the impact. Actions carried out in accordance with paragraph 1, point (c), may address adverse impacts in the order of their prioritisation.

Or. en

Amendment 46

Proposal for a directive Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) a description of the processes put in place to implement due diligence, including the measures taken to verify compliance with the code of conduct and to extend its application to ***established*** business relationships.

(c) a description of the processes put in place to implement due diligence, including the measures taken to verify compliance with the code of conduct and to extend its application to business relationships.

Or. en

Amendment 47

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that the

2. Member States shall ensure that the

companies update their due diligence policy annually.

companies update **and publish** their due diligence policy annually.

Or. en

Amendment 48

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that companies take appropriate measures to identify actual and potential adverse human rights impacts and adverse environmental impacts arising from their own operations or those of their subsidiaries and, where related to their value chains, from their **established** business relationships, in accordance with paragraph 2, 3 and 4.

Amendment

1. Member States shall ensure that companies take appropriate measures to identify actual and potential adverse human rights impacts and adverse environmental impacts arising from their own operations or those of their subsidiaries and, where related to their value chains, from their business relationships, in accordance with paragraph 2, 3 and 4.

Or. en

Amendment 49

Proposal for a directive Article 6 – paragraph 3

Text proposed by the Commission

3. ***When companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services, identification of actual and potential adverse human rights impacts and adverse environmental impacts shall be carried out only before providing that service..***

Amendment

deleted

Or. en

Amendment 50

Proposal for a directive Article 6 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that, for the purposes of identifying the adverse impacts referred to in paragraph 1 based on, **where appropriate**, quantitative and qualitative information, companies are entitled to make use of appropriate resources, including independent reports and information gathered through the complaints procedure provided for in Article 9. Companies shall, **where relevant**, also carry out consultations with potentially affected groups including workers and other relevant stakeholders to gather information on actual or potential adverse impacts.

Amendment

4. Member States shall ensure that, for the purposes of identifying the adverse impacts referred to in paragraph 1 based on quantitative and qualitative information, companies are entitled to make use of appropriate resources, including independent reports and information gathered through the complaints procedure provided for in Article 9. Companies shall also carry out consultations with potentially affected groups including workers and other relevant stakeholders to gather information on actual or potential adverse impacts. ***Regulated financial institutions as well as other companies are not allowed to solely refer to information derived from credit rating agencies, sustainability rating agencies or benchmark administrators.***

Or. en

Amendment 51

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that companies take appropriate measures to prevent, or where prevention is not possible or not immediately possible, adequately mitigate potential adverse human rights impacts and adverse environmental impacts that have been, or should have been, identified pursuant to Article 6, in accordance with paragraphs 2, 3, 4 and 5 of this Article.

Amendment

1. Member States shall ensure that companies take appropriate measures to prevent, or where prevention is not possible or not immediately possible, adequately mitigate potential adverse human rights impacts and adverse environmental impacts that have been, or should have been, identified pursuant to Article 6, in accordance with paragraphs 2, 3, 4 and 5 of this Article. ***Companies that are linked to the potential adverse impact***

without causing or contributing to it are required to make use of their leverage to the greatest extent possible to mitigate any remaining potential impacts and are required to assist in remediation.

Or. en

Amendment 52

Proposal for a directive Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) *where necessary due to the nature or complexity of the measures required for prevention*, develop and implement a prevention action plan, with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. The prevention action plan shall be developed in consultation with affected stakeholders;

Amendment

(a) develop and implement a prevention action plan, with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. The prevention action plan shall be developed in consultation with affected stakeholders;

Or. en

Amendment 53

Proposal for a directive Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) seek contractual *assurances* from a business partner *with whom it has a direct business relationship* that it will ensure compliance with the company's code of conduct and, as necessary, a prevention action plan, *including by seeking corresponding contractual assurances from its partners, to the extent that their activities are part of the company's value chain (contractual cascading)*. When such *contractual* assurances are obtained,

Amendment

(b) seek *assurances*, contractual *or non-contractual*, from a business partner that it will ensure compliance with the company's code of conduct and, as necessary, a prevention action plan. When such assurances are obtained, paragraph 4 shall apply;

paragraph 4 shall apply;

Or. en

Amendment 54

Proposal for a directive Article 7 – paragraph 2 – point d

Text proposed by the Commission

(d) provide targeted and proportionate support for an SME with which the company has ***an established*** business relationship, where compliance with the code of conduct or the prevention action plan would jeopardise the viability of the SME;

Amendment

(d) provide targeted and proportionate support for an SME with which the company has ***a*** business relationship, where compliance with the code of conduct or the prevention action plan would jeopardise the viability of the SME;

Or. en

Amendment 55

Proposal for a directive Article 7 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The contractual ***assurances or the contract*** shall be accompanied by the appropriate measures to ***verify compliance***. For the purposes of ***verifying compliance***, the company may refer to suitable industry initiatives or independent third-party verification.

Amendment

The ***terms used shall be fair, reasonable and non-discriminatory***. ***Assurances, contractual or non-contractual***, shall be accompanied by the appropriate measures to ***assess their effectiveness***. For the purposes of ***assessing effectiveness***, the company may refer to suitable industry initiatives or independent third-party verification.

Or. en

Amendment 56

Proposal for a directive

Article 7 – paragraph 4 – subparagraph 2

Text proposed by the Commission

When contractual assurances are obtained from, or a contract is entered into, with an SME, the terms used shall be fair, reasonable and non-discriminatory.

Where measures ***to verify compliance*** are carried out ***in relation*** to SMEs, the company shall bear the cost of the independent third-party verification.

Amendment

Where measures are carried out to ***assess the effectiveness of assurances obtained from*** SMEs, the company shall bear the cost of the independent third-party verification.

Member States shall ensure that the general due diligence duty always clearly prevails over any contractual assurances. Contractual assurances shall always be assessed against the general duty.

Or. en

Amendment 57

Proposal for a directive

Article 7 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

As regards potential adverse impacts within the meaning of paragraph 1 that could not be prevented or adequately mitigated by the measures in paragraphs 2, 3 and 4, the company shall be required to refrain from entering into new or extending existing relations with the partner in connection with or in the value chain of which the impact has arisen and shall, where the law governing their relations so entitles them to, take the following actions:

Amendment

As regards potential adverse impacts within the meaning of paragraph 1 that could not be prevented or adequately mitigated by the measures in paragraphs 2, 3 and 4 ***and taking due account of the efforts of the company to make use of its leverage to prevent or adequately mitigate adverse potential impacts***, the company shall be required to refrain from entering into new or extending existing relations with the partner in connection with or in the value chain of which the impact has arisen and shall, where the law governing their relations so entitles them to, take the following actions:

Amendment 58**Proposal for a directive****Article 7 – paragraph 5 – subparagraph 2***Text proposed by the Commission*

Member States shall provide for the availability of an option to terminate the business relationship in contracts governed by their laws.

Amendment

Member States shall provide for the availability of an option to terminate the business relationship in contracts governed by their laws. ***When deciding on the temporary suspension of the business relationship or the termination of the business relationship due account must be taken of the potential adverse human rights impact of such decisions.***

Amendment 59**Proposal for a directive****Article 7 – paragraph 6***Text proposed by the Commission*

6. By way of derogation from paragraph 5, point (b), when companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services, they shall not be required to terminate the credit, loan or other financial service contract ***when this can be reasonably expected to cause*** substantial prejudice to the entity to whom that service is being provided.

Amendment

6. By way of derogation from paragraph 5, point (b), when companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services, ***to entities that cause or contribute to potential adverse impacts within the meaning of paragraph 1*** they shall not be required to terminate the credit, loan or other financial service contract ***if this is strictly necessary to prevent*** substantial prejudice to the entity to whom that service is being provided. ***A decision not to terminate the credit, loan or other financial service contract in derogation from paragraph 5, point (b) may only be taken if the leverage efforts of companies referred to in Article 3,***

point (a)(iv) have ultimately failed to influence the entity to whom that service is being provided to prevent or adequately mitigate adverse potential impacts and if the continuation of the credit, loan or other financial service contract is proportionate to the severity and the likelihood of the potential adverse impact.

Or. en

Amendment 60

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that companies take appropriate measures to bring actual adverse impacts that have been, or should have been, identified pursuant to Article 6 to an end, in accordance with paragraphs 2 to 6 of this Article.

Amendment

1. Member States shall ensure that companies take appropriate measures to bring actual adverse impacts that have been, or should have been, identified pursuant to Article 6 to an end, in accordance with paragraphs 2 to 6 of this Article. ***Companies that are linked to the adverse impact without causing or contributing to it are required to make use of their leverage to the greatest extent possible to bring actual adverse impacts to an end.***

Or. en

Amendment 61

Proposal for a directive Article 8 – paragraph 2

Text proposed by the Commission

2. Where the adverse impact cannot be brought to an end, Member States shall ensure that companies minimise the extent of such an impact.

Amendment

2. Where the adverse impact cannot be brought to an end, Member States shall ensure that companies minimise the extent of such an impact. ***Companies that are linked to the adverse impact without***

causing or contributing to it shall be required to make use of their leverage to the greatest extent possible to minimise the extent of that impact.

Or. en

Amendment 62

Proposal for a directive

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) where necessary due to the fact that the adverse impact cannot be immediately brought to an end, develop and implement a corrective action plan with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. *Where relevant*, the corrective action plan shall be developed in consultation with stakeholders;

Amendment

(b) where necessary due to the fact that the adverse impact cannot be immediately brought to an end, develop and implement a corrective action plan with reasonable and clearly defined timelines for action and qualitative and quantitative indicators for measuring improvement. The corrective action plan shall be developed in consultation with stakeholders;

Or. en

Amendment 63

Proposal for a directive

Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) seek contractual *assurances* from a *direct partner with whom it has an established business relationship* that it will ensure compliance with the code of conduct and, as necessary, a corrective action plan, *including by seeking corresponding contractual assurances from its partners, to the extent that they are part of the value chain (contractual cascading)*. When such *contractual assurances* are obtained, paragraph 5 shall

Amendment

(c) seek *assurances*, contractual *or non-contractual*, from a business *partner* that it will ensure compliance with the code of conduct and, as necessary, a corrective action plan. When such assurances are obtained, paragraph 5 shall apply.

apply.

Or. en

Amendment 64

Proposal for a directive Article 8 – paragraph 3 – point e

Text proposed by the Commission

(e) provide targeted and proportionate support for an SME with which the company has ***an established*** business relationship, where compliance with the code of conduct or the corrective action plan would jeopardise the viability of the SME;

Amendment

(e) provide targeted and proportionate support for an SME with which the company has ***a*** business relationship, where compliance with the code of conduct or the corrective action plan would jeopardise the viability of the SME;

Or. en

Amendment 65

Proposal for a directive Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The contractual ***assurances or the contract*** shall be accompanied by the appropriate measures to ***verify compliance***. For the purposes of ***verifying compliance***, the company may refer to suitable industry initiatives or independent third-party verification.

Amendment

The ***terms used shall be fair, reasonable and non-discriminatory. Assurances, contractual or non-contractual***, shall be accompanied by the appropriate measures to ***assess their effectiveness***. For the purposes of ***assessing effectiveness***, the company may refer to suitable industry initiatives or independent third-party verification.

Or. en

Amendment 66

Proposal for a directive

Article 8 – paragraph 5 – subparagraph 2

Text proposed by the Commission

When contractual assurances are obtained from, or a contract is entered into, with an SME, the terms used shall be fair, reasonable and non-discriminatory.

Where measures ***to verify compliance*** are carried out ***in relation*** to SMEs, the company shall bear the cost of the independent third-party verification.

Amendment

Where measures are carried out to ***assess the effectiveness of assurances obtained from*** SMEs, the company shall bear the cost of the independent third-party verification.

Or. en

Amendment 67

Proposal for a directive

Article 8 – paragraph 6 – subparagraph 1 – introductory part

Text proposed by the Commission

As regards actual adverse impacts within the meaning of paragraph 1 that could not be brought to an end or the extent of which could not be minimised by the measures provided for in paragraphs 3, 4 and 5, the company shall refrain from entering into new or extending existing relations with the partner in connection to or in the value chain of which the impact has arisen and shall, where the law governing their relations so entitles them to, take one of the following actions:

Amendment

As regards actual adverse impacts within the meaning of paragraph 1 that could not be brought to an end or the extent of which could not be minimised by the measures provided for in paragraphs 3, 4 and 5 ***and taking due account of the efforts of the company to make use of its leverage to bring actual adverse impacts to an end to minimise their extent***, the company shall refrain from entering into new or extending existing relations with the partner in connection to or in the value chain of which the impact has arisen and shall, where the law governing their relations so entitles them to, take one of the following actions:

Or. en

Amendment 68

Proposal for a directive

Article 8 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Member States shall provide for the availability of an option to terminate the business relationship in contracts governed by their laws.

Amendment

Member States shall provide for the availability of an option to terminate the business relationship in contracts governed by their laws. ***When deciding on the temporary suspension of the business relationship or the termination of the business relationship due account must be taken of the potential adverse human rights impact of such decisions.***

Or. en

Amendment 69

Proposal for a directive

Article 8 – paragraph 7

Text proposed by the Commission

7. By way of derogation from paragraph 6, point (b), when companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services, they shall not be required to terminate the credit, loan or other financial service contract, ***when this can be reasonably expected*** to cause substantial prejudice to the entity to whom that service is being provided.

Amendment

7. By way of derogation from paragraph 6, point (b), when companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services ***to entities that cause or contribute to actual adverse impacts within the meaning of paragraph 1***, they shall not be required to terminate the credit, loan or other financial service contract, ***if this is strictly necessary to prevent*** to cause substantial prejudice to the entity to whom that service is being provided. ***A decision not to terminate the credit, loan or other financial service contract in derogation from paragraph 6, point (b) may only be taken if the leverage efforts of companies referred to in Article 3, point (a)(iv) have ultimately failed to influence the entity to whom that service is being provided to bring actual adverse impacts to an end or to minimise their***

extent and if the continuation of the credit, loan or other financial service contract is proportionate to the severity of the actual adverse impact.

Or. en

Amendment 70

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that companies provide the possibility for persons and organisations listed in paragraph 2 to submit complaints to them where they have legitimate concerns regarding actual or potential adverse human rights impacts and adverse environmental impacts with respect to their own operations, the operations of their subsidiaries and their value chains.

Amendment

1. Member States shall ensure that companies provide the possibility for persons and organisations listed in paragraph 2 to submit complaints to them where they have legitimate concerns regarding actual or potential adverse human rights impacts and adverse environmental impacts with respect to their own operations, the operations of their subsidiaries and their value chains. ***The complaint procedure shall be safe, legitimate, accessible and equitable, and shall provide for the possibility to raise complaints anonymously and confidentially. Recourse to such procedures shall not preclude claimants from having access to judicial mechanisms.***

Or. en

Amendment 71

Proposal for a directive Article 10 – paragraph 1

Text proposed by the Commission

Member States shall ensure that companies carry out periodic assessments of their own operations and measures, those of their

Amendment

Member States shall ensure that companies carry out periodic assessments of their own operations and measures, those of their

subsidiaries and, where related to the value chains of the company, those of their **established** business relationships, to monitor the effectiveness of the identification, prevention, mitigation, bringing to an end and minimisation of the extent of human rights and environmental adverse impacts. Such assessments shall be based, where appropriate, on qualitative and quantitative indicators and be carried out at least every 12 months and whenever there are reasonable grounds to believe that significant new risks of the occurrence of those adverse impacts may arise. The due diligence policy shall be updated in accordance with the outcome of those assessments.

subsidiaries and, where related to the value chains of the company, those of their business relationships, to monitor the effectiveness of the identification, prevention, mitigation, bringing to an end and minimisation of the extent of human rights and environmental adverse impacts. Such assessments shall be based, where appropriate, on qualitative and quantitative indicators and be carried out at least every 12 months and whenever there are reasonable grounds to believe that significant new risks of the occurrence of those adverse impacts may arise. The due diligence policy shall be updated in accordance with the outcome of those assessments.

Or. en

Amendment 72

Proposal for a directive Article 11 – paragraph 1

Text proposed by the Commission

Member States shall ensure that companies that are not subject to reporting requirements under Articles 19a and 29a of Directive 2013/34/EU report on the matters covered by this Directive by publishing on their website an annual statement in *a* language **customary in the sphere of international business**. The statement shall be published by 30 April each year, covering the previous calendar year.

Amendment

Member States shall ensure that companies that are not subject to reporting requirements under Articles 19a and 29a of Directive 2013/34/EU report on the matters covered by this Directive by publishing on their website an annual statement in **an official language of the Member State**. The statement shall be published by 30 April each year, covering the previous calendar year.

Or. en

Amendment 73

Proposal for a directive Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that companies referred to in Article 3, point (a)(iv), that are subject to reporting requirements under Article 4 of Regulation (EU) 2019/2088 of the European Parliament and of the Council^{1a}, report on the matters covered by this Directive by publishing this information on their website.

^{1a} Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1).

Or. en

Amendment 74

Proposal for a directive Article 12 – paragraph 1

Text proposed by the Commission

Amendment

In order to provide support to companies to facilitate their compliance with Article 7(2), point (b), and Article 8(3), point (c), the Commission shall adopt guidance about voluntary model contract clauses.

In order to provide support to companies to facilitate their compliance with Article 7(2), point (b), and Article 8(3), point (c), the Commission shall adopt guidance about voluntary model contract clauses. ***It shall prioritise the development of contractual clauses to manage environmental and human rights risks.***

Or. en

Amendment 75

Proposal for a directive Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to provide support to companies to facilitate their compliance with Article 7(2), point (b), and Article 8(3), point (c), through the use of collective leverage, the Commission shall adopt and adapt guidance as appropriate about competition law in relation to their due diligence obligations.

Or. en

Amendment 76

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall, in order to provide information and support to companies and the partners with whom they have ***established*** business relationships in their value chains in their efforts to fulfil the obligations resulting from this Directive, set up and operate individually or jointly dedicated websites, platforms or portals. Specific consideration shall be given, in that respect, to the SMEs that are present in the value chains of companies.

1. Member States shall, in order to provide information and support to companies and the partners with whom they have business relationships in their value chains in their efforts to fulfil the obligations resulting from this Directive, set up and operate individually or jointly dedicated websites, platforms or portals. Specific consideration shall be given, in that respect, to the SMEs that are present in the value chains of companies.

Or. en

Amendment 77

Proposal for a directive Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may decide not to provide state support to companies that do

not comply with the objectives of this Directive.

Or. en

Amendment 78

Proposal for a directive Article 15 – paragraph 3

Text proposed by the Commission

3. 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, ***if variable remuneration is linked to the contribution of a director to the company's business strategy and long-term interests and sustainability.***

Amendment

3. Member States shall ensure that companies duly ***integrate*** the fulfilment of the obligations referred to in paragraphs 1 and 2 ***of this Article*** when setting variable remuneration ***in line with Article 26.***

Or. en

Amendment 79

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

Text proposed by the Commission

2a. Sanctions shall include pecuniary sanctions, the temporary or indefinite exclusion from on-going or future procurement procedures or from the receipt of State aid, and the seizure of commodities, public support schemes including schemes relying on export credit agencies and loans, and permits under export control schemes. Any sanction adopted shall be made public.

Or. en

Amendment 80

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. ***Member States shall provide for administrative fines comparable in size to fines currently provided for in competition law and data protection law.***

Or. en

Amendment 81

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

Text proposed by the Commission

Amendment

(-a) the damages arise from an adverse impact that should have been identified under Article 6, prevented, mitigated, brought to an end or its extent minimised through the appropriate measures laid down in Articles 7 and 8;

Or. en

Amendment 82

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 83

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) this failure *to comply caused or contributed to the* adverse impact.

Or. en

Amendment 84

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

Text proposed by the Commission

Amendment

1a. Where a failure to comply with the obligations laid down in Articles 7 and 8 is linked to the adverse impact without causing or contributing to it, companies are only liable to the extent that they failed to make use of their leverage as laid down in Article 7(1), second sentence, and Article 8(1), second sentence.

Or. en

Amendment 85

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

Text proposed by the Commission

Amendment

1b. Where the damage has been demonstrated by the victim, national

courts shall presume, for the purpose of applying liability rules to a claim for damages, the failure to comply according to paragraph 1, point (a) and paragraph 1a (new), and the causal link according to paragraph 1, point (b). The company shall have the right to rebut the presumption laid down in this paragraph.

Or. en

Amendment 86

Proposal for a directive

Article 22 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Notwithstanding paragraph 1, Member States shall ensure that companies are liable for damages with respect to their own operations and the operations of their subsidiaries.

Or. en

Amendment 87

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

Notwithstanding paragraph 1, Member States shall ensure that where a company has ***demonstrated to have complied with the obligations under 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, 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

compliance, would be adequate to prevent, mitigate, bring to an end or minimise the extent of the adverse impact.

extent of the adverse impact.

Or. en

Amendment 88

Proposal for a directive

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

Text proposed by the Commission

Amendment

If a company has prioritised adverse impacts in accordance with Article 4(1a), it cannot be held liable for damages arising from a lower prioritised adverse impact that was not yet addressed provided that the prioritisation was adequate according to the severity and the likelihood of the adverse impacts identified under Article 6.

Or. en

Amendment 89

Proposal for a directive

Article 22 – paragraph 2 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Where a liability claim under paragraph 1 is rejected on the grounds of an independent third-party verification, Member States shall ensure that the auditor can be held liable for any failure to properly verify compliance and to assess the effectiveness of assurances obtained from business partners.

Or. en

Amendment 90

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. ***This Directive shall not affect any rights which an injured person may have according to the rules of the law of contractual or non-contractual liability or a special liability system existing at the moment when this Directive is notified.***

Or. en

Amendment 91

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

Text proposed by the Commission

Amendment

2a. Member States shall ensure that directors set out sustainable investment targets of a minimum of 50 % when establishing performance measurement criteria for the purpose of determining variable remuneration.

Or. en

Amendment 92

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 93

**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, 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 validity of any delegated acts already in force.

Or. en

Amendment 94

**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 95

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 96

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 97

Proposal for a directive

Article 29 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) whether additional regulatory measures need to be adopted with a view to specific adverse impacts;

Or. en

Amendment 98

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