

## Comparison of proposed amendments by Axel Voss et al. with demands of business associations (selection)

Amendment 528		
<p><b>Axel Voss, Marion Walsmann, Daniel Buda, Karolin Braunsberger-Reinhold, Iuliu Winkler, Ralf Seekatz, Ivan Štefanec, Jessica Polfjård, Radan Kanev, Luisa Regimenti, Pascal Arimont, Pernille Weiss, Angelika Winzig, Miriam Lexmann, Angelika Niebler</b></p> <p>(In "Amendments Draft Report by Lara Wolters (PE738.450v01-00) on Corporate Sustainability Due Diligence and amending Directive (EU)" from 8.12.2022, online under <a href="https://www.europarl.europa.eu/committees/en/juri/documents/latest-documents">https://www.europarl.europa.eu/committees/en/juri/documents/latest-documents</a>, Justifications in 198 collected amendments by Axel Voss et al. from 30.11.2022, not available online)</p>		<p><b>Confederation of Finnish Industries EK</b></p> <p>(Legislative proposal on Corporate Sustainability Due Diligence – Amendment suggestions by Confederation of Finnish Industries EK, 17.10.2022)</p>
<p><b>Proposal for a directive</b>  <b>Article 1 – paragraph 2 a (new)</b></p>		
<p><i>Text proposed by the Commission</i></p>	<p><i>Amendment</i></p>	
	<p><b>2 a. Member States shall not introduce, in their national law, more stringent provisions than those laid down in this Directive, unless otherwise provided for in this Directive.</b></p>	<p><b>Article 1, paragraph 2 new proposed text:</b></p> <p>2. Member States shall not maintain or introduce, in their national law, provisions diverging from those laid down in this Directive, including more or less stringent provisions, unless otherwise provided for in this Directive.</p>

## Amendment 635

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

**Proposal for a directive**  
**Article 2 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. In case of a group of companies:**  
**(a) the parent company, whether or not it meets the thresholds mentioned in paragraphs 1 or 2, may perform the Due Diligence obligations laid down in this Directive on behalf of any or all its subsidiaries which meet the thresholds in paragraph 1 or 2;**  
**(b) any subsidiary shall be deemed in compliance with the obligations laid down in this Directive where their parent company includes those subsidiaries in its due diligence corporate policy.**

*Justification*

Setting due diligence obligations only at legal entity level is not reflecting the reality of companies and their organisation. CSR and due diligence policies are usually adopted by the parent company which ensures their implementation throughout the entire group. The essential role played by parent companies should be clearly reflected in the Directive. Furthermore, legal entities of a same group may be registered in different States, which could cause the due

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*diligence plans to be set up according to different national laws*

**EuropeanIssuers**

(EuropeanIssuers Proposals for amendments on the proposed Corporate Sustainability Due Diligence Directive (CS3D), October 2022)

**Amendment**  
**Proposal for a Directive**  
**Article 2 paragraph 5 (new) - Scope**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<p><b>5. In case of a group of companies:</b>  <b>(a) the parent company, whether or not it meets the thresholds mentioned in paragraphs 1 or 2, may perform the obligations laid down in Article 4 as well as in Article 15 and 16 on behalf of any or all its subsidiaries which meet the said thresholds;</b>  <b>(b) any subsidiary shall be deemed in compliance with the obligations laid down in Article 4 where their parent company includes those subsidiaries in its due diligence corporate policy.</b></p>

*Justifications*

Setting due diligence obligations only at legal entity level is not reflecting the reality of companies and their organisation. CSR and due diligence policies are usually adopted by the parent company which ensures their implementation throughout the entire group. The essential role played by parent companies should be clearly reflected in the Directive. Furthermore, legal entities of a same group may be registered in different States, which could cause the due diligence plans to be set up according to different national laws. Therefore, the proposal should be amended in order to take into consideration

## Amendment 727

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

Verband der Chemischen Industrie (VCI) and  
Bundesarbeitgeberverband Chemie (BAVC)

(Position on the Corporate Sustainability Due Diligence Directive, October 2022)

### 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) ‘**supply** chain’ means activities related to the production **and supply** of goods or the provision of services by a company, including the development of the product or the service as well as the related activities of upstream business relationships of the company **as far as these activities are directly necessary for the production of the goods or the provision of the services.**

#### Article 3

For the purposes of this Directive

...

g)

~~‘Value chain’~~ ‘**Supply 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 far as these activities are directly necessary for the production of the goods or the provision of the services. Thus, this**

## Amendment 872

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

VCI / BAVC

**Proposal for a directive**  
**Article 6 – title**

*Text proposed by the Commission*

Identifying actual and potential adverse impacts

*Amendment*

Identifying **and prioritising** actual and potential adverse impacts

Article 6

Identifying **and prioritising** actual and potential adverse impacts

## Amendment 1309

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

VCI / BAVC

Proposal for a directive  
Article 14 c (new)

*Amendment*

*Article 14 c*

*Recognition of Industry Initiatives*

*1. The Member States shall ensure that industry initiatives, which offer systems for compliance with the due diligence obligation, can apply to the respective Member State for the recognition by that Member State of the systems that they have developed for compliance with the due diligence obligation in supply chain. Suitable evidence and information shall be enclosed with the application.*

*2. Supplementing this Directive, the Commission shall adopt delegated acts in accordance with Article 28 where the methods and criteria are set out according to which the Member States can assess whether systems for compliance with the due diligence obligation in the supply chain facilitate compliance with the requirements of this Directive and its implementation by the Member States for the companies and enable Member States to recognise such systems.*

*3. Where a Member State determines, on the basis of the evidence and information provided according to paragraph 1 and according to the methods and criteria for recognition laid down in paragraph 2, that a system for compliance with the due diligence obligation in the supply chain*

*enables a company, which effectively applies this system, to implement the requirements of this Directive and its implementation in the Member State, the Member State shall certify granted recognition of equivalence with the requirements of this Directive and its implementation. When taking a decision regarding the recognition of a system for compliance with the due diligence obligation, the Member State shall take into account the various sector-specific processes covered by the system as well as the risk-based approach and the risk-based method which are applied within the system to identify risks. A recognised system shall be mutually recognised in one Member State and Member States should not stipulate further obligations.*

*4. The Member State shall also verify periodically, as appropriate, that the recognised due diligence systems continue to meet the criteria that formed the basis for a decision on recognition of equivalence which was taken based on paragraph 3.*

*5. The Commission shall establish and update a register of recognised systems for compliance with the due diligence obligation in the supply chain. The register shall be made publicly available on the internet.*

Article 14a (new)

**Recognition of industry initiatives for compliance with the due diligence obligation in the supply chain**

1. The Member States shall ensure that industry initiatives, which offer systems for compliance with the due diligence obligation, can apply to the respective Member State for the recognition by that Member State of the systems they have developed for compliance with the due diligence obligation in the supply chain. Suitable evidence and information shall be enclosed with the application.

2. Supplementing this Directive, the Commission shall adopt delegated acts in accordance with Article 28 where the methods and criteria are set out according to which the Member States can assess whether systems for compliance with the due diligence obligation in the supply chain facilitate compliance with the requirements of this Directive and its implementation in the Member States for the companies and enable them to recognise such systems.

3. Where a Member States determines, on the basis of the evidence and information provided according to paragraph 1 and according to the methods and criteria for recognition laid down in paragraph 2, that a system for compliance with the due diligence obligation in the supply chain enables a company, which effectively applies this system, to implement the requirements of this Directive and its implementation in the Member State, the Member State shall adopt a legal act with which the system is granted recognition of equivalence with the requirements of this Directive and its implementation. When taking a decision regarding the recognition of a system for compliance with the due diligence obligation, the Member State shall take into account the various sector-specific processes covered by the system as well as the risk-based approach and the risk-based method which are applied within the system to identify risks.

4. The Member State shall also verify periodically, as appropriate, that the recognised due diligence systems continue to meet the criteria that formed the basis for a decision on recognition of equivalence which was taken based on paragraph 3.

8. The Commission shall establish and update a register of recognised systems for compliance with the due diligence obligation in the supply chain. The register shall be made publicly available on the internet.



## Amendment 1313

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

VCI / BAVC

Proposal for a directive  
Article 15

Deletion of Article 15:

*Text proposed by the Commission*

*Amendment*

*Article 15*

*deleted*

*Combating climate change*

~~Article 15~~

~~Combating climate change~~

~~1. Member States shall ensure that companies referred to in Article 2(1), point (a), and Article 2(2), point (a), shall 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. This plan shall, in particular, identify, on the basis of information reasonably available to the company, the extent to which climate change is a risk for, or an impact of, the company's operations.~~

~~2. Member States shall ensure that, in case climate change is or should have been identified as a principal risk for, or a principal impact of, the company's operations, the company includes emission reduction objectives in its plan.~~

~~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.~~

1. Member States shall ensure that companies referred to in Article 2(1), point (a), and Article 2(2), point (a), shall 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. This plan shall, in particular, identify, on the basis of information reasonably available to the company, the extent to which climate change is a risk for, or an impact of, the company's operations.

2. Member States shall ensure that, in case climate change is or should have been identified as a principal risk for, or a principal impact of, the company's

Amendment 1476

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

VCI / BAVC

Text proposed by the Commission

Amendment

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

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

Justification

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

Article 22

Civil liability

1. Member States shall ensure that companies are liable for damages if:  
(a) they failed to comply with the obligations laid down in Articles 7 and 8 regarding their direct suppliers intentionally or negligently and;

4. Statement of Reasons

Civil liability should be based on the own actions causing damage by the respective company. However, according to Article 22, companies should be held liable for damage attributable to the actions of third parties. This threatens to shift liability away from the party who actually caused the damage; that would lead to legal uncertainty and inappropriate results. Parties suffering damage could decide to claim against a company subject to the CSDDD instead of the company causing the damage. But according to general legal principles, liability is always linked to a culpable breach of duty that is causal for the damage. There is no objective reason to deviate from this in the planned legislation.

## Amendment 1559 and 1571

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

VCI / BAVC

Proposal for a directive

Article 25

*Text proposed by the Commission*

*Amendment*

*Article 25*

*deleted*

*Directors' duty of care*

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their

*Text proposed by the Commission*

*Amendment*

*Article 26*

*deleted*

*Setting up and overseeing due diligence*

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

Deletion of Articles 25 and 26:

~~Article 25~~

~~Directors' duty of care~~

~~1. Member States shall ensure that, when fulfilling company, directors of companies referred to in consequences of their decisions for sustainability human rights, climate change and environment medium and long term.~~

~~2. Member States shall ensure that their laws, providing for a breach of directors' duties apply~~

~~Article 26~~

~~Setting up and overseeing due diligence~~

~~1. Member States shall ensure that directors are responsible for putting in place and overseeing 4 and in particular the due diligence policy relevant input from stakeholders and civil society~~