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AMENDMENTS: 13

Bernd Lange

Corporate due diligence and corporate accountability

Draft opinion PE655.776 - 2020/2129(INL)

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Amendment 1

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 1

Draft opinion

1. regrets the current low levels of supply chain due diligence;

Amendment

1. regrets the current low levels of supply chain ***social, environmental and human rights*** due diligence ***as evidenced by the European Commission study on ‘due diligence requirements through the supply chain’***; ***stresses that corporate due diligence should be at the heart of the forthcoming EU Trade Policy Review***;

Or. en

Amendment 2

Anna Cavazzini, Heidi Hautala, Saskia Bricmont

Draft opinion

Paragraph 2

Draft opinion

2. is convinced that mandatory due diligence is necessary to create a level playing field and avoid unfair competitive advantages arising in international trade;

Amendment

2. is convinced that mandatory due diligence ***across the entire value chain*** is necessary to create a level playing field and ***to*** avoid unfair competitive advantages ***as well as social and environmental dumping*** arising in international trade;

Or. en

Amendment 3

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 2 a (new)

Draft opinion

Amendment

2 a. is convinced that mandatory due diligence is necessary to address power imbalances in buyer-supplier relationships; notes that certain purchasing practices such as low prices, last minute delays, cancellations or changes to orders impact on suppliers' ability to abide by environmental and social standards; stresses therefore that the due diligence obligations should encourage a change in the purchasing practices of companies on top of global value chains;

Or. en

Amendment 4

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 3

Draft opinion

3. is convinced that due diligence obligations should aim to prevent human, labour and environmental rights violations, make supply chains more robust and avoid disruption of international trade;

Amendment

3. is convinced that due diligence obligations should aim to prevent human, labour and environmental rights violations, make supply chains more *sustainable and* robust, and avoid disruption of international trade; *is convinced that the legislation should create effective access to remedy for affected individuals and communities; and ensure liability for harm caused, including through penalties such as exclusion from public procurement and trade promotion instruments;*

Or. en

Amendment 5

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3 a. *recalls^{1a} that important differences exist, both between and within countries, in terms of production structures, female labour force participation rates and welfare regimes; recalls that women comprise the majority of workers in sectors such as garment and textile manufacturing, telecommunication, tourism, the care economy and agriculture, where they tend to be concentrated in more low-wage or low-status forms of formal and informal employment than men; recalls that this may lead to abuses at the workplace and to discrimination, gender segregation in types of occupations and activities, gender gaps in wages and working conditions, and gender-specific constraints in access to productive resources, infrastructure and services; stresses therefore that the due diligence obligations must be gender-responsive and require undertakings to explicitly consider how actual or potential adverse impacts can differ or be specific to women;*

^{1a} European Parliament resolution of 13 March 2018 on gender equality in EU trade agreements (2017/2015(INI))

Or. en

Amendment 6
Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3 b. *is convinced that climate change*

mitigation and adaptation, in line with the goal of the Paris Agreement to hold the increase in the global average temperature to 1.5 degrees Celsius above pre-industrial levels, must form part of businesses' due diligence obligations;

Or. en

Amendment 7

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 3 c (new)

Draft opinion

Amendment

3 c. is convinced that supply chain transparency is both a precondition for, and a key aspect of, human rights and environmental due diligence;

Or. en

Amendment 8

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 4

Draft opinion

Amendment

4. welcomes the fact that the EU conflict minerals regulation has become a benchmark for binding due diligence legislation in supply chains;

4. welcomes the fact that the EU conflict minerals regulation has become a benchmark for binding due diligence legislation in supply chains; *regrets that the regulation does not contain an enforcement mechanism nor access to remedies for victims; stresses the need for such mechanisms to be incorporated in its forthcoming review;*

Or. en

Amendment 9

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

**Draft opinion
Paragraph 5**

Draft opinion

5. is convinced that the future regulation should be based on UN Guiding Principles and the OECD Guidelines for Multinational Enterprises;

Amendment

5. is convinced that the future regulation should be based on UN Guiding Principles and the OECD Guidelines for Multinational Enterprises, ***which highlight the importance of access to remedy and victim remediation; supports the ongoing negotiations to create a binding UN instrument on transnational corporations and other business enterprises with respect to human rights and stresses the importance of the EU being proactively involved in this process;***

Or. en

**Amendment 10
Anna Cavazzini, Saskia Bricmont, Heidi Hautala**

**Draft opinion
Paragraph 6**

Draft opinion

6. stresses that ***the capacity constraints of SMEs need to be duly taken into account in the future*** due diligence ***legislation***; notes that certified industry schemes are not a replacement for legislation;

Amendment

6. stresses that ***due diligence is risk-based and therefore many small and medium-size undertakings and micro-enterprises may need less extensive and formalised*** due diligence ***processes depending on the risks they are exposed to***; notes that certified industry schemes ***and multi-stakeholder initiatives*** are not a replacement for legislation, ***nor does membership in them replace enterprises' responsibility to carry out due diligence; stresses that social audits must be better regulated;***

Or. en

**Amendment 11
Anna Cavazzini, Saskia Bricmont, Heidi Hautala**

**Draft opinion
Paragraph 8**

Draft opinion

8. emphasises the importance of **addressing** and enforcing due diligence obligations within *FTA Trade and Sustainable Development chapters and bodies established by FTAs*;

Amendment

8. emphasises the importance of **mainstreaming** and enforcing **social, environmental and human rights** due diligence obligations within *all new and existing trade mechanisms such as FTAs, Investment Agreements, Economic Partnership Agreements or Generalised Schemes of Preferences*; *stresses that these trade instruments should include strong enforcement mechanisms such as withdrawal from preferential access in case of non-compliance; is convinced that compliance with the due diligence obligations should be a condition for access to the EU market and that operators should be required to establish and provide evidence, through the exercise of due diligence, that the products that they place on the EU market are in conformity with the environmental and human rights criteria set out in this legislation; calls for complementary measures such as the prohibition of the importation of products related to severe human rights violations such as forced labour or child labour*;

Or. en

**Amendment 12
Anna Cavazzini, Saskia Bricmont, Heidi Hautala**

**Draft opinion
Paragraph 9**

Draft opinion

9. requests that trade instruments and EU Delegations be linked to the monitoring of the application of the due

Amendment

9. requests that trade instruments and EU Delegations be linked to the monitoring of the application of the due diligence regulation **by European**

diligence regulation;

companies operating outside the EU, including through convening meaningful consultations with rightsholders, local communities, civil society actors and trade unions;

Or. en

Amendment 13

Anna Cavazzini, Saskia Bricmont, Heidi Hautala

Draft opinion

Paragraph 10

Draft opinion

10. stresses that civil society actors, trade unions and social partners should be part of risk prevention and should be given the right to file complaints in cases of infringement;

Amendment

10. stresses that *rights-holders, local communities, women's organisations*, civil society actors, trade unions and social partners should be part of *meaningful consultations*, risk prevention and should be given the right to file complaints in cases of infringement;

Or. en