**OEIGWG 24-28 October 2022 - EU comments based on EU legislative proposals**

*The following comments aim to inform about relevant developments in the EU and notably the recent legislative proposals in the area of due diligence. They do not represent a negotiating position on behalf of the EU on the draft text. The proposals are under legislative procedure and under discussion by the EU co-legislators (European Parliament and Council).*

**- CHECK AGAINST DELIVERY -**

**To be delivered on Tues 25 – Wed 26 (morning / afternoon hrs):**

**Art 9 Adjudicative Jurisdiction**

**Article 11: Applicable law**

With the caveat that this does not represent a negotiating position on behalf of the EU, the EU would like to provide some comments on the issue of applicable law on the basis of the recent legislative proposal by the [European Commission for a Directive on Corporate Sustainability Due Diligence](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0071).

The Proposal for a Directive on CSDD includes a provision on applicable law that serves the purpose of ensuring application of the harmonised rules, including on civil liability, also in cases where otherwise the law applicable to such claim is not the law of a EU Member State. It introduces the obligation for Member States to ensure that the civil liability provided is not denied on the sole ground that the law applicable to such claims is not the law of a Member State