**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):**

**Article 7. Access to Remedy**

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 access to remedy 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 requires Member States to ensure companies covered by the future Directive establish and maintain a **complaints procedure,** where persons and organisations can submit complaints where they have legitimate concerns about the actual or potential adverse human rights impacts.

Moreover, the proposed Directive on CSDD, on “**Substantiated concerns”** establishes the requirement for Member States to ensure that any natural or legal person that has reasons to believe, on the basis of objective circumstances, that a company does not appropriately comply with the provisions of the Directive, is entitled to submit substantiated concerns to a supervisory authority. Member States shall ensure that the persons submitting the substantiated concern and having a legitimate interest in the matter have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the supervisory authority.