

5th annual EJSF plenary Thursday 3rd December 2020, 14 – 15h30 CET (online)

*A global standard for Mandatory Due Diligence:
EU leadership towards a more sustainable world*

Event Chair: Professor Bernd SCHLÜTER, European Economic & Social Committee (EESC)

Introduction

Sustainability is mainstream and at the core of the EU's long-term COVID-19 [recovery plan](#). This sustainable recovery programme is multi-sector and includes a number of EU policy initiatives¹.

As part of this programme, EC Justice Commissioner Didier Reynders promised draft EU legislation in 2021 on sustainable corporate governance (SCG), including mandatory due diligence (MDD) by companies on social and environmental impacts through their supply chains.

On 26th October 2020, the European Commission launched a [public consultation](#) until 8th February 2021 on the future legislation. A proposed Directive is foreseen for 2Q 2021.

The public consultation and draft Directive will give rise to much legal debate in the coming year. Lawyers representing a range of sectors, EU and global, bringing their experience and technical knowhow to the discussion, have a valuable contribution to make in ensuring the final EU legislation is effective, fair and sustainable.

In this context, the **5th annual EJSF plenary will focus on some of the main legal challenges facing companies in applying future EU legislation**, with a particular focus on the overarching topic of **enforcement and civil liability**.

Given the many different approaches to due diligence, nationally and globally, **a key aim of the plenary will be to try to find commonality that could be helpful for future EU legislation on MDD**.

Programme

14:00 Event Chair **Prof Bernd SCHLÜTER**, EESC, member of the German Bar: Opening and welcome speech

14:05 **Didier REYNDERS, European Commissioner for Justice**: Welcome keynote (recorded)

14.10 **Maija LAURILA**, head of unit Company Law DG JUST, European Commission: presenting the EC initiative SCG/MDD

¹ Current EC ESG initiatives include: a Sustainable Cocoa [initiative](#); review of Non-Financial Reporting Directive; comprehensive EC trade & investment review; a renewed Sustainable Finance Strategy; entry into force during 2021 of the Conflict Minerals Regulation; several initiatives under the European Green Deal [action plan](#)

14.20 **Panel discussion** introduced and moderated by **Jacquelyn MACLENNAN**, Partner, White & Case

Discussion will focus on a number of key issues within the context of **enforcement and civil liability**. Questions will first be addressed to panel members followed by an open floor Q&A.

Specific questions for discussion:

- The form of enforcement of the MDD mechanism: civil liability and other sanctions?
- The scope of the law and liability imposed: should it extend outside the EU/EEA? How far into the value chain should liability extend?
- The legal form the measure should take: what is optimal to achieve legal certainty and not stifle innovation?

Panel members:

- **Bart VANDEWAETERE**, VP Corporate Communications & Government Relations, Nestlé
- **Marie CLAERBOUT** Senior Manager European Affairs, ENGIE
- **Jérôme PERO** Secretary General Federation of the European Sporting Goods Industry (FESI)
- **Phil BLOOMER** Executive Director, Business & Human Rights Resource Centre
- **Maija LAURILA** Head of Unit, Company Law, European Commission
- **Barbara BIJELIC** Legal Expert, Responsible Business Conduct Centre, OECD

15:20 **MEP Lara WOLTERS**, S&D, NL, rapporteur Corporate Due Diligence/Corporate Accountability: Closing keynote

15.30 **Prof Bernd SCHLÜTER**, EESC: closing remarks

Follow up to event: potential launch of new EJSF Working Group focusing on legal challenges/aspects regarding the future SCG/MDD legislation in the context of the broader EU sustainability agenda

About the EJSF

The **European Justice Stakeholders Forum (EJSF)** is a high level discussion platform between legal practitioners and EU law and policymakers, launched in February 2016 at an event – the [1st EJSF annual plenary](#) - in the European Economic and Social Committee (EESC).

The overall goal of the EJSF is **effective law and justice for Europe in a global context**.

The flagship activity of the EJSF is an **annual plenary** bringing together stakeholders – mainly law firms, legal associations and EU institutional law makers - to discuss and address solutions to cross-cutting fundamental rights issues.

The two main EU legal professional bodies, [CCBE](#) (Council of Bars and Law Societies of Europe) and [CNUE](#) (Notaries of Europe) support the EJSF as associates.