



EDPS Formal comments on the Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937

1. Introduction and background

1. On 23 February 2022, the European Commission issued a Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 ('the Proposal')¹.
2. The objective of the draft Proposal is to set out a horizontal framework to foster the contribution of businesses operating in the single market to the respect of the human rights and environment in their own operations and through their value chains, by identifying, preventing, mitigating and accounting for their adverse human rights, and environmental impacts, and having adequate governance, management systems and measures in place to this end.
3. The present formal comments of the EDPS are issued in response to a consultation by the European Commission of 24 February 2022, pursuant to Article 42(1) of Regulation 2018/1725² ('EUDPR'). In this regard, the EDPS welcomes the reference to this consultation in Recital 68 of the Proposal.
4. These formal comments do not preclude any additional comments by the EDPS in the future, in particular if further issues are identified or new information becomes available.
5. Furthermore, these formal comments are without prejudice to any future action that may be taken by the EDPS in the exercise of his powers pursuant to Article 58 of the EUDPR and are limited to the provisions of the draft Proposal that are relevant from a data protection perspective.

¹ COM(2022) 71 final.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ, 21.11.2018, L.295, p. 39.



2. Comments

6. The EDPS welcomes recital 67 of the Proposal stating that *“the Directive should be applied in compliance with Union data protection law and the right to the protection of privacy and personal data as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. Any processing of personal data under this Directive is to be undertaken in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council³, including the requirements of purpose limitation, data minimisation and storage limitation.”*
7. The EDPS also notes the reference to the right to privacy in the Annex to the Proposal⁴ and welcomes recital 69 of the Proposal stating that *“this Directive is without prejudice to obligations in the areas of human rights, protection of the environment and climate change under other Union legislative acts. If the provisions of this Directive conflict with a provision of another Union legislative act pursuing the same objectives and providing for more extensive or more specific obligations, the provisions of the other Union legislative act should prevail to the extent of the conflict and shall apply to those specific obligations.”*
8. Given the subject matter and the provisions of the Proposal, which do not raise significant issues having regard to the protection of personal data, the EDPS has no further comments on the Proposal.

Brussels, 17 March 2022

(e-signed)

Wojciech Rafał WIEWIÓROWSKI

³ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1.

⁴ See Part I, point 1/5 of the Annex.