



Centre for Law,
Sustainability & Justice

Workshop (20-21 April 2023)

Hosted by the Centre for Law, Sustainability & Justice

Department of Law

University of Southern Denmark

The Proposed EU Corporate Sustainability Due Diligence Directive in the Broader Regulatory Context

When? 20 April 13:00 – 17:00
21 April 10:00 – 15:30

Venue? Campus Copenhagen, University of Southern Denmark
Room *Rumfang*
Studiestræde 6, 1455 Copenhagen

Organiser Dr Leonard Feld, Postdoctoral Researcher, with Prof Karin Buhmann,
Director of the Centre for Law, Sustainability & Justice (CLS&J)

Background and Objectives

As the European Union is finalising the drafting of its innovative Corporate Sustainability Due Diligence Directive (CSDDD), this workshop aims to take stock of the process and to place the CSDDD into the broader context of risk-based due diligence legislation and corporate sustainability. Following a first announcement of the legislative initiative in 2020, the European Commission issued a proposal in February 2022 (Commission Proposal). In essence, the draft lays down obligations for large companies to manage adverse impacts on human rights and the environment by means of risk-based due diligence processes, and provides for administrative supervision and civil liability. Since the publication of the Commission Proposal, the Council of the European Union and the European Parliament (EP) have prepared their own positions on the subject. The Council published a ‘General Approach’ in December 2022 suggesting a number of amendments. The European Parliament, in turn, is expected to adopt its final position on the Commission Proposal in spring 2023. A first draft report, prepared by EP rapporteur Lara Wolters and published in November 2022, already offers some insights into the negotiating position of the Parliament. All three documents raise intriguing questions, not only on the scope, regulatory design, and judicial enforcement of a future CSDDD, but also concerning its implications for rights-holders and its alignment with relevant international standards. While the policy discourse and the legislative process are still ongoing, the significance of a CSDDD – as EU law likely to be adopted – can hardly be overestimated. The directive aims to shape corporate conduct beyond European borders and will in all likelihood drive debates in parliaments, corporate



boardrooms, and courts in the upcoming years. Therefore, the available documents and drafts merit already close attention by legal scholarship.

The workshop aims to discuss the legislative initiative, the draft versions and broader implications. It provides an opportunity for participants to present their latest research or research proposals on the topic, exchange views and constructive criticism, and reflect on further developments and future research, including potential research collaboration and other networking. The range of possible contributions is defined widely to allow for different perspectives, ranging from doctrinal angles, over theoretical approaches, to empirical and interdisciplinary research. Relevant contributions may focus, for instance, on:

- doctrinal questions arising from the different proposals for a CSDDD
- comparative aspects considering existing national due diligence laws and international guidance on responsible business conduct
- political aspects concerning the ongoing legislative process
- the CSDDD's regulatory approach and coherence with the broader EU legal framework
- the extraterritorial dimension of unilateral due diligence laws
- the relevance of a CSDDD for related areas like climate change law
- the CSDDD's enforcement, supervision and liability regime, its likely effectiveness and co-existence with other remedy regimes
- and other topics relating to the legislative initiative.

Workshop Format

The workshop is hosted by the CLS&J, which will cover most expenses. It brings together junior as well as senior researchers. Participants are asked to submit a title and a short abstract (up to 200 words) within the scope of topics described. Subsequently, each participant is assigned a discussant, who is responsible for giving elaborated comments during the event. No later than 11 April, the researchers shall share the working paper they wish to present and discuss. All participants are expected to read each other's contributions in advance and to prepare feedback for the general discussion.

During the workshop, each author presents his or her working paper within 20 minutes. Then, it is upon the responsible discussant to provide comments before the texts are debated in plenum allowing everyone to provide and receive relevant feedback. Alongside these presentations, selected scholars will deliver keynotes and enrich the debate. To stimulate discussions and onward collaboration, the workshop is designed as an in-person event. If the circumstances demand, however, limited online participation is possible.

Programme

Thursday, 20 April 2023	
13.00-13.20	Registration
13.20-13.30	Welcoming words by Professor Karin Buhmann, Director of CLS&J, and Dr Leonard Feld, workshop organiser and Post-Doc at CLS&J
13.30-13.45	Round of introductions
1st session	Moderator: Hanne Petersen, Professor Emerita at University of Copenhagen and Member of the Advisory Board of the CLS&J
13.45-14.15	Keynote by Professor Karin Buhmann , Director of CLS&J 20 minutes presentation followed by a discussion in plenum
14.15-15.00	Lucas Sebastián de Erice Aranda , Assistant Professor, University of La Laguna 20 minutes presentation 5 minutes comments by Leonard Feld Up to 20 minutes discussion in plenum
15.00-15.15	Coffee Break
2nd session	Moderator: Dr Leonard Feld, Post-Doc, CLS&J
15.15-16.00	Monika Feigerlová , Research Fellow, Institute of State and Law, Academy of Sciences of the Czech Republic 20 minutes presentation 5 minutes comments by Sarah Dadush Up to 20 minutes discussion in plenum
16.00-16.45	Karin Buhmann & Leonard Feld , Post-Doc, CLS&J 20 minutes presentation 5 minutes comments by Lucas Sebastián de Erice Aranda Up to 20 minutes discussion in plenum
16.45-17.15	Wrap-up and discussion Focus on gaps in research, common research interests and future cooperation
17.15-18.15	Break – Time to check-in / refresh in the hotel
18.15-19.15	<i>Optional:</i> Walk around the centre of Copenhagen (starting from our Hotel entrance)
19.15	Joint dinner



Friday, 21 April 2023	
10.00-10.15	Arrival
3rd session	Moderator: Hanne Petersen, Professor Emerita at University of Copenhagen and Member of the Advisory Board of CLS&J
10.15-11.00	Sarah Dadush , Professor of Law, Rutgers Law School 20 minutes presentation 5 minutes comments by Monika Feigerlová Up to 20 minutes discussion in plenum
11.00-11.45	Bonheur Minzoto , PhD Researcher, University of Manchester 20 minutes presentation 5 minutes comments by Jernej Letnar Čerňič Up to 20 minutes discussion in plenum
11.45-12.00	Coffee Break
4th Session	Moderator: Professor Karin Buhmann, Director, CLS&J
12.00-12:45	Jernej Letnar Čerňič , Professor of Constitutional and Human Rights Law, New University (Slovenia) 20 minutes presentation 5 minutes comments by Bonheur Minzoto Up to 20 minutes discussion in plenum
12.45-14.00	Joint Lunch Break
5th session	Moderator: Dr Leonard Feld, Post-Doc, CLS&J
14.00-14.45	Keynote by Laura Íñigo Álvarez , Postdoctoral Researcher at Nova School of Law 30 minutes presentation followed by 15 minutes of plenum discussion
14.45-15.30	Final wrap-up and follow-up discussion on future cooperations and joint projects
15.30	Individual Departure