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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Company Law
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 – HU comments

Delegations will find attached for their information the Hungarian 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

HU comments on the ILO conventions

Primarily, we recommend deleting the itemized list of ILO conventions. If this is not possible due to the lack of support, then we suggest using reference to specific articles.

Justification: most of the articles are imposing obligations on the Member State and cannot be interpreted with regard to the personal scope of the directive (companies).

- Article 2, 3 and 5 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Articles 1 to 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

- Articles 2 (2) of the Forced Labour Convention, 1930 (No. 29)

Hungary has not ratified the 2014 Protocol to the C29. According to the ILO Constitution, Member States have the sovereign right to decide on the ratification of conventions.

- Articles 1 to 2 of the Abolition of Forced Labour Convention, 1957 (No. 105)

We believe that all articles of this convention impose obligations on the state, but the fight against the abolition of forced labour is a value to be protected, which we believe can be expanded.

- Articles 2 (4), 3 (1) and 4 to 8 of the Minimum Age Convention, 1973 (No. 138)
- Articles 1 to 3 and 6 (2) of the Worst Forms of Child Labour Convention, 1999 (No. 182)
- Article 3 of the Equal Remuneration Convention, 1951 (No. 100)
- Articles 1 to 2 and 4 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Primarily, we recommend deleting C100 and C111, because the current EU acquis contains more stringent regulation on equal treatment and equal pay in employment and occupation than the listed ILO conventions. For example: The Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast); Draft directive on binding pay transparency measures (COM (21) 93 final)

Drafting suggestions to Annex I Part II.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INSTRUMENTS

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The International Labour Organization's core/fundamental conventions:
 - Article 2, 3 and 5 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

- Articles 1 to 4 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Articles 2 (2) of the Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol
- Articles 1 to 2 of the Abolition of Forced Labour Convention, 1957 (No. 105)
- Articles 2 (4), 3 (1) and 4 to 8 of the Minimum Age Convention, 1973 (No. 138)
- Articles 1 to 3 and 6 (2) of the Worst Forms of Child Labour Convention, 1999 (No. 182)
- Article 3 of the Equal Remuneration Convention, 1951 (No. 100)
- Articles 1 to 2 and 4 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- ~~Occupational Safety and Health Convention, 1981 (No. 155)~~
- ~~Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)~~

Megjegyzés [GBd1]: Hungary has not ratified the 2014 Protocol to the C29. According to the ILO Constitution, Member States have the sovereign right to decide on the ratification of conventions.

Megjegyzés [GBd2]: We believe that all articles of this convention impose obligations on the state, but the fight against the abolition of forced labour is a value to be protected, which we believe can be expanded.

Megjegyzés [GBd3]: Primarily, we recommend deleting C100 and C111, because the current EU acquis contains more stringent regulation on equal treatment and equal pay in employment and occupation than the listed ILO conventions.