

Leroy Merlin SA  
Rue Chanzy - Lezennes  
59712 Lille Cedex 9  
France

July 13, 2023

**RE: Leroy Merlin's business operations in Russia**

Dear Ms. Monpays, Mr. Zimmermann, and Mr. Vielvoye

We are writing to follow up on our previous correspondence with Leroy Merlin dated 13<sup>th</sup> December 2022, regarding potential inconsistencies between Leroy Merlin's obligations, as articulated in the UN Guiding Principles on Business and Human Rights (UNGPs), and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms. We have not received a response to our letter.

We are writing once again to formally notify you on the serious and increasing risks the company faces by continuing its operations in Russia that may amount to complicity in human rights abuses committed by Russia,<sup>1</sup> and to urge you to:

- Immediately cease all operations and presence in Russia and completely exit the Russian market.
- Refrain from any future business, trade, or investment in Russia until Russia ends its war in Ukraine, territorial integrity of Ukraine is restored, and accountability imposed for war crimes and the destruction of Ukrainian infrastructure and property.
- Establish and implement comprehensive human rights due diligence measures for any responsible exit from or re-engagement with Russia.

It has been over one year since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, forcible transfer of civilians). More than 24,000 Ukrainian civilians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times. In recognition of the severity of abuses, in March 2023 the International Criminal Court issued an arrest warrant for Vladimir Putin to answer war crimes charges.<sup>2</sup>

Moreover, recent developments in Russia point to an expanding universe of financial, legal, and reputational risks facing those left behind.

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<sup>1</sup> Andrew Clapham and Scott Jerbi, "Categories of Corporate Complicity in Human Rights Abuses," March 21-22, 2001, <https://media.business-humanrights.org/media/documents/files/reports-and-materials/Clapham-Jerbi-paper.htm> (accessed May 4, 2023).

<sup>2</sup> International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova," March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> (accessed March 22, 2023).

On September 21, President Vladimir Putin escalated the war by announcing a “partial mobilisation” of the Russian population. The accompanying legislation ([Article 9 of Federal Law No. 31-FZ](#)) mandates all organisations, including the more than 1,500 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.<sup>3</sup> They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

A new decree issued by President Vladimir Putin on March 3, 2023, enables the Russian government to suspend shareholders' rights and implement external management in companies that don't fulfil state defence contracts under conditions of martial law.<sup>4</sup> By specifying the process of appointing Russian government representatives to manage businesses that fail to meet state orders, the latest Decree effectively creates a scenario of "partial nationalization."

With new legislation introducing partial mobilisation, nationalisation, and potentially martial law in Russia, it is highly likely that corporations will be unable to prevent or mitigate negative human rights impacts, an obligation imposed on companies by the United Nations Guiding Principles on Business and Human Rights. As such, continuing to conduct business in Russia entails significant legal risks for companies, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.<sup>5</sup> Companies face the rising risk of criminal liability for complicity in

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<sup>3</sup> Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), <https://base.garant.ru/136945/> (accessed November 14, 2022).

<sup>4</sup> Decree of the President of the Russian Federation No. 139 dated March 3, 2023 "On Certain Issues of Carrying Out the Activities of Business Companies Participating in the Fulfilment of the State Defense Order", <http://publication.pravo.gov.ru/Document/View/0001202303030004> (accessed March 22, 2023).

<sup>5</sup> International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, "Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward," *Just Security*, September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (accessed November 14, 2022); The Sentry, "Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate," July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (accessed November 14, 2022); Rfi, "French technology firm charged over Libya cyber-spying," July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (accessed November 14, 2022); Preston Lim, "Canadian Supreme Court Allows Corporate Liability for International Law Violations," *Lawfare*, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (accessed November 14, 2022); Sherpa, "Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies," June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (accessed November 14, 2022).

international crimes, which can be prosecuted by domestic courts<sup>6</sup> outside Russia under the doctrine of "universal jurisdiction."<sup>7</sup>

On 24 February 2023, The Financial Action Task Force (FATF) suspended Russia's membership as a result of the war, calling on all actors in the international financial system to exercise extreme caution in all dealings with Russia.<sup>8</sup> In practice, the decision means that all international banks will scrutinise all Russian payments, making financial transactions more expensive, lengthy, with no guarantee that the transaction will occur at all.<sup>9</sup> Although FATF has not yet blacklisted Russia, it highlighted the consensus among its 36 member countries that "the Russian federation's actions represent a gross violation of the commitment to international cooperation upon which FATF Members have agreed to implement and support the FATF Standards."<sup>10</sup> Previous practice shows that noncooperative behaviour is one of the reasons for FATF blacklisting. As a result, companies should examine the high levels of risk attached to financial transactions with Russia.

A recent report shows that Russia poses a "real threat to global financial integrity, as well as to national security more broadly."<sup>11</sup> Additionally, the revelation by the Russian president confirming that the internationally recognized transnational criminal organization known as the "Wagner Group" is funded by the Russian government has brought to light a range of alarming risks related to money laundering, terrorist financing, and other financial crimes for businesses involved in or working with Russia.<sup>12</sup> It is now a distinct possibility that businesses continuing their operations and paying taxes in Russia may be providing financial support to the Wagner Group, a notorious paramilitary organization.

Companies may also be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.<sup>13</sup>

Additionally, the Ukrainian government's [National Agency on Corruption Prevention](#) (NACP) is creating a list of "foreign companies that, despite the international recognition of Russia as the

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<sup>6</sup> For example, the French company Lafarge is charged for complicity in war crimes and crimes against humanity in Syria (will properly link later).

<sup>7</sup> For example, ongoing proceedings in the US and France against the French multinational Lafarge for complicity in human rights violations in Syria. The Paris Court of Appeal, "La Cour d'appel de Paris confirme la mise en état de la multinationale française Lafarge pour complicité de crimes contre l'humanité commis par l'Etat islamique," May 18, 2022, <https://www.doughtystreet.co.uk/sites/default/files/media/document/Press%20release%20french%20version.pdf> (accessed March 22, 2023); United States Attorney's Office, Eastern District of New York, "Lafarge Pleads Guilty to Conspiring to Provide Material Support to Foreign Terrorist Organizations," October 18, 2022, <https://www.justice.gov/usao-edny/pr/lafarge-pleads-guilty-conspiring-provide-material-support-foreign-terrorism> (accessed March 22, 2023).

<sup>8</sup> FATF, "FATF Statement on the Russian Federation," February 24, 2023, <https://www.fatf-gafi.org/en/publications/Fatfgeneral/fatf-statement-russian-federation.html> (accessed March 14, 2023).

<sup>9</sup> Liudmyla Sliptsova, "Russia's membership in the FATF suspended. What does this mean and how ruinous is this for the aggressor's economy?," *Mind*, February 27, 2023, <https://mind.ua/en/publications/20253993-russias-membership-in-the-fatf-suspended-what-does-this-mean-and-how-ruinous-is-this-for-the-aggre> (accessed March 14, 2023).

<sup>10</sup> FATF (n 8).

<sup>11</sup> Themis, "Russia; Country Risk Report," June 2023, <https://themisservices.co.uk/country-risk-report-russia> (accessed June 26, 2023).

<sup>12</sup> Telegram, "Встреча Путина с военными и его заявления по поводу ЧВК "Вагнер," June 27, 2023, [https://t.me/rian\\_ru/207202](https://t.me/rian_ru/207202) (accessed July 3, 2023).

<sup>13</sup> Venable LLP, "Do You Contract with State Governments? If So, Beware of Emerging State Sanctions' Obligations Related to Russia and Belarus," *JD Supra*, June 3, 2022, <https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (accessed November 14, 2022).

aggressor state and the introduced sanctions restrictions, continue to cooperate with it.”<sup>14</sup> These companies are recognised as international sponsors of war. The listed entities will be included into the World-Check database to protect the global financial sector from Russian sponsors of war. Since banks and insurance companies use World-check to assess risks, companies on the list will be limited in freely accessing personal and corporate finances. So far there are 30 companies on the list, with NACP noting that the list consists of “international companies that provide the public and private sector with goods and services of critical purpose, as well as [those that] contribute to the Russian budget.”<sup>15</sup> Leroy Merlin, as well as the General Director of Leroy Merlin Vostok, Claude Defassier Laurent Louis, Chairman of the Supervisory Board of Leroy Merlin Vostok, Philip Zimmerman, Member of the Supervisory Board of Leroy Merlin Vostok, Minnie Solomon, and the Financial Director of Leroy Merlin Vostok, Frederic Alain Yves Saverot are currently on the list as sponsors of war.<sup>16</sup>

Companies that maintain business relationships with Russia risk being perceived as supporting Russia's war effort. This could have a negative long-term impact on sales in other countries and attract investor scrutiny over adherence to ESG principles. The longer it takes for brands to extricate themselves from the situation, the more damaging it will be for their reputation.

In response to this unprovoked and unjustified war<sup>17</sup> many other companies have already left Russia. According to the Kyiv School of Economics Institute's #LeaveRussia [company tracker](#), Leroy Merlin has decided to stay and continue its operations in Russia. These activities in Russia risk enabling and financing Russia's violations of international humanitarian and human rights law during the ongoing invasion and occupation of Ukraine.

Considering these risks and the company's continued presence in Russia, we would like to pose the following questions to Leroy Merlin:

1. On March 24<sup>th</sup>, 2023, ADEO announced that it is transferring control of Leroy Merlin Russia to the local management, preserving the jobs of local employees and “ensuring the company's activity remains at the service of the inhabitants.”<sup>18</sup> In the statement, ADEO notes that the transaction will be subject to approval by Russian authorities and that its priority is to act responsibly respecting all employees.
  - Can Leroy Merlin/ADEO confirm that the transfer of ownership will take place and offer a timeline in which it will be finalised?
  - Which stakeholders has Leroy Merlin/ADEO engaged with in determining its policies and decisions regarding its Russian operations?

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<sup>14</sup> NACP, “International Sponsors of War,” <https://sanctions.nazk.gov.ua/en/boycott/> (accessed February 6, 2023).

<sup>15</sup> NACP, “Companies from the NACP list of “International Sponsors of War” are now in the World-check database, used worldwide for reviewing counterparties,” September 7, 2022, <https://nazk.gov.ua/en/news/companies-from-the-nacp-list-of-international-sponsors-of-war-are-now-in-the-world-check-database-used-worldwide-for-reviewing-counterparties/?highlight=sponsor+of+war> (accessed February 6, 2023).

<sup>16</sup> NACP, “Sponsors of War – Leroy Merlin,” <https://sanctions.nazk.gov.ua/en/boycott/7/> (accessed July 11, 2023).

<sup>17</sup> The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow “unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.”

<sup>18</sup> ADEO, "ADEO announces its intention to transfer control of Leroy Merlin Russia to the local management," March 24, 2023, <https://www.adeo.com/en/news/adeo-announces-its-intention-to-transfer-control-of-leroy-merlin-russia-to-the-local-management> (accessed July 11, 2023).

**- Has Leroy Merlin/ADEO considered all the circumstances and complexities of the Russo-Ukrainian war, including numerous human rights violations and war crimes committed in Ukraine, as well as the fact that Russia is an aggressor state, in determining to continue providing its goods and services within Russia and its subsequent decision to transfer the ownership of Leroy Merlin Russia?**

2. Leroy Merlin notes that the company “respects all the sanctions put in place by the European Union as well as the principles of the UN Global Compact.”<sup>19</sup> However, while compliance with sanctions is essential and obligatory, it should not be confused with fulfilling a company’s obligation under the international standards for business and human rights. Observing and respecting the sanctions regime is complementary, but distinct, from observing and respecting responsibilities as outlined in the internationally endorsed and accepted UNGPs.

**-How is Leroy Merlin/ADEO ensuring its compliance with the UNGPs, the OECD guidance, and other internationally recognised standards on business and human rights?**

**-Does Leroy Merlin/ADEO recognise that it is operating in an aggressor state and that the UNDP requires companies in this case, in addition to respecting human rights and international humanitarian law, at a minimum, to assess, and avoid or mitigate its connection to the war efforts of the aggressor country to ensure that they do not exacerbate the situation?**

3. ADEO confirmed that, as soon as the war started, it has stopped new investments in Russia, import of products from Russia, and any financing for Leroy Merlin Russia.<sup>20</sup> The statement was issued upon allegations that Leroy Merlin was in the process of building a new store in Vladimir and allegations that Leroy Merlin sent its products to the Russian military. The company denies these allegations. However, Leroy Merlin Russia has announced that it is ready to expand supply and range of its products.<sup>21</sup>

**-Can Leroy Merlin/ADEO provide clarification on the potential expansion of its Russian business?**

**-How does the company reconcile these contrasting statements about expansion while stopping new investments in Russia?**

4. Leroy Merlin has recently faced significant reputational damage because its goods were allegedly sent to Russian troops in Ukraine.<sup>22</sup> ADEO denies these allegations.

**-How has Leroy Merlin/ADEO practised due diligence in preventing the direct supply of its products to the Russian military?**

**-Does Leroy Merlin/ADEO have policies, mechanisms, and tools in place to carry out enhanced due diligence of supply chains, intermediaries, customers, and end-users to prevent the supply of goods to the Russian army?**

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<sup>19</sup> Leroy Merlin Ukraine, “Response on the email addressed to Leroy Merlin Ukraine on 27.09.2022,” *Business and Human Rights Resource Centre*, December 3, 2022, [https://media.business-humanrights.org/media/documents/ReponseLMUA-to-BusinessHuman\\_Rights\\_Resource\\_Centre03102022.pdf](https://media.business-humanrights.org/media/documents/ReponseLMUA-to-BusinessHuman_Rights_Resource_Centre03102022.pdf) (accessed July 12, 2023).

<sup>20</sup> ADEO, “ADEO formally denies all allegations concerning Leroy Merlin Russia,” February 17, 2023, <https://www.adeo.com/en/press/adeo-formally-denies-all-allegations-concerning-leroy-merlin-russia> (accessed July 12, 2023).

<sup>21</sup> Interfax.ru, “Leroy Merlin will continue to work in Russia, ready to expand supplies and range,” March 11, 2022, <https://www.interfax.ru/business/827585> (accessed July 11, 2023).

<sup>22</sup> Arthur Weil-Rabaud et al, “Video investigation: How a French company is supporting Russia’s war effort in Ukraine,” February 17, 2023, [https://www.lemonde.fr/en/international/video/2023/02/17/video-investigation-how-a-french-company-is-supporting-russia-s-war-effort-in-ukraine\\_6016182\\_4.html](https://www.lemonde.fr/en/international/video/2023/02/17/video-investigation-how-a-french-company-is-supporting-russia-s-war-effort-in-ukraine_6016182_4.html) (accessed July 12, 2023).

**-If so, how were they utilised for defining business connections that involve the Russian government, its agencies, and state-controlled or sanctioned organisations?**

5. We understand and agree that Leroy Merlin has obligations towards its 45,000 employees in Russia. These obligations are laid out under the UNGPs and in the wider international human rights legal and regulatory framework.

**-Can Leroy Merlin/ADEO clarify how it is working to minimise the risks and impacts to its employees?**

**-How has the company applied heightened human rights due diligence to its operations in Russia considering the new Russian legislation requiring businesses to help conduct military registration, deliver the summons to its employees, and provide resources where required?**

**-Has Leroy Merlin received any such requests, and if so, how has the company responded to them?**

**-What is Leroy Merlin/ADEO doing to safeguard its employees from mobilisation?**

**-Have any of your employees been mobilised and, if so, what was Leroy Merlin's role in the process?**

**-How does Leroy Merlin reconcile its statements of concern over employee safety with reports that at least one of its Ukrainian employees have been killed in the Russian aggression, its store in Ukraine bombed, and the allegations of cutting off Ukrainian employees who protested Leroy Merlin's ongoing Russian operations from corporate communications?<sup>23</sup>**

6. Leroy Merlin is one of the largest foreign companies still operating in Russia, following only Philip Morris International and Japan Tobacco International. In 2022, the company's annual revenue in Russia amounted to over \$4.9bn. Considering its significant position in the Russian economy, Leroy Merlin is a significant taxpayer in Russia. This could make the company indirectly involved in financing Russian aggression since corporate taxes are estimated to make up a significant proportion of Russia's GDP.

**-How much tax has Leroy Merlin paid in Russia in 2022 and 2023?**

**-Can Leroy Merlin/ADEO confirm the \$4.9bn annual revenue figure?**

7. Leroy Merlin and ADEO are globally recognised names and brands. By choosing to continue operating in Russia, the company inadvertently grants the regime a sense of legitimacy and approval. By leveraging the power and reputation of its name, it indirectly expresses support for the regime's actions, which could be interpreted as condoning the war. The continued presence of Leroy Merlin stores in the Russian market creates a perceived association between the company and the Russian government, which may not align with the values of its customers.

**-How are Leroy Merlin and its parent company ADEO ensuring that they don't align themselves and the names of their brands with the war and the Putin regime?**

Other companies have faced legal, administrative, and ethical challenges and still committed to, and exited, Russia. Leroy Merlin has continued its operations in the country, even after over one year since the start of the war, over 95,000 reported war crimes, over 24,000 Ukrainian civilians killed or injured, and with the head of the Russian state indicted by the International Criminal Court for alleged war crimes, namely the abduction of Ukrainian children. **Considering these developments and the rising number of reported human rights abuses and war crimes, we urge Leroy Merlin and ADEO to urgently and fully exit Russia so as not to be even indirectly or remotely associated with these crimes any longer.**

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<sup>23</sup> B4Ukraine, "Leroy Merlin is an example of the worst possible reaction multinational can have in response to Russia's invasion of Ukraine," <https://b4ukraine.org/whats-new/leroy-merlin> (accessed July 13, 2023).

We request an urgent dialogue with Leroy Merlin's and ADEO's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia and associated risks to the people of Ukraine and the company. Please contact the B4Ukraine Coalition at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call. We kindly ask for your response by 5:00pm CET, July 27<sup>th</sup>, 2023.

Sincerely,

The B4Ukraine Coalition

Thomas BOURET  
SIÈGE SOCIAL  
RUE CHANZY  
59260 LEZENNES

February 21, 2023

Dear Mr. Bouret,

We write to follow up on our previous correspondence with Leroy Merlin dated January 13, 2023, regarding potential inconsistencies between Leroy Merlin's obligations, as articulated in the UNGPs, and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms. We have not received a response to our letter.

Since our last correspondence, Leroy Merlin has been placed on the Ukrainian National Agency for Prevention of Corruption (NAPC) list of international sponsors of the war.<sup>1</sup>

The NACP lists the following reasons for including Leroy Merlin on the list:

“Leroy Merlin Vostok is a backbone enterprise of the Russian Federation, which provides a high revenue part of the budget of the Russian Federation and a significant source of income for the government of the Russian Federation, thereby supporting actions aimed at violent change, overthrowing the constitutional order, seizing state power, changing the borders of the territory or the state border of Ukraine, encroaching on the territorial integrity and inviolability of Ukraine, which undermines democratic processes and institutions in Ukraine, threatens its peace, stability, security, sovereignty and independence. Revenue for 2021 amounted to 456.6 billion rubles. Leroy Merlin on 11 March announced that it has no plans to reduce its operations in Russia, where it operates 143 stores. On 17 March they cut off the Ukrainian office from corporate communications and stated that they would increase supplies to the Russian Federation.”<sup>2</sup>

Likewise, Claude Defassier Laurent Louis, the General Director of Leroy Merlin Vostok, Phillip Zimmerman, Chairman of the Supervisory Board of Leroy Merlin Vostok, Minnie Solomon, Member of the Supervisory Board of Leroy Merlin Vostok, and Frederic Alain Yves Saverot, Financial Director of Leroy Merlin Vostok, are personally listed as individual sponsors of war.<sup>3</sup>

While the figures are not published by the company itself, Oleksandr Parashchiiy, head of analytics at Concorde Capital, estimates that the taxes contributed by Leroy Merlin to Russia in 2022 amount to €266 million, a figure that significantly boosts the Russian economy and its aggressive military effort

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<sup>1</sup> NACP, “Leroy Merlin – International Sponsor of War,” <https://sanctions.nazk.gov.ua/en/boycott/7/> (accessed February 17, 2023).

<sup>2</sup> Ibid.

<sup>3</sup> NACP, “International Sponsors of War – Individuals” <https://sanctions.nazk.gov.ua/en/boycott/> (accessed February 17, 2023).



in Ukraine.<sup>4</sup> Considering that Leroy Merlin is the “leading foreign company in Russia, both in terms of personnel and turnover,”<sup>5</sup> we are writing to verify whether this information is correct, whether Leroy Merlin is still claiming profits from its Russian operations, and to inquire how the company is practising heightened human rights due diligence in light of the evolving humanitarian crisis of the war in Ukraine.

Furthermore, we would like to understand Leroy Merlin’s involvement in the reported supplying of goods to Russian soldiers reported by Le Monde.<sup>6</sup>

We are reaching out to Leroy Merlin again, to formally notify the company of the potential legal accountability it may face in the future, due to its continued actions in Russia. Companies remaining in Russia are open to significant legal risks, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.<sup>7</sup> By remaining in Russia, companies may not only be exposed to these risks but may also become directly complicit in war crimes.<sup>8</sup>

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<sup>4</sup> Khrystyna Lysova, “Financiers of war: The taxes paid by Auchan, Leroy Merlin and Metro to the Russia’s budget can finance 4-5 massive shellings of Ukraine. Why have global retailers still not left Russia?,” *Mind*, February 17, 2023, <https://mind.ua/en/publications/20253610-financiers-of-war-the-taxes-paid-by-auchan-leroy-merlin-and-metro-to-the-russias-budget-can-finan> (accessed February 21, 2023).

<sup>5</sup> Benjamin Quenelle, “Ces entreprises françaises qui maintiennent leurs affaires en Russie,” *Les Echos*, February 21, 2023, <https://www.lesechos.fr/monde/enjeux-internationaux/guerre-en-ukraine-ces-entreprises-francaises-qui-main-tiennent-leurs-affaires-en-russie-1908432> (accessed February 21, 2023).

<sup>6</sup> Lucas Minisini et al, “Les distributions troubles d’Auchan en Russie,” *Le Monde*, February 17, 2023, [https://www.lemonde.fr/m-le-mag/article/2023/02/17/les-distributions-troubles-d-auchan-en-russie\\_6162177\\_4500055.html](https://www.lemonde.fr/m-le-mag/article/2023/02/17/les-distributions-troubles-d-auchan-en-russie_6162177_4500055.html) (accessed February 21, 2023).

<sup>7</sup> International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) [Victoria Riello](#) and [Larissa Furtwengler](#), “Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward,” *Just Security*, September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (accessed November 14, 2022); The Sentry, “Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate,” July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (accessed November 14, 2022); *Rfi*, “French technology firm charged over Libya cyber-spying,” July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (accessed November 14, 2022); Preston Lim, “Canadian Supreme Court Allows Corporate Liability for International Law Violations,” *Lawfare*, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (accessed November 14, 2022); Sherpa, “Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies,” June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (accessed January 2, 2023).

<sup>8</sup> Nataliya Popovych and Bennett Freeman, “Russia’s Putin is forcing foreign-owned companies to participate in his conscription campaign. It’s time to get out,” *Fortune*, October 13, 2022, <https://fortune.com/2022/10/13/russia-putin-foreign-owned-companies-conscription-campaign-sanctions-ukraine-war-international-europe-popovych-freeman/> (accessed November 14, 2022).

In consideration of the above points and B4Ukraine's [Declaration](#), we request an urgent dialogue with Leroy Merlin's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent/mitigate these risks. Please contact B4Ukraine at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call by 5:00pm CET, March 7th, 2023.

Sincerely,

The B4Ukraine Coalition

Thomas BOURET  
SIÈGE SOCIAL  
RUE CHANZY  
59260 LEZENNES

CC: Leroy Merlin' s Executive Team and Board of Directors

13/12/22

**RE: La présence opérationnelle de Leroy Merlin en Russie**

Cher Thomas BOURET,

Nous vous écrivons au nom de [B4Ukraine](#), une coalition d'organisations de la société civile ukrainienne et internationale travaillant à limiter les ressources financières permettant de faciliter l'invasion russe de l'Ukraine. La coalition s'attend à ce que les entreprises démontrent leur soutien pour le peuple, la démocratie, l'intégrité territoriale de l'Ukraine, l'opposition à la guerre d'agression russe et un respect des principes directeurs des Nations unies relatifs aux entreprises et aux droits de l'homme (UNGP). Un tel soutien démontre aussi un respect des droits humains fondamentaux de tous les peuples, d'un ordre international basé sur des règles de droit et d'une économie internationale prospère.

Nous demandons un dialogue urgent concernant les opérations commerciales de l'entreprise en Russie qui sont susceptibles de contribuer aux violations des droits de l'Homme.

En tant que participants du Pacte mondial,<sup>1</sup> nous reconnaissons l'engagement de Leroy Merlin en faveur des droits de l'homme. En vertu des principes fondamentaux du Pacte,<sup>2</sup> l'entreprise doit se conformer, en particulier, au Principe 1 (Les entreprises sont invitées à promouvoir et à respecter la protection du droit international relatif aux droits de l'homme dans leur sphère d'influence) et au Principe 2 (veiller à ce que leurs propres compagnies ne se rendent pas complices de violations des droits de l'homme).

Comme vous le savez probablement, cela fait neuf mois que la Russie a envahi l'Ukraine. Elle continue de commettre des crimes de guerre et des crimes contre l'humanité à travers des attaques contre des civils et infrastructures civiles, des exécutions de masse, des bombardement d'écoles, d'hôpitaux et d'immeubles d'habitation, des violences sexuelles, la torture et le transfert forcé de

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<sup>1</sup> United Nations Global Compact, Our Participants, <https://www.unglobalcompact.org/what-is-gc/participants> (consulté le 30 novembre 2022).

<sup>2</sup> The Ten Principles of the UN Global Compact, <https://www.unglobalcompact.org/what-is-gc/mission/principles> (consulté le 30 novembre 2022).

civils. Plus de 20 000 Ukrainiens ont été tués ou blessés, et des millions d'autres ont été forcés de fuir leurs maisons, créant l'une des plus grandes crises humanitaires et de réfugiés de notre époque.

Le 21 septembre dernier, le président Vladimir Poutine a pris la décision de provoquer une escalade supplémentaire de la guerre en annonçant une « mobilisation partielle » de la population russe. La législation afférente ([Article 9 of Federal Law No. 31-FZ](#)) donne mandat à toutes les organisations, y compris les quelques 1 610 entreprises étrangères présentes en Russie, à conduire un recensement militaire de leur personnel si au moins un de leurs employés est éligible au service militaire.<sup>3</sup> Elles doivent également aider à distribuer les convocations militaires à leurs employés, assurer le transport d'équipement à des points de rassemblement ou à des unités militaires et fournir des informations, des bâtiments, des communications, terrains, transport et autres moyens matériels pour soutenir l'effort de guerre.

Cette législation implique des risques juridiques importants et nouveaux pour les entreprises encore présentes en Russie, dont une responsabilité civile et pénale potentielle sous les régimes de sanctions et la récente jurisprudence rendant responsable les entreprises et leurs dirigeants pour les violations de droits humains à l'étranger.<sup>4</sup> Les entreprises peuvent également être exposées à des risques financiers matériels à travers des restrictions opérationnelles telles que la limitation de contrats publics futurs.<sup>5</sup>

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<sup>3</sup> Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), <https://base.garant.ru/136945/> (consulté le 14 novembre 2022).

<sup>4</sup> Les entreprises restant en Russie sont désormais plus exposées au risque de violer les régimes de sanctions, puisque l'implémentation de cette législation impliquera probablement de réaliser des transactions avec des individus ou entités sanctionnées. En outre, de nouvelles affaires civiles et pénales nationales contre des entreprises impliquées dans des violations du droit international démontrent le risque d'une responsabilité importante de ces entités pour avoir facilité des violations des droits de l'homme parrainées par l'État à l'étranger (par exemple l'affaire Lafarge, l'affaire Lundin, l'inculpation du groupe Castel, la holding Nevsun et Dassault Aviation, Thales et MBDA France plainte pénale.)

Victoria Riello and Larissa Furtwengler, "Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward," *Just Security*, September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (consulté le 14 novembre 2022); The Sentry, "Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate," July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (consulté le 14 novembre 2022); Rfi, "French technology firm charged over Libya cyber-spying," July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (consulté le 14 novembre 2022); Preston Lim, "Canadian Supreme Court Allows Corporate Liability for International Law Violations," *Lawfare*, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (consulté le 14 novembre 2022); Sherpa, "Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies," June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (consulté le 14 novembre 2022).

<sup>5</sup> Venable LLP, "Do You Contract with State Governments? If So, Beware of Emerging State Sanctions' Obligations Related to Russia and Belarus," *JD Supra*, June 3, 2022, <https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (consulté le 14 novembre 2022).

En réponse à cette guerre non provoquée et injustifiée,<sup>6</sup> des centaines d'entreprises se sont engagées à quitter la Russie. Pourtant, selon le tracker d'entreprise [#LeaveRussia](#) du Kyiv School of Economics Institute, Auchan a décidé de rester dans ce pays. Selon l' UNGP, lorsqu'une guerre est illégale en vertu du droit international, les entreprises devraient, **au minimum**, évaluer et atténuer son lien avec les efforts de guerre du pays agresseur pour "s'assurer qu'ils n'aggravent pas la situation". Lorsque le conflit armé russo-ukrainien est évalué en lumière des différentes catégories établies par l'UNGP, il relève de la catégorie "élevée,"<sup>7</sup> vue la gravité des violations des droits de l'homme. Cela signifie que des mesures urgentes doivent être prises par les acteurs impliqués (même indirectement ) dans la guerre.

Leroy Merlin possède 112 magasins en Russie et réalise un chiffre d'affaires d'environ 4,2 milliards d'euros dans ce pays, équivalent à 18% de son chiffre d'affaires mondial.<sup>8</sup> Selon certaines sources, l'entreprise serait l'un des dix plus gros contribuables du budget de l'État russe.<sup>9</sup>

Les activités de Leroy Merlin en Russie financent, et risquent donc de contribuer à la violation du droit international humanitaire et des droits de l'homme par la Russie, de part son invasion et son occupation en cours de l'Ukraine. Il reste à voir dans quelle mesure l'AFM sera directement impacté par la mobilisation partielle et les risques juridiques, réglementaires, opérationnels et financiers accrus associés aux entreprises tenues de fournir un soutien direct à l'armée russe, qui est sanctionnée internationalement.

Nous cherchons à comprendre comment Leroy Merlin mène une diligence raisonnable en matière des droits de l'homme, comme l'exige le Pacte mondial, et comment les conclusions d'un tel processus ont abouti à la poursuite de ces activités et de ces relations commerciales. Comme indiqué par l'UNGP :

...plus l'atteinte est grave, plus rapidement l'entreprise devra procéder à des changements avant de prendre une décision sur le fait de savoir si elle devrait mettre fin à la relation. Dans tous les cas, tant que l'atteinte se poursuit, et que l'entreprise demeure dans la relation, elle devrait pouvoir démontrer les efforts constants qu'elle a menés pour atténuer l'incidence et être prête à accepter toutes les conséquences – en matière de réputation, du point de vue financier ou juridique – du maintien de ce lien.

En ayant à l'esprit les points évoqués ci-dessus et la [Déclaration](#) de B4Ukraine, nous demandons un dialogue urgent avec les cadres dirigeants de Leroy Merlin pour échanger sur sa présence

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<sup>6</sup> The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow "unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders."

<sup>7</sup> Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide | United Nations Development Programme, pp 30-31  
<https://www.undp.org/publications/heightened-human-rights-due-diligence-business-conflict-affected-contexts-guide> (consulté le 29 novembre 2022).

<sup>8</sup> French brand Leroy Merlin accused of profiting from Ukraine war,  
<https://www.connexionfrance.com/article/French-news/French-brand-Leroy-Merlin-accused-of-profiting-from-Ukraine-war> (accessed November 29, 2022).

<sup>9</sup> Stop business of ADEO GROUP in russian federation! - Online petition,  
<https://www.openpetition.eu/petition/online/stop-business-of-adeo-group-in-russian-federation> (accessed November 28, 2022).

opérationnelle et ses relations de l'entreprise avec la Russie, les risques pesant sur le peuple ukrainien et l'entreprise, ainsi que les étapes potentielles pour atténuer ces risques. Vous pouvez nous contacter à [enichol@b4ukraine.org](mailto:enichol@b4ukraine.org) Je vous prie de bien vouloir répondre avant 17h (heure d'Europe centrale), le 4 Janvier, 2022.

N'hésitez pas à nous contacter pour toute information supplémentaire.

Sincèrement,

Eleanor Nichol  
Executive Director  
The B4Ukraine Coalition