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The revision of the Public Procurement Directive represents a critical opportunity to clarify, strengthen and operationalise the link between public procurement and due diligence, ensuring that public spending does not contribute to human rights abuses, labour exploitation or environmental harm.

The International Working Group for Ethical Public Procurement is a network of civil society organisations, public procurement practitioners, researchers and policy experts working to strengthen the role of public procurement as a lever for human rights, environmental protection and responsible business conduct. The network welcomes the Commission's work to revise the 2014 Directives and would like to highlight the following recommendations for your consideration:

### **1. Strengthen risk assessment in procurement planning:**

Public buyers should be required and supported to carry out risk assessments at the scoping and planning stage, including prioritisation of **high-risk purchase categories**. The Commission should provide practical support, including risk indices, scoping methodologies, high-risk lists and regularly updated in-depth risk assessments. Existing classification tools, such as **CPV codes**, should be better aligned with risk-based approaches to avoid fragmentation across contracting authorities.

## **2. Clarify the link to the subject-matter (art 18 and art 67):**

**Article 18(2)** should be strengthened to explicitly require contracting authorities to integrate human rights and environmental due diligence throughout the procurement cycle, in line with OECD due diligence processes.

Contracting authorities should be required to apply risk-based due diligence when defining needs and structuring procedures, prioritising high-risk purchase categories before launching a tender. The Directives should make clear that due diligence requirements may be operationalised through selection criteria, award criteria and contract performance clauses, rather than being limited to compliance with existing labour and environmental law references. Contracting authorities should be required to establish strategies and procedures to address human rights and environmental risks linked to their purchasing, and to consider how their own purchasing practices may contribute to or mitigate such risks

## **3. Expanding and aligning exclusion grounds (art. 57):**

Exclusion grounds should be better aligned with serious violations of human rights, environmental standards and due diligence obligations, ensuring coherence with evolving EU legislation.

## **4. Clarify the use of selection and award criteria (art 67) to incentivise responsible business conduct:**

Selection criteria should ensure that suppliers meet minimum due diligence requirements. Award criteria should be used to reward frontrunners and incentivise improvement among mainstream suppliers, rather than relying solely on exclusion.

## **5. Addressing abnormally low tenders (art. 69):**

Contracting authorities should be required to consider whether abnormally low tenders reflect non-compliance with labour, environmental or due diligence standards.

## **6. Strengthen contract management (art. 70):**

There is currently no obligation to actively manage contracts once awarded. The revised Directives should include clearer expectations on contract management related to sustainability and due diligence, including monitoring, follow-up and remediation where risks or violations are identified.

## **7. Supporting supply chain transparency (art. 71):**

Provisions on subcontracting should better enable contracting authorities to obtain information on supply chains and address risks beyond the first tier.

**8. Extending improvement oriented logic to termination (art. 73):**

Termination mechanisms should allow for corrective action and remediation, while ensuring that serious or persistent violations can lead to contract termination where necessary.

**9. Measuring impact and outcomes :**

The revision of the directive should include requirements to assess and report on the impact of public procurement on human rights, environmental protection and responsible business conduct.

**10. Supporting implementation through accompanying measures:**

Legislative reform should be accompanied by practical support, including:

- Risk assessment tools
- Harmonised selection, award and contract performance criteria
- Contract management and follow-up tools, including databases
- Guidance for contracting authorities
- Guidance and tools for suppliers
- Support for the wider ecosystem, including civil society organisations

**11. Update and expand sustainability references in the revision of the EU public procurement directives**

Current references to sustainability legislation and international conventions are outdated and incomplete. The revised framework should align with up-to-date international standards and evolving EU law, while closing gaps related to key human rights and environmental risks.

**Revise Annex 10 to include:**

- ESRS topics and subtopics
- Core international instruments on environment, human rights, labour, and governance
- Relevant EU legislation, including the CSDDD and sector- or topic-specific instruments