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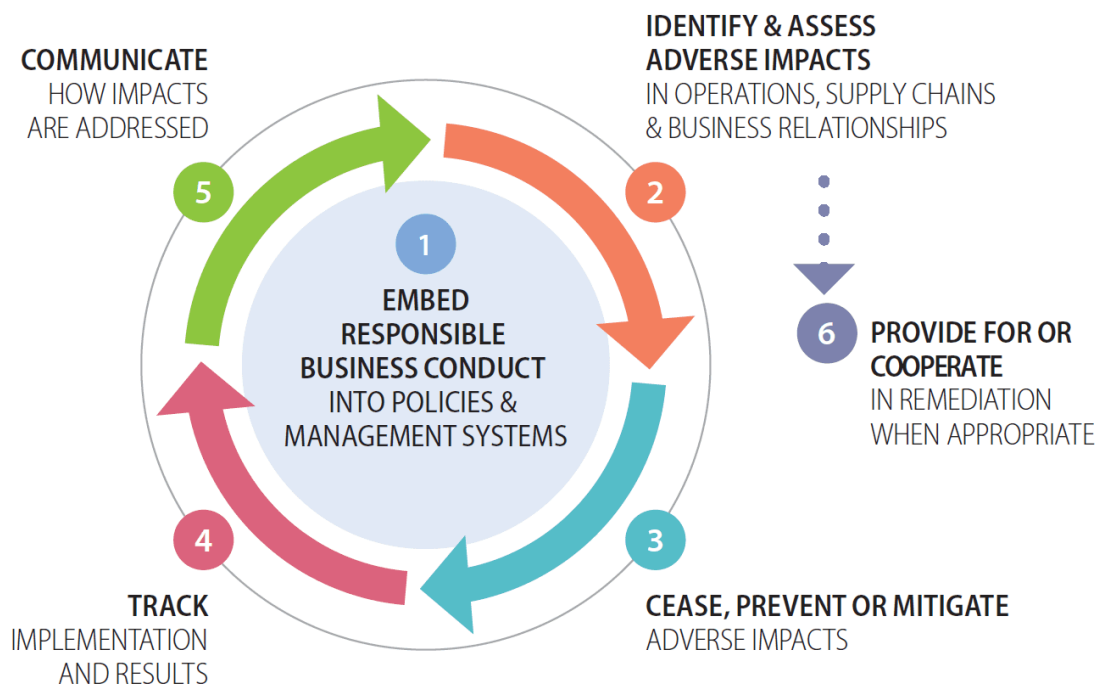
Strengthening Socially Responsible Public Procurement Through Due Diligence:

Lessons from EU Member States

Introduction

Public procurement represents roughly 14% of the EU's GDP, amounting to an estimated €2 trillion each year¹. This substantial purchasing power gives public authorities a unique opportunity to promote responsible business conduct (RBC). However, public procurement supply chains remain associated with significant human rights and environmental risks and adverse impacts, underscoring the need for more robust human rights and environmental due diligence (HREDD) obligations. The new European Commission proposal on public contracts and concessions (Public Procurement Act) offers an important opportunity to strengthen strategic procurement by integrating due diligence measures aligned with the OECD's well-established guidance on responsible business conduct.

This briefing explores socially responsible public procurement (SRPP), with particular attention to the role of due diligence in Germany, Belgium, and Sweden. It examines how the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct can enhance both the implementation and enforcement of social considerations in public procurement. Based on interviews with procurement practitioners, policy advisors, and researchers, the briefing highlights examples of good practice, identifies key challenges and opportunities, and concludes with a set of recommendations for strengthening the European Commission's proposed Public Procurement Act.



Source: Dutch National Contact Point⁴

Strategic public procurement and the role of OECD guidance on responsible business conduct

Public procurement is a powerful policy tool for advancing broader economic, environmental, and social objectives, including industrialisation, innovation, decarbonisation, as well as RBC. The OECD Recommendation on Public Procurement – adopted in 2015 and widely regarded as an important reference for good governance, policy reform and improved procurement practice – encourages governments to use public procurement strategically to foster objectives such as “standards for responsible business conduct.”² It further urges governments to develop appropriate strategies to integrate such objectives into procurement and use appropriate impact-assessment methodologies to measure their effectiveness. The OECD’s June 2026 report on Public Procurement, Trade and Industrial Policies similarly re-emphasises that “Governments should lead by example and cascade responsible supply chain requirements to their suppliers, encouraging them to implement

Responsible Business Conduct (RBC) objectives throughout their supply chains if they want to conduct business with the public sector”³.

In practice, this means that public procurement should be leveraged by governments to advance the objectives set out in the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. Together with the United Nations Guiding Principles on Business and Human Rights (UNGPs), these Guidelines form the leading international framework for RBC and call on businesses to apply risk-based due diligence to identify, prevent, mitigate and account for how they address adverse human rights and environmental impacts across their supply chains, following the OECD’s six-step due diligence framework (see Figure above).

Yet implementation amongst public buyers remains scattered. OECD analysis from 2020 shows that, while many countries incorporate some RBC objectives into public procurement, few apply comprehensive, risk-based due diligence across supply chains, and monitoring and enforcement remain limited⁵. A subsequent review of the implementation of the OECD

Recommendation on Public Procurement during 2020-2024 found that “social objectives (support to Indigenous people, addressing long-term unemployment, gender equality and responsiveness, promoting accessibility, supporting social enterprises, and upholding human and labour rights) are less widely integrated into procurement-specific policy documents”⁶. These OECD findings echo the conclusions from the European Court of Auditors (2023), which found that the 2014 EU Public Procurement Directives have done little to advance strategic procurement, with contracts still awarded primarily based on price⁷.

Despite these broader trends, case studies from Belgium, Germany, and Sweden demonstrate that the OECD Guidelines can serve as an effective framework for managing risks and integrating due diligence into public procurement. While approaches vary across national, regional, and local levels, and implementation challenges persist, the examples below indicate that public buyers are successfully aligning procurement practices with RBC standards.

Case 1: District of Friedrichshain-Kreuzberg & City of Dortmund

The use of social criteria in public procurement varies considerably across Germany at the federal, state, and district levels. This briefing zooms in on the Berlin district of Friedrichshain-Kreuzberg and the approach taken by the City of Dortmund.

District of Friedrichshain-Kreuzberg⁸

Although the OECD Guidelines are not always explicitly referenced when designing procurement criteria, the approach applied by Friedrichshain-Kreuzberg closely aligns with their objectives. Procurement requirements typically address core human rights standards, including freedom of association, the elimination of forced labour, and safe and healthy working conditions.

While the OECD’s risk-based approach is not explicitly required of contractors, the district is bound by a product-specific approach established by the Berlin Senate, which sets mandatory social supply chain standards for specified goods across the direct state administration. The selection of products – such as IT equipment, natural stones, sports balls, wood, textiles, footwear, and food – is guided by identified human rights risks in their respective supply chains. Requirements are incorporated into tender specifications or contract terms, with compliance demonstrated through certifications.

The district of Friedrichshain-Kreuzberg has contributed substantively to developing these specifications, including for natural stone and footballs, while also developing – in cooperation with the responsible Senate administration – Berlin-wide standards for rice and bananas in school meals independently of the Senate’s product list. This entails, for example, that suppliers of bananas may be required to provide a certification showing that the plantation of origin meets defined social standards. Bidders unable to provide sufficient evidence are excluded.

In the area of solar panels, Friedrichshain-Kreuzberg has also been exploring ways to strengthen responsible procurement. For example, the district has developed template clauses for solar modules and commissioned a legal analysis focusing on polysilicon, given the significant sourcing linkages to Xinjiang, China. The legal opinion and the template clauses show how public buyers can address the risk of state-imposed forced labour. The district wants to incentivize module manufacturers to source polysilicon from non-Chinese supply chains. It does this by setting very high requirements on social standards for polysilicon from high-risk areas (such as external audits, grievance mechanisms, trainings improvement plans where adverse findings are identified), while accepting a proof of origin for polysilicon from the EU or the US, which should be much easier to submit.

Beyond that, the public procurer may run a separate, upstream tender just for polysilicon, which allows for the exclusion of Chinese bidders, which, given current market conditions,

effectively results in the exclusion of polysilicon produced in China. Details and template texts for both approaches can be found [here](#).

At an overall level, the district does not require its suppliers to conduct risk-based due diligence throughout their supply chains, including with respect to subcontractors, as recommended by the OECD Guidelines. This is due to the limited capacity available to monitor every supplier's due diligence effort, meaning that the district focuses on aforementioned high-risk products, for which it must rely heavily on certifications and third-party audits as evidence of compliance.⁹

Lastly, the district has also collaborated with the Berlin Competence Centre for Fair Procurement (*Kompetenzstelle Faire Beschaffung Berlin*¹⁰) to develop the *Sustainable Procurement Guide Berlin*. This guide provides practical advice on integrating sustainability criteria into procurement processes, including direct purchases, as well as information on available support services and key contacts.

City of Dortmund¹¹

The City of Dortmund's approach to socially responsible public procurement is grounded in political decisions taken by the city parliament in 2012. Since then, all municipal tenders have included social contract performance criteria, initially focusing on preventing child labour, ensuring living wages, and upholding human rights and democratic standards. Implementation began step-by-step, starting with textiles and clothing, and has gradually expanded from 2015–2016 onward.

Due to limited administrative capacity, Dortmund has traditionally relied on recognised certifications, such as Fair Wear Foundation and Fairtrade, to implement social criteria, particularly in textile procurement. More recently, however, the city has moved towards a more supply chain-oriented approach in selected pilot projects, including the procurement of high-standard workwear for municipal security services. These initiatives go beyond certification

requirements by asking contractors to provide information on production sites, materials, and engagement with workers throughout the supply chain. A related initiative connects procurement with Dortmund's partner city of Kumasi in Ghana, in cooperation with GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH) and Fairtrade Africa, to develop more transparent and locally embedded production systems.

This approach enables the city to influence production conditions from the outset, rather than relying on less transparent supply chains where opportunities to exercise leverage are limited. However, contractual efforts to require transparency and due diligence across the supply chain – particularly in high-risk sourcing contexts such as Bangladesh and Pakistan – have achieved limited results. The city has limited capacity to impose penalties or terminate contracts in the absence of clear evidence of non-compliance. As a result, enforcement has generally relied on dialogue, audits, and, where necessary, non-renewal of contracts after 2–4 years rather than fines or legal sanctions.

To enhance the impact of public procurement beyond what individual municipalities can achieve, the city supports stronger EU-level requirements for mandatory human rights and environmental due diligence. It particularly emphasises the need for a limited number of harmonised and credible labels or certification schemes that public procurers can rely on, while providing suppliers with greater clarity on recognised standards and enabling them to strengthen their competitiveness in public tenders.

Case 2: Due diligence application in Flanders and Belgium

Experiences with socially responsible public procurement in Belgium vary considerably, including between Flanders and Wallonia. This section first presents preliminary findings from a survey of the state of Belgian public procurement

conducted by HIVA – the Research Institute for Work and Society at the Catholic University of Leuven. It then describes the practices of Facilitair Bedrijf, the Flemish government agency that supports government entities and local authorities through facility management services, as an illustrative example of how due diligence considerations are being integrated into procurement practice.

Survey of public buyers' due diligence efforts

Between April and August 2025, researchers at HIVA – the Research Institute for Work and Society at the Catholic University of Leuven surveyed Belgian public buyers as part of a forthcoming paper (Helsen & Huyse, 2026)¹². Survey results suggest principled support among contracting authorities for strengthening human rights due diligence in public procurement through the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. However, implementation remains fragmented across different levels of government and throughout the procurement cycle. Where due diligence is applied, it is largely limited to first-tier suppliers and sectors perceived as high risk, despite the existence of significant but less visible risks further down supply chains and in other sectors.

The limited practical uptake of the OECD Guidelines in Belgium stems primarily from practical constraints, including limited financial resources, insufficient technical expertise, concerns about administrative burden, potential legal implications, and inadequate managerial support for sustainability experts responsible for implementing due diligence¹³. As a result, many contracting authorities struggle to draft and apply effective social clauses, assess supplier information, and make informed risk-based decisions.

Researchers behind the survey argue that a part of these challenges may be overcome through a revised EU Public Procurement Directive which makes social clauses mandatory, explicitly

references the OECD Guidelines in Article 18(2), clarifies that social criteria and due diligence may be assessed at the level of the economic operator rather than only in relation to the procured good or service, and strengthens exclusion grounds for companies that fail to meet key due diligence obligations.

At the same time, researchers emphasise the need for proportionality: rather than immediately requiring full implementation of the six-step OECD framework, procurement rules should gradually introduce core elements such as due diligence policies and risk identification, allowing expectations to evolve as the market adapts. This should be accompanied by tailored guidance, model contract clauses, and dedicated support structures – such as National Contact Points (NCPs) – to translate EU guidance into practical tools for contracting authorities at all levels, addressing the expertise gap.

Applying due diligence requirements in public procurement – Facilitair Bedrijf/Agency For Facility Operations, Flanders¹⁴

Facilitair Bedrijf supports the entities of the Government of Flanders and local authorities in incorporating ethical considerations into procurement practices. This includes an ethical clause published on its website, which requires suppliers to respect ILO conventions and ensure that their subcontractors do the same¹⁵. While the clause does not constitute a full due diligence requirement, it provides a foundation for addressing labour rights and sustainability risks in public procurement contracts.

Over time, Facilitair Bedrijf has moved towards more targeted approaches for product groups and sectors where human rights and environmental risks are more salient. Depending on the sector, this has included specific due diligence-related clauses through engagement with multi-stakeholder initiatives. For natural stone procurement, Facilitair Bedrijf uses clauses in reference to TruStone Initiative, a multi-

stakeholder initiative promoting responsible sourcing and due diligence in the natural stone sector¹⁶. Supplier participation in the initiative thereby serves as an indication of alignment with due diligence expectations. Similarly, for ICT and low-emission vehicles, Facilitair Bedrijf works with Electronics Watch to introduce tailored due diligence clauses, including requirements related to supply chain transparency and responsible sourcing practices.

In practice, Facilitair Bedrijf's approach has focused primarily on raising awareness among suppliers and encouraging gradual improvements in supply chain transparency and RBC. The organisation has adopted a risk-based approach, acknowledging that different product groups and suppliers face different levels of exposure to human rights and environmental risks. To this end, the organisation has developed a "due diligence light" clause which is currently under consideration for formal adoption. The aim is to expand the existing ethical clause by introducing proportionate transparency and due diligence expectations for selected high-risk products, where requested by the contracting authority.

This approach responds to practical challenges faced by public buyers, particularly in sectors such as textiles and workwear, where framework contracts may cover hundreds of products sourced through complex global supply chains. Many suppliers are small and medium-sized enterprises (SMEs) that import and resell goods and may have limited capacity to map and assess every supply chain. Instead of requiring comprehensive due diligence for all products, a risk-based clause would enable contracting authorities to request additional information and supply chain transparency for specific high-risk products, such as garments produced in countries with elevated labour rights risks, including Bangladesh or Indonesia.

The proposed clause would require suppliers to cooperate in good faith to improve transparency, provide information when concerns arise, and use their leverage towards sub-contractors to address risks – in line with the OECD Guidelines. Its added value would be that it creates a

contractual basis for suppliers to respond to allegations of malpractice in their supply chains and share relevant information with procurers when concerns emerge about a product, supplier, or production location. At the same time, it enables reseller SMEs to focus their due diligence efforts where risks are highest, while avoiding disproportionate administrative burdens.

These clauses are generally considered obligations of effort rather than guarantees of outcome, meaning that suppliers are expected to demonstrate meaningful steps towards addressing identified risks. However, systematic failure to comply with due diligence and other sustainability requirements can have contractual consequences. Facilitair Bedrijf has previously applied financial sanctions where suppliers ignored such contractual obligations, and contracts may, in principle, be terminated in cases of serious non-performance. In practice, most contracts are established for a fixed period with the possibility of extension, meaning that poor performance can also result in contracts simply not being renewed.

HREDD in Belgian Public Procurement – case of Federal Institute of Sustainable Development¹⁷

Belgium's Federal Institute for Sustainable Development (FIDO) contributes to the Belgian National Action Plan on Business and Human Rights, which recognises public procurement as an important lever for implementing the OECD Guidelines on Responsible Business Conduct. In practice, FIDO works to translate these principles into public procurement by exploring how procurement can advance responsible business conduct and human rights and environmental due diligence (HREDD), building on earlier initiatives, including on ethical ICT procurement.

However, comprehensive supply chain due diligence is not yet systematically required by Belgian or Flemish public procurers. Where it is used, it tends to take the form of award criteria, supplier action plans, social labels or, increasingly, contract performance

requirements. A key barrier remains limited capacity: public authorities often lack both the financial resources and specialised staff needed to conduct meaningful due diligence. This creates a risk of “box-ticking” rather than genuine risk identification and mitigation.

While FIDO recognises the Swedish model as a more ambitious benchmark, particularly in its integration of due diligence into supplier engagement and contract monitoring, it currently lacks the resources to fully replicate this approach in Belgium. One way to overcome this has therefore been to work with external organisations, such as Electronics Watch and the Circular and Fair ICT Pact (CFIT), to monitor supply chains. FIDO also promotes a graduated approach, ranging from credible social labels and supplier action plans to specialised external monitoring and direct engagement with suppliers where violations are identified.

FIDO’s experience suggests that contract performance requirements may offer greater potential than relying solely on award criteria, as this allows public buyers to require suppliers to provide documentation, implement HREDD processes and cooperate with monitoring throughout the contract. Award criteria can nevertheless encourage suppliers to demonstrate how they identify and mitigate risks before a contract is awarded, whilst moving from price-only criteria to the most economically advantageous tender (MEAT) provides an additional avenue for incorporating social considerations into procurement decisions.

FIDO and other Belgian governmental services provide helpdesk support and guidance, but expertise remains fragmented across Belgium’s different levels of government. Stronger central procurement structures could provide training, templates and specialised expertise, helping smaller procurers implement responsible procurement. Translating successful Swedish tools and templates into the Belgian context could be particularly useful.

Similarly, FIDO agrees that better access to ESG and supply chain data could strengthen supplier risk assessment and monitoring. Large public

companies already use tools such as EcoVadis, but making reliable ESG information more accessible to smaller public procurers could support supplier selection and contract monitoring, although questions remain about how such data can legally be used.

Overall, Belgium has established important policy foundations, but the main challenge is turning policy ambition into systematic implementation. Clearer legal requirements, stronger central support, adequate resources, external monitoring capacity and better ESG data could help shift Belgian public procurement from voluntary or procedural approaches towards meaningful, risk-based human rights due diligence.

Case 3: Swedish Regions & the use of due diligence contract clauses¹⁸

The Swedish Regions and Adda, the central purchasing body for Swedish municipalities and regions, have developed a common framework of procurement contract terms that embeds environmental and human rights due diligence into public procurement based on the OECD Guidelines. The guidance includes a supplier code of conduct, due diligence and reporting requirements, and practical tools to support risk assessment and supply chain transparency¹⁹.

Developed over more than a decade through collaboration among Sweden’s 21 regions, the framework is coordinated by the National Secretariat for Sustainable Public Procurement. By harmonising contractual requirements and follow-up procedures, it enables the regions – whose combined annual procurement amounts to approximately €13 billion – to use public procurement to promote RBC in global supply chains.

The National Secretariat conducts OECD-based risk assessments to identify and prioritise supply chain risks for Sweden’s 21 regions based on the likelihood and severity of adverse impacts. This process has resulted in 16 high-risk procurement categories, which are subject to enhanced model

contract clauses throughout the procurement process, from risk assessment to contract management. Initially established in response to public scrutiny of labour conditions in the procurement of medical instruments and textiles, the Secretariat has evolved into a national centre of expertise on sustainable and responsible public procurement. Over more than a decade, the regions have developed their approach through practical implementation, supplier engagement, coordinated contract management and collaboration with civil society organisations and international partners, including Swedwatch and Electronics Watch.

Suppliers contracting with the Swedish Regions are required to comply with the Code of Conduct and associated contract terms, including the implementation of due diligence processes. Since 2014, the National Secretariat has applied a harmonised approach requiring suppliers to demonstrate key due diligence elements, including a policy commitment, clear allocation of responsibilities, risk assessment procedures, monitoring of social and environmental requirements, and processes for remedying adverse impacts. Compliance is verified through office audits, while compliance with the Supplier Code of Conduct may be monitored through risk-based methods such as factory audits, isotope testing, open-source information and databases.

Supply chain due diligence is primarily embedded through contract performance clauses rather than award criteria. Contractual responsibility rests with the direct supplier, which is required to implement risk-based due diligence covering its own operations and supply chains. The contract terms include requirements relating to risk assessment, prevention and mitigation, monitoring, remedy, meaningful stakeholder engagement and supply chain transparency. Depending on the risks associated with the procurement, suppliers may also be required to disclose manufacturing sites and additional upstream supply chain information.

Rather than requiring general sustainability reports, procurers request reporting directly linked to contractual obligations and supply chain

risks relevant to the procured goods or services. The regions' experience also demonstrates how public procurement can complement evolving EU due diligence legislation by requiring suppliers to implement risk-based and proportionate due diligence processes through contract performance clauses, including where suppliers do not formally fall within the scope of the CSDDD in line with the principle of equal treatment.

According to the national coordinator for sustainable procurement, the Swedish Regions have not seen evidence that these due diligence requirements have reduced competition, increased procurement costs, or discouraged SME participation. This is partly attributed to a "remedy first" contract management approach, which prioritises corrective action and graduated escalation before financial penalties or contract termination are considered. It is also supported by the regions' practical guidance and tools, which help suppliers, including SMEs, understand and meet the due diligence requirements in a risk-based and proportionate way.

The experience of the Swedish Regions demonstrates that the current EU Public Procurement Directive already offers some legal pathways for integrating human rights and environmental due diligence into procurement processes. However, implementation remains uneven due to legal uncertainty, limited administrative capacity, and inconsistent monitoring and follow-up. Drawing on this experience, the case of the Swedish Regions points to several areas where the EU procurement framework could provide greater clarity and support, including clearer legal pathways for applying due diligence requirements in high-risk procurement and stronger alignment with evolving EU sustainability legislation and international standards.

Recommendations for the EU Public Procurement Act

Drawing on insights from expert practitioners in Germany, Belgium and Sweden, the recommendations below highlight several priority areas for EU decision-makers to consider as they negotiate the Public Procurement Act.

1 Explicitly recommend human rights and environmental due diligence (HREDD) as an award and contract performance criterium

Article 55 (2) of the proposed Public Procurement Act states that public buyers may take “effective human rights protection across the supply chains relevant to the procurement in question” into account as a social consideration. Similarly, *Article 104* explicitly mentions “implementation of appropriate prevention and mitigation processes related to human rights impacts arising in the performance of the contract” as a possible contract performance condition. It also refers to “sustainability due diligence” as an example of an environmental contract performance condition.

However, despite these additions, the proposal at the same time repeals Article 31 of the CSDDD (Directive (EU) 2024/1760), which confirmed that compliance with due diligence obligations could be considered an environmental or social award criterion or a contract performance condition at the level of the economic operator.

The European Commission’s own impact assessment states that “many respondents suggest that the EU should provide incentives for contracting authorities to use human rights and environmental due diligence (HREDD) in a proportionate and risk-based way”²⁰. To this end, the Public Procurement Act should a) reintroduce a legal basis to demand and monitor compliance with CSDDD, preferably going further by making it mandatory for public buyers to require CSDDD compliance through award criteria and contract performance conditions in contracts

with companies within the CSDDD’s scope; and b) explicitly recommend risk-based HREDD as a preferred environmental *and* social award criterium and contract performance condition, in line with internationally recognised frameworks, notably the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

2 Avoid Best Price-Quality Ratio option from becoming box-ticking exercise

While it is a welcome improvement that the proposed Act makes the best price-quality ratio (BPQR) the default approach, the proposal defines “quality” broadly, encompassing not only environmental and social considerations but also technical merit, accessibility, production methods, delivery conditions, technical assistance, innovation, security and resilience. This increases the risk that BPQR becomes a box-ticking exercise which relegates, for example, fair working conditions in public supply chains to one consideration among many – or leaving them out altogether.

To effectively achieve SRPP objectives, the Act should make it binding to include social criteria in the BPQR exercise. This would ensure that companies investing resources in, for example, HREDD and responsible production practices have a higher chance of winning bids. Conversely, not doing this would increase the risk that, as observed in Norway, “dutiful enterprises that offer solutions with due diligence fully accounted for and priced in risk losing tenders to less reputable competitors who may not have conducted equally thorough due diligence or implemented the measures described in their proposals”²¹.

3 Clarify the subject-matter requirement

Article 90 provides a clearer legal basis for procurement criteria relating not only to the characteristics of the final product or service, but also to conditions connected to its production and delivery. However, while it mentions that the “working conditions of workers involved in any

of those stages of the life-cycle” and “responsible sourcing and supply chain transparency” shall be considered to be indirectly linked to the subject matter, *Recital (40)* in the proposal still excludes an operator’s “general corporate policy” from the subject-matter test. This creates unnecessary legal uncertainty and risks having a deterrent effect on contracting authorities seeking to leverage public procurement to address sustainability risks, particularly upstream human rights and environmental impacts.

The Act should therefore clarify that human rights as well as environment related policies and strategies, and supplier codes of conduct or supply chain risk management strategies may be contract-specific, and thus linked to the subject matter, where it governs the performance of a particular contract. This is an interpretation which is supported by existing case law²² and has been successfully applied in Member States such as Sweden.

4 Increase transparency around contractors’ supply chains and sustainability performance

Article 69 introduces supply-chain transparency and sustainability requirements for contracts concerning critical entities and infrastructure, allowing buyers to request information on supply chain organisation and location, transparency and traceability, supply chain management, resilience and contingency plans.

However, to ensure that transparency requirements specifically advance responsible business conduct, irrespective of critical entities and infrastructure, contracting authorities should have access to information necessary to assess and manage social and environmental risks. *Article 69* should therefore be amended to require contractors exposed to particularly salient human rights and environmental risks – for example, those operating in sectors identified as high-risk by the contracting authority or centralised purchasing body – to provide information on their production sites and raw materials, as well as – aligned with the Corporate Sustainability Reporting Directive (CSRD) – information on

their HREDD processes, including how they identify adverse impacts, the measures taken to prevent, mitigate and remediate them, and the effectiveness of those measures.

The proposal in *Articles 134* and *135* to establish national and Union-level Public Procurement Data Spaces should also be used to serve a dual function: (a) the collection and hosting of ESG-relevant supplier data from both primary sources (including NGOs, trade unions, and worker- and community-based organisations in third countries) and secondary sources (such as media reports on corporate controversies, sustainability data disclosed under CSRD); and (b) provide a channel for NGOs, trade unions, and worker- and community-based organisations in third countries to report grievances and evidence of adverse human rights or environmental impacts linked to suppliers to the public sector. Such information should subsequently be centralised at EU level, enabling contracting authorities to make informed and responsible decisions when spending taxpayers’ money.

5 Introduce model contract clauses on HREDD as a key non-legislative measure

While *Article 139* in the proposal aims to strengthen professionalisation and capacity building, the Commission should go a step further and – building on the Swedish model²³ – introduce practical due diligence guidance and tools for both procurers and contractors, as well as differentiated, off-the-shelf model contract clauses – basic, intermediate and advanced – scaled to the risk exposure of the contract and the maturity of the contractor’s due diligence processes and aligned with the OECD six-step due diligence framework. These should be accompanied by clear guidance on their purpose, scope, legal effect and underlying frameworks; free practical templates for due diligence policies, human rights policies, supplier codes of conduct, supply-chain mapping and grievance mechanisms; and links to recognised training and capacity-building resources to help contracting authorities navigate the growing range of due diligence tools and services.

Endnotes

- 1 https://single-market-economy.ec.europa.eu/single-market/public-procurement_en
- 2 <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0411>
- 3 https://www.oecd.org/content/dam/oecd/en/publications/reports/2026/06/public-procurement-trade-and-industrial-policies_e9b7ed1d/64f22ae6-en.pdf
- 4 <https://www.oecdguidelines.nl/oecd-guidelines/d/due-diligence>
- 5 https://www.oecd.org/en/publications/integrating-responsible-business-conduct-in-public-procurement_02682b01-en.html
- 6 https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/06/implementing-the-oecd-recommendation-on-public-procurement-in-oecd-and-partner-countries_dbc4aca7/02a46a58-en.pdf
- 7 European Court of Auditors (2023) Public Procurement in the EU. Less competition for contracts awarded for works, goods and services in the 10 years up to 2021. Available at: https://www.eca.europa.eu/ECA-Publications/SR-2023-28/SR-2023-28_EN.pdf. Page 48.
- 8 Interview with Helena Jansen, Coordination Unit for Municipal Development Policy (Koordinationsstelle für Kommunale Entwicklungspolitik) in Friedrichshain-Kreuzberg, part of the Climate and International Affairs division in the municipality of Friedrichshain-Kreuzberg, on 26 June 2026. Helena Jansen contributed to the Sustainable Procurement Guide Berlin and develops strategies for integration into the district's procurement processes and procurement procedures based on framework agreements. Website: <https://www.berlin.de/ba-friedrichshain-kreuzberg/politik-und-verwaltung/beauftragte/entwicklungspolitik-und-nachhaltigkeit/artikel.913937.php>. Contact Helena Jansen at Helena.Jansen@ba-fk.berlin.de.
- 9 Audits and certifications can be of value for procurers as part of a broader due diligence process, yet they cannot substitute the entire due diligence process as expected by the OECD. For more info, see: European Center for Constitutional and Human Rights (ECCHR). (n.d.). Human rights fitness of the auditing and certification industry? A cross-sectoral analysis of current challenges and possible responses. Available at: https://www.ecchr.eu/fileadmin/Publikationen/ECCHR_BfdW_MIS_AUDITS_EN.pdf
- 10 The Berlin Competence Centre for Fair Procurement operates at Berlin Senate level rather than at district level and serves as an advisory body for public authorities and local agencies seeking to implement socially responsible procurement practices.
- 11 Interview with Aiko Wichmann, Head of the Procurement Office, City of Dortmund, on 6 July 2026.
- 12 Interview with Lara Helsen, PhD candidate at HIVA – the Research Institute for Work and Society at the Catholic University of Leuven and lead researcher behind the survey, on 29 June 2026.
- 13 Such concerns were also raised in a study on Flemish procurement of natural stone: https://hiva.kuleuven.be/en/research/theme/globaldevelopment/p/hring-vcs/natural_stone
- 14 Facilitair Bedrijf or the Agency For Facility Operations is Flanders' central purchasing body. This section is based on an interview with Alexander Lemmens, Legal Officer, Policy and Procurement Support Team, Facilitair Bedrijf/Agency For Facility Operations, on 7 July 2026.
- 15 See: <https://www.vlaanderen.be/het-facilitair-bedrijf-overheidsopdrachten-en-raamovereenkomsten/duurzame-en-innovatieve-overheidsopdrachten/standaardclausules-duurzame-overheidsopdrachten>
- 16 See: <https://www.vlaanderen.be/het-facilitair-bedrijf-overheidsopdrachten-en-raamovereenkomsten/duurzame-en-innovatieve-overheidsopdrachten/productgroepen-duurzame-overheidsopdrachten/natuursteen>
- 17 Interview with Jo Versteven, project leader for the Guide of Sustainable Purchases with the Belgian Federal Institute for Sustainable Development (FIDO), on 18 August 2026.
- 18 Based on interview with Pauline Göthberg, National Coordinator and Head of Unit at the Swedish Region's National Secretariat for Sustainable Public Procurement, on 30 June 2026.
- 19 See: <https://husr.se/en/guidance-on-due-diligence/>
- 20 https://single-market-economy.ec.europa.eu/document/download/a7bd4700-7601-4c63-b5ab-21f6a532e6b8_en?filename=Impact%20assessment%20-%20Public%20Procurement%20Act.pdf
- 21 <https://www.regjeringen.no/contentassets/4d85a42174994d23a9580c478dacea06/review-of-the-norwegian-transparency-act-kpmg.pdf>
- 22 See: Max Havelaar (C-368/10) and EVN Wienstrom (C-448/01), which recognise the possibility of using criteria relating to production and delivery processes and upstream impacts.
- 23 See guidance and tools for buyers and suppliers developed by the Swedish Regions: <https://husr.se/en/guidance-on-due-diligence/>

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