

Concept Note

Workshop for Policymakers

Transposing the Corporate Sustainability Due Diligence Directive (CSDDD) - Navigating Legal Uncertainties amidst the Omnibus proposal and Implementation Challenges

Organized by:

- The NOVA Centre on Business, Human Rights and the Environment (NOVA BHRE)
 - The British Institute of International and Comparative Law (BIICL)
 - The HIVA Research Institute for Work and Society & the Leuven Centre for Global Governance Studies at University of Leuven.
- With the support of the Laudes Foundation, FCT, CEDIS and PLMJ.

Date & Venue: the 28th of May 2025, NOVA School of Law.

Organizing committee:

- Claire Bright,
- Jasmine Elliott,
- Huib Hyse,
- Axel Marx,
- Kari Otteburn, and
- Irene Pietropaoli,

Background:

The concept of human rights and environmental due diligence (HREDD) – originally set out in international standards - has become the **cornerstone** to promote **responsible and sustainable business conduct** that upholds respect for human rights, decent work and environmental standards throughout global value chains. HREDD constitutes the **means through which companies can fulfil their responsibility to respect human rights and the environment in practice**. Concretely, it requires companies to put in place a process allowing them to **become aware** of the adverse human rights impacts that they can be involved in, and to **address** such impacts.

Legislative developments crystalizing HREDD expectations into legally binding obligations for companies have taken place in various countries such as **France, Germany and Norway**. Other countries such as **Brazil, Canada, Colombia, Mexico, South Korea, and Thailand**, amongst others, are also considering adopting mandatory HREDD laws. At the European level, the **Corporate Sustainability Due Diligence Directive** (CSDDD) adopted on 13th of June 2024 marks a pivotal moment in the harmonisation of HREDD standards across the continent. It **requires in-scope companies to put in place HREDD processes** and is part of a broader pallet of emerging European legislation that EU Member States are also transposing and implementing on corporate sustainability. Its transposition into national law, however, remains a complex and evolving process, with uncertainties arising from the European Commission's **Omnibus Proposal** released on 26th February 2025, which seeks to introduce revisions to the CSDDD. Against this backdrop, policymakers face uncertainty on how HREDD laws can be designed and implemented in an effective way at the national level, in the process of transposing the CSDDD and in line with international standards.

This workshop aims to provide a **platform for policymakers** to gain clarity on the latest developments, explore future regulatory scenarios, and discuss immediate actions necessary for effective transposition of the CSDDD. Through expert-led discussions and interactive sessions, participants will engage with legal scholars, practitioners, policymakers, businesses, civil society and industry representatives to navigate the challenges and opportunities ahead.

Objectives

- To analyze the key elements of the CSDDD and the implications of the Omnibus Proposal.
- To explore different scenarios in relation to the transposition approaches
- To examine the lessons learnt from the comparative experiences of the Member States who have already adopted legislative frameworks on mandatory HREDD.

- To understand how to best promote the adequate implementation of HREDD by companies in their respective countries?
- To provide actionable guidance for policymakers on immediate next steps.

Key Themes and Discussion Points

1. **Understanding the CSDDD and the Omnibus Proposal**
 - o Overview of the CSDDD: Scope, obligations, and enforcement mechanisms
 - o The impact of the Omnibus Proposal: Potential changes and legal uncertainties
2. **Transposition Challenges and Best Practices**
 - o Approaches taken by different EU Member States
 - o Lessons learned from Member States who have already adopted legislative frameworks on mandatory HREDD.
 - o Implementation challenges for businesses and regulators
3. **Accompanying Measures**
 - o How can national policymakers support companies in complying with HREDD expectations?
 - o What concrete implementation strategies and accompanying measures can be put in place?
4. **Practical Guidance for Policymakers**
 - o Immediate steps to align national laws with the CSDDD
 - o Engaging with businesses, civil society, and other stakeholders
 - o Balancing legal certainty with flexibility for different industries

Target Audience

- National policymakers and legislators
- Representatives from governmental and EU institutions

Format and Methodology

This will be an interactive workshop featuring:

- Short expert presentations and perspectives from multistakeholders
- Panel discussions with experts in the field from academia, industry, policymaking and civil society
- Q&A sessions allowing participants to engage with experts

Expected Outcomes

- Enhanced understanding of the CSDDD transposition process and associated challenges
- Concrete recommendations for policymakers on navigating legal uncertainties
- Exchange of best practices and lessons learned from different jurisdictions
- Strengthened collaboration among policymakers, businesses, and civil society

Experts (confirmed - in addition to the participating policymakers)

- Julia Batho, Deputy Chief Executive at the Institute for Human Rights and Business
- Claire Bright, Associate Professor at NOVA School of Law, and Founder and Director of the NOVA BHRE
- Charline Depoorter (Postdoctoral researcher in the Sustainability Research Group at the University of Basel)
- Jasmine Elliott (Research Fellow in Business and Human Rights at the BIICL)
- Beata Faracik (President of the Board of the Polish Institute for Human Rights)
- Heidi Hautala (Former Vice-President of the European Parliament)
- James Harrison (Professor of Law at the University of Warwick)
- Gabrielle Holly (Chief Advisor in the Business and Human Rights Department at the Danish Institute for Human Rights)
- Salah Hussein (Director at Business for Social Responsibility (BSR))
- Huib Hyse (Head of the research group sustainable development at the Research Institute for Labour and Society at the University KU Leuven)
- Laura Iñigo Álvarez (Assistant Professor at NOVA School of Law)

- Bernardo Ivo Cruz (Former Portuguese Secretary of State for International Trade)
- Tigran Karapetyan (Head of Transversal Challenges and Multilateral Projects Division, Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, Directorate General Human Rights and Rule of Law, Council of Europe)
- Cannelle Lavite (Co-Director of the European Center for Constitutional and Human Rights (ECCHR))
- Axel Marx (Deputy Director Leuven Centre for Global Governance Studies , University KU Leuven)
- Robert McCorquodale (Member of the UN Working Group on Business and Human Rights)
- Emily Norton (Policy Lead, Regulatory Engagement, OECD Centre for Responsible Business Conduct)
- Kari Otteburn (Postdoctoral Researcher at the University KU Leuven)
- Radu Mares (Associate Professor at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden)
- Biljana Nikolic (Programme Manager at the Council of Europe)
- Madalena Perestrelo de Oliveira (Senior Consultant at PLMJ)
- Irene Pietropaoli (Senior Fellow in Business and Human Rights at the BIICL)
- Martina Rogato (President, Human Rights Corner)
- Martijn Scheltema (attorney-at-law and partner at Pels Rijcken & Droogleever Fortuijn and head of the Working Group of the European Model Contract Clauses)
- Andrea Shemberg (Senior Advisor to the Global Business Initiative on Human Rights (GBI))
- Michaela Streibelt (Advisor at the German Helpdesk on Business & Human Rights)
- Catarina Taveres (União Geral dos Trabalhadores – Portuguese trade union)
- Anaïs Tobalagba (Senior Legal Advisor and Natural Resources Lead at Global Rights Compliance (GRC))
- Mark Wielga (Director Nomogaia)
- Elena Yurkina (Head of Innovative Solutions for Human Rights and Justice Unit, Department for the Implementation of Human Rights, Justice and



Legal Co-operation Standards, Directorate General Human Rights and Rule of Law, Council of Europe).

Next Steps

A summary report outlining key takeaways and policy recommendations will be disseminated to participants and relevant stakeholders following the workshop.