

SOCIALLY RESPONSIBLE PUBLIC PROCUREMENT: THE CENTRAL ROLE OF SUPPORTING STRUCTURES

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SUMMARY

- Public procurement accounts for a significant share of the EU economy and can steer markets towards decent work and responsible business conduct.
- HRDD-based SRPP remains fragmented, focused on a few sectors and often limited to only a couple of stages of the procurement cycle.
- Most contracting authorities rely on external intermediaries to translate human rights expectations into workable tendering practices.
- This support, however, is largely front-loaded in the pre-award phase, while contract management remains underdeveloped.
- The revision of Directive 2014/24/EU is a chance to make HRDD inclusion mandatory and invest in intermediary and collective leverage systems that turn legal ambition into measurable results.

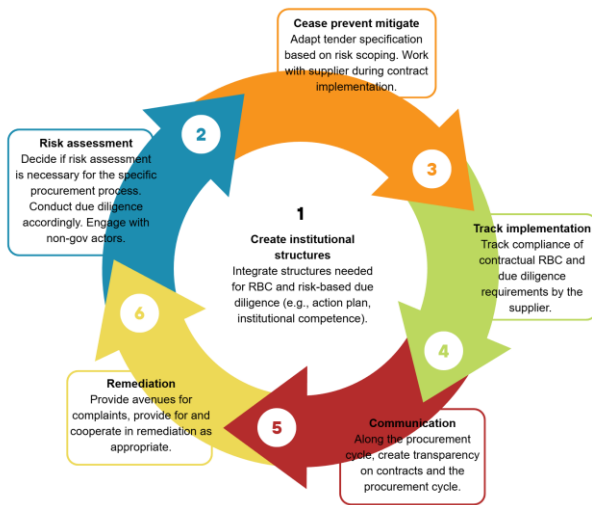
This policy brief reports on the main findings of research conducted by the HIVA research institute at KU Leuven in the context of the [Mediate project](#). It is based on surveys and interviews of 75 European public procurement professionals with HRDD experience, and is framed in the context of the revision of the European Directive 2014/24/EU on public procurement.

Public buyers in global supply chains

European public buyers routinely purchase goods and services that originate in complex, multi-tiered global supply chains. These supply chains still include well-documented risks, including forced labour, inadequate wages and unsafe working conditions. Because public authorities represent a large source of demand, their purchasing decisions can influence supplier behaviour at scale. This is the rationale behind [socially responsible public procurement \(SRPP\)](#), using public purchasing power to prevent harm and promote decent work.

[Human rights due diligence \(HRDD\)](#) has gradually emerged as the procedural backbone for this ambition. Properly understood, HRDD is not a single contractual clause but a continuous process of identifying risks to people, taking action to prevent or mitigate harm and accounting for results. In procurement terms, OECD (2022)¹ expects public buyers, amongst others, to integrate HRDD in their organisational structures, conduct risks assessments during the planning phase, define tender specifications based on this risk scoping, track the requirements and compliance by suppliers, create transparency during the whole procurement process, and provide avenues for complaints and remediation (Figure 1).

FIGURE 1 Due diligence action in public procurement



Source: based on OECD (2022)¹

The current public procurement directive

The current EU Directive 2014/24/EU creates space for SRPP but does not yet deliver the consistency and depth required. It permits the inclusion of HRDD clauses, yet their use is largely **voluntary** and bounded by the requirement that criteria and conditions should be **linked to the subject matter** of the contract. This legal framing makes many authorities cautious about stipulating broader HRDD expectations, especially where risks lie upstream or span corporate-wide practices. The result is an implementation pattern driven by exceptions rather than rules.

SRPP-HRDD practices

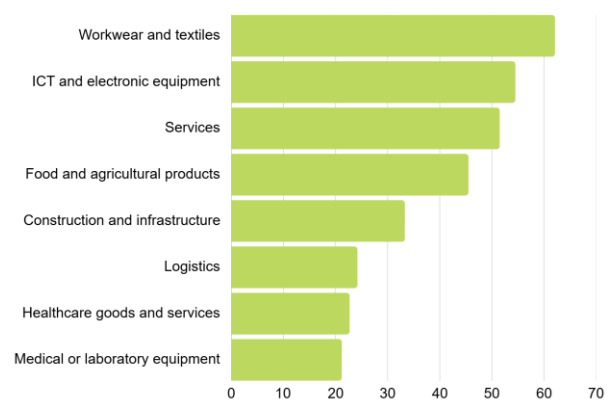
The survey collected responses from 75 public procurement professionals with (some) SRPP experience across various European countries. Most respondents came from Belgium (27%), Germany (21%), Sweden (16%), the UK (13%) and the Netherlands (12%). Results show that current HRDD practices in public procurement are **selective and capacity-constrained**, increasing the reliance on external support structures.

HRDD-related clauses are most frequently used in a handful of **usual suspect categories where risk salience is high and external support already exists**. As Figure 2 shows, criteria are mostly included in contracts related to workwear and textile (62%), ICT and electronics (55%), services (52%), and food (46%). Where authorities do venture beyond these sectors, it is typically those with

more experience. This pattern reflects a pragmatic calculus. Buyers act where the risks are generally known and where tools and guidance already exist; elsewhere, uncertainty discourages action.

The same dynamic appears when we look further upstream in the supply chain. Many contracting authorities report that they do include labour conditions at tier-1 level and, on paper, “deeper” in the chain. In practice, however, expertise thins out beyond the first tier and becomes scarce for value-chain workers and affected communities. This gap in expertise limits meaningful follow-up and verification in parts of the value chain where the gravest risks tend to occur. Again, the need to tap into external knowledge and monitoring increases when clauses target workers and communities beyond tier-1.

FIGURE 2 Use of HRDD clauses across product categories (N = 66, in %)



HRDD criteria are mostly included in the tendering (54%) and contract management phases (56%). Many professionals consider the awarding phase also important, but this is less reflected in the reported practice (43%). This probably reflects the continued legal uncertainties surrounding the inclusion of HRDD as hard awarding criteria, also reported in other studies². Importantly, the level of knowledge about HRDD influences the HRDD practice of procurement professionals. Those with limited familiarity with the concept saw significantly less opportunities to integrate HRDD in the procurement cycle compared to those with more familiarity. In other words, without sufficient capacity building and support, many SRPP opportunities will neither be spotted, nor used.

To implement SRPP practices, public authorities use a range of instruments. Figure 3 shows that labels (67%), supplier engagement (67%) and codes of conduct (64%) are the most common choices. Yet views about their

¹ OECD (2022), *Pilot on Integrating OECD Due Diligence into Public Procurement in the Garment Sector*, OECD Publishing, Paris, <https://doi.org/10.1787/90163ae9-en>.

² Verbrugge, B., & Gillis, D. (2021). *Public procurement and human rights*.

effectiveness vary. Labels and codes of conduct are widely used but not seen as very effective by public buyers. **Mandating suppliers, engaging directly, and conducting social audits** are considered more impactful. At the same time, even teams with substantial HRDD knowledge default to **tools, such as labels or codes of conduct**, because these are often perceived as legally safer and administratively lighter.

FIGURE 3 Use of SRPP instruments (N = 58, in %)



Looking beyond individual instruments, most public buyers express support for a **smart mix**: they favour **binding requirements** (59%), but they also want **supportive measures** (42%) that help suppliers improve, and mechanisms that enable engagement during delivery³.

Public authorities face several challenges when implementing SRPP (Figure 4). Structural and operational challenges are reported more often than external challenges. Structural challenges include building internal expertise (41%), securing managerial backing (36%), and finding time and budget for follow-up (34%). Operational challenges relate to, amongst others, assessing the quality of supplier due diligence (45%) and market readiness (36%). Because of resource and time constraints, many buyers will opt for risk-averse solutions and prioritise what can be justified quickly and safely. It is also one of the explanations for the limited focus on the follow-up and monitoring of SRPP clauses. The contract management phase therefore remains the weakest link in SRPP, despite HRDD being a continuous and ongoing process by design.

Importantly, procurement professionals with more HRDD experience identify more obstacles in applying SRPP than those who are less experienced. While this may sound counterintuitive at first, it highlights a paradox at the heart of SRPP: knowledge and experience reveal the

complexity of HRDD more clearly, increasing the need for specialised support.

FIGURE 4 Experienced challenges in SRPP actions (N = 56, in %)



Intermediaries as critical support agents

HRDD-based SRPP should be seen as a collaborative and continuous process, requiring different types of external support at different phases to mobilise the full potential of SRPP. At this point of time, respondents use intermediaries mostly to build internal support (52%) and to provide operational inputs for the planning and tendering phase of the contract for example, assessing market readiness (44%), developing contract clauses (42%) and assessing quality of supplier reports (39%). Many other needs related to, amongst others, the contract monitoring phase, remain currently unmet.

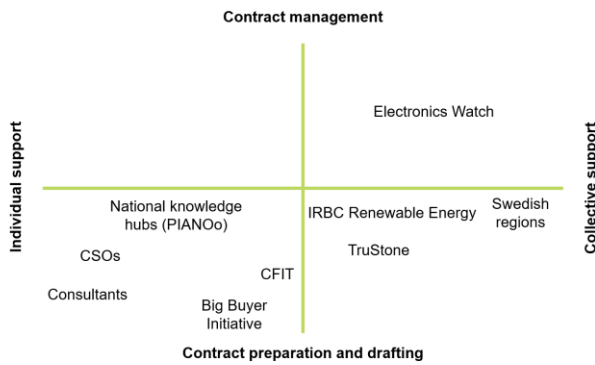
Aside from the obvious information needs of inexperienced buyers, the need for external support is also critical for organisations with a more advanced HRDD profile. Public authorities typically depend on **national knowledge hubs** for guidance and model clauses, on **civil society organisations** for sector-specific risk analysis, and on **multi-stakeholder initiatives** for shared monitoring and leverage. Figure 5 shows an assessment of the ecosystem of some key supporting actors against two key dimensions: the collective nature of the support, and the phase where the support is provided.

The existing support systems lower the transaction costs for SRPP and reduce legal uncertainty to some extent, but Figure 5 shows that substantial gaps remain: 1) support is **concentrated in the pre-award phase**, neglecting the importance of the contract management phase when facilitating HRDD and 2) **collective leverage mechanisms** are currently only available **in a few sectors and countries**. These gaps show that despite existing

³ Only 11% oppose binding requirements and around 20% are against supportive measures.

intermediary infrastructures, the structural integration of HRDD in SRPP will remain limited as long as contract management and collective leverage are not sufficiently supported, creating the tendency to treat HRDD as a one-off design issue rather than a continuous process.

FIGURE 5 The intermediary ecosystem



Complementary measures

The revision of the Directive 2014/24/EU offers a chance to further support and strengthen SRPP practices. However, in absence of further policy measures, the fragmented SRPP uptake is likely to perpetuate, with some “islands of success” in a few sectors and limited follow-through after contract award. Therefore, at least three complementary measures should be considered.

1. Include mandatory HRDD clauses in procurement law

This would provide legal clarity, normalise expectations and reduce hesitancy among risk-averse authorities. On its own however, a mandatory regime risks producing

formal compliance without substantive impact if buyers lack the capacity and tools to monitor, engage and remediate during implementation.

2. Invest in intermediary infrastructures

Invest in national knowledge hubs with stable mandates, collective monitoring bodies and buyer alliances that pool leverage and costs, standardised templates for risk assessment and clauses, and sector playbooks starting with high-risk categories. This would address capacity gaps directly. But without a legal baseline, uptake across authorities could remain uneven.

3. Strengthen collective leverage mechanisms

By pooling demand, expertise and capacity, collaborative purchasing agreements can significantly increase bargaining power and create consistent expectations across contracting authorities. For suppliers, this reduces compliance fragmentation and rewards credible due diligence over box-ticking. Collective approaches also generate economies of scale: they lower transaction costs, reduce duplication of efforts and make monitoring and follow-up more efficient for both buyers and suppliers.

Conclusion

This policy brief encourages mandatory HRDD requirements in the revised Directive and to invest in the intermediary and collective leverage infrastructures to make requirements actionable and enforceable. While this approach entails upfront investment, **the payoff is a procurement regime that is coherent and scalable.**



MEDIATE PROJECT (2024-2028)



Moderating Due Diligence through Intermediary Engagement

Companies are coming under increasing pressure to apply "due diligence" to identify and mitigate risks to people and the environment throughout their value chain. Existing research primarily focuses on the content of these regulations and, to a lesser extent, on how companies practically implement due diligence. The Mediate project highlights the crucial role that intermediary organisations play in shaping due diligence processes. Key examples include business federations, trade unions, NGOs, consultants, auditors, accountants, and specialised government agencies.

Mediate's main scientific goal is to map out the roles and repertoires that intermediaries develop regarding due diligence, and how this influences the outcomes of these processes. Mediate also has an important societal objective. Together with a diverse group of more than 25 intermediary organisations, we aim to find targeted ways to strengthen their positive contribution to due diligence processes. This could include practical guidelines, training modules, or the development of sector initiatives.

For more info visit our website: <https://www.projectmediate.eu/>