

Are youready for value chain due diligence?

A practical guide to demystifying the CSDDD



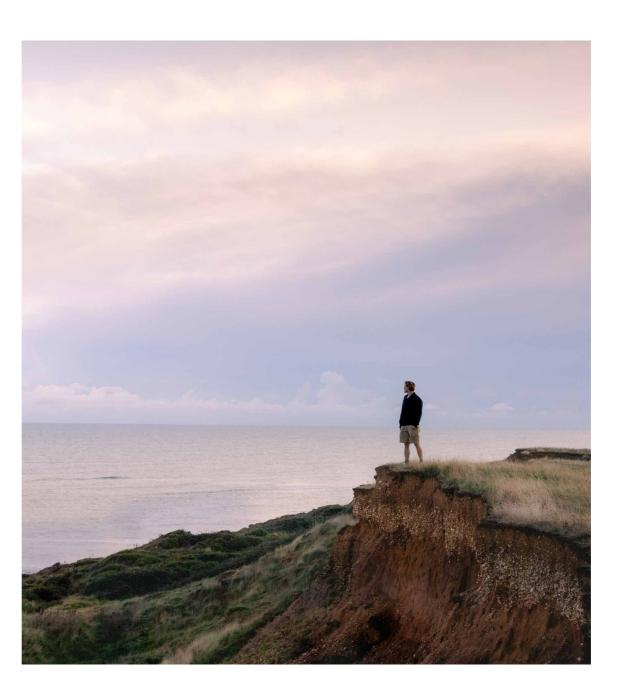
KPMG International

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Value chain regulations are expanding globally



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Value chain

regulations

There has been a shift from voluntary guidelines to the introduction of mandatory regulations

Voluntary frameworks like those from the Organisation for Economic Co-Operation and Development (OECD) and the United Nations (UN) have attempted to reduce negative impacts, but have not been entirely successful at scale. Various jurisdictions have introduced country-specific laws, and the European Union (EU) is following suit with new regulations.

Some of the key EU regulations focused on improving global value chains are the Corporate Sustainability Reporting Directive (CSRD), Carbon Border Adjustment Mechanism (CBAM), Battery Regulation (BATT2), Deforestation Regulation (EUDR), Ecodesign for Sustainable Products Regulation (ESPR), the Forced Labour Regulation (EUFL), and the specific focus of this guide, the Corporate Sustainability Due Diligence Directive (CSDDD).

Value chain regulations are generally concerned with human and environmental rights and include obligations along the chain of business activities

Commitments to transforming business operations go beyond reporting and legal affairs, and affect functions across an entire organization, including procurement, supply chain management, communications, and research and development.

The emergence of these regulations has prompted a number of questions for companies:

Which value chain regulation(s) impacts me?

- What will happen to the business, or me, if we are not compliant?
- Are we currently compliant?
- What do I need to do to ensure that I am compliant?

Establishing strong due diligence measures is crucial for complying with multiple regulations

The EU's legislative measures build on each other, creating commonalities between regulations that can be leveraged for an efficient approach to meeting multiple regulatory requirements while also helping companies reap strategic business benefits. Implementing robust due diligence processes is a good starting point for regulatory preparation, regardless of whether companies are subject to the upcoming CSDDD.

This guide aims to demystify the CSDDD and value chain due diligence, including:

- An introduction to the CSDDD.
- A summary of the requirements and expected scope of the CSDDD.
- An overview of the likely consequences of non-compliance.
- Insights into what due diligence regulations can mean for business.
- Insights into how you can potentially reap the business benefits of due diligence.
- A blueprint for how you can start preparing.

Key EU regulations



Battery Regulation (BATT2)



Carbon Border Adjustment Mechanism (CBAM)



Corporate Sustainability
Due Diligence Directive (CSDDD)



Corporate Sustainability Reporting Directive (CSRD)



Deforestation Regulation (EUDR)



Ecodesign for Sustainable Products Regulation (ESPR)



Forced Labour Regulation (EUFL)



Environmental due diligence



Human rights due diligence

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The CSDDD sets rigorous standards for human rights and environmental due diligence for companies operating in the EU. The directive obliges companies to reduce their negative impacts on human rights and the environment.



The CSDDD is one of many mandatory due diligence regulations in place across the world. Companies that establish evidence based and robust due diligence systems should be well positioned to fulfill their compliance obligations across several regulatory environments and reap broader business benefits.



Non-compliance with the CSDDD can risk significant fines and exclusion from public procurement contracts. Success can depend on a comprehensive understanding of the CSDDD's requirements and scope, and a recognition that action is needed across business functions and global value chains.



Although due diligence may appear complex, companies can take practical steps today to start. For example:

- Review and adapt company policies to help ensure coverage of human rights and environmental topics.
- Map the value chain to identify relevant business partners upstream and downstream.
- Conduct a human rights and environmental risk assessment and prioritize the identified impacts.
- Implement a complaints procedure.



Companies can leverage CSDDD preparations to organize for long-term success, helping to unlock benefits beyond legislative compliance. For example, they can:

- Capture additional efficiencies for the future by taking a holistic approach to human rights and the environment.
- Streamline resources by integrating the due diligence responsibilities across all business functions, including procurement, finance, and risk management, through cross-functional collaboration.
- Help strengthen resiliency in increasingly complex operating environments by integrating the CSDDD's risk-based approach and fostering a risk-focused mindset across the organization.
- Enhance the company's reputation among customers and stakeholders by leading the way in responsible business practices.

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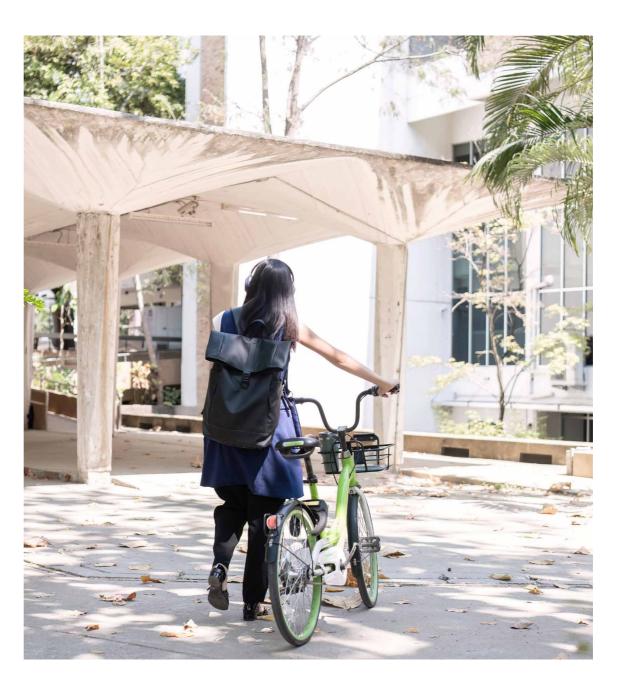
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The EU is responding to calls from stakeholders worldwide for a harmonized directive on responsible business conduct

The CSDDD aims to promote sustainable and responsible corporate behavior by requiring companies that operate in the EU to conduct human rights and environmental due diligence. This can lead to better protection of human rights and the environment, and fewer adverse impacts across global value chains. The aim of the CSDDD is to establish a unified and consistent approach throughout the EU to enhance transparency for companies, customers, and potential victims of harm regarding expected conduct and liability.

Corporate responsibility for both EU and non-EU companies to conduct due diligence on human rights and environmental impact

The CSDDD mandates that companies incorporate responsible business practices into their daily operations and take proactive measures to identify and address any negative impacts on human rights and the environment throughout their chain of activities. According to the CSDDD, companies must exercise due diligence in relation to their own operations, those of their subsidiaries, and their direct and indirect business partners throughout their chains of activities (otherwise understood as a 'value chain approach'). This applies regardless of whether impacts occur within or outside of the EU.

The CSDDD entered into force on July 26, 2024 and its requirements apply to companies three to five years after this date, depending on their size

Member States have two years (until July 26, 2026) to transpose the directive into national law. These provisions will apply to companies starting in 2027. They will have to comply within three to five years after the entry into force, depending on the size of the company (2027–2029). To learn more, read our <u>Global implications of due diligence acts</u> report.



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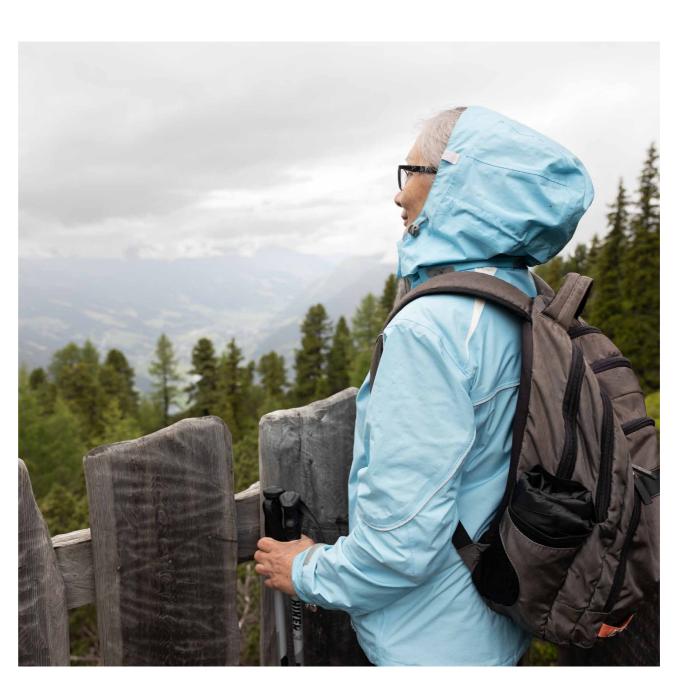
The CSDDD fulfills a need for legislative harmonization

Several jurisdictions in Europe, including Germany, France, the Netherlands, Belgium, Luxembourg, and Austria, have proposed or enacted domestic regulations that require varying levels of due diligence. Creating a harmonized legal framework for corporate due diligence at the EU level will help reduce the compliance burden and the risk of a fragmented legal landscape with varying requirements across Member States. This can level the playing field for companies.

The CSDDD complements the wider EU Green Deal regulations and acts in synergy with the CSRD

The CSDDD should be viewed as a component of the wider European Green Deal and other emerging ESG-related regulations, including the CSRD, the EUDR, and the EU Taxonomy Regulation. These regulations aim to promote responsible business practices for companies operating in the EU, and include obligations on human rights and environmental due diligence that complement the CSDDD; for example:

- The EUDR sets due diligence requirements on a specific set of commodity value chains.
- The CSRD aims to ensure transparent and responsible business practices throughout the value chain by requiring companies to report actions and targets related to managing sustainability matters.
- The EU Taxonomy Regulation aims to promote transparency and facilitate investment decisions that prioritize environmental sustainability and meet minimum safeguards.



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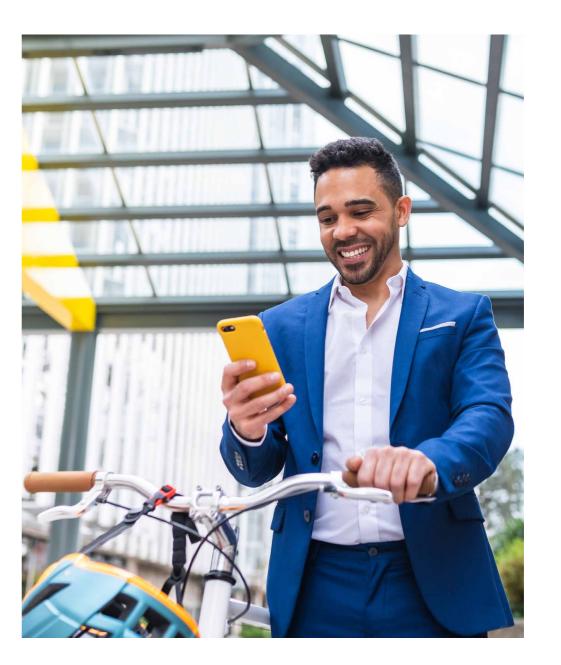
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The CSDDD requires companies to identify and assess risks and adjust performance management accordingly

To help ensure responsible business practices, the CSDDD outlines the steps of due diligence that companies in scope must implement with a risk-based approach (as shown in the images at right). Companies must also adopt and implement a transition plan for climate change mitigation that aligns with the Paris Agreement on Climate Change and the EU's climate neutrality objective.

For many companies, these steps will not be new, as they broadly reflect the expectations of well-recognized international frameworks such as the OECD Guidelines for Multinational Enterprises (OECD Guidelines) and the UN Guiding Principles on Business and Human Rights (UNGPs).



Embed responsible business conduct into policies and management systems

01



Identify, assess and prioritize actual or potential adverse impacts on human rights or the environment

J2



Prevent, mitigate or bring to an end adverse impacts and provide remediation where necessary

03



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Meaningfully engage with stakeholders and implement robust complaint/notification mechanisms

04



Monitor the effectiveness of measures taken and communicate publicly on due diligence

05



Adopt and implement a transition plan in line with the Paris Agreement

06



The CSDDD establishes precise thresholds to determine whether a company falls within its scope. These thresholds apply to companies established both within and outside the EU. According to the European Commission, around 6,000 EU companies are expected to be impacted.1

It has also included a review clause to assess the inclusion of high-risk sectors with a lower threshold at a later stage, no later than July 26, 2030.

The CSDDD encompasses not only a company's own operations but also the chain of activities

Companies have due diligence responsibilities beyond their own operations

The CSDDD requires companies to carry out due diligence throughout their chain of activities (also known as the 'value chain approach'), including their own operations, subsidiaries, and their direct and indirect business partners. To learn more, read Global implications of due diligence acts.

EU companies

Or a parent company of a group that reaches both thresholds

> 1,000 employees

> EUR 450M Worldwide turnover

Non-EU companies

Or a parent company of a group that reaches the thresholds

> EUR 450M Turnover in the EU

EU companies with franchising or licensing agreements in the EU

> EUR 22.5M

Royalties

> **EUR 80M**

Worldwide turnover

Non-EU companies with franchising or licensing agreements in the EU

> EUR 22.5M

Royalties in the EU

> **EUR 80M**

Turnover in the EU

Source: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L 202401760



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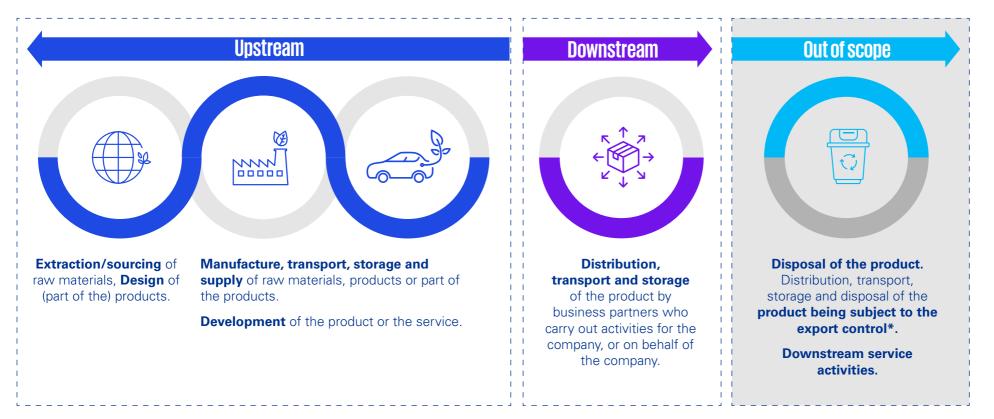


Specifically, this means identifying and assessing adverse human rights and environmental impacts that may occur throughout the value chain. For companies to meaningfully respect human rights and environmental matters, due diligence will need to encompass the majority of the life cycle of production, distribution, transport, and storage of a product.

A value chain approach requires collaboration, particularly to reach indirect business partners far upstream.

This involves addressing how company activities and decisions affect other actors in the value chain. Collaboration throughout the life cycle is necessary to help reduce or prevent potential adverse impacts and

ensure that companies follow standards of respect for human rights and the environment. For instance, if timelines imposed by the company on their suppliers are forcing sub-suppliers to breach labor standards in order to deliver on time, a company may need to modify its procurement practices. Collaborating with business peers, governments, international organizations and/or civil society organizations is a viable option for addressing impacts that occur far upstream or where the company has limited leverage.



*Under the Regulation (EU) 2021/821 of the European Parliament and of the Council or the export control relating to weapons, munition or war materials, after the export of the product is authorized (p. 202/203).

Source: Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast).

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Clarity for the financial sector: In-scope but with limitations

The financial sector is included, but with limitations

Financial institutions are currently within the scope of the CSDDD, but with fewer obligations due to a more limited chain of activities. The directive specifies that the chain of activities should not include downstream business partners that receive a company's services and products. Therefore, the directive only covers the upstream part of their chain of activities, not the activities of their downstream business partners related to the provision of services. This means the sector will still need to adopt and implement transition plans and EU Member states will designate their financial regulators in order to supervise financial institutions in their CSDDD compliance.

The CSDDD includes an extensive list of impacts in scope

The CSDDD specifies the human rights and environmental topics that should be evaluated throughout a company's chain of activities and be assessed through due diligence. The human rights topics in scope include the International Bill of Human Rights and the International Labour Organization Declaration on Fundamental Principles and Rights at Work. The environmental topics in scope largely mirror those included in the OECD Guidelines and are based on international environmental conventions. Refer to the image at right for a non-exhaustive list of examples of human rights and environmental topics within the CSDDD's scope. The full scope can be found in the annexes of the CSDDD.

Human rights topics in scope



Child labor

Forced



Right to privacy



Land rights



Decent working conditions



Right to food and water



Association and collective bargaining



Discrimination

Environmental topics in scope



Biodiversity



Climate change



Use and disposal of hazardous chemicals



Waste management



Environmental degradation, including air, water, and soil pollution



Water consumption



Other impacts on natural resources

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Non-compliant companies may face punitive enforcement measures

Each Member State will appoint a national authority to oversee the implementation of the CSDDD and ensure compliance. The exact functions of national authorities will depend on national transposition. Liability measures may be taken against companies that fail to comply, and victims of adverse impacts must have access to effective justice and compensation. These national authorities will have the power to request information and carry out investigations. If companies do not comply, liability measures may be enacted, including:

- Administrative sanctions: Member States must establish effective, proportionate, and dissuasive sanctions, including maximum financial penalties of at least 5% of the company's global net turnover.
- Liability in court: Individuals, trade unions and civil society organizations can take in-scope companies to court for adverse impacts for a period of at least five years. The agreement limits the disclosure of evidence and the costs of proceedings for claimants.
- Civil liability: Member States are responsible for establishing mechanisms that allow victims to seek civil liability for damages and receive compensation for harm caused.

 Government procurement: Compliance with the CSDDD Directive may be considered as a criterion for awarding public contracts and concessions, which may affect the ability of in-scope companies to participate in government procurement.

The CSDDD includes liability limits. For example, companies will not be held liable under this Directive if the damage is caused solely by their business partners in the chain of activities. If companies have correctly identified and prioritized the most significant impacts, they will not be held liable for damage stemming from less significant adverse impacts that are not yet being addressed.



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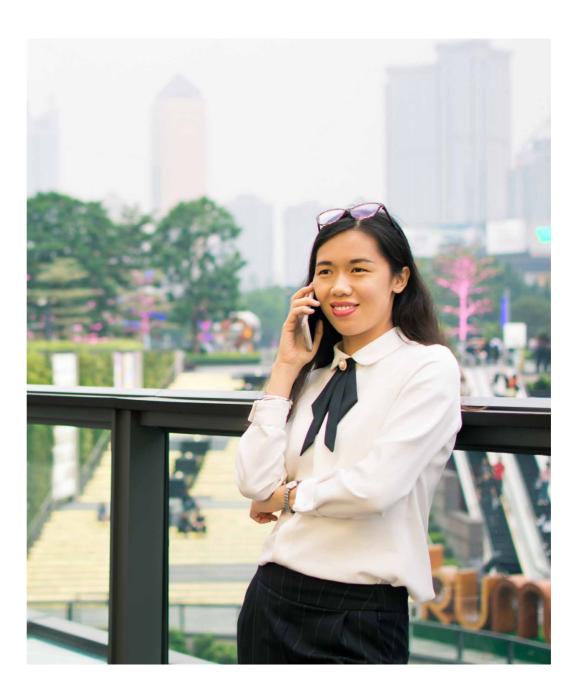
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Establishing strong due diligence measures can be crucial for complying with multiple regulations

The CSDDD mandates that companies conduct due diligence throughout their entire chain of activities, but it is not a standalone due diligence measure. Several other regulations include requirements that are either explicitly connected to human rights and environmental due diligence systems or enabled by having those systems in place. The diagram below displays some examples of these requirements, which can be effectively combined with the CSDDD requirements.



Environmental due diligence

Corporate Sustainability Reporting Directive

2024

CSRD



2024

EUDR



2023

CBAM Carbon Border Adjustment Mechanism

2023

EUFL

Labour Regulation

2027

Description of the regulation

EU regulation requiring companies to disclose the material impact of their value chainand operations on the environment and human rights.

EU regulation to guarantee that the products EU citizens consume do not contribute to deforestation or forest degradation worldwide.

EU regulation ensuring that batteries placed on the EU market are sustainable and circular throughout their whole life cycle.

EU's tool to put a fair price on the carbon emitted during the production of carbon intensive goods that are entering the EU, and to encourage cleaner industrial production in non-EU jurisdictions.

Proposed regulation to ensure products made with forced labor are prohibited from entering the EU market.

Scope

All large and most listed companies in the EU, and non-EU parent companies with substantial activity and a presence in the EU.

Operators and traders who place soy, cattle, palm oil, wood, cocoa, coffee or rubber on the EU market, or export from it.

Manufacturers, importers and distributors of batteries and accumulators sold in the EU.

Companies that import iron, steel, cement, aluminum, electricity, fertilizers, hydrogen and their derivatives.

Any natural or legal person or association of persons who places or makes available products on the EU market, or exports from it.

Requirements that can be fulfilled or supported through a robust human rights and environment due diligence system

- Report environmental, social and governance impacts, risks and opportunities.
- Identify, monitor and assess risks to enable complete and effective reporting.
- Identify, assess and mitigate risks of deforestation, forest degradation and biodiversity loss.
- Prepare product due diligence declarations.
- · Review due diligence system annually.
- Adopt a battery due diligence policy and management system.
- Identify, prevent and address social and environmental risks.
- Report on the battery due diligence policy.
- Conduct impact analysis on imported goods.
- Monitor and report emissions and carbon prices paid.
- Identify, prevent, mitigate or bring to an end the use of forced labor in products that are placed or made available on the EU market. or exported from it.

Note: information on this slide is not exhaustive and does not cover all of the legislative details of these pieces of regulation, nor does it include each sustainability measure. The timing indicates the entry into force, but most measures have transition phases and a scope that increases with years. Scope and requirements are all more extensive than what is indicated on this image.

Sources: Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (Text with EEA relevance).

Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010.

Regulation (EU) 2023/956 of the European Parliament and of the Council of 10 May 2023 establishing a carbon border adjustment mechanism.

Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC. Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on prohibiting products made with forced labour on the Union market.

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Due diligence regulations, such as the CSDDD, demand a transformation from the status quo

Regardless of whether your company falls under the scope of the CSDDD specifically, the trend towards mandatory human rights and environmental due diligence is clear. To prepare for the CSDDD and due diligence regulations more broadly, we believe companies will need cross-functional transformations from the current state of affairs. The good news is that while adapting to comply with due diligence requirements, companies can also gain additional business benefits.

Status quo	Future state in order to be compliant with due diligence regulations	Potential for business benefits
1. Focus on risks to the business, such as financial and regulatory risks, using a business materiality-based approach.	Identification and mitigation of risks that may impact people or the environment as a result of the company's strategy and business objectives.	 Companies can be better prepared to mitigate the risks associated with their business strategy and objectives, and potentially avoid association with adverse impacts. Benefits can include enhancing brand reputation, building stakeholder trust and improving customer loyalty. Additionally, companies can help mitigate the risks of regulatory fines, penalties, boycotts, divestments, or market access restrictions.
Reliance on the sustainability function to ensure compliance to ESG-related regulations.	Clear governance across all business functions for due diligence and compliance. Ownership to drive impact is integrated into relevant business roles, such as procurement, finance, risk management, and sales.	 Shared responsibility for due diligence regulations can promote a culture of sustainability and responsibility throughout a company's functions and levels. This can help increase trust, employee engagement, and employer attractiveness.
Focus on own operations, own jurisdictions of operation, and own sector(s).	Taking a value chain approach and collaborating with a wider range of business partners across various jurisdictions and sectors to realize improved human rights and environmental performance.	 Strengthening the collaboration with business partners upstream and downstream can help unlock many other benefits, such as reducing operating costs. This collaboration can help improve product quality and transport logistics along the chain.
Ad hoc and limited risk management processes.	Continuous monitoring and improvement identifies, assesses, and prioritizes human rights and environmental risks throughout the value chain. Integrating comprehensive strategies helps to respond to salient risks or adverse impacts and provide remediation where necessary.	 Robust risk management processes can provide security for stakeholders, both internally and externally. Additionally, companies who are more engaged with rightsholders can better address risks before they become impacts. Companies that comply with the due diligence regulations may have better access to capital and attract investors who prioritize sustainable investments and are risk-averse.
Data collection is often fragmented and manual, resulting in low quality due to a lack of sufficient tools and technology.	Adaptable, automated, and Al-powered IT tools enable effective risk management with timely and accurate data. Companies preparing for the CSRD may have already made significant advancements, but due diligence regulations such as the CSDDD will require even more robust data management when conducting risk analyses.	 Accurate and efficient data collection can facilitate reporting compliance with non-financial reporting regulations, including the CSRD. Increased data availability can also support other business goals, such as supply chain optimization.

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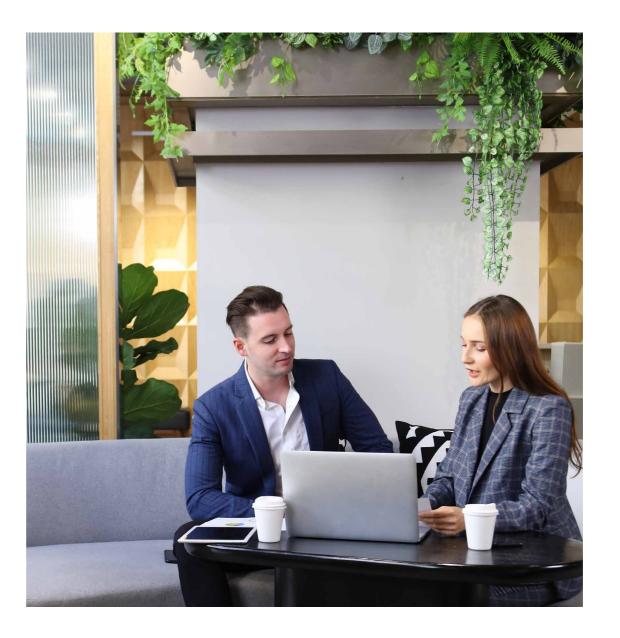
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Your company doesn't need to reinvent the wheel

There are many steps you can take to prepare for the CSDDD Directive and other emerging sustainability regulations at the EU and Member State levels.

One clear strength of the CSDDD is its alignment with internationally recognized guidelines. Wherever your company is on its due diligence journey, start by working with existing voluntary frameworks referenced by the CSDDD, such as the OECD Guidelines and the UNGPs. These frameworks provide guidance on how to conduct due diligence throughout your company's chain of activities.

Key steps and practical actions that you can take today:



Bring transparency to your value chain.



Identify the human rights and environmental risks associated with your value chain.



Assess your policy landscape, commitments, and accountability.



Evaluate your current due diligence systems and practices for managing human rights and environmental risks.

These actions are important for legal compliance and can also promote broader responsible and sustainable business practices throughout value chains. By following these steps, you can begin to identify, address, and mitigate potential negative impacts while helping to build trust with stakeholders, inspire investor confidence, and benefit your business in the long run.





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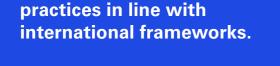
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How KPMG can help



Taking steps to prepare

can not only support your

legal compliance but also

help promote responsible

and sustainable business



Practical ways to start preparing	In short: What does compliance mean?	Key questions to help test your readiness (non-exhaustive)
Bring transparency to your value chain.	Value chains can be complex and difficult to understand due to multiple layers of suppliers and customers. To implement the CSDDD, transparency across these tiers is critical. This requires close collaboration with business partners and robust data management systems. You should establish processes for collecting, validating, and sharing data with business partners throughout the value chain. Achieving transparency also means overcoming resistance from business partners who may be hesitant to disclose sensitive information. Identifying the relevant value chain steps, business partners, and geographical spread is necessary in helping to conduct an effective risk assessment.	 Do you have a comprehensive understanding of the entire scope of business activities for your company, including upstream and downstream operations? Has your company mapped its first-tier suppliers? What information do you have about your upstream value chain, first-tier suppliers, and suppliers beyond the first tier?
Identify the human rights and environmental risks associated with your value chain.	Historically, companies have primarily focused on risks to the company and its operations, but the CSDDD requires companies to shift their mindset and evaluate the risks they pose to people or the environment throughout their value chain. Transparency and collaboration across the value chain are crucial to identifying risks, but due diligence requires you to go beyond mere identification. After identifying potential risks, you should assess their severity and likelihood and prioritize accordingly.	 Do you know how comprehensive and effective your company's existing measures to identify and mitigate potential adverse environmental or human rights impacts are? Does your company have a clear understanding of suppliers within high-risk sectors or geographies? Does your company have an approach for prioritizing risks? Have you identified your most salient risks for both human rights and environmental risks? Have potential blind spots in your value chain been identified?
Assess your policy landscape, commitments, and accountability.	Integrating human rights and environmental due diligence requires commitment from top management and a systematic review and adaptation of all relevant corporate policies across functions. In practice, this can take different forms. Due diligence may be integrated into existing sustainability, human rights, environment, or risk management policies, or it could be developed separately as a due diligence policy.	 Has your company embedded responsible business conduct, including explicit responsibility for respecting human rights and the environment, into existing policies and management systems? Are commitments and policies on human rights and environmental impact publicly available, regularly updated, and approved by senior levels of your organization? Do existing policies, management systems and commitments cover your value chains out of the boundaries of your company? If so, to what extent? Are adverse human rights and environmental impacts intertwined with or underpinned by factors such as corruption and bribery?
Evaluate your current due diligence systems and practices for managing human rights and environmental risks.	Your company is not expected to provide an absolute guarantee that no adverse impacts will ever occur. However, you are expected to take a risk-based approach to appropriately address actual and potential impacts. That is why having thorough and integrated due diligence and risk management practices is crucial. The challenge lies in ensuring that these systems meet the required standards and operate efficiently and effectively throughout your company and its value chain.	 Does your company integrate risk assessment findings across internal functions and processes? How does your company prevent, stop, and mitigate adverse impacts on human rights and the environment? Do you know the effectiveness of your current mitigation actions? Are relevant stakeholders consulted and engaged when determining and responding to risks? Is there a complaint mechanism in place for affected individuals and third parties to report actual or potential violations?

Value chain regulations are expanding globally

The CSDDD and human rights and environmental due diligence in a nutshell

The CSDDD aims to foster sustainable and responsible corporate behavior

Navigating the CSDDD: Understanding its requirements, scope, and impact

Efficient
due diligence
can help catalyze
business
transformation

Practical ways to start preparing for the CSDDD

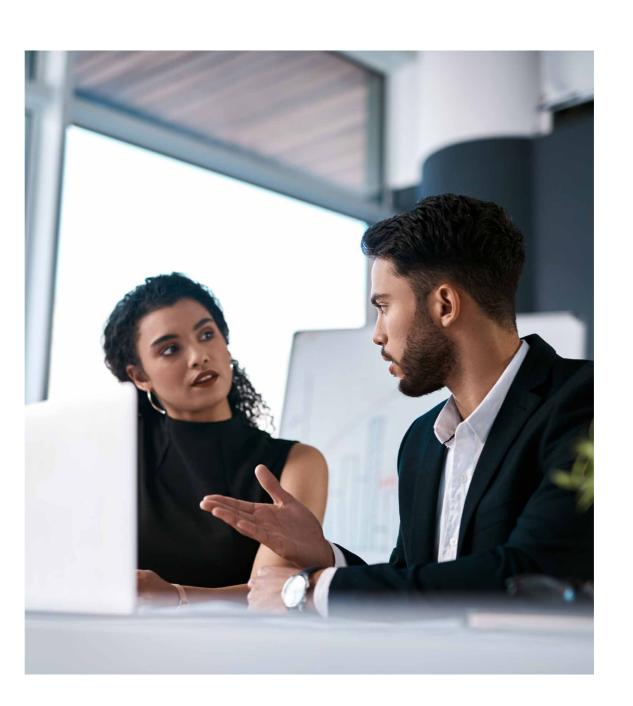


How KPMG can help

KPMG can assist companies in helping to understand the impact of the CSDDD on their operations, ensure compliance, and operationalize the requirements.

KPMG's service offerings:

- Responsible sourcing support
- Forensic services
- Whistle-blower and complaint mechanism
- IT solution screening and implementation support
- Internal and on-site audits





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KPMG's approach covers all CSDDD requirements				
Sustaina	bility due diligence	Climate transition plan		
Human rights due diligence	Environmental due diligence			

KPMG has a global network of specialists who can assist companies in navigating evolving policies in jurisdictions where they source, trade, and operate. We help optimize business and ESG strategies in the rapidly changing global regulatory landscape. Our approach combines various areas of expertise, including ESG strategy, supply chain, customs, legal, data and technology, and assurance, to support companies across different sectors and geographies.

Our multidisciplinary team of specialists is ready to assist you with our three-step approach to value chain due diligence, specifically in regards to compliance with the CSDDD.

KPMG's three-step approach includes:

Assessing your current status from a systems and risk perspective

- Legislation scanning and understanding the impact of non-compliance.
- Human rights and environment risk assessment across the value chain.
- Maturity assessment on the current state of companies' due diligence processes and gap analysis.

Designing a compliant and future-proof operating model

- Prioritized compliance roadmap and design of the future operating model, which includes governance and the description of roles and responsibilities.
- Update and design of human rights and environmental policy frameworks and strategies.
- Select tools and technologies to enhance your risk management and compliance efforts.
- Document and prepare for reporting on due diligence.

Implementing the CSDDD requirements into your dayto-day business operations

- Implement tactical action plans.
- Design and review of complaint/ notification mechanisms.
- Support the implementation of a new operating model.

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