



The Bhusawal People's Charitable Sanstha's

Dadasaheb Devidas Namdeo Bhole College, Bhusawal

One-Day Multidisciplinary National Level

E-Conference On

**Environmental Imprints: Representation of
Nature Across Disciplines**

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European Union Corporate Sustainability Due Diligence Directive (CSDDD): A Legal Study of Due Diligence Obligations**Ms. Shraddha Nigade,**Research scholar, M.C.E. Society's A.K.K. New Law Academy Ph. D (Law)
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Abstract –Corporate Environmental Responsibility (CER) has long been viewed as a voluntary aspect of CSR, which is driven by soft law tools, ethical obligations and market incentives. Nevertheless, the alarming rate of climate change, loss of bio-diversity and environmental degradation has led to regulatory transformation of voluntary corporate to compulsory legal requirements. In this paper, we are going to explore how corporate environmental responsibility has evolved with the trend of becoming a legally binding responsibility as a result of mandatory environmental due diligence laws. The study examines the changing regulatory frameworks such as the European Union Corporate Sustainability Due Diligence Directive (CSDDD), national supply chain due diligence laws, and climate related disclosure laws. It assesses the extent to which these legal tools place proactive requirements on corporations in order to detect, avoid, control, and report on environmental damage throughout their operations and value chains. The paper carries a doctrinal legal approach, in an attempt to understand the scope, enforcement procedures and the liability provisions that are contained in the modern due diligence regimes. The article maintains that mandatory environmental due diligence is a juridification of CSR, the institution of environmental responsibility in corporate governance institutions and responsibility of directors. It also looks at whether these legal mechanisms can be successful in increasing the accountability of the corporations or whether they may turn into procedural compliance tools but have no meaningful effects of environmental change. The study reviews the practical implications of this regulatory evolution by discussing the issues of enforcement, extraterritorial application and access to remedies of affected communities. Finally, the paper ends by stating that the environmental due diligence laws represent a paradigm shift in corporate regulation, which goes beyond voluntarism to a paradigm of enforceable sustainability regulation. Their success, however, relies on their strong enforcement, proper liability and stakeholder involvement.

Keywords- CSR, Corporate governance, Environment, Due diligence, Regulatory Framework.

Introduction -

The Corporate Sustainability Due Diligence Directive (CSDDD) of the European Union (EU) also came into effect on 25th July 2024, and it is one of the most significant initiatives to reshape the reality of sustainability in the European sphere. Moving away on the traditional financial reporting model, the CSDDD highlights the relevance of the sustainability measurements, especially the environmental effects and alleviation of human rights abuse along the value chains of the firms. Moreover, the CSDDD will be the final goal in the line of standardizing reporting practices, which will ultimately make it easier to evaluate corporate behavior reports by the concerned stakeholders (e.g., investors and consumers). The CSDDD is therefore the direction of the companies where optional due diligence becomes mandatory.

The policies of Corporate Social Responsibility (CSR) are not a voluntary practice of business any longer. To some extent it was not voluntary in the first place since in most of the cases it was a reaction to market pressures and reputational risk. But more and more CSR is becoming the target of legal pressure and legal enforcement, of a legal enforcement that is not necessarily in the form of traditional state enforcement but, instead, an indirect state enforcement and the enforcement of law by non-state actors, sometimes through as innovative applications of law as possible. This paper examines and critically evaluates the market forces that are straining towards CSR. It further illustrates how the forces are being deployed to introduce law into CSR, yet it also illustrates how market forces are being exerted to pressure a new sense of responsibility onto how business is approached to the legal requirements, how business is seeking compliance with the spirit and not necessarily the letter of the law. The article shows that the new governance is in practice and that greater varieties of corporate responsibility are beginning to emerge.

Methodology –

This study adopts a doctrinal legal research approach, analyzing primary sources such as international instruments, national due diligence laws, corporate governance statutes, and relevant case law, including the European Union Corporate Sustainability Due Diligence Directive (CSDDD). Secondary materials like scholarly articles and policy reports to support the analysis. A comparative perspective is used to evaluate differences across jurisdictions and assess the effectiveness and enforcement of environmental due diligence obligations in strengthening corporate accountability.

Results of the study-

The time of the coming of the CSDDD will depend on the category and size of the company. The order provides a gradual implementation strategy, with various groups of firms having various compliance dates. The biggest businesses (satisfying the highest criteria) will probably need to have a compliance deadline earlier probably around CSDDD 2027. Smaller sets of companies (which meet lower requirements) will be later forced to comply. The exact time limits and boundaries of each stage will be described in the final written document of the order. Upon publication, the EU Member States will be given time to implement the directive (usually two years) to national laws. It implies that the national demands and enforcement instruments can slightly differ throughout the EU. To ensure that the relevant countries have the final text and transposition process accurately established, organizations must observe the final text and the process of transposition in the corresponding countries of EU.

52**We can divide the practical steps which are carried out as the CSDDD due diligence that is required-**

Policy Integration: Consolidate your pledge. Study internal policies, codes of conduct and other agreements to demonstrate human rights. **Delegate definite duties within the company.** **Value Chain Mapping and Risk Assessment:** It is normally the most complicated phase. Find all organizations in your upstream (what supplies goods/services) and in some industries, downstream (distribution, recycling, and disposal) value chains. Determine the risks of negative effects by geography, industry and individual business relations. **Problem solving steps:** It may include capacity building of the suppliers, combining effort plans towards enhancing working conditions, mandating environmental conditions in contracts or modifying the purchasing behaviours. **Confronting Real Effects:** Once damage has been done, you have to take action. This includes researching of incidents, working with those affected, taking corrective measures and even helping in remedy of the affected individuals. **Grievance Mechanisms:** Establish an open system of access, transparency and offer a secure means of individuals or groups to voice their issues without the fear of retribution. This may be either internal or external and may be independent or in partnership with other firms. **Reporting:** Publicity on your due diligence efforts and results. This disclosure is a fundamental CSDDD requirement and it is more or less similar to reporting in the CSRD. To have CSDDD due diligence in place the following conditions must be met: you have to collect data, collaborate, and be committed to your ongoing enhancement throughout your value chain.

The main components of the necessary CSDDD due diligences are:

Embedding Due Diligence: Installing due diligence in company policies and management systems. This necessitates official procedures and internal accountability. **Determining Effects of Adverse Impacts:** Pre-emptively determining real and potential adverse human rights and environmental effects of their own operations, subsidiaries, and value chains (upstream and downstream). **Prevention and mitigating potential effects:** Making relevant measures to prevent or reduce the potential negative effects. **Ending & Minimizing Actual Impacts:** Making efforts to eliminate actual negative effects or, where this is not feasible, to reduce their magnitude. This needs cleanup schemes and corrective measures. **Installing a Grievance Mechanism:** Installation of a mechanism to allow aggrieved individuals and stakeholders to make complaints on negative effects. This mechanism should also be available and familiar. **Reviewing Effectiveness:** Periodically reviewing the efficacy of their due diligence policies and programs. This is keeping expectations and determining whether the actions are bearing their desired outcomes. **Public Communication:** Making a public pronouncement on their due diligence. This includes their due diligence process and findings reporting (which is usually connected to CSRD reporting). **Climate Transition Plan:** In businesses where climate change is a major risk or whose operations have a significant effect on the climate, a plan should be developed to help them adjust their business model and strategy to the transition to a sustainable economy and minimization of global warming to 1.5degC. In the case of corporations and corporate foundations that may be in the bracket of applicability of CSDDD, it is important to take proactive measures now. Leaving until the deadline of compliance is a sure formula to trouble.

The following are the main steps to be taken into consideration:

Check Applicability: Establish whether your organization (or the parent company) satisfies the requirements of who does CSDD apply to. Factor in EU and global operations and turnover. **Conduct Risk Assessments:** Start evaluating human rights and environmental risks in your own identified hotspots in your value chain. Determine possible and real negative effects depending on industry, location, and familiar challenges. **Existing Policies and Practices Review:** Examine your current policies on human rights, labour standards, and environment protection and supplier codes of conduct. Detect the missing aspects with the CSDD requirements. **Consolidate Due Diligence Processes:** Create or improve official risk identification, assessment, mitigation, prevention and remediation protocols. Integrate them in your managements. **Create or Strengthen Grievance Mechanisms:** make sure that you have channels available and working in which people can express the concerns to do with human rights or the environment within your value chain. **Create a Climate Transition Plan:** Depending on your size and impact, start creating a plan that is consistent with global climate objectives. **Train Key Personnel:** Train pertinent personnel in various departments (procurement, legal, sustainability, compliance) on

the meaning of CSDDD and their contribution in the implementation of due diligence. Interact with Stakeholders: Initiate or expand interaction with the main stakeholders, such as suppliers, workers on your value chain, trade unions, and communities to whom you have to impose costs. They have a critical role to play in proper due diligence. The strategies to address these areas will form a solid base on the obligation to comply with CSDDD laws and embrace sound CSDDD due diligence.

Discussion of the findings-

The Corporate Sustainability Due Diligence Directive CSDDD is one of the milestones that corporate responsibility is passing through. It brings human rights and environmental protection to large companies operating in the EU or related to it as it is a mandatory requirement of the law rather than a best practice. It is vital to understand the meaning of the CSDD and how CSDD is applied to various people and how to prepare to meet the challenging CSDD demands. The fact that the phased implementation will begin around CSDDD 2027 in the case of the largest companies implies that they should actively prepare in advance. The CSDDD is not the same as, although complementary to CSRD, CSDDD is concerned with the process of due diligence, and not with reporting itself. The current CSDDD legislation needs to be negotiated in a strategic manner, with internal determination, and an interest in the expertise and possibly supportive technologies.

Finally, the CSDDD suggests the opportunity of corporations, as well as corporate foundations, to integrate sustainability and human rights deep into their operations and value chains, and make them more resilient, more trusted and more beneficial in a world that is becoming more and more demanding in terms of responsibility. The Corporate Sustainability Due Diligence Directive CSDDD is the turning point of the corporate responsibility. It brings human rights and environmental protection to the forefront of large companies that are established in the EU or those that are associated with it, making them mandatory. It is vital to understand the CSDDD meaning, determine the CSDDD applicability of different individuals, and plan to meet the challenging CSDDD requirements. The step-wise adoption at approximately CSDDD 2027 of the largest companies requires prior preparation.

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