

Note: This is an unofficial summary translation of Section 2 of the full legal opinion published by civil society campaign “Initiative Lieferkettengesetz”. The full version is available [here](#) (in German).

2. Overview: Legal opinion of “Initiative Lieferkettengesetz” [initiative for a supply chain law]

The legal opinion of the “Initiative Lieferkettengesetz” shows how [the] key features which are essential to a supply chain law can be transposed into the German legal system:

- A supply chain law would not ask the impossible from companies, but rather enshrine the principle of due diligence, commensurate with the severity of the (potential) human rights abuse and the company’s size. Companies will only be liable if they, on account of a lack of due care, cause or contribute to damages they could have otherwise foreseen and avoided.
- Not all business-related human rights abuses are covered by existing torts under German law. Extending the scope of tort as it relates to human rights is therefore necessary.
- Human and environmental damages are often closely linked. Environmental damages often also result in the abuse of the human rights to health, water, food and an adequate standard of living.

[...]

The “Initiative Lieferkettengesetz” places great importance on aligning a supply chain law with existing principles under German law. [...] Along with the introduction and definition of offences, e.g. if companies disregard disclosure requirements, an effective supply chain law should also establish civil liability of companies before German courts. Without this, a supply chain law would be of little use to people affected by human rights abuse, i.e. those it is intended to help. This [opinion] also makes suggestions as to how provisions under public procurement law and foreign trade promotion can encourage observance of due diligence requirements.