October 2015

EU REGULATION ON RESPONSIBLE MINERAL SOURCING:

IMPLEMENTING THE PARLIAMENT'S PROPOSED DUE DILIGENCE SYSTEM

The vote in the European Parliament on 20 May has set out key principles for a due diligence system that would align the EU with global efforts to tackle a minerals trade linked to conflict, corruption, and human rights abuses. It would set a practical due diligence standard, secure a level playing field for EU companies and investors, and ensure the EU pursues a coherent and integrated approach to many of its development and foreign policy objectives.

The Parliament's proposal highlights the importance of a mandatory due diligence system that better aligns with existing international standards—principally the *OECD's Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas* (OECD Due Diligence Guidance)[1]—and which applies to upstream importers and downstream operators that first place covered minerals on the internal market.

Member States can draw on existing due diligence, transparency and market surveillance laws to support the Parliament's proposed due diligence standard and deliver an effective and workable system.

For an overview of the key elements of the Parliament's proposal, please see our briefing of June 2015 in English and French.

KEY RECOMMENDATIONS

References to Recitals and Articles are to those in the Parliament's proposal, unless otherwise stated.

To ensure an effective and workable due diligence system, we recommend that Member States:

1. **Support** a Regulation that requires **all companies first placing covered minerals on the EU market** —whether as raw materials or within products— to source responsibly, consistent with the OECD Due Diligence Guidance.
2. **Support** a Regulation that reflects the **flexible and progressive** nature of due diligence. Standards should be based on "reasonable" efforts and continual improvement, and tailored to a company's individual circumstances, such as its position in the supply chain, size and influence over suppliers. See Section 2 below for more detail.
3. **Strengthen the upstream provisions** in the Parliament's proposal and invite the Commission, OECD or other bodies to develop tools and guidance to assist upstream companies in meeting their obligations. See Section 3(a) below for more detail.
4. **Translate the downstream standards** in the OECD Due Diligence Guidance into legal text, and invite the Commission, OECD or other bodies to develop tools and guidance to assist downstream companies in meeting their obligations. See Section 3(b) below for more detail.
5. **Extend the monitoring and enforcement provisions** (Articles 10-15) to cover all companies included within the scope of the regulation, including downstream companies that first place covered minerals on the internal market, and invite the Commission to provide guidance to ensure a harmonised and workable approach. See Section 4 below for more detail.
6. **Strengthen the accompanying measures** so that they better address potential development challenges linked to implementation, such as those faced in the artisanal and informal mining sectors. See Section 5 below.
7. **Include a mechanism that** allows other minerals and natural resources to be added to the scope of the regulation at a later date, as is the case under similar legislation in the US. See Section 5 below.

1. TACKLING THE PROBLEM EFFECTIVELY

The stated aim of the European Commission with this regulatory proposal is to address the continued financing of armed groups and security forces via the extraction and trade of minerals in conflict-affected and high-risk areas.[2] The devastating impact of this trade is widely acknowledged. It is a global problem.

- Over the last sixty years, at least **forty percent** of all intra-state conflicts can be linked to natural resources.[3]

- In the Central African Republic (CAR), Colombia, and the Democratic Republic of Congo (DRC), the minerals trade has been partly responsible for fuelling deadly conflicts that have displaced **9.4 million people**.[4]

- The illicit gold trade in **CAR** has been estimated at 2 tonnes per year (worth around **US$60 million**).[5] In Afghanistan, **the Taliban reportedly take a 20 per cent cut** of the profits from mining in areas where they are present. In 2013, no more than 3.4 per cent of government revenues were from mining, yet there are an estimated **1400 illegal mines** in the country.[6]

The EU is a major destination for many of the minerals that risk being linked to the financing of conflict and human rights abuses.

- In 2013, the EU accounted for about **16 per cent** of world-wide imports of tin, tantalum, tungsten and gold (3TG) in their raw forms. These global imports are worth around **€123 billion**.[7]

- The EU is the **second largest** importer of mobile phones and laptops in the world, and three of the world's top five importers are in the EU.[8] Both products contain 3TG.

To tackle this issue, the Commission proposed a **voluntary** system. However non-binding standards have been available to EU companies for some time, in the form of the OECD Due Diligence Guidance and the UN Guiding Principles for Business and Human Rights (UN Guiding Principles). Few European companies are choosing to implement them. Those who are appear to be doing so only as a consequence of mandatory requirements in other jurisdictions, such as in the US.

- **93 percent** of EU companies working with 3TG and not already affected indirectly by mandatory US legislation, **make no reference** on their websites or in their annual reports **to a conflict minerals policy**, according to survey data by the Commission.[9]

- **88 percent of European companies** surveyed by SOMO, a Dutch NGO, do not mention conflict minerals on their websites.[10]

Due diligence cannot alone put an end to conflict, or completely eliminate the trade in minerals from which armed groups have profited. But by increasing transparency and engaging companies in minimising these risks, it can contribute to disrupting the flow of funds to armed groups and other corrupt or abusive actors.

2. WHY SUPPLY CHAIN DUE DILIGENCE?

The UN Guiding Principles make clear that all companies have a responsibility to respect human rights in the course of their business activities. Supply chain due diligence—the process of identifying and managing risks in the supply chain—has emerged as one of the primary tools to help companies meet their responsibilities across a range of sectors, including the textile, food, health and safety, timber and financial sectors.

In the minerals sector, the **OECD Due Diligence Guidance** is the international standard for companies along the whole supply chain.[11] The Guidance, which sets out a **practical process** to help companies identify and manage specific risks, was drafted in close collaboration with industry. It has been **endorsed** by 34 OECD member countries, plus Romania, Lithuania, Latvia, Brazil, Argentina, Peru, Morocco, the twelve member states of the International Conference of the Great Lakes Region (ICGLR) and the UN Security Council.[12] It forms the basis of mandatory requirements in other countries, and recent Chinese Guidance is also aligned with the OECD standard.[13]

Due diligence is a practical and flexible tool. It focuses on *what* a company should do to assess and manage risks in its supply chain, not *where* it should do business. It recognises that **a range of individual factors** will affect a company's response to a risk, such as its position in the supply chain, size and leverage over suppliers. It takes a **risk-based approach**—efforts to investigate and manage risks should be on a case by case basis, tailored to the risks companies face in practice. It is based on companies making **reasonable**, **proactive** efforts and **continual improvement**. Due diligence therefore differs from inflexible systems of certificates based on strict criteria, or ideas of 100 per cent guarantees.[14]

Many EU companies and national authorities are already familiar with these core principles of due diligence.

- **EU and national laws mandate due diligence** in specific sectors, such as the EU Anti-Money Laundering Directive and the EU Timber Regulation. It is also common practice to include due diligence as a defence (for example, the EC Food Law Regulation and the UK Bribery Act) and to mandate reporting on due diligence practices along supply chains (for example, the EU Non-Financial Reporting Directive and the UK Modern Slavery Act).

- A 2012 study found over **100 due diligence provisions** in the laws of **20 different countries**, including in areas of law which protect human rights, such as labour laws and consumer protection.[15]

Many EU companies and national authorities are therefore familiar with assessing whether risk management processes and systems are 'reasonable', 'adequate' or 'proportionate', as well as with the concept of continual improvement.

- The EU Anti-Money Laundering Directive expects Member States to ensure that entities take "**appropriate**" steps to identify and assess money laundering and terrorist financing risks, taking into account risk factors. Those steps—and entities' risk management and mitigation policies, controls and procedures—are expected to be "**proportionate** to the nature and size" of the entity.[16]

- The UK Bribery Act expects an organisation to put in place procedures to prevent bribery that are **proportionate** to the bribery risks it faces and to the **nature, scale and complexity** of its activities. It expects companies to monitor and review these procedures and **make improvements where necessary**.[17]

- The EU Timber Regulation requires operators to have "**adequate and proportionate**" procedures to minimise risks, and to "**maintain and regularly evaluate**" their due diligence system.[18] It is only the first year of implementation, but companies, including small and medium enterprises (SMEs), are taking significant steps to meet the due diligence standards.[19] A survey by the Global Timber Forum found that best practice is developed by companies themselves, using trade association materials, dialogue with authorities, the text of the Regulation, NGO materials and "simply talking to peers in the industry". Company size "is not necessarily important when it comes to managing risk within supply chains (…) the very smallest companies are capable of implementing a system that works for them".[20]

- The EC Regulation setting up a voluntary Community Eco-management and Audit Scheme (EMAS) requires participating companies to commit to "**continuous improvement** of environmental performance" in their environmental policies. Environmental verifiers have an obligation to verify an organisation's continuous improvement.[21]

Due diligence is not a trade restriction or embargo. The OECD Due Diligence Guidance encourages companies to source from higher-risk environments by setting out practical steps to make sure they take extra care and manage risks responsibly. It does not discourage companies from sourcing from countries or regions. Disengaging entirely from regions or countries is neither responsible, nor a requirement of supply chain due diligence.

3. ENSURING A WORKABLE DUE DILIGENCE SYSTEM FOR COMPANIES

The Parliament has proposed that **both upstream importers and downstream companies that first place covered minerals on the market** be required to carry out due diligence. This increases the effectiveness of the Regulation in at least three ways:

- **It tackles all the relevant trade flows**, by covering not only imports of raw forms of 3TG, but also imports of 3TG contained within finished products—such as mobile phones, cars and laptops—semi-finished products and component parts.

- **It increases the Regulation's impact on supply chain practices globally**. By including downstream 'first placers', the Parliament's proposal uses EU commercial leverage to put pressure on other companies in the supply chain of EU companies, including the smelting community outside the EU. The Commission's upstream approach misses this opportunity. EU smelters/refiners make up a small percentage of the global tin, tantalum and tungsten smelting community.[22]

- **It better aligns the regulation with the OECD Due Diligence Guidance and the UN Guiding Principles**. These make clear that responsible sourcing is the responsibility of both upstream *and* downstream companies. Due diligence is designed to be effective when it involves both groups, allowing them to share information, develop industry schemes and best practices, and collectively influence suppliers.

To ensure that standards are appropriate and feasible, and "to avoid unintended distortions in the market", the Parliament makes a **clear distinction between the standards expected of companies at different points in the supply chain** (Article 1, paragraph 2(b)). It makes clear that downstream standards, for example, should reflect downstream companies' greater distance from the mine.

(a) Strengthening the Parliament's upstream provisions

The Parliament's proposal turns the Commission's voluntary upstream scheme into a mandatory one (Article 1, paragraph 2), and so leaves most of the Commission's original upstream provisions untouched (Articles 3-7). The Commission's Impact Assessment makes clear that the Commission considered its due diligence system to be workable for the raw material importers covered in its proposal,[23] so this section does not discuss its feasibility in detail. However, **two key areas should be strengthened**.

First, whereas the OECD Due Diligence Guidance separates companies into two categories—**'upstream' and 'downstream'**—the Parliament's text identifies **three categories of companies**: smelters/refiners, importers of raw materials, and downstream companies that place 3TG (or products containing 3TG) on the internal market for the first time. As a result, Articles 4-7 impose OECD 'upstream' requirements—such as tracing to country of origin and audits—on a middle group of 'importers of raw materials' that may in practice sit further downstream. The Regulation should not require downstream companies to satisfy upstream requirements, such as carrying out audits or tracing minerals to the country or source of origin.

Second, the so-called **"White List" of responsible smelters and refiners** (Article 8) suffers from three main weaknesses:

- Smelters/refiners are not required to comply with any responsible sourcing criteria in order to be on the White List.

- The "responsible smelters and refiners" that make up the list are defined as "smelters and refiners in the supply chain of a responsible importer" (Article 2(p)). However, conclusions cannot be drawn about the performance of a smelter from the good performance of a "responsible importer". The progressive nature of due diligence means that an importer could, for a time, meet its obligations under the Regulation even if it buys from a *non-responsive or non-compliant* smelter—for example, if it has a clear plan for improving and managing this shortcoming in the future.

- The list is not open to smelters/refiners that are outside of the supply chain of EU companies, even if they source responsibly.

The **list of responsible importers** (Article 7(a)) has similar shortcomings. We would also query the benefit of this second list to companies and Member States if the Regulation is mandatory.

Recommendations for upstream provisions:

We recommend that Member States:

- **Clarify** the separation of upstream/downstream standards in the Regulation, and in line with OECD Due Diligence Guidance, for example by:
  - **Amending the management system obligations** (Article 4, paragraph (g)) so that importers of metals who sit downstream are not required to operate a chain of custody or supply chain traceability system. They should instead be required to introduce a supply chain transparency system that allows the identification of smelters/refiners and the flow of specific information, in accordance with Step 1 of the OECD Due Diligence Guidance.
  - **Limiting audit requirements** (Article 6) to smelters and refiners that process and/or import 3TG, in line with Step 4 of the OECD Due Diligence Guidance.
  - **Amending the disclosure obligations** (Article 7, paragraph 3) so that downstream importers are not required to disclose independent third party audits or the proportion of minerals originating from conflict-affected and high-risk areas.
- **Strengthen** the White List (Article 8), so that it is: (1) based on meaningful due diligence and public reporting criteria, (2) transparently and regularly monitored, (3) open to smelters/refiners that are not in the supply chain of EU-based "responsible importers" and (4) explicitly incentivises sourcing from conflict-affected and high-risk areas, as proposed in the Commission's Impact Assessment.[24]
- **If Member States support the need for an additional list of responsible importers, strengthen** it in a similar way (Article 7a).
- **Invite the Commission to develop additional tools and guidance** so that upstream companies can meet their obligations more efficiently. See the Recommendations under Section (b) below.

(b) Translating the OECD downstream provisions into a workable system

The Parliament has proposed that the Regulation should:

- **Apply to all downstream companies** "who **first place** covered resources, **including products** that contain those resources on the Union market" (Recital 9(a)).
- **Place an obligation** on those companies to "**conduct and publicly report** on their supply chain due diligence"; take "**all reasonable steps**" to **identify and address risks** arising in their supply chains, in accordance with the OECD Due Diligence Guidance; and, in this context, "**provide information**" on their due diligence practices (Recital 9(a) and Article 1, paragraph 2(d)).

> **'First placing on the market'**
> There is strong EU legal precedent for the term 'placing on the market', which may be broadly defined as placing a product or material on the market for **distribution or use in the course of commercial activity (whether in return for payment or free of charge).**[25]

The Parliament has not translated the OECD Due Diligence Guidance into detailed legal text for downstream companies, as the Commission did for raw material importers. The same should now be done for the downstream provisions. The OECD's Guidance provides a basis for workable due diligence obligations, provided that its in-built flexibility is reflected in the Regulation.

Under the OECD Due Diligence Guidance, a downstream company has an individual responsibility to identify, assess and manage the risks in its supply chain, including that it may be sourcing from a non-responsible smelter. It is expected to do this by taking **reasonable** and proportionate steps to:

- **Set up a supply chain transparency system to identify the smelters/refiners in its supply chain**. In practice, companies should in the first instance ask their direct suppliers for this information (through confidential discussions or the incorporation of disclosure requirements into supplier contracts). Companies who find it difficult to identify companies upstream from their direct suppliers can show improvement over time and cooperate with industry members or other downstream companies to identify smelters/refiners.
- **Assess whether there is a risk that a smelter/refiner is *non-responsible*** (e.g. unresponsive, unreliable or failing to identify and manage supply chain risks), by reviewing information received through the above system on the countries of origin, transport and transit for the minerals in the smelters'/refiners' supply chains, and on their due diligence processes—including the results of audits. This information may be obtained in different ways, including from direct suppliers, through digital information-sharing systems, or through industry programs. Companies should also take publicly available information into account.
- **Manage and deal with any risks identified** through the above process in accordance with a risk management plan, for example by reporting findings to designated senior management, building leverage over suppliers who can help mitigate the risk effectively, and encouraging industry organisations to develop training.

The infographic on page 13 gives an idea of how the OECD Due Diligence Guidance has been interpreted in the European Parliament.[26]

Downstream companies are already implementing the OECD downstream standards in the EU. The Commission estimates that 40 dual-listed companies are directly subject to the requirements of the Dodd Frank Act section 1502 (DFA 1502) in the US.[27] Up to 17 per cent of EU companies working with 3TG are further indirectly affected by the requirements of the US law because they supply to US customers.[28] Triggered by DFA 1502, a number of industry schemes already assist downstream companies—in very practical ways—to comply with OECD standards, including the LBMA's Responsible Gold Guidance and the World Gold Council's Conflict-Free Standard.

Arguments for a voluntary approach to the downstream sector have been informed partly by industry arguments that DFA 1502 is overly burdensome. Analysis of US conflict minerals reports by Global Witness and Amnesty International showed that in the first year of implementation, over 20 per cent of downstream companies complied with the requirements of the law.[29] In addition, the requirements of the US law go beyond an EU due diligence system based on the OECD downstream provisions. DFA 1502 for example is focused on a limited number of countries, requires downstream companies to trace minerals to their country or mine of origin, and carry out audits of their due diligence systems. These are not requirements under the OECD standard or the Parliament's proposal.

Companies should have access to tools to help them carry out their due diligence obligations, such as assistance from industry schemes. The Regulation should explicitly state that the responsibility to carry out due diligence and publicly report rests with individual companies. Any assistance—whether in the form of the White List, industry schemes or other tools—cannot release upstream or downstream companies from this individual obligation, and should be viewed as providing assistance and evidence to support the due diligence process.

Responsible sourcing is about managing and sharing risks and related costs along the entire supply chain in a sensible and efficient way. The costs of irresponsible sourcing are real. They are borne by the communities affected by conflict and violence; the governments and development agencies that respond to the consequent instability; and the companies and investors unable to offer a due diligence defence when something goes wrong. For that reason, irresponsible sourcing also poses a potential legal, financial and reputational cost for companies and investors. The Commission's Impact Assessment estimates **the economic cost of due diligence to be "manageable—if not minor"** over the long run for most companies, including manufacturers and traders that sit downstream. Costs are estimated at 0.014 per cent (initial costs) and 0.011 per cent (annual recurrent costs) of annual turnover.[30]

Many downstream businesses have recognised their responsibility to respect human rights, and the benefits of responsible supply chains.

- Consultation with UK businesses on the UK Modern Slavery Act revealed a strong appetite for a mandatory reporting requirement, so that there was a level playing field and that **responsible companies could not be undercut** by less scrupulous ones.[31]

- Thousands of businesses have published human rights policies. **IKEA** has argued that ethical supply chains are "absolutely" more profitable.[32] Companies like **Apple**, France's **Alcatel-Lucent** and Germany's **Deutsche Telekom** have acknowledged the need for business to address human rights risks in mineral supply chains, including risks associated with the financing of armed groups.[33]

- **Investors** representing more than **€855 billion** in assets under management have spoken of the benefits of supply chain due diligence and publicly backed a strong EU conflict minerals regulation.[34]

SMEs are not unwilling or unable to carry out due diligence. SMEs play a critical role in 3TG supply chains. Excluding them would leave major gaps in the information chain for other companies. According to the Commission's Impact Assessment, a majority of small companies are in favour of a degree of obligation.[35] SMEs have also spoken out in favour of mandatory requirements for the whole minerals supply chain, and voiced concerns about being excluded from regulatory initiatives and procurement markets that require regulatory compliance.[36] Due diligence itself contains much of the flexibility SMEs need, as standards are tailored to a company's size and leverage over suppliers.

Recommendations for downstream provisions:

We recommend that Member States **translate** the downstream OECD standards into legal text applicable to downstream 'first placers', as the Commission did for upstream companies. As envisaged in the OECD Due Diligence Guidance, Member States could invite the Commission to prepare **additional tools and guidance** in order to assist companies in meeting their obligations more efficiently, including:

- **Appropriate provisions to avoid duplication of efforts** - The Regulation should make clear that companies already using due diligence systems or procedures which comply with the requirements of this Regulation should not be required to set up new systems.[37]

- **Guidance and tools on assessing and managing risk** – The Commission could develop guidance to help companies assess (a) whether they source from a non-responsible smelter, based on non-exhaustive risk criteria consistent with the OECD Guidance and (b) what types of risk management measures are considered to be 'reasonable', 'adequate' or 'proportionate'. Any guidance should be based on experience the Commission has in the context of other EU due diligence laws.

- **SME specific tools** – In addition to the financial and technical support for SMEs proposed by the Parliament (Recital 12 and Article 1, new paragraph 2(c)), the Commission could develop tools such as a template supply chain policy; template clauses for supplier contracts; suggested information SMEs or industry schemes should request from smelters; standard reporting templates; and tailored guidance, with practical examples of others implementing OECD due diligence. For example, see the recommendations contained in a recent study by Germany's BGR and BMZ.[38] The Commission could also encourage larger suppliers to invite SMEs to their training days on responsible sourcing.

- **A central EU helpdesk** – a technical helpdesk could be established to assist companies, as well as a forum through which information and data can be shared in a standardised and transparent way.

4. ENSURING A WORKABLE SYSTEM FOR MEMBER STATES

The Parliament's amendments leave the Commission's original provisions on the role of Member State competent authorities largely untouched. As a result, it is unclear what system is envisaged for assessing compliance by downstream companies. Article 9 requires competent authorities to "ensure the effective and uniform implementation" of the Regulation (paragraph 3), but Articles 10, 11, 12, 14 and 15 remain limited to raw material importers. We recommend that these Articles are extended to cover all the companies that fall within the scope of the regulation, including downstream companies that first place 3TG—or products containing 3TG—on the internal market.

We believe that Member States can draw on experience under existing EU due diligence, transparency and market surveillance laws and rules to ensure proper and harmonised monitoring and enforcement.

How can authorities identify the companies they are expected to assess?

Authorities will need to be in a position to identify the companies covered by the proposed law. It should be relatively straightforward for authorities to identify the **raw material importers** already identified by the Commission (19-20 smelters/ refiners, 300 traders and 100 manufacturers) as part of its Impact Assessment.[39] As noted by the Commission, customs authorities will already have the names of many of these companies.[40]

It will be more challenging to identify **downstream companies placing 3TG on the EU market for the first time**. The Commission has provided some assistance by listing fifteen sectors relevant to the use and trade of 3TG.[41] Further assistance might be found in additional product lists and guidance supplied by the OECD, Commission, industry schemes, and other relevant bodies. To help authorities identify the relevant companies within these sectors, **companies could be required to register:**

- **Registration with local chamber of commerce, business association or local authority:** For example, the UK requires food operators to register their business with their local council.[42]

- **Registration with national authorities, such as market surveillance authorities:** For example, EU product rules require EU and non-EU manufacturers, importers and distributors of products to make information available to national market surveillance authorities.[43] Other national and EU laws require registration with market surveillance authorities or other national competent bodies (for example, Germany and Portugal's implementation of the EU Timber Regulation [44], and the EC Regulation setting up EMAS[45]). Under the EU Directive concerning medical devices, any manufacturer (or his authorised representative) that places certain medical devices on the EU market must also be registered with the relevant competent authority.[46] These authorities could therefore help to draw up and manage a registry.

- **Registration with customs authorities**.

- **Registration with a centralised EU agency:** Examples include the European Chemicals Agency (ECHA) set up in relation to the EU Regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and the European Food Safety Authority set up under the EC Food Law Regulation.[47]

Some companies may not know that their products contain 3TG or that they are considered to be 'first placers' under the Regulation. This has been an issue under the EU Timber Regulation, which has led to Guidance to clarify the scope of "operators" that first place timber or timber products on the market. To address this risk, Member States could ask the Commission, OECD or other body to provide additional guidance for companies, including a list of 'priority' sectors and a list of products containing 3TG. Educating companies about unknown risks in their supply chains and the importance of responsible business practices is also part of the process of due diligence.

How can Member States assess companies' compliance?

In order for the Regulation to be workable for Member States, they will need to set up systems to receive and manage clear and standardised information from companies. They will then need to take a risk-based approach to assessing compliance.

a) Companies' disclosure obligations

The proposals put forward by both the Parliament and the Commission require importers of raw materials to disclose specific information to Member State competent authorities on an annual basis (see Article 7 of both proposals). These companies are also expected to publicly report "as widely as possible" on their due diligence policies and practices.

The disclosure provisions for **downstream companies** still need to be set out in detail, although the Parliament's proposal makes clear that they should "provide information" on their due diligence practices, in connection with their obligation to identify and address risks in accordance with the OECD Due Diligence Guidance (Article 1, paragraph 2(d)). In practice, Step 5 of the OECD Due Diligence Guidance expects a downstream company to:

- Set out information on its supply chain due diligence policy and the management structure responsible for the company's due diligence, including who is directly responsible;

- Describe the steps taken to identify smelters/ refiners in the supply chain and assess their due diligence practices;

- Describe the steps taken to identify and deal with risks, including how they managed risks associated with sourcing from a non-responsible smelter or refiner; and

- Publish any available smelter/refiner audits, with regard to business confidentiality and competitiveness concerns.

One suggestion that has been discussed is to allow EU based large public interest entities (PIEs) to report on their due diligence practices in accordance with **non-financial reporting (NFR) requirements** set out in the EU Accounting Directive.[48] There are several shortcomings to this approach:

- **Lack of standards:** There is no requirement in the context of NFR to undertake due diligence or report in accordance with a particular standard, such as the OECD Due Diligence Guidance. This would likely lead to inconsistent rather than harmonised reporting, making it difficult for Member States to assess compliance.

- **Vital information would not be disclosed:** The objective of the non-financial reporting requirements is to provide shareholders and affected communities with information which is *relevant* to the performance of the company and its impact on society. Reporting, and the transparency it brings, is one of the most crucial aspects of supply chain due diligence. This would be undermined if reporting was limited to cases of relevance to the company and its stakeholders.

A preferable option would be for the Regulation to set out clear due diligence and public reporting obligations for all first placers of 3TG, in line with the OECD Due Diligence Guidance and the Parliament's proposal, but to allow first placers that are EU-based large PIEs to include the required information, in the required format, in the reports they submit under the EU Accounting Directive. This will help companies to avoid duplicating their reports.

b) Member States' obligations to assess compliance

Once authorities have received the relevant information from companies, they are expected to carry out appropriate **ex-post checks using a risk-based approach** (Article 10). Authorities will need to assess whether a company has complied with its due diligence obligations under Articles 4-7. To this end, Member States can draw valuable lessons from their experience with other due diligence systems:

- **Many national authorities and regulators have experience of putting in place data management systems** to receive and process large amounts of information from companies. In the UK, over 3 million companies are registered and **over 7 million documents** are filed each year with Companies House.[49] The European Business Register contains the information of **20 million companies**, covering 27 jurisdictions.[50]

- **Monitoring due diligence:** Many national authorities, particularly those that monitor company management systems in a range of sectors—such as market surveillance authorities—have a good understanding of the flexible, progressive nature of due diligence. One example is the UK's market surveillance authority responsible for implementing the EU Timber Regulation, the National Measurement Office.

- **Using a risk-based approach:** Member State authorities have significant experience in using a risk-based approach to assess companies' due diligence processes, social and environmental reporting and management systems in different sectors (for example, the EU Timber Regulation, the EU Anti-Money Laundering Directive, and the UK Bribery Act). In the **context of conflict minerals**, a risk-based approach could involve prioritising companies placing the largest volumes of 3TG on the market, or based on past performance and disclosure. The Commission, OECD or other body could draw up guidance and a list of sectors and products to assist national authorities.

- **Accredited conformity assessment bodies or third party verifiers:** Member States could consider the option of nationally accredited conformity assessment bodies or other accredited bodies to assist with the monitoring and assessment of due diligence processes.[51]

c) Shifting responsibility to third parties

The Parliament's text proposes a "**recognition of equivalence**" for existing industry schemes and due diligence systems (Article 2(qa) and Article 8, paragraph 2). This is problematic. Industry schemes and due diligence systems should be recognised as valuable **tools** that can assist companies to do their own due diligence better and more efficiently. Strong conflict minerals legislation in other countries has, in recent years, encouraged the development of many such industry schemes.

Membership of a scheme or compliance with another due diligence system should, however, not in *itself* be equivalent to compliance with the Regulation. Companies must retain *individual* responsibility for their due diligence efforts; they should not pass that responsibility on to third parties. The OECD Due Diligence Guidance and other due diligence laws make this fundamental principle clear (see the EU Timber Regulation). If a company receives information of a gross human rights violation in the context of its supply chain despite the latter being confirmed as compliant with an industry scheme, its duty is to carry out further due diligence.

The Parliament also suggests that **only industry schemes that "already exist"** could be recognised as equivalent to the Regulation's requirements (Recital 11b, Article 8). Such restrictions will only limit capacity, competition and innovation in a sector where it is greatly needed. Furthermore, in contrast to the draft regulation and the OECD Due Diligence Guidance, many existing industry schemes are limited in their geographical scope to the DRC and its neighbours. It is critical that the regulation allows for the development of industry schemes in other conflict-affected and high-risk areas. The nature and location of conflict and risk is always changing, and it is important that the EU's regulation is flexible enough to adapt to such changes. Similar concerns apply to the proposed recognition of equivalence for *existing* governmental and other due diligence systems.

How can authorities ensure a harmonised approach and minimise the risk of forum shopping across the EU?

The flexibility of the due diligence process makes it more difficult to harmonise implementation by Member State authorities. Without appropriate guidance and tools, there is a risk that different registration procedures are used, or that Member State authorities define "reasonable", "adequate" or "proportionate" due diligence processes in different ways. This could create uncertainty for companies and lead to authority shopping. However, existing EU due diligence laws show that this challenge can be addressed. Options include:

- **A formal platform or other mechanism to ensure frequent dialogue, information sharing and coordination between competent authorities and other bodies:** Options include a centralised EU agency (discussed above), Commission expert groups, a Council expert group chaired by the Commission, workshops hosted by the OECD and a peer review process between authorities. For example, several groups are dedicated to assisting with harmonised implementation of the EU Anti-Money Laundering Directive, such as the Commission's Expert Group on Money Laundering and Terrorist Financing. EMAS sets out a peer review process to ensure consistency of the registration process, a forum of all accreditation and licensing bodies, and a forum of competent bodies. Both forums meet at least once a year to exchange information, and ensure consistency of procedures and standards.[52] Competent authorities could also exchange information on serious shortcomings detected through their checks and on the types of penalties imposed with other authorities and the Commission (see the EU Timber Regulation, Article 12).

- **Additional guidance and clarification:** Implementing regulations and guidance documents are available tools to set out procedural rules, detailed rules on the nature and frequency of checks by competent authorities, and to further clarify specific terms and definitions.

- **Harmonised threshold for sanctions to reduce uncertainty for companies:** In line with other EU due diligence laws, sanctions could be triggered by "systematic" or "serious" infringements or failings to meet the due diligence and reporting standards (e.g. see the EU Anti-Money Laundering Directive).

In any scenario, Member States must retain primary responsibility for monitoring and enforcing the Regulation, rather than transferring that responsibility to the private sector. Other due diligence laws make this clear.

Recommendations for monitoring and enforcement provisions

In addition to the recommendations above, we suggest that Member States propose, at a minimum:

- **Extending the Regulation's monitoring and enforcement provisions** (Articles 10-15) to cover all companies within the scope of the regulation, including downstream companies that first place 3TG, or products containing 3TG, on the internal market.
- **Clear and harmonised reporting requirements**, to ensure that companies submit information in a transparent and harmonised format across the EU, and to ensure management and processing of information by Member State authorities is based on good open data principles.[53]
- **A formal platform or other mechanism** to ensure frequent and standardised dialogue, information sharing and coordination between competent authorities.
- **Specific provision for a whistleblower mechanism** that triggers automatic, transparent and timely investigations by relevant authorities. For EU-based companies, investigation should be undertaken by the authority in which the company is based.

5. INCREASING THE EFFECTIVENESS OF THE REGULATION: TAKING A COMPREHENSIVE APPROACH

An EU trade regulation that aims to disrupt the flow of money to armed groups, corrupt members of the military and other violent actors will not, on its own, put an end to conflict or human rights abuse. The EU's responsible sourcing requirements must therefore form part of a coherent and comprehensive agenda that includes other initiatives, such as supporting governance reform and addressing related foreign policy and development needs.

Accompanying measures

The Parliament has integrated **accompanying measures** into the Regulation (Article 15), in line with policies set out by the Joint Communication of 5 March 2014 by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. However, **the accompanying measures should better address potential development challenges** linked to implementation of the Regulation. For instance, development cooperation and foreign policy measures should not only aim to foster capacities and market conditions to promote the trade of responsibly sourced resources. Though these measures will be important, accompanying measures should also address the challenges that artisanal and informal mining sectors could face as a consequence of any changes in business operations or sourcing decisions.

Possible extension of the material scope

The Parliament's proposal is limited to tin, tantalum, tungsten and gold and so ignores the role that other minerals and natural resources play—and could play in the future—in contributing to conflict financing and human rights abuses. This narrow scope means that the regulation, as drafted, cannot adapt to developments in the resources trade, or to the changing nature of conflict or human rights abuse. This is in contrast to the OECD Due Diligence Guidance, which applies to all mineral supply chains. **The Regulation should include a mechanism that** allows other minerals and natural resources to be added to the scope of the regulation at a later date, as is the case under similar legislation in the US.

How responsible sourcing works

UPSTREAM COMPANIES
SUCH AS SMELTERS AND REFINERS

Smelters and refiners work with their suppliers to trace supply chains back to their origin, and look for risks along the way, including at mine sites, along transport routes, and in trading centres

DOWNSTREAM COMPANIES
SUCH AS THOSE MANUFACTURING PRODUCTS

Companies contact their suppliers and work together to trace their supply chains back to smelters/refiners

Upstream companies

1 GOOD MANAGEMENT SYSTEMS

PUT IN PLACE GOOD SYSTEMS, INCLUDING:

- A supply chain policy that sets out your commitments to managing risks (e.g. of support to armed groups, torture, forced labour and other gross human rights violations, bribery and money laundering). A model policy is available in the OECD Guidance
- Incorporate this policy into your supplier contracts
- Put in place a chain of custody or supply chain traceability system, and a mechanism for voicing concerns
- All this can be done with help from an **industry scheme**

2 RISKS IN YOUR SUPPLY CHAIN

- Review information gathered against your policy
- Do any of the risks in your policy apply?
- How are you dealing with them?
- Implement a strategy to respond to risks you find

3 INDEPENDENT AUDITS

Smelters and refiners should carry out and publish **independent audits** on their due diligence

4 PUBLICLY REPORT

- By 31 March each year, submit documentation to competent authority, including policy and independent audit
- Make information on due diligence available to customers, and publicly report as widely as possible on actions you have taken under Steps 1, 2 and 3

Downstream companies

1 GOOD MANAGEMENT SYSTEMS

PUT IN PLACE GOOD SYSTEMS, INCLUDING:

- A supply chain policy that sets out your commitments to managing risks (e.g. of support to armed groups, torture, forced labour and other gross human rights violations, bribery and money laundering). A model policy is available in the OECD Guidance
- Incorporate this policy into your supplier contracts and put in place a mechanism for voicing concerns
- All this can be done as part of an **industry scheme**

2 RISKS IN YOUR SUPPLY CHAIN

- Review information, such as audits, against your policy
- Take reasonable steps to identify **smelters/refiners** in your supply chain and assess their due diligence
- Is there a reasonable risk that a smelter/refiner is non-responsible?
- Implement a strategy to respond to the risks you find

3 INDEPENDENT AUDITS

- Use reasonable efforts to make sure your **smelters/refiners** carry out independent audits on their due diligence
- This can be done with help from industry schemes

4 PUBLICLY REPORT

- By 31 March each year, submit documentation to competent authority, including policy
- Publicly report, as widely as possible, on the actions you have taken under Steps 1, 2 and 3

LEGISLATION REFERENCED

EU legislation

EU Accounting Directive

Directive 2013/34/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC

http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02013L0034-20141211&from=EN

EU 4th Anti-Money Laundering Directive

Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.141.01.0073.01.ENG

EC Regulation setting up an Eco-management and Audit Scheme

Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC

http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1441664676239&uri=CELEX:32009R1221

EC Food Law Regulation

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002R0178

EU Directive concerning medical devices

Directive 2007/47/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 90/385/EEC on the approximation of the laws of the Member States relating to active implantable medical devices, Council Directive 93/42/EEC concerning medical devices and Directive 98/8/EC concerning the placing of biocidal products on the market

http://ec.europa.eu/consumers/sectors/medical-devices/files/revision_docs/2007-47-en_en.pdf

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1993L0042:20071011:en:PDF

EU Non-Financial Reporting Directive

Directive 2014/95/EU of the European Parliament and of the Council of 22 October 2014 amending Directive 2013/34/EU as regards disclosure of non-financial and diversity information by certain large undertakings and groups

http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1441650629777&uri=CELEX:32014L0095

EC Regulation concerning REACH

Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

http://ec.europa.eu/enterprise/sectors/chemicals/documents/reach/index_en.htm

EU Seals Regulation

Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products

http://trade.ec.europa.eu/doclib/docs/2009/november/tradoc_145264.pdf

EU Timber Regulation

Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010R0995

EU's New Legislative Framework for marketing of products, consisting of:

- Regulation (EC) 765/2008 setting out the requirements for accreditation and the market surveillance of products;
- Decision 768/2008 on a common framework for the marketing of products, which includes reference provisions to be incorporated whenever product legislation is revised. In effect, it is a template for future product harmonisation legislation;
- Regulation (EC) 764/2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another EU country.

UK legislation

UK Bribery Act 2010

http://www.legislation.gov.uk/ukpga/2010/23/contents

UK Modern Slavery Act 2015

http://www.legislation.gov.uk/ukpga/2015/30/contents

US legislation

US Dodd Frank Act 2010

http://www.sec.gov/rules/final/2012/34-67716.pdf

ENDNOTES

1 Organisation for Economic Cooperation and Development (OECD), 2013, 'OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas', available at: http://www.oecd.org/fr/daf/inv/mne/mining.htm

2 European Commission, 5 March 2014, Impact Assessment, p. 4 and p.31, available at: http://trade.ec.europa.eu/doclib/docs/2014/march/tradoc_152229.pdf

3 UNEP, 2009, 'From Conflict to Peacebuilding: the Role of Natural Resources and the Environment', available at: www.unep.org

4 UN Refugee Agency, August 2014, 'Central African Republic Situation, Regional Update 30'; UNHCR Country Operations Profile for DRC, http://www.unhcr.org/pages/49e45c366.html; Ignacio Gómez G, 4 March 2012, The Center for Public Integrity, http://www.publicintegrity.org/2012/03/04/8284/colombias-black-market-coltan-tied-drug-traffickers-paramilitaries; Consultoria para los Derechos Humanos y el Desplazamiento (CODHES), June 2014, 'El Desplazamiento Forzado y la Imperiosa Necesidad de la Paz: Informe desplazamiento 2013'.

5 Figures from United Nations, 29 October 2014, 'Final report of the Panel of Experts on the Central African Republic established pursuant to Security Council resolution 2127 (2013), S/2014/762', available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/762

6 See Global Witness case studies, available at: https://www.globalwitness.org/documents/17872/casestudies.pdf

7 All data from UN Comtrade (converted to Euro). The data reflects all imports of materials in the forms covered by the HS codes on p.78 of the European Commission's Impact Assessment. These estimates differ from the Commission's own methodology by excluding trade within the borders of the EU.

8 Data for 2013 from UN Comtrade, available at: http://comtrade.un.org/. Data reflects reported imports of mobile phones (Code 851712) and laptops (Code 847130). In 2013, Germany, UK and the Netherlands were the third, fourth and fifth largest importers of mobile phones and laptops in the world.

9 Data from the European Commission, Impact Assessment, p.13, p.19, p.23, and p.36.

10 See SOMO, November 2013, 'Conflict due diligence by European companies', available at: http://www.somo.nl/publications-en/Publication_4003

11 OECD, 2013, 'OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas', available at http://www.oecd.org/fr/daf/inv/mne/mining.htm

12 9 non-Members, namely Argentina, Brazil, Colombia, Costa Rica, Latvia, Lithuania, Morocco, Peru and Romania, who are all Adherents to the Declaration on International Investment and Multinational Enterprises (hereafter the Investment Declaration), have adhered to the OECD Council Recommendation, available at: http://webnet.oecd.org/OECDACTS/Instruments/ShowInstrumentView.aspx?InstrumentID=268&InstrumentPID=302&Lang=en&Book=False

13 Global Witness, October 2014, 'Tackling Conflict Minerals: How a New Chinese Initiative Can Address Chinese Companies' Risks': https://www.globalwitness.org/sites/default/files/library/gw%20tackling%20conflict%20minerals%202014-10%20lr.pdf

14 Bonn International Center for Conversion, February 2015, 'How to Enforce Due Diligence? Making EU-legislation on "Conflict Minerals" Effective', p.1.

15 ICAR, December 2012, 'Human Rights Due Diligence: The Role of States', available at: http://icar.ngo/initiatives/human-rights-due-diligence/ and http://hrdd.icar.ngo/

16 EU Anti-Money Laundering Directive, Article 8, paragraphs 1 and 3.

17 UK Ministry of Justice, March 2011, 'Guidance about procedures which relevant commercial organisations can put into place to prevent persons associated with them from bribing (section 9 of the Bribery Act 2010)', Principles 1 and 6, p. 21 and p.31, available at: http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf

18 EU Timber Regulation, Article 6(c) and Article 4, paragraph 3.

19 Timber Design and Technology, 'Big brands back battle against illegal timber', available at: http://www.timberdesignandtechnology.com/big-brands-back-eu-battle-against-illegal-timber/

20 Global Timber Forum, 22 July 2015, 'Survey on due diligence finds SMEs to be performing well', available at: http://gtf-info.com/news/market-legality-requirements/2009-gtf-survey-on-due-diligence-finds-smes-to-be-performing-well. See also the Timber Trade Federation website: http://www.ttf.co.uk/sustainability/eutr.aspx

21 EMAS, Article 4(d), Article 2, paragraph 1, and Article 18(c).

22 OECD, January 2013, 'Downstream Implementation of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Final downstream report on one-year pilot implementation of the Supplement on Tin, Tantalum, and Tungsten', Annex 2 – 3T Smelter List, available at: http://www.oecd.org/corporate/mne/DDguidanceTTTpilotJan2013.pdf and http://www.oecd.org/daf/inv/mne/3TsSmelterList.pdf

23 European Commission, Impact Assessment, p.44-46.

24 European Commission, Impact Assessment, p. 46.

25 See the EU Seals Regulation, EU Timber Regulation, EU's New Legislative Framework for marketing of products, and Council Directive concerning medical devices. See also European Commission, 15 July 2015, 'Blue Guide on the implementation of EU product rules - Version 1.1' (Blue Guide), pp.24-29, available at: http://ec.europa.eu/DocsRoom/documents/11502

26 Steps 2 and 3 of the OECD Due Diligence Guidance have been combined, so there are only four steps in total.

27 European Commission, Impact Assessment, p.23.

28 European Commission, Impact Assessment, p.13, p.19, p.23, and p.36.

29 Global Witness and Amnesty International, 22 April 2015, 'Digging for Transparency', available at: https://www.globalwitness.org/campaigns/democratic-republic-congo/digging-transparency/

30 European Commission, Impact Assessment, p.5, p.47 and p.53.

31 Ethical Trading Initiative and British Retail Consortium, December 2014, 'Briefing note on the UK Modern Slavery Bill', available at: http://www.ethicaltrade.org/sites/default/files/resources/eti_brc_briefing_note_on_modern_slavery_bill_dec_2014_0.pdf

32 Business and Human Rights Resource Centre, 'Company policy statements on human rights', available at: http://business-humanrights.org/en/company-policy-statements-on-human-rights. IKEA, referenced in the Joint Committee report on the UK Draft Modern Slavery Bill, April 2014, paragraph 171, available at: http://www.publications.parliament.uk/pa/jt201314/jtselect/jtslavery/166/16608.htm

33 See Apple's policy and website, available at: https://www.apple.com/uk/supplier-responsibility/labor-and-human-rights/; Alcatel-Lucent's Human Rights Policy and Conflict Minerals Policy, available at: https://www.alcatel-lucent.com/sustainability/policies; and Deutsche Telekom's commitments to protect and respect human rights, available at: http://www.telekom.com/corporate-responsibility/human-rights/263482

34 Statement by global investors, including BNP Paribas Investment Partners and EUROSIF, May 2015, available at: http://www.eurosif.org/global-investors-urge-european-parliament-to-adopt-stronger-conflict-minerals-regulation-investors-call-for-important-changes-to-proposed-eu-regulation/; EUROSIF statement on behalf of investors representing $855 billion in assets under management, October 2014, available at: http://www.eurosif.org/investor-statement-on-eu-proposed-conflict-mineral-regulation/

35 European Commission, Impact Assessment, p.54.

36 https://www.nager-it.de/static/pdf/StatementNager_IT_ConflictMinerals2015.pdf

37 See EU Timber Regulation, Recital 18.

38 BMZ and BGR, August 2015, 'Assessing and Enhancing the Contribution of Small and Medium-scale Enterprises to Due Diligence for Responsible Mineral Supply Chains', available at: http://www.bgr.bund.de/DE/Themen/Min_rohstoffe/Downloads/Assessing_enhancing_due_diligence_supply_chains.pdf?_blob=publicationFile&v=5

39 European Commission, Impact Assessment, p.36.

40 European Commission, Impact Assessment, p.37.

41 European Commission, Impact Assessment, p.48.

42 See https://www.food.gov.uk/business-industry/caterers/startingup and https://www.gov.uk/food-business-registration

43 European Commission, 15 July 2015, Blue Guide, pp.24-29, available at: http://ec.europa.eu/DocsRoom/documents/11502

44 FLEGT Week, 18 March 2015, 'Demand-side measures to reduce illegal timber trade', available at: http://www.flegtweek.org/report-demand-side-measures

45 EC Regulation setting up EMAS, Chapter II.

46 EU Directive concerning medical devices, Article 14.

47 See http://echa.europa.eu/regulations/reach and http://www.efsa.europa.eu/.

48 See the EU Accounting Directive, as amended by the EU Non-Financial Reporting Directive.

49 See https://www.gov.uk/government/organisations/companies-house/about/about-our-services, accessed on 4 August 2015.

50 The register is available at: http://www.ebr.org/index.php/about-ebr/

51 See the EU New Legislative Framework for the marketing of products (NLF) and eco-management audit scheme (EMAS).

52 EC Regulation setting up EMAS, Articles 11, 16, 17 and 30.

53 For information on open data principles, see https://sunlightfoundation.com/policy/documents/ten-open-data-principles/. For definition of "open", see http://opendefinition.org/

AEFJN

aitec
Association Internationale de Techniciens, Experts et Chercheurs

ALBOAN
ONG promovida por los jesuitas

AMNESTY INTERNATIONAL

christian aid

CIDSE
together for global justice
ensemble pour un monde de justice
juntos en pro de la justicia global
50 years · années · años

CEEweb for Biodiversity

CiR CHRISTLICHE INITIATIVE ROMERO

CONGO CALLING

diakonia
PEOPLE CHANGING THE WORLD

DKA Austria
Hilfswerk der Katholischen Jungschar

EurAc
Réseau européen pour l'Afrique Centrale • European network for Central Africa

FAIRTRADE LËTZEBUERG

FORUMSYD

global witness

JESC
Jesuit European Social Centre

Commission Justice et Paix

11.11.11
VECHT MEE TEGEN ONRECHT

MISEREOR
IHR HILFSWERK

MINING WATCH ROMANIA

PowerShift

STOP MAD MINING
FOR ETHICAL MINING AND RESOURCE CONSUMPTION

SÜDWIND

weed