

To
Mr. Karel De Gucht
Member of the European Commission
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AK Rohstoffe

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EU regulation on conflict minerals

Berlin, 18. November 2013

Dear Mr. De Gucht,

We, 16 German non-governmental organisations, welcome the effort of the EU Commission to create a legal framework which will help to prevent the trade and use of minerals fuelling conflict.

For many years the UN Group of Experts on the Democratic Republic of Congo demanded to break the links between the ongoing conflict and the trade of minerals fuelling this conflict. But little has happened not least because of the limitations of voluntary business initiatives that do not compel companies to check their supply chains. It was only when the USA Dodd Frank Act 1502 (DF 1502) required compulsory due diligence, that companies began to react.

Today, due to DF 1502 companies have already engaged in implementing the requirements of the Due Diligence Guidance for Conflict-Affected and High-Risk Areas (OECD Guidance) along the mineral supply chain. First studies by Global Witness and IPIS indicate that there are already improvements in the tin and tantalum sector in the region. The African Progress Report (2013) encourages companies to take the already existing regulation in the USA on conflict minerals as an opportunity to strengthen both their ethical standards and their efficiency, not as a threat to their commercial viability. The same holds true for an EU wide regulatory approach.

The upcoming EU regulation should be based on the due diligence frameworks reflected in the OECD Guidance and the UN Guiding Principles on Business and Human Rights (UNGPR). It should ensure that the minerals trade into the EU is not linked to conflict and human rights abuses. In order to avoid embargo situations in one specific region, EU due diligence requirements should apply globally and to all natural resources. We are convinced that mandatory and workable traceability and due diligence requirements along the entire supply chain – upstream and downstream – will contribute to stabilising conflict prone countries by promoting a more transparent and accountable resource management. Supply chain due diligence requirements would also benefit businesses operating in the EU; transparently managed supply chains help companies to identify and manage risk and mitigate the risk of reputational damage.

We urge the European Commission to take decisive action on this matter. The new legal framework for responsible sourcing of minerals coming from conflict-affected and high-risk areas must meet international standards endorsed by the UN and the OECD and should even go beyond. Therefore we strongly support the civil society position paper *“Breaking the links between natural resources and conflict”* dated 16th of September 2013 and we call on the European Commission to take those recommendations into consideration.

We kindly ask you to keep us informed about the measures taken by you.
Yours sincerely,

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The letter is supported by these German non-governmental organisations:

