

## **Open letter to the Dutch Presidency of the Council of the European Union and the Member States of the European Union**

Minerals are key components in many everyday products, from mobile phones, laptops, and jewellery, to cars and light bulbs. In too many cases, however, the extraction and trade of these resources is linked to conflicts and human rights abuses. Civil society organisations have been documenting the links between minerals and these abuses for years, from their role in funding violent armed groups to the use of child labour in mines. But these abuses persist, and companies are still buying and using such minerals without assessing and addressing these risks. It is time to change the status quo. It is time for EU governments to take effective legislative action to ensure companies source minerals responsibly, transparently and sustainably.

EU institutions are currently working on a regulation that aims to tackle the sometimes deadly trade in four of these minerals - tin, tantalum, tungsten and gold.

This initiative is long overdue. The EU is the largest trading block in the world and a significant destination for these minerals. The EU is also a major market for many of the products that contain these minerals; it is the second largest importer of mobile phones and laptops in the world. With this come both a responsibility and the power to make a real difference by making sure its companies are sourcing minerals responsibly.

The EU also needs to show it is serious about meeting its stated commitments on promoting responsible business. Under its new trade strategy, the Commission argues that the “responsible management of global supply chains is essential to align trade policy with European values.”<sup>1</sup>

In the minerals sector, the leading international standard for responsible business is the Due Diligence Guidance developed by the Organisation for Economic Co-operation and Development (OECD).<sup>2</sup> This standard has been endorsed by the EU and by doing so it made a commitment to implementing it. Unfortunately, EU Member States have instead been dragging their feet and, as a result, have little to show from years of voluntary initiatives and encouragement.

As civil society organisations we have therefore called for a strong and effective regulation that would require all companies bringing these minerals into the EU - in whatever form - to perform some basic checks and due diligence on their supply chains, as is common in other sectors from food to financial services. Our calls have been [echoed](#) by business leaders, investors, religious leaders, and leading civil society activists. Through over 362,000 actions,<sup>3</sup> EU citizens have also made it clear that they expect to be able to purchase products that have been sourced responsibly, transparently and sustainably.

In May 2015 the European Parliament took a strong stance by voting for a binding law that would cover companies importing into the EU minerals in their raw form, as well as in products containing them. But more than a year later, negotiations are still ongoing. Member States, in particular, have pushed back,

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<sup>1</sup> European Commission Strategy: [“Trade for All: Towards a more responsible trade and investment policy”](#), October 2015

<sup>2</sup> [OECD Due Diligence Guidance for Responsible supply chains of minerals from conflict-affected and high-risk areas](#)

<sup>3</sup> Through petitions and e-mails addressed to EU decision-makers since May 2015: <http://stop-mad-mining.org/2016/04/06/conflict-minerals-eu-trade-commissioner-malmstrom-takes-over-41-675-voices-for-a-binding-regulation/>, <http://www.justicepaix.be/conflict-minerals/>, <http://www.progressio.org.uk/conflictminerals>, <https://www.thunderclap.it/projects/26125-stop-blood-minerals?locale=en>, <https://www.walkfree.org/tackle-conflict-minerals-trade/>, <http://www.tecnologiaibredeconflicto.org/en/firma/>

promoting voluntary measures and self-regulation by business, while seeking to entirely exempt companies that import products containing these minerals from the scope of the law.

The Dutch government, acting as President of the Council of the EU, has worked hard to secure an agreement over the past few months. We recognise and welcome this initiative that has introduced some much needed momentum into negotiations, but there is still work to be done to find an agreement that will effectively tackle the conflict and human rights risks in the mineral supply chains.

**Including companies that import products containing minerals in the regulation will be vital to its effectiveness and impact.**

Many of the minerals that risk being linked to human rights abuses and conflict enter the EU inside manufactured products, and it is as a major destination for such products that the EU exerts its most significant commercial leverage over the supply chain. Companies that import these products must be covered by the regulation if the EU is to establish an effective due diligence system which prompts companies throughout the supply chain to identify and mitigate the risk of contributing to conflict and human rights violations through their business activities. The OECD Due Diligence system is specifically designed to include companies along the entire supply chain. This ensures responsibilities are distributed fairly and manageably while building the critical mass and momentum needed to develop joint industry programmes and collaboration that make due diligence easier and more efficient for everyone.

We are calling on the Council to listen not only to the European Parliament, but also to the many activists, investors, civil society, and citizens that have called for a strong and effective EU law. At a minimum, this means a regulation that covers companies that import into the EU minerals in their raw form as well as companies that import products containing these minerals.

We also urge the Dutch government to make full use of its remaining time as President of the Council of the EU and continue to facilitate a constructive dialogue between the co-legislators. There is still time to deliver the regulation that the EU, and the communities that provide the resources upon which we are increasingly dependent, both deserve and need.

Yours sincerely,

- 1 Amnesty International
- 2 Global Witness
- 3 ACCIÓN LIBERADORA, Fundación / member of REDES-ONGD
- 4 ACCION MARIANISTA PARA EL DESARROLLO, FUNDACION / member of REDES-ONGD
- 5 Acción verapaz / member of REDES-ONGD
- 6 ACRESCERE, FUNDACIÓN / member of REDES-ONGD
- 7 Action Aid
- 8 AES-CCC
- 9 Afro-Asiatisches Institut in Wien
- 10 Agir Ensemble pour les Droits de l'Homme
- 11 Alboan
- 12 AMANI , Laicos Combonianos por el Sur / member of REDES-ONGD
- 13 AMARANTA, Fundación de Solidaridad / member of REDES-ONGD
- 14 AMI ONLUS (Associazione Maendeleo-Italia ONLUS)
- 15 Amigos de la Tierra - Spain
- 16 AMSALA / member of REDES-ONGD

- 17 Associazione Comunità Papa Giovanni XXIII
- 18 Associazione Tumaini - un Ponte di Solidarietà
- 19 BAJAR A LA CALLE SIN FRONTERAS / member of REDES-ONGD
- 20 BAJAR A LA CALLE SIN FRONTERAS / member of REDES-ONGD
- 21 BENITO MENI, FUNDACIÓN / member of REDES-ONGD
- 22 Berne Declaration, Switzerland
- 23 Broederlijk Delen (Belgium)
- 24 Bruder und Schwester in Not – Diözese Innsbruck, Austria
- 25 BUEN PASTOR / member of REDES-ONGD
- 26 Business & Human Rights Resource Centre
- 27 CALASANCIO ONG / member of REDES-ONGD
- 28 CCFD-Terre Solidaire
- 29 CEEweb for Biodiversity
- 30 Celim Milano
- 31 Christian Aid
- 32 Christliche Initiative Romero
- 33 CIDSE
- 34 CMSR Centro Mondialità Sviluppo Reciproco
- 35 Comissió Justícia i Pau Barcelona
- 36 Comitato delle associazioni per la Pace e i Diritti Umani
- 37 Comitato trentino NOPPAW
- 38 Commission Justice et Paix Belgique francophone
- 39 COMPASIÓN, SOCOES / member of REDES-ONGD
- 40 Coordinamento Associazioni della Vallagarina per l'Africa
- 41 CORAZONISTAS, FUNDACIÓN / member of REDES-ONGD
- 42 Cordaid
- 43 COVIDE-AMVE / member of REDES-ONGD
- 44 CRUZ BLANCA, Fundación / member of REDES-ONGD
- 45 CSD - CONGREGACIÓN DE SANTO DOMINGO / member of REDES-ONGD
- 46 CVM Comunità Volontari per il Mondo
- 47 Danish Confederation of Trade Unions
- 48 Delwende, ONGD / member of REDES-ONGD
- 49 Diakonia
- 50 DIGNIDAD Y SOLIDARIDAD / member of REDES-ONGD
- 51 DKA Austria
- 52 ECOSOL SORD / member of REDES-ONGD
- 53 ENTRECULTURAS / member of REDES-ONGD
- 54 ESTEBAN G. VIGIL, FUNDACIÓN / member of REDES-ONGD
- 55 EurAc
- 56 European Coalition for Corporate Justice - ECCJ
- 57 FASFI - FUNDACIÓN AYUDA SOLIDARIA / member of REDES-ONGD
- 58 Federazione Organismi Cristiani di Servizio Internazionale Volontario -FOCSIV
- 59 FIDH
- 60 Finance & Trade Watch, Austria
- 61 FISC - FUNDACIÓN INTERNACIONAL DE SOLIDARIDAD COMPAÑÍA DE MARÍA / member of REDES-ONGD
- 62 FONDAZIONE INTERNAZIONALE BUON PASTORE ONLUS

- 63 Forest Peoples Programme, United Kingdom
- 64 Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V
- 65 FRATERNIDAD MISIONERA DEL SAGRADO CORAZÓN / member of REDES-ONGD
- 66 Friends of the Earth Europe
- 67 FUNDACIÓN AMIGÓ / member of REDES-ONGD
- 68 Fundación Mainel
- 69 FundEO, FUNDACION ENRIQUE DE OSSÓ / member of REDES-ONGD
- 70 FUNESO, FUNDACION EDUCATIVA SOLIDARIA / member of REDES-ONGD
- 71 German Watch
- 72 Gruppo Autonomo Volontari per la Cooperazione e lo Sviluppo del Terzo Mondo
- 73 HAREN ALDE / member of REDES-ONGD
- 74 Institute of Global Responsibility - Poland
- 75 ITAKA, FUNDACION / member of REDES-ONGD
- 76 Jesuit European Social Center - JESC
- 77 Jesuit Missions
- 78 Jesuit Refugee Service International Office
- 79 JUAN CIUDAD ONGD para la salud / member of REDES-ONGD
- 80 KARIT Solidarios por la paz / member of REDES-ONGD
- 81 KOO- Koordinierungsstelle der Österr. Bischofskonferenz f. internationale Entwicklung und Mission
- 82 KORIMA CLARETIANAS SUR / member of REDES-ONGD
- 83 La Bretxa
- 84 LADESOL, LAZOS DE SOLIDARIDAD FUNDACION / member of REDES-ONGD
- 85 LARES, FUNDACION / member of REDES-ONGD
- 86 Latin American Mining Monitoring programme - LAMMP
- 87 London Mining Network
- 88 MADRESELVA, Fundación / member of REDES-ONGD
- 89 MARY WARD, FUNDACIÓN / member of REDES-ONGD
- 90 MERCEDARIAS MISIONERAS DE BERRIZ – MMB / member of REDES-ONGD
- 91 Milieudefensie, Friends of the Earth Netherlands
- 92 Misereor
- 93 MISIÓN SIN FRONTERAS, Amigos de Comboni / member of REDES-ONGD
- 94 OCASHA, Cristianos con el Sur / member of REDES-ONGD
- 95 Ökumenisches Netz Zentralafrika
- 96 p.h Balanced Films
- 97 Panzi Foundation (USA)
- 98 PMU
- 99 Polish Institute for Human Rights and Business
- 100 Power Shift e.V
- 101 PROCLADE BETICA, Fundación / member of REDES-ONGD
- 102 PROCLADE CANARIAS, Fundación / member of REDES-ONGD
- 103 PROCLADE, FUNDACIÓN / member of REDES-ONGD
- 104 PROKARDE, / member of REDES-ONGD
- 105 PROLIBERTAS, FUNDACIÓN / member of REDES-ONGD
- 106 PROYDE, ASOCIACIÓN / member of REDES-ONGD
- 107 PROYDE-PROEGA / member of REDES-ONGD
- 108 PUEBLOS HERMANOS, PPHH / member of REDES-ONGD

- 109 Rete Pace per il Congo
- 110 RSJG, SAN JOSÉ DE GERONA / member of REDES-ONGD
- 111 SAL, SOLIDARIDAD CON AMÉRICA LATINA / member of REDES-ONGD
- 112 Scottish Catholic International Aid Fund
- 113 SED, SOLIDARIDAD, EDUCACIÓN, DESARROLLO / member of REDES-ONGD
- 114 SELVAS AMAZÓNICAS / member of REDES-ONGD
- 115 Sherpa
- 116 SIEMPRE ADELANTE, FUNDACIÓN / member of REDES-ONGD
- 117 Signos solidarios, Fundación / member of REDES-ONGD
- 118 Siloé, Asociación / member of REDES-ONGD
- 119 Solidarietà e Cooperazione
- 120 Solidarietà-Muungano Onlus
- 121 Solidaritat Castelldefels Kasando
- 122 SOMASCA EMILIANI, EMILIANI ongd, FUNDACIÓN / member of REDES-ONGD
- 123 SOMO
- 124 SPINOLA SOLIDARIA / member of REDES-ONGD
- 125 Stop Mad Mining
- 126 SÜDWIND
- 127 TALLER DE SOLIDARIDAD, FUNDACIÓN / member of REDES-ONGD
- 128 TRABAJO Y DIGNIDAD, FUNDACION / member of REDES-ONGD
- 129 Urgewald Germany
- 130 Welthaus Dioezese Graz-Seckau