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 ensuring that 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." ¹

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). ² 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, ³ 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, 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.

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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

¹ European Commission Strategy: “Trade for All: Towards a more responsible trade and investment policy”, October 2015
² OECD Due Diligence Guidance for Responsible supply chains of minerals from conflict-affected and high-risk areas
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 manageable 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,

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1. Amnesty International
2. Global Witness
3. Action Aid
4. ACCIÓN LIBERADORA, Fundación / member of REDES-ONGD
5. ACCION MARIANISTA PARA EL DESARROLLO, FUNDACION / member of REDES-ONGD
6. ACCIÓN VERAPAZ / MEMBER OF REDES-ONGD
7. ACRESCERE, FUNDACIÓN / member of REDES-ONGD
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 CMSR Centro Mondialità Sviluppo Reciproco
34 Comissió Justícia i Pau Barcelona
35 Comitato delle associazioni per la Pace e i Diritti Umani
36 Comitato trentino NOPPAW
37 Commission Justice et Paix Belgique francophone
38 COMPASIÓN, SOCOES / member of REDES-ONGD
39 Coopération Internationale pour le Développement et la Solidarité - CIDSE
40 Coordinamento Associazioni della Vallagarina per l’Africa
41 CORAZONISTAS, FUNDACIÓN / member of REDES-ONGD
42 COVIDE-AMVE / member of REDES-ONGD
43 CRUZ BLANCA, Fundación / member of REDES-ONGD
44 CSD - CONGREGACIÓN DE SANTO DOMINGO / member of REDES-ONGD
45 CVM Comunità Volontari per il Mondo
46 Danish Confederation of Trade Unions
47 Delwende, ONGD / member of REDES-ONGD
48 Diakonia
49 DIGNIDAD Y SOLIDARIDAD / member of REDES-ONGD
50 DKA Austria
51 ECOSOL SORD / member of REDES-ONGD
52 ENTRECULTURAS / member of REDES-ONGD
53 ESTEBAN G. VIGIL, FUNDACIÓN / member of REDES-ONGD
54 Diáconos
55 European Coalition for Corporate Justice - ECCj
56 FASFI - FUNDACIÓN AYUDA SOLIDARIA / member of REDES-ONGD
57 Federazione Organismi Cristiani di Servizio Internazionale Volontario - FOCSIV
58 Finance & Trade Watch, Austria
59 FISC - FUNDACIÓN INTERNACIONAL DE SOLIDARIDAD COMPANÍA DE MARÍA / member of REDES-ONGD
60 FONDAZIONE INTERNAZIONALE BUON PASTORE ONLUS
61 Forest Peoples Programme, United Kingdom
62 Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V
63 FRATERNIDAD MISIONERA DEL SAGRADO CORAZÓN / member of REDES-ONGD
64 Friends of the Earth Europe
65 FUNDACIÓN AMIGÓ / member of REDES-ONGD
66 Fundación Mainel
67 FundEO, FUNDACION ENRIQUE DE OSSÓ / member of REDES-ONGD
68 FUNESO, FUNDACION EDUCATIVA SOLIDARIA / member of REDES-ONGD
69 German Watch
70 Gruppo Autonomo Volontari per la Cooperazione e lo Sviluppo del Terzo Mondo
71 HAREN ALDE / member of REDES-ONGD
72 Institute of Global Responsibility - Poland
73 ITAKA, FUNDACION / member of REDES-ONGD
74 Jesuit European Social Center - JESC
75 Jesuit Missions
76 JUAN CIUDAD ONGD para la salud / member of REDES-ONGD
77 KARIT Solidarios por la paz / member of REDES-ONGD
78 KOO- Koordinierungsstelle der Österr. Bischofskonferenz f. internationale Entwicklung und Mission
79 KORIMA CLARETIANAS SUR / member of REDES-ONGD
80 La Bretxa
81 LADESOL, LAZOS DE SOLIDARIDAD FUNDACION / member of REDES-ONGD
82 LARES, FUNDACION / member of REDES-ONGD
83 Latin American Mining Monitoring programme - LAMMP
84 London Mining Network
85 MADRESELVA, Fundación / member of REDES-ONGD
86 MARY WARD, FUNDACIÓN / member of REDES-ONGD
87 MERCEDARIAS MISIONERAS DE BERRIZ – MMB / member of REDES-ONGD
88 Milieudefensie, Friends of the Earth Netherlands
89 Misereor
90 MISIÓN SIN FRONTERAS, Amigos de Comboni / member of REDES-ONGD
91 OCASHA, Cristianos con el Sur / member of REDES-ONGD
92 Ökumenisches Netz Zentralafrika
93 p.h Balanced Films
94 Panzi Foundation (USA
95 PMU
96 Polish Institute for Human Rights and Business
97 Power Shift e.V
98 PROCLADE BETICA, Fundación / member of REDES-ONGD
99 PROCLADE CANARIAS, Fundación / member of REDES-ONGD
100 PROCLADE, FUNDACIÓN / member of REDES-ONGD
101 PROKARDE, / member of REDES-ONGD
102 PROLIBERTAS, FUNDACIÓN / member of REDES-ONGD
103 PROYDE, ASOCIACIÓN / member of REDES-ONGD
104 PROYDE-PROEGA / member of REDES-ONGD
105 PUEBLOS HERMANOS, PPHH / member of REDES-ONGD
106 Rete Pace per il Congo
107 RSJG, SAN JOSÉ DE GERONA / member of REDES-ONGD
108 SAL, SOLIDARIDAD CON AMÉRICA LATINA / member of REDES-ONGD
109 Scottish Catholic International Aid Fund
110 SED, SOLIDARIDAD, EDUCACIÓN, DESARROLLO / member of REDES-ONGD
111 SELVAS AMAZÓNICAS / member of REDES-ONGD
112  Sherpa
113  SIEMPRE ADELANTE, FUNDACIÓN / member of REDES-ONGD
114  SIGNOS SOLIDARIOS, FUNDACIÓN / MEMBER OF REDES-ONGD
115  Siloé, Asociación / member of REDES-ONGD
116  Solidarrietà e Cooperazione
117  Solidariteit-Muungano Onlus
118  SOMASCA EMILIANI, EMILIANI ongd, FUNDACIÓN / member of REDES-ONGD
119  SOMO
120  SPINOLA SOLIDARIA / member of REDES-ONGD
121  Stop Mad Minning
122  SÜDWIND
123  TALLER DE SOLIDARIDAD, FUNDACIÓN / member of REDES-ONGD
124  TRABAJO Y DIGNIDAD, FUNDACION / member of REDES-ONGD
125  Urgewald Germany
126  Welthaus Dioezese Graz-Seckau