



2023/2031(INI)

19.10.2023

COMPROMISE AMENDMENTS

1 - 18

Draft report

Barry Andrews

(PE750.116v01-00)

Role of EU development policy in transforming the extractive industries for sustainable development in developing countries
(2023/2031(INI))

AM_Com_NonLegCompr

Amendment 1
Barry Andrews

Compromise amendment replacing Amendment(s): 16, 17, 18, 19

Motion for a resolution
Recital A a (new)

Motion for a resolution

Amendment

A a. whereas large-scale mining (LSM) and artisanal and small-scale mining (ASM) operations have traditionally coexisted, the type of employment and local value provided varies significantly, as the ASM largely operates with high degrees of informality, labour intensity and illegality, poor occupational health, safety and environmental standards, and relatively low levels of capital investment, mechanisation and recovery of minerals, providing jobs and income for unskilled workers in often remote and rural areas, while LSM are usually heavily mechanised and formally regulated, contributing to the national economy, but with little positive impact on local communities; whereas according to the UNEP, the Artisanal and Small-scale Mining in Protected Areas and Critical Ecosystems (ASM-PACE) project estimates that ASM produces approximately 10 % of the world's gold, 15-20 % of its diamonds, 20 to 25 % of its tin and tantalum and 80 % of coloured gemstones^{1a}; whereas ASM often involves women, thereby increasing their vulnerability, due to the lack of access to, use of and control over resource-rich land and other productive resources and finance;

^{1a} UNEP, 'Mineral Resource Governance in the 21st Century. Gearing Extractive Industries Towards Sustainable Development', p.81.

Or. en

Amendment 2
Barry Andrews

Compromise amendment replacing Amendment(s): 24, 26, 27

Motion for a resolution
Recital D

Motion for a resolution

D. whereas the extractive industries **can** play a crucial role in the development of many resource-rich developing countries, by providing public revenues from mining and mining-related operations, employment opportunities and infrastructure;

Amendment

D. whereas the extractive industries **should** play a crucial role in the development of many resource-rich developing countries, by providing public revenues from mining and mining-related operations **(from concessions, taxes, direct and indirect spending in the country of operation)**, employment opportunities and infrastructure, **which have the potential to reduce poverty, support economic growth and social development at national and local level, if certain factors are met**;

Or. en

Amendment 3
Barry Andrews

Compromise amendment replacing Amendment(s): 25, 29, 30, 31, 32, 33, 36, 49

Motion for a resolution
Recital E

Motion for a resolution

E. whereas the extractive industries can have severe negative social, economic, environmental and institutional impacts at local, national and global level;

Amendment

E. whereas the extractive industries can **also** have severe negative social, economic, environmental and institutional impacts at local, national, **regional** and global level, **by contributing to human and labour rights violations, gender-based violence, forced labour, child labour, forced displacement, poverty, pollution, water use competition, loss of biodiversity, deforestation, destruction of cultural and spiritual sites, harassment against human**

and environmental rights defenders, disruption of social fabric, corruption, volatility in commodity prices, illicit financial flows, tax fraud and evasion, and armed conflicts, as well as pose many challenges due the “enclave” nature of the extractive industry, with few links to the local economy; whereas extractive industries often affect the rights of indigenous communities, environmental and social impact studies can play a crucial role in protecting these rights;

Or. en

Amendment 4
Barry Andrews

Compromise amendment replacing Amendment(s): 41, 42, 43

Motion for a resolution
Recital F

Motion for a resolution

F. whereas Community Development Agreements (CDAs) can provide a means of strengthening and advancing a sustainable and mutually beneficial relationship for governments, companies, and communities; whereas the 10 Mining Principles of the International Council on Mining and Metals (ICMM) encourage its members to carry out proper stakeholder engagement and contribute to the sustainable development of host countries and communities⁷ ;

Amendment

F. whereas Community Development Agreements (CDAs) can provide a means of strengthening and advancing a sustainable and mutually beneficial relationship for governments, companies, and communities, *as well as of preventing conflicts and increasing transparency and accountability; whereas CDAs are considered by the World Bank as best practice for extractive agreements^{1a}*; whereas the 10 Mining Principles of the International Council on Mining and Metals (ICMM) encourage its members to carry out proper stakeholder engagement and contribute to the sustainable development of host countries and communities⁷; *whereas the IRMA Standard for Responsible Mining has been developing best practices on how responsible mining could look like;*

⁷ <https://www.icmm.com/en-gb/our-principles/mining-principles/mining-principles>.

^{1a} *World Bank,*
<https://openknowledge.worldbank.org/server/api/core/bitstreams/8161b734-e57b-572c-863a-851103471a5f/content>

⁷ <https://www.icmm.com/en-gb/our-principles/mining-principles/mining-principles>.

Or. en

Amendment 5 **Barry Andrews**

Compromise amendment replacing Amendment(s): 47, 48, 49, 50

Motion for a resolution **Recital G**

Motion for a resolution

G. whereas accelerating the efforts to address climate change and dealing with the rapidly rising demand for the raw materials indispensable to achieving the green and digital transitions ***should be an opportunity*** for the extractive industries sector to become sustainable and for resource-rich developing countries ***to capitalise on*** this demand ***and attain economic and social development***, while reducing their GHG emissions;

Amendment

G. whereas accelerating the efforts to address climate change and dealing with the rapidly rising demand for the raw materials indispensable to achieving the green and digital transitions, ***as well as sustainability and diversification requirements in place in the EU, raise both challenges and opportunities*** for the extractive industries sector to become sustainable and for resource-rich developing countries; ***whereas the EU can set frameworks for the extractive industries sector in developing countries in a way to better harness this demand in line with SDGs by increasing their fiscal space and boosting public expenditure, as well as their role in the international community***, while reducing their GHG emissions; ***whereas developing countries need to decrease their reliance on extractive industries and expand their economies into future-oriented sectors like net-zero emissions technologies to broaden their revenue sources***;

Or. en

Amendment 6
Barry Andrews

Compromise amendment replacing Amendment(s): 60, 62, 63, 64, 116, INTA 1, 6, 7

Motion for a resolution
Paragraphs 1 and 1 a (new)

Motion for a resolution

1. Recalls that the EU is the largest donor of development aid in the world; stresses, therefore, the importance of mainstreaming sustainable development principles across all EU external action, in particular in policies related to the extractive industries, in line with the EU's legal obligation to ensure policy coherence for development;

Amendment

1. Recalls that the EU is the largest donor of development aid in the world, ***mainly channelled through international organisations and Member States***; stresses, therefore, the importance of mainstreaming sustainable development principles across all EU external action, in particular in policies related to the extractive industries, in line with the EU's legal obligation to ensure policy coherence for development, ***as laid down in Article 208 TFEU***;

1 a. Calls for the EU to promote a partnership between equals among the EU and the developing countries significantly dependent on extractive industries; underlines that all EU projects in extractives in developing countries should create win-win situations, including for local communities and should place people-centred and environment-centred development at the heart of their objectives and all operational policy frameworks; to this effect, stresses that the EU should support low-income resource-rich countries, to move away from the enclave nature and the extractivist model of the mining sector, and to provide developing countries with sufficient policy space to do so, including through the use of international trade tools in order to achieve resource-based industrialisation at the local level; further stresses that projects must be carried out in a fair and climate friendly way and not at the expense of the environment, human rights

and peace using the most innovative methods available; points out that sustainable investment facilitation and the EU's overall trade and investment strategy have to encourage investment opportunities in developing countries, in order to achieve the SDGs; asks the Commission to make sustainability a priority of raw material sector projects under the Global Gateway Initiative and to facilitate access to finance accordingly;

Or. en

Amendment 7
Barry Andrews

Compromise amendment replacing Amendment(s): 65, 68, 129, INTA 6

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1 b. Underlines that the EU and its Member States must respect, and request from their partner countries to respect the needs of local populations and indigenous peoples, in particular indigenous peoples' right to free and informed consent prior to the approval of any extractive project affecting their lands or territories, in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ILO Convention 169 on Indigenous and Tribal Peoples; points out that mining increases the risk of land grabbing, in a context where governments of developing countries often fail to recognise indigenous peoples and communities customary rights to the lands they inhabit; calls for the compliance with FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, to avoid land grabbing resulting from extractive industries; stresses that the promotion of the rights of indigenous peoples and their traditional

practices is important to achieving sustainable development and combating climate change;

Or. en

Amendment 8
Barry Andrews

Compromise amendment replacing Amendment(s): 68, 69, 70, 71, 72, 73, INTA 4, INTA 8

Motion for a resolution
Paragraphs 2, 2 a (new) and 2 b (new)

Motion for a resolution

2. Invites the Commission to strengthen its dialogue and cooperation with civil society organisations, local communities and indigenous peoples in developing countries affected by extractive industries, in order to promote their rights and ensure their meaningful participation in decision-making processes, particularly with regard to Global Gateway flagship projects; underlines that civil society actors should have formal representation on the governance board of the Global Gateway;

Amendment

2. Invites the Commission to strengthen its dialogue and cooperation with civil society organisations, ***trade unions***, local communities and indigenous peoples in developing countries ***directly*** affected by extractive industries, in order to promote their rights and ensure their meaningful ***engagement and active*** participation in decision-making processes, particularly with regard to ***designing and assessing the impacts of*** Global Gateway flagship projects; underlines that civil society actors should have formal representation on the governance board of the Global Gateway; ***welcomes the announcement of the Global Gateway Civil Society Organisation and Local Authorities Dialogue Platform to ensure that a meaningful dialogue takes place when selecting and supporting Global Gateway projects;***

2 a. Calls for the convening of a Global Gateway Monitoring Group (GGMG) to provide robust and effective oversight of all Global Gateway projects and their respect for the principle of PCD, composed of civil society actors, in particular, those representing indigenous peoples, Members of the European Parliament, representatives of the Member States and other relevant experts;

stresses that the GGMG should compile an annual report on the impact of Global Gateway projects on human rights, the environment, civil liberties, peace, inequality and poverty reduction; calls upon the President of the Commission to invite the chair of the GGMG to all meetings of the Governance Board; underlines that the GGMG should have access to all documents and minutes of meetings of the Business Advisory Group, Governance Board and CSO and Local Authorities Dialogue Platform;

2 b. Calls on the Commission to strengthen the capacity of civil society actors to engage effectively in decision-making processes, including by providing training and support in areas such as legal literacy, negotiation skills, environmental impact assessments and project monitoring;

Or. en

Amendment 9 Barry Andrews

Compromise amendment replacing Amendment(s): 61, 74, 75, 76

Motion for a resolution Paragraph 3

Motion for a resolution

3. Calls for the EU to support capacity-building efforts in developing countries to strengthen their legal and regulatory frameworks for extractive industries, including measures to increase governance and transparency, combat corruption, tax fraud and evasion and illicit financial flows, improve labour, human rights and environmental standards, and strengthen law enforcement;

Amendment

3. Calls for the EU to support capacity-building efforts in developing countries, ***including through technical assistance to relevant stakeholders, such as government officials, judiciary and law enforcement agencies***, to strengthen their legal and regulatory frameworks for extractive industries, including measures to increase governance and transparency, combat corruption, ***revenue mismanagement***, tax fraud and evasion and illicit financial flows, improve labour, human rights and environmental standards,

and strengthen law enforcement; *recalls that some of the natural resources that feed some of the world's most enduring and brutal conflicts pass through supply chains linked to companies operating in developed countries, namely in the EU; therefore, highlights the need to ensure effective access to justice for victims of social or environmental misapplication of legislation by multinational companies operating in developing countries;*

Or. en

Amendment 10

Barry Andrews

Compromise amendment replacing Amendment(s): 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Calls for the Commission to put forward an EU Code of Conduct on Responsible Investment in Extractive Industries in Developing Countries for businesses and development finance institutions, drafted with inputs from industry, as well as from civil society *in developing countries* and from representatives of indigenous communities; considers that the code should articulate clear commitments and tailored guiding principles for investment in developing countries; stresses that *local consultation, local* consent and local sustainable development should be the overarching objective of the code; believes that the code should cover, at a minimum, commitments on:

Amendment

4. Calls for the Commission to put forward an EU Code of Conduct on Responsible Investment in Extractive Industries in Developing Countries *that would be voluntary* for businesses and development finance institutions, drafted with inputs from industry *and trade unions*, as well as from civil society *organisations* and from representatives of indigenous *communities and local* communities; considers that the code should articulate clear commitments and tailored guiding principles for investment in developing countries *in compliance with inter alia due diligence processes as defined by EU legislation and existing international standards, guidelines and initiatives such as the UN Sustainable Development Goals, the UN Guiding Principles on Business and Human Rights, the UN Global Compact, the OECD Guidelines for Multinational Enterprises, the ISO 26000 standards and*

a) stakeholder involvement; considers that where a third country has not legislated for mandatory CDAs, European businesses should implement them as a prerequisite for doing business; considers that the agreements should be negotiated **with** local communities and should be made publicly accessible;

b) transparency, including proactive environmental, social and governance (ESG) reporting on projects in developing countries, in line with the principle of double materiality, as well as the publishing of contracts;

c) human rights issues, such as the use of forced and child labour, workers' rights, displacement, discrimination, indigenous rights, health and safety;

d) environmental performance and

the Extractive Industries Transparency Initiative; stresses that **free, prior and informed** consent **of indigenous peoples and local communities** and local sustainable development should be the overarching objective of the code; believes that the code should cover, at a minimum, commitments on:

a) stakeholder involvement; considers that where a third country has not legislated for mandatory CDAs, European businesses should implement them as a prerequisite for doing business; considers that the agreements should be negotiated ***within the framework of multi-stakeholder platforms meaningfully involving indigenous people and*** local communities, ***complying effectively with the principle of free, prior and informed consent*** and should be made publicly accessible;

b) transparency, including proactive environmental, social and governance (ESG) reporting on projects in developing countries, in line with the principle of double materiality, as well as the publishing of contracts ***and financial transactions, including detailing the payments made to host government; underlines that all public information should be provided in a clear and understandable manner to hold relevant actors accountable;***

b a) rule of law and corruption prevention, including compliance with legal frameworks, anticorruption measures, transparency in financial transactions and whistle-blower protection;

c) human rights issues, such as the use of forced and child labour, workers' rights, displacement, discrimination, indigenous rights, ***women's and girls' rights, education, health and safety, as well as safe working conditions;***

d) environmental ***protection,***

impact;

performance and impact, *including pollution prevention measures, sustainable use of natural resources and measures and resources to ensure proper recycling and waste management of raw materials*;

e) conservation and biodiversity;

e) conservation and biodiversity;

Or. en

Amendment 11 **Barry Andrews**

Compromise amendment replacing Amendment(s): 77, 79, 80, 101

Motion for a resolution **Paragraph 4 c (new)**

Motion for a resolution

Amendment

4 c. Invites the Commission to support incentives and capacity building programmes, particularly those involving women for developing countries taking steps to formalise the artisanal and small-scale mining sector and integrate it into the rural and national economy in order to improve labour conditions and the livelihood of the local communities, as well as to stop illicit financial flows often responsible of corruption and armed conflicts; recalls that artisanal and small-scale mining is a highly gendered activity; calls on the EU to support the formation of women's mining cooperatives and associations to improve women's participation, bargaining power, work conditions and economic independence; highlights the threat to food security, the environmental and health risks associated with unregulated ASM activities in rural areas and the fact that according to the UNEP, many ASM activities occur on global commons of forested lands in critical ecosystems that were not previously used;

Or. en

Amendment 12

Barry Andrews

Compromise amendment replacing Amendment(s): 102, 103, 105, INTA 11

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Underlines that addressing the ‘resource curse’ involves not only economic diversification, but also increasing third countries’ fiscal space to facilitate sustainable development; stresses that the EU should proactively encourage domestic resource mobilisation in partner countries, such as direct taxation; calls on the Commission and the Member States to commit to scaling up concessional finance in parallel to the Critical Raw Materials Act⁸ ; reiterates that the ceilings in Heading 6 of the multiannual financial framework (MFF) must be increased accordingly in the context of the upcoming MFF review;

⁸ Proposal of 16 March 2023 for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (COM(2023)0160).

Amendment

5. ***Notes with concern that for a majority of resource-rich developing countries, mining, oil or gas exploitation has not translated into broad-based economic, human and social development;*** underlines that addressing the ‘resource curse’ ***or ‘paradox of plenty’*** involves not only economic diversification, but also ***strengthening institutional resilience, upholding the rule of law and*** increasing third countries’ fiscal space to facilitate sustainable development; stresses that the EU should proactively encourage domestic resource mobilisation in partner countries, such as direct taxation, ***and enable the possibility to apply export taxes on commodities, insofar as it is WTO-compatible and not applied in a discriminatory manner;*** calls on the Commission and the Member States to commit to scaling up concessional finance in parallel to the Critical Raw Materials Act⁸; reiterates that the ceilings in Heading 6 of the multiannual financial framework (MFF) must be increased accordingly in the context of the upcoming MFF review;

⁸ Proposal of 16 March 2023 for a regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (COM(2023)0160).

Amendment 13
Barry Andrews

Compromise amendment replacing Amendment(s): 104, 108, 109, 110

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Calls on the Commission to propose a G20 initiative on making extractives work for local sustainable development in resource-rich developing countries; stresses that the initiative should be tailored to each context and could comprise, inter alia, financial support, debt assistance, capacity building in governance, taxation and anti-corruption;

Amendment

6. Calls on the Commission to propose a G20 initiative on making extractives work for local sustainable development in resource-rich developing countries; stresses that the initiative should be tailored to each context and could comprise, inter alia, financial support, debt assistance, ***debt relief and cancellation***, capacity building in governance, taxation and anti-corruption; ***calls on the Commission to mediate on debt relief talks to give developing countries financial space to transform non-sustainable extractive industries and to attract sustainable extractive industries as well as to adhere to sound environmental and social standards; calls on the Commission to support the reform and expansion of the Debt Service Suspension Initiative to include vulnerable middle-income countries, many of which are dependent on extractives, and operationalizing a long-term Debt Swap Mechanism (DSM) to facilitate debt-for-climate and nature swaps; stresses the need to end tax havens as conduits for illicit financial flows in the extractive sector;***

Amendment 14
Barry Andrews

Compromise amendment replacing Amendment(s): 112, 113, 114, 115, 117, 118

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Calls for the EU to promote multi-stakeholder partnerships at regional and international level;

Amendment

7. Calls for the EU to promote ***inclusive and transparent*** multi-stakeholder partnerships at regional and international level, ***by facilitating dialogue and collaboration among governments, civil society organisations, the private sector and international institutions to promote sustainable development in the extractive industries, fostering inclusive decision-making processes; emphasises that the current context of growing global demand for critical raw materials and increasing geopolitical instability means there is a need to step up efforts to ensure a stable, adequate and diversified supply of critical raw materials; stresses, however, the need to move away from a culture of extractivism to a resource governance system that takes into account i.e. the rate of depletion, the availability of substitutes, efficiency, recycling and the sustainability of consumption; welcomes the partnership between the EU and the UN Interagency Framework Team for Preventive Action, which aims to support national and local stakeholders to improve land and natural resource management (NRM) for conflict prevention and better coordination;***

Or. en

Amendment 15

Barry Andrews

Compromise amendment replacing Amendment(s): 120, 121, 122

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Reaffirms the urgent need for a UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises; asks, therefore, the Commission and the Member States to play an active role in the current negotiations on the instrument;

Amendment

8. Reaffirms the urgent need for a UN binding treaty on business and human rights to regulate the activities of transnational corporations and other business enterprises ***that lays down clear human rights obligations, due diligence requirements and provisions for access to remedy, in line with the United Nations “Protect, Respect and Remedy” Framework***; asks, therefore, the Commission and the Member States to play an active role in the current negotiations on the instrument ***that should encourage corporate actors and investors in the extractive sector to assume their responsibilities with regard to human and labour rights, and respect for environment***;

Or. en

Amendment 16
Barry Andrews

Compromise amendment replacing Amendment(s): 126, 127, 128

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Calls for the EU to support regional ***and*** international initiatives to improve transparency and accountability in the use and management of extractive resources, including the Extractive Industries Transparency Initiative, the Extractives Global Programmatic Support ***and*** the Kimberley Process;

Amendment

11. Calls for the EU to support regional, international ***and global*** initiatives to improve transparency and accountability in the use and management of extractive resources, including the Extractive Industries Transparency Initiative ***(EITI), which promotes transparency and accountability in countries rich in oil, gas, and mineral resources***, the Extractives Global Programmatic Support, ***a World Bank multi-donor trust fund for the inclusive and sustainable implementation of EITI in resource-dependent developing***

countries to support poverty reduction and boost inclusive, sustainable growth and development, the Kimberley Process, which prevents the flow of conflict diamonds, and the Voluntary Principles on Security and Human Rights;

Or. en

Amendment 17
Barry Andrews

Compromise amendment replacing Amendment(s): 138, 139, 140, 141

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Asks the Commission to use the 2023 review process of the Conflict Minerals Regulation as an opportunity to assess the impact of the regulation on the ground and the possibility to include further mandatory measures and cover other minerals;

Amendment

13. Asks the Commission to use the 2023 review process of the Conflict Minerals Regulation, *which obliges since 2021 EU companies to source their imports of tin, tantalum, tungsten and gold responsibly and to ensure that their supply chains do not contribute to funding armed conflict*, as an opportunity to assess *thoroughly* the impact of the regulation on the ground and the possibility to include further mandatory measures and cover other minerals; *underlines the need to meaningfully include civil society organizations and affected communities throughout the review process;*

Or. en

Amendment 18
Barry Andrews

Compromise amendment replacing Amendment(s): 142, 143, 144

Motion for a resolution
Paragraph 14

Motion for a resolution

14. ***Urges the Council to sign*** the new Partnership Agreement between the EU and the members of the OACPS, as it provides a strengthened and modernised framework for cooperation with ACP countries, which contains specific references to the extractive industries;

Amendment

14. ***Welcomes the upcoming signature of*** the new Partnership Agreement between the EU and the members of the OACPS, as it provides a strengthened and modernised framework for cooperation with ACP countries, which contains specific references to the extractive industries, ***such as the promotion of transparency, accountability and responsible management of extractive industries and the strengthening of corporate social responsibility and responsible business conduct in order to achieve inclusive and sustainable growth and development; recalls, in this context, that sustainability entails compliance with due diligence processes, as defined by EU legislation and OECD Guidelines for Multinational Enterprises, as well as with the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, where land tenure rights are concerned;***

Or. en