AMENDMENTS
24 - 576

Draft report
Iuliu Winkler
(PE546.838v01-00)

on the proposal for a regulation of the European Parliament and of the Council setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Proposal for a regulation
AM_Com_LegReport
Amendment 24
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation

Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Amendment
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence for natural resources originating in conflict-affected and high-risk areas

Or. en

Amendment 25
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation

Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Amendment
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence for natural resources originating in conflict-affected and high-risk areas

Or. en
### Amendment 26
**Joachim Schuster**

**Proposal for a regulation**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tr>
<td>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting up a Union system for supply chain due diligence <strong>self-certification</strong> of <strong>responsible</strong> importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas</td>
<td>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL setting up a Union system for <strong>compulsory reporting in respect of</strong> supply chain due diligence of importers, <strong>processors and final users</strong> of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas,</td>
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### Amendment 27
**Emma McClarkin**
on behalf of the ECR Group

**Proposal for a regulation**

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**Justification**

*For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-***
Amendment 28
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Title

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Amendment
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence for natural resources originating in conflict-affected and high-risk areas

Or. en

Amendment 29
Pablo Zalba Bidegain

Proposal for a regulation
Title 1

Text proposed by the Commission

Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Amendment
Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
setting up a Union system for supply chain due diligence self-certification of responsible operators of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

Or. en
Amendment 30
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability.

Amendment

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. Women and children are disproportionately affected by these conflicts, and are the victims of systematic physical and sexual violence, recognised as an international war crime and used as a weapon of war by armed groups. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability and human rights.

Or. en

Amendment 31
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict,

Amendment

(1) Natural resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours
undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of *minerals* is critical to peace and stability.

towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of *natural resources* is critical to peace and stability.

Or. en

**Amendment 32**  
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation  
Recital 1

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Or. en

**Amendment 33**  
Emma McClarkin  
on behalf of the ECR Group

Proposal for a regulation  
Recital 1

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can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability.

Amendment 34
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Recital 1

*Text proposed by the Commission*

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability.

*Amendment*

(1) Natural resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. Women and children are disproportionately affected by these conflicts, and are the victims of systematic physical and sexual violence, recognised as an international war crime and used as a weapon of war by armed groups. In these areas, breaking the nexus between conflict and illegal exploitation of natural resources is critical to peace and stability.

Or. en

Amendment 35
Franck Proust, Tokia Saïfi
Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining national endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability.

Amendment

(1) Natural mineral resources in conflict-affected or high risk areas – although holding great potential for development – can be a cause of dispute where their revenues are fuelling the outbreak or continuation of violent conflict, undermining endeavours towards development, good governance and the rule of law. In these areas, breaking the nexus between conflict and illegal exploitation of minerals is critical to peace and stability.

Or. fr

Justification

It is important to underline the efforts to develop good governance and the rule of law emanating from States, the international community and the European Union, the biggest development aid donor in the world.

Amendment 36
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

(1a) Disputes over oil, gas, minerals, timber and other natural resources rank second as a source of conflicts worldwide; competition over resources, such as land and water, is on the rise, and exacerbating existing conflicts or triggering new ones; the mismanagement of land and natural resources is compounded by environmental degradation, population growth and climate change.

Amendment

(1a) Disputes over oil, gas, minerals, timber and other natural resources rank second as a source of conflicts worldwide; competition over resources, such as land and water, is on the rise, and exacerbating existing conflicts or triggering new ones; the mismanagement of land and natural resources is compounded by environmental degradation, population growth and climate change.
Amendment 37
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 1 a (new)

*Text proposed by the Commission*

(1a) Disputes over oil, gas, minerals, timber and other natural resources rank second as a source of conflicts worldwide; competition over resources, such as land and water, is on the rise, and exacerbating existing conflicts or triggering new ones; the mismanagement of land and natural resources is compounded by environmental degradation, population growth and climate change.

Amendment

Amendment 38
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 1 a (new)

*Text proposed by the Commission*

(1a) Human rights abuses are common within the extractive industry and include child labour, sexual violence, the disappearance of people, violation of the right to a clean environment, loss of land and livelihoods without negotiation and without adequate compensation, forced resettlement and the destruction of ritually or culturally significant sites.
Amendment 39
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 1 b (new)

*Text proposed by the Commission* Amendment

(1b) Human rights abuses are common within the extractive industry and include child labour, sexual violence, the disappearance of people, violation of the right to a clean environment, loss of land and livelihoods without negotiation and without adequate compensation, forced resettlement and the destruction of ritually or culturally significant sites.

Or. en

Amendment 40
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 1 b (new)

*Text proposed by the Commission* Amendment

(1b) Human rights abuses are common within the extractive industry and include child labour, sexual violence, the disappearance of people, violation of the right to a clean environment, loss of land and livelihoods without negotiation and without adequate compensation, forced resettlement and the destruction of ritually or culturally significant sites.

Or. en
Amendment 41
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

(1b) Disputes over oil, gas, minerals, timber and other natural resources rank second as a source of conflicts worldwide; competition over resources, such as land and water, is on the rise, and exacerbating existing conflicts or triggering new ones; the mismanagement of land and natural resources is compounded by environmental degradation, population growth and climate change.

Or. en

Amendment 42
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The issue concerns resource-rich regions where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations.

Amendment

(2) The issue concerns resource-rich regions where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations, including women's organisations that are at the forefront of drawing attention to the exploitative conditions imposed by these groups as well as to rape and violence used to control local populations.
Amendment 43
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The issue concerns resource-rich regions where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations.

Amendment

(2) The issue concerns resource-rich areas where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations.

Justification

In the interest of internal legal consistency, all references to "regions" should be amended to "areas", to better reflect the definition contained in Article 2, which speaks only of "areas" rather than "regions."

Amendment 44
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The issue concerns resource-rich regions where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations.

Amendment

(2) The issue concerns resource-rich regions where the challenge posed by the desire to minimise the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations, including women’s organisations that are
at the forefront of drawing attention to the exploitative conditions imposed by these groups as well as to rape and violence used to control local populations.

Or. en

Amendment 45
Inmaculada Rodríguez-Piñero Fernández

Proposal for a regulation
Recital 2

Text proposed by the Commission
(2) The issue concerns resource-rich regions where the challenge posed by the desire to *minimise* the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations.

Amendment
(2) The issue concerns resource-rich regions where the challenge posed by the desire to *prevent* the financing of armed groups and security forces has been taken up by governments and international organisations together with business operators and civil society organisations, *including women's organisations that are at the forefront of drawing attention to the exploitative conditions imposed by these groups as well as to rape and violence used to control local populations.*

Or. en

Amendment 46
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 3

Text proposed by the Commission
(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible

Amendment
(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible
sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance\(^5\)) including supplements on tin, tantalum and tungsten, and on gold. In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.


Amendment 47
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 3

*Text proposed by the Commission*

(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance\(^5\)) including supplements on tin, tantalum and tungsten, and on gold. In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.

*Amendment*

(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance\(^5\)). In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.
recommended to actively promote the observance of this Guidance.

http://dx.doi.org/10.1787/9789264185050-en.

Amendment 48
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance5 ) including supplements on tin, tantalum and tungsten, and on gold. In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.

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Amendment

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Justification

In the interest of internal legal consistency, all references to conflict "regions" should be amended to conflict "areas", to better reflect the definition contained in Article 2, which speaks only of "areas" rather than "regions."

Amendment 49
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance) including supplements on tin, tantalum and tungsten, and on gold. In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.

Amendment

(3) The Union has been actively engaged in an Organisation for Economic Co-operation and Development (OECD) initiative to advance the responsible sourcing of minerals from conflict regions, which has resulted in a government-backed multi-stakeholder process leading to the adoption of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (OECD Due Diligence Guidance). In May 2011, the OECD Ministerial Council recommended to actively promote the observance of this Guidance.

Amendment 50  
Emma McClarkin  
on behalf of the ECR Group  

Proposal for a regulation  
Recital 4  

*Text proposed by the Commission*  

(4) The concept of responsible sourcing is referred to in the updated OECD Guidelines for Multinational Enterprises\(^6\) and is in line with the United Nations (UN) Guiding Principles on Business and Human Rights\(^7\). These documents aim at advancing supply chain due diligence practices when businesses source from regions affected by conflict and instability. At the highest international level, UN Security Council Resolution 1952 (2010) specifically targeted the Democratic Republic of Congo (the DRC) and its neighbours in Central Africa calling for supply chain due diligence to be observed; the UN Group of Experts on the DRC, following up Security Council Resolution 1952 (2010), also advocates compliance with the OECD Due Diligence Guidance.  

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*Amendment*  

(4) The concept of responsible sourcing is referred to in the updated OECD Guidelines for Multinational Enterprises\(^6\) and is in line with the United Nations (UN) Guiding Principles on Business and Human Rights\(^7\). These documents aim at advancing supply chain due diligence practices when businesses source from areas affected by conflict and instability. At the highest international level, UN Security Council Resolution 1952 (2010) specifically targeted the Democratic Republic of Congo (the DRC) and its neighbours in Central Africa calling for supply chain due diligence to be observed; the UN Group of Experts on the DRC, following up Security Council Resolution 1952 (2010), also advocates compliance with the OECD Due Diligence Guidance.  

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*Justification*  

*In the interest of internal legal consistency, all references to conflict "regions" should be amended to conflict "areas", to better reflect the definition contained in Article 2, which...*
speaks only of "areas" rather than "regions."

Amendment 51
Franck Proust

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

(5a) This regulation is one of the ways of eliminating the financing of armed groups by the above conflict minerals; this does not alter the fact that the European Union’s foreign and development policy actions must focus on countering local corruption and the porosity of borders and on providing training for local people and their representatives in order to demonstrate their abuses.

Or. fr

Justification

This regulation should be seen as a means rather than an end, with a view to combating trafficking.

Amendment 52
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 6

(6) The Commission in its 2008 Communication recognised that securing reliable and undistorted access to raw materials is an important factor for the EU’s competitiveness. The Raw Materials

deleted
The Raw Materials Initiative (RMI) is an integrated strategy aimed at responding to different challenges related to access to non-energy non-agriculture raw materials. The RMI recognises and promotes financial as well as supply chain transparency, and the application of corporate social responsibility standards.

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Amendment 53
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The Commission in its 2008 Communication recognised that securing reliable and undistorted access to raw materials is an important factor for the EU’s competitiveness. The Raw Materials Initiative (RMI) is an integrated strategy aimed at responding to different challenges related to access to non-energy non-agriculture raw materials. The RMI recognises and promotes financial as well as supply chain transparency, and the application of corporate social responsibility standards.

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Amendment 54
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 6

Text proposed by the Commission
(6) The Commission in its 2008 Communication recognised that securing reliable and undistorted access to raw materials is an important factor for the EU’s competitiveness. The Raw Materials Initiative (RMI) is an integrated strategy aimed at responding to different challenges related to access to non-energy non-agriculture raw materials. The RMI recognises and promotes financial as well as supply chain transparency, and the application of corporate social responsibility standards.


Amendment 55
Joachim Schuster

Proposal for a regulation
Recital 7

Text proposed by the Commission
(7) On 7 October 2010, the European Parliament passed a Resolution calling for the Union to legislate along the lines of the US ‘conflict minerals’ law alias Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act; and the Commission announced in its Communications of 2011 and 2012.

Amendment
(7) On 26 February 2014, the European Parliament passed a resolution on promoting development through responsible business practices which drew attention to the role of extractive industries in developing countries. In that resolution, Parliament called on the Commission to bring forward binding
its intention to explore ways of improving transparency throughout the supply chain, including aspects of due diligence. In the latter communication and in line with the commitment it had made at the May 2011 OECD Ministerial Council, the Commission also advocated greater support for and use of the OECD Guidelines for Multinational Enterprises, and of the OECD Due Diligence Guidance – even outside the OECD membership.


Amendment 56
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) On 26 February 2014, the European Parliament adopted a resolution on promoting development through responsible business practices, including the role of extractive industries in developing countries, in which the Commission is requested to bring forward binding legislation on conflict minerals. (EP 2013/2126(INI))

Amendment 57
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) On 26 February 2014, the European Parliament adopted a resolution on promoting development through responsible business practices, including the role of extractive industries in developing countries, in which the Commission is requested to bring forward binding legislation on conflict minerals.

Or. en

Amendment 58
Bernd Lange
Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) When implementing provisions are drawn up, steps should be taken to ensure that certification under the Dodd-Frank Act is acknowledged as proof of compliance within the meaning of this Regulation.

Or. de

Amendment 59
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca
Proposal for a regulation
Recital 7 a (new)
(7a) On 26 February 2014, the European Parliament adopted a resolution on promoting development through responsible business practices, including the role of extractive industries in developing countries, in which the Commission is requested to bring forward binding legislation on conflict minerals.

Amendment 60
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Recital 8

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. As such, consumers are indirectly linked to conflicts that have severe impacts on human rights, notably the rights of women as armed groups often use mass rape as a deliberate strategy to intimidate and control local populations in order to protect their interests. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.
Amendment 61  
Ska Keller  
on behalf of the Verts/ALE Group  
Judith Sargentini  

Proposal for a regulation  
Recital 8  

Text proposed by the Commission

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of natural resources from conflict regions. The consequence is that such natural resources, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment 62  
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey  

Proposal for a regulation  
Recital 8  

Text proposed by the Commission  

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit

Amendment  

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union’s jurisdiction for not being held accountable for their potential connection to the illicit
extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

extraction and trade of natural resources from conflict regions. The consequence is that such natural resources, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Or. en

Amendment 63
Franck Proust

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union's jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union's jurisdiction for not being held accountable for their potential connection to the extraction and trade of minerals from conflict regions. Accordingly, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council requiring companies to account for their activities under the Guidelines as established by the UN and OECD.

Or. fr

Justification

The deletion is intended to prevent clumsy shortcuts between businesses and conflicts and between consumers and end-products which give the impression that the businesses are linked
to illicit activities and that consumers are complicit in them.

Amendment 64
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union's jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment

(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union's jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict areas. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Or. en

Justification

In the interest of internal legal consistency, all references to conflict "regions" should be amended to conflict "areas", to better reflect the definition contained in Article 2, which speaks only of "areas" rather than "regions."

Amendment 65
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 8
(8) Union citizens and civil society actors have raised awareness with respect to companies operating under the Union's jurisdiction for not being held accountable for their potential connection to the illicit extraction and trade of minerals from conflict regions. The consequence is that such minerals, potentially present in consumer products, link consumers to conflicts outside the Union. To this end, citizens have requested, notably through petitions, that legislation be proposed to the European Parliament and the Council holding companies accountable under the Guidelines as established by the UN and OECD.

Amendment 66
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

Amendment

(9) In the context of this Regulation, and in line with the OECD Due Diligence Guidance, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they respect...
human rights and do not contribute to conflict and adverse impacts thereof.

Justification

To better reflect the OECD Guidance provisions

Amendment 67
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

Amendment

(9) In the context of this Regulation, and in line with the OECD Due Diligence Guidance, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they respect human rights and do not contribute to conflict and adverse impacts thereof.

Or. en

Amendment 68
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

Amendment

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which importers may monitor and administer their supply chains with a view to ensuring that they respect human rights and do not contribute to conflict and adverse impacts thereof.

Or. en
a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

to ensuring that they do not contribute to conflict and adverse impacts thereof.

Or. en

Justification

This Regulation refers to responsible importers, and the legal text should reflect this.

Amendment 69
Christofer Fjellner

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

Amendment

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof. This Regulation should ensure that the nexus between conflict and illegal exploitation is broken, without undermining the economic importance of the trade in tin, tantalum, tungsten and gold for the development of the countries concerned.

Or. en

Amendment 70
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 9
Text proposed by the Commission

(9) In the context of this Regulation, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they do not contribute to conflict and adverse impacts thereof.

Amendment

(9) In the context of this Regulation, and in line with the OECD Due Diligence Guidance, supply chain due diligence is an on-going, proactive and reactive process through which business operators monitor and administer their purchases and sales with a view to ensuring that they respect human rights and do not contribute to conflict and adverse impacts thereof.

Or. en

Justification

To better reflect the OECD Guidance provisions

Amendment 71
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9a) The Regulation reflects the need for due diligence along the entire supply chain from the sourcing site to the final product, by requiring all companies who first place covered resources — including products that contain those resources — on the European market to conduct and publicly report on their supply chain due diligence.

In line with the nature of due diligence, the individual due diligence obligations contained in this Regulation reflect the progressive and flexible nature of due diligence processes, and the need for obligations that are appropriately tailored to enterprises' individual circumstances. Obligations are tailored to a company's size, leverage, and position in its supply
Certain companies are recognised to have great influence over the due diligence that is conducted along the supply chain in the sourcing countries, due to their position in the supply chain. These actors, commonly referred to as choke points, are subject to more extensive obligations than other enterprises. Due diligence obligations duly reflect these differences.

Downstream companies are required to make reasonable and good faith efforts to identify the relevant choke points in their supply chains, and do their best to assess the due diligence of these companies, for instance on the basis of the audited reports of said actors.

Justification

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies’ individual circumstances. Concrete obligations contained in this regulation only include language that speaks to proportionality and best efforts, but they are tailored to individual segments of enterprises in the different supply chains.

Amendment 72
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

(9a) The Regulation reflects the need for due diligence along the entire supply chain from the sourcing site to the final product, by requiring all companies who first place covered resources - including products that contain those resources - on
the European market to conduct and publicly report on their supply chain due diligence.

In line with the nature of due diligence, the individual due diligence obligations contained in this Regulation reflect the progressive and flexible nature of due diligence processes, and the need for obligations that are appropriately tailored to enterprises' individual circumstances. Obligations are tailored to a company's size, leverage, and position in its supply chain.

Certain companies are recognised to have great influence over the due diligence that is conducted along the supply chain in the sourcing countries, due to their position in the supply chain. These actors, commonly referred to as choke points, are subject to more extensive obligations than other enterprises. Due diligence obligations duly reflect these differences.

Downstream companies are required to make reasonable and good faith efforts to identify the relevant choke points in their supply chains, and do their best to assess the due diligence of these companies, for instance on the basis of the audited reports of said actors.

Or. en

Justification

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies' individual circumstances. Concrete obligations contained in this regulation only include language that speaks to proportionality and best efforts, but they are tailored to individual segments of enterprises in the different supply chains.

Amendment 73
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling
Proposal for a regulation
Recital 9a (new)

Text proposed by the Commission

(9a) Consistently with the OECD Due Diligence Guidance, companies should take reasonable steps and make good faith efforts to conduct due diligence to identify and prevent or mitigate any risks of adverse impacts associated with the conditions of access to natural resources and the relationship of suppliers operating in conflict-affected or high-risk areas.

Amendment

Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 9b (new)

Text proposed by the Commission

(9b) Consistently with the OECD Due Diligence Guidance, companies should take reasonable steps and make good faith efforts to conduct due diligence to identify and prevent or mitigate any risks of adverse impacts associated with the conditions of access to natural resources and the relationship of suppliers operating in conflict-affected or high-risk areas.
Justification

The OECD Guidance recognises the complexity of supply chains and the difficulties of companies to exercise due diligence. That is why the Guidance follows an approach based on flexibility depending on several factors including the size of a company. This also entails that due diligence obligations will be applied in a more flexible and gradual manner if a company is an SME.

Amendment 75
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

(9b) In accordance with OECD Due Diligence Guidance, companies should take reasonable steps and make good faith efforts to conduct due diligence to identify and prevent or mitigate any risks of adverse impacts associated with the conditions of access to natural resources and the relationship of suppliers operating in conflict-affected or high-risk areas.

Justification

The OECD Guidance recognises the complexity of supply chains and the difficulties of companies to exercise due diligence. That is why the Guidance follows an approach based on flexibility depending on several factors including the size of a company. This also entails that due diligence obligations will be applied in a more flexible and gradual manner if a company is an SME.

Amendment 76
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David
Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

(9b) The Regulation reflects the need for due diligence along the entire supply chain from the sourcing site to the final product, by requiring all companies who first place covered resources—including products that contain those resources—on the European market to conduct and publicly report on their supply chain due diligence.

In line with the nature of due diligence, the individual due diligence obligations contained in this Regulation reflect the progressive and flexible nature of due diligence processes, and the need for obligations that are appropriately tailored to enterprises' individual circumstances. Obligations are tailored to a company's size, leverage, and position in its supply chain.

Certain companies are recognised to have great influence over the due diligence that is conducted along the supply chain in the sourcing countries, due to their position in the supply chain. These actors, commonly referred to as choke points, are subject to more extensive obligations than other enterprises. Due diligence obligations duly reflect these differences.

Downstream companies are required to make reasonable and good faith efforts to identify the relevant choke points in their supply chains, and do their best to assess the due diligence of these companies, for instance on the basis of the audited reports of said actors.

Amendment

Or. en
Justification

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies’ individual circumstances. Concrete obligations contained in this regulation only include language that speaks to proportionality and best efforts,

Amendment 77
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 10

Text proposed by the Commission  Amendment

(10) Third-party auditing of a company's deleted
supply chain due diligence practices
ensures credibility for the benefit of
downstream companies and contributes to
the improvement of the upstream due
diligence practices.

Or. en

Justification

According to the OECD Guidance, auditing obligations should fall on choke-point operators only. This recital reflects the company scope of the COM proposal which only covers importers of minerals and metals. Parts of this recital are merged with recital 13 on chokepoints for consistency reasons.

Amendment 78
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 10

Text proposed by the Commission  Amendment

(10) Third-party auditing of a company's deleted
supply chain due diligence practices
enforces credibility for the benefit of
downstream companies and contributes to the improvement of the upstream due diligence practices.

Justification

According to the OECD Guidance, auditing obligations should fall on choke-point operators only. This recital reflects the company scope of the COM proposal which only covers importers of minerals and metals. Parts of this recital are merged with recital 13 on chokepoints for consistency reasons.

Amendment 79
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Third-party auditing of a company’s supply chain due diligence practices ensures credibility for the benefit of downstream companies and contributes to the improvement of the upstream due diligence practices.

Amendment

deleted

Justification

According to the OECD Guidance, auditing obligations should fall on key points of transformation and traceability only. This recital reflects the company scope of the COM proposal which only covers importers of minerals and metals.

Amendment 80
Joachim Schuster

Proposal for a regulation
Recital 10
(10) Third-party auditing of a company's supply chain due diligence practices ensures credibility for the benefit of downstream companies and contributes to the improvement of the upstream due diligence practices.

(10) Third-party auditing of a company's compliance with the OECD Guidance on supply chain due diligence practices ensures credibility for the benefit of downstream companies and contributes to the improvement of the upstream due diligence practices.

Amendment 81
Franck Proust
Proposal for a regulation
Recital 11

(11) Public reporting by a company on its supply chain due diligence policies and practices provides the necessary transparency to generate public confidence in the measures companies are taking.

(11) Public reporting by a company on its supply chain due diligence policies and practices provides the necessary transparency to generate public confidence in the measures companies are taking, which are often an element in Corporate Social Responsibility (CSR).

Amendment 82
Paul Rübig, Othmar Karas
Proposal for a regulation
Recital 11 a (new)

(11a) The Commission shall propose a list of conflict-affected and high-risk areas after the consultation of a committee consisting of Member States and industry representatives. The relevant Committee
shall add or withdraw entries from the list of conflict affected and high-risk areas after a reasonable period of time.

Or. en

Justification

Economic operators should have a sufficient level of legal certainty in their business activities.

Amendment 83
Emma McClarkin on behalf of the ECR Group

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

(11a) Many existing and possible future supply chain due diligence systems could contribute to achieving the aims of the Regulation. There already exist industry schemes aimed at breaking the link between conflict and the sourcing of tin, tantalum, tungsten and gold. These schemes use independent third-party audits to certify smelters and refiners with systems in place to assure sourcing of only conflict free minerals. There is mutual recognition between these schemes that is taken into account in the Union system. However, the criteria and procedures for the recognition of such schemes need to be clarified to allow for respect for high standards and the avoidance of double auditing.

Or. en

Justification

Many companies already carry out supply chain due diligence through existing successful
initiatives. These initiatives should be taken into account in the Union system through a process of mutual recognition.

Amendment 84
Daniel Caspary

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

(11a) Many already existing voluntary supply chain due diligence systems could contribute to achieving the aims of the Regulation.

The criteria and procedures for the recognition and certification of such schemes need to be clarified to allow for respect for high standards and the avoidance of unnecessary double auditing.

Or. en

Amendment 85
Pablo Zalba Bidegain

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

(11a) Many existing supply chain due diligence systems could contribute to achieving the aims of the Regulation. However, the criteria and procedures for the recognition of such schemes need to be clarified to allow for respect for high standards and the avoidance of double auditing.

Or. en
(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

Consistent with the OECD Guidance it is recognized that due diligence in conflict-affected and high-risk areas presents practical challenges and that flexibility is therefore needed in the application thereof. The nature and extent of due diligence that is appropriate for an enterprises' individual circumstances depend on a number of factors, including its size and position in the supply chain, fully taking account of the challenges faced by SMEs.

Amendment 87
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 12

Justification

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies’ individual circumstances. That is why the Guidance follows an approach based on flexibility depending on several factors including the size of a company. This also entails that due diligence obligations will be applied in a more flexible and gradual manner if a company is an SME.
(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies.

**However**, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

**In accordance with the OECD Due Diligence Guidance** it is recognized that due diligence in conflict-affected and high-risk areas presents practical challenges and that flexibility is therefore needed in the application thereof. The nature and extent of due diligence that is appropriate for an enterprises' individual circumstances depend on a number of factors, including its size and position in the supply chain, fully taking account of the challenges faced by SMEs.

**Justification**

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies' individual circumstances. That is why the Guidance follows an approach based on flexibility depending on several factors including the size of a company. This also entails that due diligence obligations will be applied in a more flexible and gradual manner if a company is an SME.

**Amendment 88**

**Christofer Fjellner**

**Proposal for a regulation**

**Recital 12**

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes
designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

The voluntary self-certification system serves as a competitive advantage for participating Union companies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. Moreover, a mandatory system is undesirable and should be avoided if possible in future reviews of the Regulation, since such a mandatory system may act as an entry barrier for new SMEs, which can be abused by already established Union companies with the resources to manage a mandatory system. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be closely monitored by the Commission.

Or. en

Amendment 89
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence

Amendment

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence
because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and third party auditing and their potential impact on competitiveness notably on SMEs should be monitored and reported by the Commission.

Or. en

Justification

Given the significant costs of conducting due diligence, in particular for SMEs, it is essential that the Commission monitor and report on the cost of responsible sourcing and third party auditing and their impact on competitiveness.

Amendment 90
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

Amendment

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. Consistent with the OECD Guidance it is recognized that due diligence in conflict-affected and high-risk areas presents practical challenges and that flexibility is therefore needed in the application thereof. The nature and extent of due diligence that is appropriate for an enterprises' individual circumstances depend on a number of factors, including its size and position in the supply chain, fully taking account of the challenges
faced by micro-small and middle size enterprises.

Or. en

Justification

The OECD Guidance recognises the complexity of supply chains and the need for proportionate due diligence requirements tailored to companies’ individual circumstances. That is why the Guidance follows an approach based on flexibility depending on several factors including the size of a company. This also entails that due diligence obligations will be applied in a more flexible and gradual manner if a company is a micro enterprise or an SME. This is particularly relevant in sectors such as jewellery, where we find a great number of very small and artisan operators, with very limited capacity.

Amendment 91
Tokia Saïfi, Franck Proust

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission.

Amendment

(12) Union companies have expressed their interest through the public consultation in the responsible sourcing of minerals and reported on current industry schemes designed to pursue their corporate social responsibility objectives, customer requests, or the security of their supplies. However, Union companies have also reported countless difficulties in the exercise of supply chain due diligence because of lengthy and complex global supply chains involving a high number of operators that are often insufficiently aware or ethically unconcerned. The cost and administrative consequences of responsible sourcing and their potential impact on competitiveness notably on SMEs should be monitored by the Commission; and the Commission shall provide SMEs with technical and financial assistance and shall facilitate the exchange of information in order to
implement this Regulation.

Amendment 92
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

(12a) In line with the OECD Due Diligence Guidance, a flexible approach needs to be taken to the challenges arising in connection with due diligence: the nature and scope of the obligations must be in keeping with the specific characteristics of responsible importers, with regard to the size of each company, its place of business, the situation in the relevant country, and the sector and type of products and services involved. Micro-enterprises should therefore not come within the scope of this Regulation.

Amendment

Or. en

Amendment 93
Marielle de Sarnez, Alexander Graf Lambsdorff

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

(12a) European businesses which voluntarily establish a responsible sourcing system for minerals will be certified by the Commission by means of a label.

Amendment

Or. fr
Justification

The establishment of a European responsible supply chain label for businesses which wish to exercise due diligence would create a voluntary incentive scheme which could ultimately generate market pressure on other parties in the supply chain. The label would not be attached to products. European businesses would be able to indicate on their websites that they had been awarded the label, or could use the information in their communication strategy.

Amendment 94
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

(12a) The Commission, in collaboration with the EEAS, should produce a publicly available handbook for companies explaining how best to apply the criteria for those areas that may fall within the scope of this Regulation. This is important to create clarity and certainty for, and consistency among, economic operators, in particular SMEs.

Or. en

Justification

In light of the concerns expressed by firms wishing to conduct due diligence on their supply chains, it is important that the Commission produce a handbook explaining how best to apply the definition of conflict affected and high risk areas contained in Article 2.

Amendment 95
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Recital 12 b (new)
(12b) In the Joint Communication of 5 March 2014[1a], the Commission and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy outlined plans for the implementation of accompanying measures designed to encourage responsible sourcing and thus secure a high level of participation by companies, taking due account of the costs that due diligence entails, in particular for SMEs and micro-enterprises.


Or. it

Amendment 96
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 13

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could

(13) Smelters and refiners are recognised choke points in their respective supply chains with substantial influence over the due diligence that is conducted along the supply chain in the sourcing countries. A Union list of responsible choke-point actors could therefore provide transparency and certainty to companies in the downstream with a view to carrying out supply chain due diligence practices. Consistently with the OECD Due
therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Diligence Guidance, choke-point actors should undergo independent third-party audit of their supply chain due diligence practices, also with a view to being included in the list of responsible actors. Choke point actors based outside the European Union should also have a possibility for being included in the list to ensure its global scope.

Or. en

**Justification**

*In order to better reflect the OECD Guidance approach on choke points and on third-party auditing.*

**Amendment 97**
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

**Proposal for a regulation**
Recital 13

_Text proposed by the Commission_

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral’s origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Amendment

(13) Smelters and refiners are recognised choke points in their respective supply chains with substantial influence over the due diligence that is conducted along the supply chain in the sourcing countries. A Union list of responsible choke-point actors could therefore provide transparency and certainty to companies in the downstream with a view to carrying out supply chain due diligence practices. Consistently with the OECD Due Diligence Guidance, choke-point actors should undergo independent third-party audit of their supply chain due diligence practices, also with a view to being included in the list of responsible actors. Choke point actors based outside the European Union should also have a possibility for being included in the list to ensure its global scope.
Justification

In order to better reflect the OECD Guidance approach on choke points and on third-party auditing.

Amendment 98
Christofer Fjellner

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Amendment

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices. The Commission should make the Union list easily available to the public, in order to increase visibility and public awareness of the existence, efficacy and functioning of the system of self-certification.

Or. en

Amendment 99
Joachim Schuster

Proposal for a regulation
Recital 13
(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Amendment 100
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 13

(13) Smelters and refiners are recognised choke points in their respective supply chains with substantial influence over the due diligence that is conducted along the supply chain in the sourcing countries. A Union list of responsible choke-point actors could therefore provide transparency and certainty to companies in the downstream with a view to carrying out supply chain due diligence practices. Consistently with the OECD Due Diligence Guidance, choke-point actors should undergo independent third-party audit of their supply chain due diligence practices, also with a view to being included in the list of responsible actors. Choke point actors based outside the...
European Union should also have a possibility for being included in the list to ensure its global scope.

Or. en

Justification

In order to better reflect the OECD Guidance approach on choke points and on third-party auditing.

Amendment 101
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Amendment

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often unfeasible to trace back the origins of minerals. The same applies to recycled metals, which have undergone even further steps in the transformation process. Publicly available Union lists of responsible smelters, importers and refiners could therefore provide transparency and certainty to downstream companies and consumers as regards supply chain due diligence practices. Such lists should be published in consultation with the OECD, the London Bullion Market Association, the Conflict-Free Smelter Programme, the Responsible Jewellery Programme and other equivalent schemes.

Or. en
Justification

It is important to give public visibility to those firms which are conducting due diligence on their supply chains. For this reason, it is important that lists are made fully public. These lists should be drawn up in consultation with existing successful due diligence schemes.

Amendment 102
Pablo Zalba Bidegain

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Amendment

(13) Smelters and refiners are an important point in global mineral supply chains as they are typically the last stage in which due diligence can effectively be assured by collecting, disclosing and verifying information on the mineral's origin and chain of custody. After this stage of transformation it is often considered unfeasible to trace back the origins of minerals. The same applies to recycled metals, which have undergone even further steps in the transformation process. A Union list of responsible smelters and refiners could therefore provide transparency and certainty to downstream companies as regards supply chain due diligence practices.

Or. en

Amendment 103
Marielle de Sarnez

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

(13a) Smelters and refiners which process and import minerals and concentrates

Amendment

(13a) Smelters and refiners which process and import minerals and concentrates
thereof have an obligation to apply the European due diligence system with regard to the supply chain as laid down in this regulation.

Or. fr

Justification

Smelters and refiners are key actors in the supply chain, as they are involved in the stage when minerals and their concentrates are processed. They are therefore in a better position to gather, communicate and verify information about the origin of minerals and the various operators that have been responsible for them. For this reason, compliance with the regulation should be mandatory for them.

Amendment 104
Bernd Lange

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) All minerals and metals within the scope of this Regulation should be used in accordance with the requirements laid down herein. It is essential that importers should comply with the provisions of this Regulation.

Or. de

Amendment 105
Marielle de Sarnez, Alexander Graf Lambsdorff

Proposal for a regulation
Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) European SMEs which import minerals and metals and which establish due diligence systems will receive
financial aid through the Commission’s COSME programme.

Justification

SMEs which import the commodities and are covered by this regulation may encounter technical or financial difficulties in establishing due diligence systems or in auditing their supply chains. It should therefore be possible for them to receive financial aid under the Commission’s new COSME programme for SMEs and the competitiveness of undertakings.

Amendment 106
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

(14) The Member State competent authorities are responsible to ensure the uniform compliance with the obligation of operators to carry out due diligence by carrying out appropriate ex-post checks. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Or. en

Amendment 107
Paul Rübig, Othmar Karas
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

(14) The EU-wide competent authority is responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. The EU-wide competent authority is responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Justification

In order to implement this Regulation, we suggest to have one single EU-wide competent authority instead of 28 national ones. This would allow us to reduce bureaucratic procedures, as companies then would not have to deal with 28 different authorities. Furthermore, we think that having only one competent authority would be the most cost-efficient solution with the smallest burden for the taxpayers throughout the European Union.

Amendment 108
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals

Amendment

(14) The Member State competent authorities are responsible to ensure the uniform compliance with the obligation of operators to carry out due diligence by carrying out appropriate ex-post checks. Records of such checks should be kept for at least 5 years. Member States are
and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment 109
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-declaration of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-declared responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 110
Joachim Schuster

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Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. The Commission should be responsible for laying down the rules applicable to and the financial penalties to be imposed for infringements of the provisions of this Regulation.

Or. de

Amendment 111
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

(14) The Member State competent authorities are responsible to ensure the uniform compliance with the obligation of operators to carry out due diligence by carrying out appropriate ex-post checks. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.
provisions of this Regulation.

 Amendment 112
 Pablo Zalba Bidegain

 Proposal for a regulation
 Recital 14

 Text proposed by the Commission
 (14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible importers of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

 Amendment
 (14) The Member State competent authorities are responsible to ensure the uniform compliance of the self-certification of responsible importers by carrying out appropriate ex-post checks so as to verify whether the self-certified responsible operators of the minerals and/or metals within the scope of the Regulation comply with the supply chain due diligence obligations. Records of such checks should be kept for at least 5 years. Member States are responsible to lay down the rules applicable to infringements of the provisions of this Regulation.

 Or. en

 Amendment 113
 Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

 Proposal for a regulation
 Recital 14 a (new)

 Text proposed by the Commission
 (14a) With a view to enhancing the effective implementation of this regulation, and addressing development needs directly linked to the exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures will be

 Amendment
 (14a) With a view to enhancing the effective implementation of this regulation, and addressing development needs directly linked to the exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures will be
implemented. The European Commission and the European External Action Service will apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication to the European Parliament and the Council "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach" (JOIN (2014) 8). In particular, the promotion of responsible sourcing of natural resources originating from conflict-affected and high-risk areas and the establishment of national and international due diligence frameworks for responsible sourcing will be integrated into internal and external policies and in particular into political and policy dialogues with partner countries, local authorities and private stakeholders. Particular attention will be given to addressing the contribution and challenges of the artisanal and informal mining sector for local livelihoods and sustainable development.

Amendment 114
Joachim Schuster
Proposal for a regulation
Recital 14 a (new)

_text proposed by the Commission

(14a) The Commission should also be responsible for facilitating the work of importers by providing them with a list of responsible smelters and refineries.

Or. de
Amendment 115
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

(14a) With a view to enhancing the effective implementation of this regulation, and addressing development needs directly linked to the exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures will be implemented. The European Commission and the European External Action Service will apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication to the European Parliament and the Council "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach" (JOIN (2014) 8). In particular, the promotion of responsible sourcing of natural resources originating from conflict-affected and high-risk areas and the establishment of national and international due diligence frameworks for responsible sourcing will be integrated into internal and external policies and in particular into political and policy dialogues with partner countries, local authorities and private stakeholders. Particular attention will be given to addressing the contribution and challenges of the artisanal and informal mining sector for local livelihoods and sustainable development.

Or. en
Amendment 116
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

(14a) With a view to enhancing the effective implementation of this regulation, and addressing development needs directly linked to the exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures will be implemented. The European Commission and the European External Action Service will apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication to the European Parliament and the Council "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach" (JOIN (2014) 8). In particular, the promotion of responsible sourcing of natural resources originating from conflict-affected and high-risk areas and the establishment of national and international due diligence frameworks for responsible sourcing will be integrated into internal and external policies and in particular into political and policy dialogues with partner countries, local authorities and private stakeholders. Particular attention will be given to addressing the contribution and challenges of the artisanal and informal mining sector for local livelihoods and sustainable development.

Or. en
(15) In order to ensure the proper implementation of this Regulation, implementing powers should be conferred on the Commission. The implementing powers relating to the list of responsible smelters and refiners and the **list of Member State competent authorities** should be exercised in accordance with Regulation (EU) No 182/2011.  


(15) In order to **ensure the proper implementation of this Regulation**, implementing powers should be conferred on the Commission. The implementing powers relating to the list of responsible smelters and refiners and the **EU-wide competent authority** should be exercised in accordance with Regulation (EU) No 182/2011.  


Or. en
Regulation (EU) No 182/201111.


Amendment 119
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini
Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to ensure the proper implementation of this Regulation, implementing powers should be conferred on the Commission. The implementing powers relating to the list of responsible smelters and refiners and the list of Member State competent authorities should be exercised in accordance with Regulation (EU) No 182/201111.

Amendment

(15) In order to amend Annex I and Annex Ia to this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 290 TFEU, following the provisions laid down in this Regulation.

Amendment 120
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) In order to ensure the proper implementation of this Regulation, implementing powers should be conferred on the Commission. The implementing powers relating to the list of responsible smelters and refiners and the list of Member State competent authorities should be exercised in accordance with Regulation (EU) No 182/2011\(^{11}\).

Amendment

(15) In order to expand the natural resources scope of this regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 290 TFEU, following the provisions lined out in this regulation.


Amendment 121
Christofer Fjellner

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

(15a) The Commission should regularly review its financial assistance and political commitments with conflict-affected and high risk areas where tin, tantalum, tungsten and gold are mined,
especially in the Great Lake Region, in order to ensure policy coherence, and in order to incentivise and strengthen the respect for good governance, the rule of law but above all ethical mining.

Or. en

Amendment 122
Pablo Zalba Bidegain

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

(15a) In order to guarantee the efficient implementation of this Regulation, provision should be made for a two-year transitional period to allow the European Commission to set up a third-party audit system and for responsible importers to become familiar with their obligations under this Regulation.

Or. en

Amendment 123
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals

Amendment

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation,
within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures.

Amendment 124
Joachim Schuster
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures.

Amendment

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas.

Amendment 125
Christofer Fjellner
Proposal for a regulation
Recital 16

Text proposed by the Commission


Amendment

No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures,

Two years after entering into force and every five years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures,

Amendment 126
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures,

Or. en

Amendment

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation,

Or. en

Amendment 127
Emma McClarkin
on behalf of the ECR Group
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures,

Amendment

(16) The Commission should report regularly to the European Parliament and the Council on the effects of the scheme. Two years after the date of entry into application and every three years thereafter, the Commission should review the functioning and the effectiveness of this Regulation and the latest impact of the scheme on the ground as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas and report to the European Parliament and to the Council. In reviewing, the Commission should fully analyse and evaluate all aspects of the Regulation and its effects and its costs, taking into consideration the percentage market share certified conflict free for each mineral in scope, the percentage of smelters, refiners and importers doing due diligence, any possible trade diversion from mining areas and its impacts on livelihoods on people working on the ground, with a particular focus on artisanal miners. Furthermore, the review should include extensive stakeholder outreach with governments, business and local civil society as well as those directly affected on the ground in conflict areas. The reports may be accompanied, if necessary, by appropriate legislative proposals,

Or. en

Justification

It is important that the Commission fully analyse all aspects of the impacts of the Regulation, most importantly its effect on curtailing opportunities for armed groups and security forces to trade in tin, tantalum and tungsten, their ores, and gold. This analysis should be reported to the Council and the Parliament.
Amendment 128
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Recital 16

**Text proposed by the Commission**

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures.

**Amendment**

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures.

Or. en

Amendment 129
Pablo Zalba Bidegain

Proposal for a regulation
Recital 16

**Text proposed by the Commission**

(16) The Commission should report regularly to the Council and the European Parliament on the effects of the scheme. No later than three years after entering into force and every six years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-

**Amendment**

(16) The Commission should report regularly to the European Parliament and the Council on the effects of the scheme. Three years after the date of entry into application and every three years thereafter, the Commission should review the functioning and the effectiveness of this Regulation, including as regards the promotion of responsible sourcing of the minerals within its scope from conflict-
affected and high-risk areas. The reports may be accompanied, if necessary, by appropriate legislative proposals, which may include mandatory measures.

Amendment 130
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Recital 16 a (new)

Text proposed by the Commission

(16a) In their Joint Communication of 5 March 2014, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy committed to the implementation of accompanying measures leading to an integrated EU approach to Responsible Sourcing in parallel with this Regulation, not only with the aim of reaching a high level of participation of companies in the Union system provided for in this Regulation but also ensuring a global, coherent and comprehensive approach is taken to promote responsible sourcing from conflict affected areas.

Justification

Conflict minerals are one aspect of driving armed conflict. Frequently, other political, economic and social causes are the main drivers, and these must be taken into account. It is essential, therefore, that this Regulation be located within a broader framework of actions and measures designed to prevent and end armed conflicts.

Amendment 131
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces\(^\text{12}\) to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

________________________


Amendment

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces\(^\text{12}\) to trade in tin, tantalum and tungsten, their ores, and gold \textit{and to curtail financing of war activities that dramatically affect local communities, notably women and children}. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

________________________


Or. en

Amendment 132
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces\(^\text{12}\) to trade in tin, tantalum

Amendment

1. This Regulation sets up a Union system for supply chain due diligence designed to:
and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.


Amendment 133
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

Amendment

1. This Regulation sets up a Union system for supply chain due diligence self-declaration in order to curtail and eliminate opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 134
Joachim Schuster

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

Amendment

1. This Regulation sets up a mandatory Union system for compliance with the OECD Guidance on supply chain due diligence in order to curtail opportunities for armed groups and security forces to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.


Or. de
Amendment 135

Ska Keller
on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a regulation
Article 1 – paragraph 1

**Text proposed by the Commission**

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

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http://dx.doi.org/10.1787/9789264185050-en.

**Amendment**

1. This Regulation sets up a Union system for supply chain due diligence designed to:

Amendment 136

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 1 – paragraph 1

**Text proposed by the Commission**

1. This Regulation sets up a Union system for supply chain due diligence self-

**Amendment**

1. This Regulation sets up a Union system for supply chain due diligence in order to
certification in order to curtail opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.


Justification

These objectives build on the Commission’s proposed objectives and incorporate additional objectives and language from the Commission’s Impact Assessment and the OECD Guidance. The purpose of the EU system for supply chain due diligence should be broader than the COM proposal, which limits the purpose to curtailing opportunities for specific actors to trade in covered minerals. The purpose should be broader: to break links between sourcing, transport, trade, handling and export of natural resources, and conflict and human rights violations.

Amendment 137
Pablo Zalba Bidegain

Proposal for a regulation
Article 1 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>1. This Regulation sets up a Union system for supply chain due diligence self-</td>
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certification in order to curtail opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.


\begin{flushright}
\textbf{Amendment 138}
Daniel Caspary
\end{flushright}

\textbf{Proposal for a regulation}
Article 1 – paragraph 1

\begin{flushleft}
\textit{Text proposed by the Commission}
\end{flushleft}

1. This Regulation sets up a Union system for supply chain due diligence self-certification in order to curtail opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.

\begin{flushleft}
\textit{Amendment}
\end{flushleft}

1. This Regulation sets up a Union system for supply chain due diligence self-declaration in order to curtail opportunities for armed groups and security forces\textsuperscript{12} to trade in tin, tantalum and tungsten, their ores, and gold. It is designed to provide transparency and certainty as regards the supply practices of importers, smelters and refiners sourcing from conflict-affected and high-risk areas.


Or. en
Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 139
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 1 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) increase certainty and transparency as regards the supply practices of companies sourcing from conflict-affected and high-risk areas,

Or. en

Justification

These objectives build on the Commission’s proposed objectives and incorporate additional objectives and language from the Commission’s Impact Assessment and the OECD Guidance.

Amendment 140
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 1 – paragraph 1 – point a (new)
Text proposed by the Commission

(a) increase certainty and transparency as regards the supply practices of companies sourcing from conflict-affected and high-risk areas,

Or. en

Justification

These objectives build on the Commission’s proposed objectives and incorporate additional objectives and language from the Commission’s Impact Assessment and the OECD Guidance.

Amendment 141
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 1 – paragraph 1 – point b (new)

Text proposed by the Commission

(b) curtail opportunities for the sourcing, transport and trade of natural resources to fund conflict and/or fuel human rights violations or abuses,

Or. en

Justification

New objective (b) revises the COM’s language regarding the opportunities that the system is designed to ‘curtail’. The purpose of the EU system for supply chain due diligence should be broader than the COM proposal, which limits the purpose to curtailing opportunities for specific actors to trade in covered minerals. The purpose should be broader: to break links between sourcing, transports, trade, handling and export of natural resources, and conflict and human rights violations.

Amendment 142
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini
Proposal for a regulation
Article 1 – paragraph 1 – point b (new)

Text proposed by the Commission

(b) curtail opportunities for the sourcing, transport and trade of natural resources to fund conflict and/or fuel human rights violations or abuses,

Amendment

Or. en

Justification

New objective (b) revises the COM’s language regarding the opportunities that the system is designed to ‘curtail’. The purpose of the EU system for supply chain due diligence should be broader than the COM proposal, which limits the purpose to curtailing opportunities for specific actors to trade in covered minerals. The purpose should be broader: to break links between sourcing, transport, trade, handling and export of natural resources, and conflict and human rights violations.

Amendment 143
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 1 – paragraph 1 – point c (new)

Text proposed by the Commission

(c) help companies respect human rights and avoid contributing to conflict through their activities and sourcing decisions.

Amendment

Or. en

Justification

New objective (c) incorporates the underlying purpose of due diligence, as defined in the OECD Guidance, page 13. The OECD Guidance states “Due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict... Risk-based due diligence refers to the steps companies should take.... In order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions”.

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Amendment 144
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 1 – paragraph 1 – point c (new)

Text proposed by the Commission

(c) help companies respect human rights and avoid contributing to conflict through their activities and sourcing decisions.

Amendment

Or. en

Justification

New objective (c) incorporates the underlying purpose of due diligence, as defined in the OECD Guidance, page 13. The OECD Guidance states “Due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict… Risk-based due diligence refers to the steps companies should take…. In order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions”.

Amendment 145
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Amendment

deleted
Amendment 146
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 1 – paragraph 2

*Text proposed by the Commission*

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

*Amendment*

deleted

Amendment 147
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Article 1 – paragraph 2

*Text proposed by the Commission*

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

*Amendment*

deleted

Amendment 148
Emma McClarkin
on behalf of the ECR Group
Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Amendment

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to declare themselves as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Or. en

Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 149
Joachim Schuster

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Amendment

2. This Regulation lays down the supply chain due diligence obligations of Union importers of minerals or metals containing tin, tantalum, tungsten and gold, as set out in Annex I.

Or. de

Amendment 150
Christofer Fjellner
Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Amendment

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I. *Metals reasonably assumed to be recycled are excluded from the scope of this Regulation.*

Or. en

Justification

In line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, metals reasonably assumed to be recycled are excluded from the scope of this Regulation.

Amendment 151
Pablo Zalba Bidegain

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation lays down the supply chain due diligence obligations of Union importers who choose to be self-certified as responsible importers of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I.

Amendment

2. This Regulation lays down the supply chain due diligence obligations of Union operators who shall be self-certified as responsible operators of minerals or metals containing or consisting of tin, tantalum, tungsten and gold, as set out in Annex I. *Metals reasonably assumed to be recycled are excluded from the scope of this Regulation.*

Or. en
Amendment 152
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 1 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Metals reasonably assumed to be recycled are excluded from the scope of this Regulation.

Or. it

Amendment 153
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) 'minerals' means ores and concentrates containing tin, tantalum and tungsten, and gold as set out in the Annex I;

deleted

Or. en

Justification

This definition is no longer needed due to the proposed broader scope of 'covered resources'

Amendment 154
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a
(a) 'minerals' means ores and concentrates containing tin, tantalum and tungsten, and gold as set out in the Annex I; deleted

Justification

This definition is no longer needed due to the proposed broader scope of ‘covered resources’

Amendment 155
Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) 'minerals' means ores and concentrates containing tin, tantalum and tungsten, and gold as set out in the Annex I;

Amendment

(a) 'covered resources' means all natural resources;

Or. en

Amendment 156
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvsckog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) 'minerals' means ores and concentrates containing tin, tantalum and tungsten, and gold as set out in the Annex I;

Amendment

(a) 'covered resources' means all natural resources as set out in Annex I, as may be amended or replaced from time to time in accordance with this Regulation;

Or. en

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Justification

The Proposal for a Regulation by the European Commission only applies to ‘tin, tantalum, tungsten, their ores, and gold’ (3TG). In reality, however, other minerals, metals and natural resources sourced in conflict-affected and high-risk areas also fund conflict and human rights abuses. With the aim of achieving the objectives as set out in Article 1 and as explained in the summary justification, the Regulation should apply to resources other than 3TG. At the same time, supply chain due diligence, as reflected in the OECD Due Diligence Guidance and this Regulation as amended, is well suited to apply across a variety of different supply chains. This amendment, read in conjunction with amendments concerning covered products and regarding Annex I aims at expanding the scope accordingly. Instead of specifying the resources individually, however, this amendment read in conjunction with the amendments regarding Annex I, broadens the scope of the Regulation to a number of resources specified in an Annex to this Regulation (Annex I). At the moment Annex I specifies that covered resources means ‘all minerals, metals, semi-precious and precious stones’. The advantage of this technical set up is that further resources may be added over time as relevant and appropriate. A mechanism further details how the scope of the Annex I may be reviewed and amended (under Article 13a). At the same time the use of the term ‘covered resources’ and related terms throughout the amended Regulation ensures that the substantive and procedural obligations are designed in a manner that they may be applied to these additional resources.

Amendment 157
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 'OECD Due Diligence Guidance' means the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Second Edition, OECD Publishing (OECD (2013)) including all Council Recommendations, Annexes and Supplements, as may be amended or replaced periodically;

Or. en

Justification

A definition of OECD Due Diligence Guidance has been included for legal certainty and to ensure that the definition includes all future amendments and replacements. The OECD Due
Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas was adopted in 2010. It provides specific due diligence guidance for companies at all stages of the minerals supply chain. It has emerged as the leading global due diligence standard in this sector and beyond, and forms the basis for similar legislation in the US and the African Great Lakes Region. It was developed in a multi-stakeholder forum, with extensive participation from business and industry, designed to ensure the Guidance is practical and feasible for companies. The Guidance is flexible, and includes considerations tailored to a company’s size, leverage, and position in the supply chain. It is subject to amendment, and ongoing multi-stakeholder dialogues ensure that it remains current and adaptable.

Amendment 158
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point a a (new)

<table>
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<td></td>
</tr>
</tbody>
</table>

Or. en

Justification

A definition of OECD Due Diligence Guidance has been included for legal certainty and to ensure that the definition includes all future amendments and replacements. The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas was adopted in 2010. It provides specific due diligence guidance for companies at all stages of the minerals supply chain. It has emerged as the leading global due diligence standard in this sector and beyond, and forms the basis for similar legislation in the US and the African Great Lakes Region. It was developed in a multi-stakeholder forum, with extensive participation from business and industry, designed to ensure the Guidance is practical and feasible for companies. The Guidance is flexible, and includes considerations tailored to a company’s size, leverage, and position in the supply chain. It is subject to
amendment, and ongoing multi-stakeholder dialogues ensure that it remains current and adaptable.

Amendment 159
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission
(ab) ’covered resources’ means all natural resources as set out in Annex I, as may be amended periodically in accordance with this Regulation;

Or. en

Justification

The Proposal for a Regulation by the European Commission only applies to ‘tin, tantalum, tungsten, their ores, and gold’ (3TG). In reality, however, other minerals, metals and natural resources sourced in conflict-affected and high-risk areas also fund conflict and human rights abuses. With the aim of achieving the objectives as set out in Article 1 new and as explained in the summary justification, the Regulation should apply to resources other than 3TG. At the same time, supply chain due diligence, as reflected in the OECD Due Diligence Guidance and this Regulation as amended, is well suited to apply across a variety of different supply chains. This amendment, read in conjunction with amendments concerning covered products and regarding Annex I aims at expanding the scope accordingly. Instead of specifying the resources individually, however, this amendment read in conjunction with the amendments regarding Annex I, broadens the scope of the Regulation to a number of resources specified in an Annex to this Regulation (Annex I). At the moment Annex I specifies that covered resources means ‘all minerals, metals, semi-precious and precious stones’. The advantage of this technical set up is that further resources may be added over time as relevant and appropriate. A mechanism further details how the scope of the Annex I may be reviewed and amended (under Article 13 bis 2). At the same time the use of the term ’covered resources’ and related terms throughout the amended Regulation ensures that the substantive and procedural obligations are designed in a manner that they may be applied to these additional resources.

Amendment 160
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini
Proposal for a regulation
Article 2 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) 'covered resources' means all natural resources as set out in Annex I, as may be amended periodically in accordance with this Regulation;

Or. en

Justification

The Proposal for a Regulation by the European Commission only applies to ‘tin, tantalum, tungsten, their ores, and gold’ (3TG). In reality, however, other minerals, metals and natural resources sourced in conflict-affected and high-risk areas also fund conflict and human rights abuses. With the aim of achieving the objectives as set out in Article 1 new and as explained in the summary justification, the Regulation should apply to resources other than 3TG. At the same time, supply chain due diligence, as reflected in the OECD Due Diligence Guidance and this Regulation as amended, is well suited to apply across a variety of different supply chains. This amendment, read in conjunction with amendments concerning covered products and regarding Annex I aims at expanding the scope accordingly. Instead of specifying the resources individually, however, this amendment read in conjunction with the amendments regarding Annex I, broadens the scope of the Regulation to a number of resources specified in an Annex to this Regulation (Annex I). At the moment Annex I specifies that covered resources means ‘all minerals, metals, semi-precious and precious stones’. The advantage of this technical set up is that further resources may be added over time as relevant and appropriate. A mechanism further details how the scope of the Annex I may be reviewed and amended (under Article 13). At the same time the use of the term ‘covered resources’ and related terms throughout the amended Regulation ensures that the substantive and procedural obligations are designed in a manner that they may be applied to these additional resources.

Amendment 161
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) 'covered products' means all covered resources and products comprising or containing covered resources;
The COM proposal only applies to raw materials of the covered resources and to certain processed metals. As a consequence there would be no guarantee that the minerals in products entering the European market have been sourced responsibly. Due diligence is not the responsibility of a single link in the supply chain and is not designed to be effective if implemented in this way. This amendment broadens the scope to products containing covered resources and, hence to companies further downstream.

Amendment 162
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point a c (new)

Justification

The COM proposal only applies to raw materials of the covered resources and to certain processed metals. As a consequence there would be no guarantee that the minerals in products entering the European market have been sourced responsibly. Due diligence is not the responsibility of a single link in the supply chain and is not designed to be effective if implemented in this way. This amendment broadens the scope to products containing covered resources and, hence to companies further downstream.

Amendment 163
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a d (new)
Text proposed by the Commission

(ad) 'recycled resources' means reclaimed end-user or post-consumer products, or scrap processed resources created during product manufacturing, including excess, obsolete, defective, and scrap materials which contain refined or processed resources that are appropriate to recycle in the production of any material.

Minerals partially processed, unprocessed or a bi-product from another ore are not recycled resources.

Amendment

Justification

All materials and products that are excluded from the definition of “recycled metal” in the OECD Guidance due to the fact that it is difficult if not impossible to determine the origin of recycled materials, thus not allowing companies to determine whether they were extracted and handled by responsible companies. As a consequence these resources should be excluded from the substantive due diligence obligations contained in this Regulation. The proposed definition incorporates the OECD Guidance definition but, where appropriate, replaces references to 'minerals' and 'metals' to 'resources' to reflect the broader scope of the Regulation as amended and the language used elsewhere.

Amendment 164

Ska Keller
on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a regulation

Article 2 – paragraph 1 – point a d (new)
in the production of any material. 
Minerals partially processed, unprocessed 
or a bi-product from another ore are not 
recycled resources.

Or. en

Justification

All materials and products that are excluded from the definition of “recycled metal” in the 
OECD Guidance due to the fact that it is difficult if not impossible to determine the origin of 
recycled materials, thus not allowing companies to determine whether they were extracted 
and handled by responsible companies. As a consequence these resources should be excluded 
from the substantive due diligence obligations contained in this Regulation. The proposed 
definition incorporates the OECD Guidance definition but, where appropriate, replaces 
references to ‘minerals’ and ‘metals’ to ‘resources’ to reflect the broader scope of the 
Regulation as amended and the language used elsewhere.

Amendment 165
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) ‘operator’ means any natural or legal 
person that places any covered product on 
the market for the first time;

Or. en

Justification

The use of the well-defined term ‘operator’ in conjunction with the term ‘first placing on the 
market’ ensures that a variety of different economic operators are covered while not 
requiring individual identification or description. The term also covers economic operators 
irrespective of their size, while additional specifications in individual Articles can nonetheless 
provide for differential treatment for certain groups, if needed.

Amendment 166
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point a e (new)

Text proposed by the Commission

Amendment

(ae) 'operator' means any natural or legal person that places any covered product on the market for the first time;

Or. en

Justification

The use of the well-defined term ‘operator’ in conjunction with the term ‘first placing on the market’ ensures that a variety of different economic operators are covered while not requiring individual identification or description. The term also covers economic operators irrespective of their size, while additional specifications in individual Articles can nonetheless provide for differential treatment for certain groups, if needed.

Amendment 167
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point a f (new)

Text proposed by the Commission

Amendment

(af) 'placing on the market' means the supply by any means, irrespective of the selling technique used, of products for the first time on the internal market for distribution or use in the course of commercial activity whether in return for payment or free of charge, including the supply by means of distance communication as defined in Directive 97/7/EC; 'placing on the market' also includes the supply on the internal market of products derived from covered products already placed on the internal market;

Or. en
Justification

In conjunction with the amendments above, this definition of ‘placing on the market’ broadens the scope of companies subject to obligations contained in this Regulation. At the same time it ensures that ‘importation’ is not the triggering point but ‘placing on the internal market’. ‘Placing on the market’ is different from ‘importation’ in a number of ways. Firstly, it refers to goods actually entering the market, which by definition excludes goods that are only in transit or that are merely imported for re-exportation. It may also exclude goods that are in storage and those that are imported for ‘use’ as opposed to marketing. ‘Placing on the market’ also differs from importation in the very important way that products newly manufactured in the European Union and then marketed on the internal market, are also ‘first placed’. As a consequence, producers of new products using raw materials that were previously imported into the European Union are subject to due diligence obligations. At the same time the definition ensures that not every company that sells products containing covered resources are subject to due diligence obligation. The relevant criteria is the action of first placing on the internal market. This ensures that obligations are confined to companies that make supply decisions with a certain degree of power and influence over the upstream supply chain. Small corner shops selling headphones and other equipment after purchasing them from an EU based company, for instance, would not be covered. The use of ‘placing on the market’ is preferable in the context of this Regulation as there is strong legal precedent for ‘placing on the market’, see for instance the EU Timber Regulation, the EU Seals Regulation, the EU Medical Equipment Directive.

Amendment 168
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point a f (new)

Text proposed by the Commission

(af) ‘placing on the market’ means the supply by any means, irrespective of the selling technique used, of products for the first time on the internal market for distribution or use in the course of commercial activity whether in return for payment or free of charge, including the supply by means of distance communication as defined in Directive 97/7/EC; ‘placing on the market’ also includes the supply on the internal market of products derived from covered products already placed on the internal market;
Justification

In conjunction with the amendments above, this definition of 'placing on the market' broadens the scope of companies subject to obligations contained in this Regulation. At the same time it ensures that 'importation' is not the triggering point but 'placing on the internal market'. 'Placing on the market' is different from 'importation' in a number of ways. Firstly, it refers to goods actually entering the market, which by definition excludes goods that are only in transit or that are merely imported for re-exportation. It may also exclude goods that are in storage and those that are imported for 'use' as opposed to marketing. 'Placing on the market' also differs from importation in the very important way that products newly manufactured in the European Union and then marketed on the internal market, are also 'first placed'. As a consequence, producers of new products using raw materials that were previously imported into the European Union are subject to due diligence obligations. At the same time the definition ensures that not every company that sells products containing covered resources are subject to due diligence obligation. The relevant criteria is the action of first placing on the internal market. This ensures that obligations are confined to companies that make supply decisions with a certain degree of power and influence over the upstream supply chain. Small corner shops selling headphones and other equipment after purchasing them from an EU based company, for instance, would not be covered. The use of 'placing on the market' is preferable in the context of this Regulation as there is strong legal precedent for 'placing on the market', see for instance the EU Timber Regulation, the EU Seals Regulation, the EU Medical Equipment Directive.

Amendment 169
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'metals' means metals containing or consisting of tin, tantalum, tungsten and gold as set out in the Annex I;

Amendment

deleted

Or. en

Justification

This definition is no longer needed due to the proposed broader scope of 'covered resources'.
Amendment 170
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'metals' means metals containing or consisting of tin, tantalum, tungsten and gold as set out in the Annex I;

Amendment

deleted

Or. en

Justification

This definition is no longer needed due to the proposed broader scope of 'covered resources'.

Amendment 171
Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'metals' means metals containing or consisting of tin, tantalum, tungsten and gold as set out in the Annex I;

Amendment

deleted

Or. en

Amendment 172
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvs Hog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) 'metals' means metals containing or

Amendment

(b) 'recycled resources' means reclaimed
consisting of tin, tantalum, tungsten and gold as set out in the Annex I;

end-user or post-consumer products, or scrap processed resources created during product manufacturing, including excess, obsolete, defective, and scrap materials which contain refined or processed resources that are appropriate to recycle in the production of any material.

Minerals partially processed, unprocessed or a bi-product from another ore are not recycled resources.

Or. en

Justification

All materials and products that are excluded from the definition of “recycled metal” in the OECD Guidance due to the fact that it is difficult if not impossible to determine the origin of recycled materials, thus not allowing companies to determine whether they were extracted and handled by responsible companies. As a consequence these resources should be excluded from the substantive due diligence obligations contained in this Regulation. The proposed definition incorporates the OECD Guidance definition but, where appropriate, replaces references to ‘minerals’ and ‘metals’ to ‘resources’ to reflect the broader scope of the Regulation as amended and the language used elsewhere.

Amendment 173
Christofer Fjellner

Proposal for a regulation
Article 2 – paragraph 1 – point b a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ba) 'recycled metals' means reclaimed end-user or post-consumer products, or scrap processed metals created during product manufacturing; 'recycled metals' includes excess, obsolete, defective, and scrap metal materials which contain refined or processed metals that are appropriate to recycle in the production of tin, tantalum, tungsten and/or gold; minerals partially processed, unprocessed or a bi-product from another ore are not recycled metals;</td>
<td></td>
</tr>
</tbody>
</table>
In line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, metals reasonably assumed to be recycled are excluded from the scope of this Regulation.

**Amendment 174**
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

**Proposal for a regulation**
**Article 2 – paragraph 1 – point c**

**Text proposed by the Commission**
(c) ‘mineral supply chain’ means the system of activities, organisations, actors, technology, information, resources and services involved in moving and processing the minerals from the extraction site to their incorporation in the final product;

**Amendment**
(c) ‘resources supply chain’ means the system of activities, organisations, actors, technology, information, resources and services involved in moving and processing the resources from the sourcing site to their incorporation in the final product;

**Justification**

This change reflects the broader resources scope of the Regulation. See the new definition of ‘covered resource’.

**Amendment 175**
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

**Proposal for a regulation**
**Article 2 – paragraph 1 – point c**

**Text proposed by the Commission**
(c) ‘mineral supply chain’ means the system of activities, organisations, actors,

**Amendment**
(c) ‘resources supply chain’ means the system of activities, organisations, actors,
technology, information, resources and services involved in moving and processing the minerals from the extraction site to their incorporation in the final product;

technology, information, resources and services involved in moving and processing the resources from the sourcing site to their incorporation in the final product;

Or. en

**Justification**

_This change reflects the broader resources scope of the Regulation. See the new definition of 'covered resource'._

**Amendment 176**  
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point c**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) 'mineral supply chain' means the system of activities, organisations, actors, technology, information, resources and services involved in moving and processing the minerals from the extraction site to their incorporation in the final product;</td>
<td>(c) resources supply chain' means the system of activities, organisations, actors, technology, information, resources and services involved in moving and processing the covered resources from the extraction site to their incorporation in the final product;</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 177**  
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point c a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ca) 'supply chain due diligence' refers to the obligations of operators in relation to their management systems, risk</td>
<td></td>
</tr>
</tbody>
</table>

AM\1055294EN.doc 101/320 PE549.420v02-00
management, third-party audits and disclosure of information with a view to identifying, addressing and publicly reporting on actual and potential risks linked to conflict-affected and high-risk areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Or. en

Justification

The use of ‘operators’ reflects the broader company scope, and ensures that the supply chain due diligence obligations apply to all covered companies. A reference to ‘reporting’ is included to reflect the reporting obligations already contained in the Regulation.

Amendment 178
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ‘supply chain due diligence’ refers to the obligations of operators in relation to their management systems, risk management, third-party audits and disclosure of information with a view to identifying, addressing and publicly reporting on actual and potential risks linked to conflict-affected and high-risk areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Or. en

Justification

The use of ‘operators’ reflects the broader company scope, and ensures that the supply chain
due diligence obligations apply to all covered companies. A reference to ‘reporting’ is included to reflect the reporting obligations already contained in the Regulation.

Amendment 179
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) 'model supply chain policy' means the model supply chain policy in Annex II of the OECD Due Diligence Guidance;

Or. en

Justification

All references to the model supply chain policy should be to the model policy set out in the OECD Due Diligence Guidance. The additional language in the COM proposal is redundant and has been deleted.

Amendment 180
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) 'model supply chain policy' means the model supply chain policy in Annex II of the OECD Due Diligence Guidance;

Or. en

Justification

All references to the model supply chain policy should be to the model policy set out in the OECD Due Diligence Guidance. The additional language in the COM proposal is redundant.
and has been deleted.

Amendment 181
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) 'chain of custody or supply chain traceability system' means a record of the sequence of entities which have custody of minerals and metals as they move through a supply chain;

Amendment

(d) 'chain of custody or supply chain traceability system' means a system to identify and record the sequence of entities which have custody of resources as they move through the supply chain;

Or. en

Amendment 182
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) 'chain of custody or supply chain traceability system' means a record of the sequence of entities which have custody of minerals and metals as they move through a supply chain;

Amendment

(d) 'chain of custody or supply chain traceability system' means a system to identify and record the sequence of entities which have custody of resources as they move through the supply chain;

Or. en

Amendment 183
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskög, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point d
(d) ‘chain of custody or supply chain traceability system’ means a **record of** the sequence of entities which have custody of **minerals and metals** as they move through a supply chain;

(d) ‘chain of custody or supply chain traceability system’ means a **system to identify and record** the sequence of entities which have custody of **covered resources** as they move through the supply chain;

Or. en

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**Amendment 184**
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

**Proposal for a regulation**
**Article 2 – paragraph 1 – point d a (new)**

Text proposed by the Commission: **(da) ‘risk management plan’ means an operator's written responses to the supply chain risks identified under Article 5 in accordance with its supply chain policy;**

Amendment: **(da) ‘risk management plan’ means an operator's written responses to the supply chain risks identified under Article 5 in accordance with its supply chain policy;**

Or. en

**Justification**

Changes reflect the broader company scope and the meaning of ‘risk management plan’ used in the OECD Guidance (see 3T Supplement, Step 3.b.)

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**Amendment 185**
Ska Keller
on behalf of the Verts/ALE Group
Judit Sargentini

**Proposal for a regulation**
**Article 2 – paragraph 1 – point d a (new)**

Text proposed by the Commission: **(da) ‘risk management plan’ means an operator's written responses to the supply chain risks identified under Article 5 in accordance with its supply chain policy;**

Amendment: **(da) ‘risk management plan’ means an operator's written responses to the supply chain risks identified under Article 5 in accordance with its supply chain policy;**

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accordance with its supply chain policy;

Or. en

Justification

Changes reflect the broader company scope and the meaning of ‘risk management plan’ used in the OECD Guidance (see 3T Supplement, Step 3.b.)

Amendment 186
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;

Amendment

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses and breaches of women's and children's rights;

Or. en

Amendment 187
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed

Amendment

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed
states, and widespread and systematic violations of international law, including human rights abuses;

states, and widespread and systematic violations of international law, including human rights abuses; the commission shall decide a list of conflict-affected and high-risk areas after the consultation of a committee consisting of Members States and industry representatives;

Or. en

Amendment 188
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;

Amendment

(e) 'conflict-affected and high-risk areas' means areas identified by the presence of armed conflict, widespread violence or other risks of harm to people and, for these purposes, it is recognized that:

(i) armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars etc.; and

(ii) high-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence, both of which areas are often characterized by widespread human rights abuses and violations of national or international law;

Or. en
Justification

For consistency with international standards, changes reflect the definition of ‘conflict-affected and high-risk areas’ used in the OECD Due Diligence Guidance.

Amendment 189
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;

Amendment

(e) 'conflict-affected and high-risk areas identified by the presence' means areas identified by the presence of armed conflict, widespread violence or other risks of harm to people and, for these purposes, it is recognized that:

Or. en

Amendment 190
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;

Amendment

(e) 'conflict-affected and high-risk areas' means areas identified by the presence of armed conflict, widespread violence or other risks of harm to people and, for these purposes, it is recognized that:

widespread and systematic violations of human rights, as established under international law;
Justification

The definition as proposed by the Commission remains vague and could give rise to uncertainty in implementation. Therefore, it is suggested, for the sake of legal clarity, to amend the definition.

Amendment 191
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point e

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) 'conflict-affected and high-risk areas' means areas in a state of armed conflict, fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;</td>
<td>(e) 'conflict-affected and high-risk areas' means areas identified by the presence of armed conflict, widespread violence or other risks of harm to people and, for these purposes, it is recognized that:</td>
</tr>
<tr>
<td>(i) armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurrections, civil wars, etc.; and</td>
<td>(ii) high-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence, both of which areas are often characterised by widespread human rights abuses and violations of national or international law;</td>
</tr>
</tbody>
</table>
Justification

For consistency with international standards, changes reflect the definition of ‘conflict-affected and high-risk areas’ used in the OECD Due Diligence Guidance.

Amendment 192
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point e – point i (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, or insurgencies, civil wars, etc.; and</td>
<td></td>
</tr>
</tbody>
</table>

Or. en

Amendment 193
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point e – point ii (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) high-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence, both of which areas are often characterized by widespread human rights abuses and violations of national or international law;</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Justification

For consistency with international standards, changes reflect the definition of ‘conflict-affected and high-risk areas’ used in the OECD Due Diligence Guidance.

Amendment 194
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission
(f) 'downstream' means the metal supply chain from the smelters or refiners to the end use;

Amendment
deleted

Or. en

Justification

This definition is redundant in light of the broader resources scope. Many minerals and other resources that fuel conflict financing and human rights abuses are not smelted or refined (e.g. coal). Where appropriate, supply chain choke points such as smelters and refiners are instead referred to as: “Annex II operators”, “Annex II actors”. See comments on those definitions.

Amendment 195
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission
(f) 'downstream' means the metal supply chain from the smelters or refiners to the end use;

Amendment
deleted

Or. en
Justification

This definition is redundant in light of the broader resources scope. Many minerals and other resources that fuel conflict financing and human rights abuses are not smelted or refined (e.g. coal). Where appropriate, supply chain choke points such as smelters and refiners are instead referred to as: “Annex Ia operators”, “Annex Ia actors”. See comments on those definitions.

Amendment 196
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point f

Text proposed by the Commission
(f) 'downstream' means the metal supply chain from the smelters or refiners to the end use;

Amendment
(f) 'downstream' means the resources supply chain from the choke points of transformation and traceability to the end use;

Or. en

Amendment 197
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission
(g) 'importer' means any natural or legal person declaring minerals or metals within the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/1992\(^{13}\);

Amendment
deleted

Justification

This definition is no longer needed due to the introduction and use of the terms ‘operator’ and ‘placing on the market’. These two terms jointly effectively replace the concept of the ‘importer’ for being the triggering point of the obligations contained in this Regulation.

Amendment 198
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) 'importer' means any natural or legal person declaring minerals or metals within the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/199213;

delated


Justification

This definition is no longer needed due to the introduction and use of the terms ‘operator’ and ‘placing on the market’. These two terms jointly effectively replace the concept of the ‘importer’ for being the triggering point of the obligations contained in this Regulation.

Amendment 199
Ramon Tremosa i Balcells
Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) 'importer' means any natural or legal person declaring minerals or metals within the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/92\textsuperscript{13};


Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) 'operator' means any natural or legal person that places covered products on the market for the first time;

Amendment 200
Joachim Schuster

Text proposed by the Commission

Amendment

(g) 'importer' means any natural or legal person declaring minerals or metals within the scope of this Regulation or product components containing such minerals or metals for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/92\textsuperscript{13};

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘importer’ means any natural or legal person declaring minerals or metals within the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/199213; 

Amendment

(g) ‘downstream operator’ means any natural or legal person that places any product comprising or containing covered resources for the first time on the internal market for distribution or use in the course of commercial activities;


Justification

The use of the well-defined term ‘operator’ in conjunction with the term ‘first placing on the market’ broadens the scope of companies subject to obligations contained in this regulation. Placing on the market differs from importation in the very important way that products newly manufactured in the European Union and then marketed on the internal market, are also ‘first placed’. At the same time the definition ensures that not every company that sells products containing covered resources are subject to due diligence obligation. The relevant criteria is the action of first placing on the internal market. This ensures that obligations are confined to companies that make supply decisions with a certain degree of power and influence over the upstream supply chain. Small corner shops selling headphones and other equipment after purchasing them from an EU based company, for instance, would not be covered.

Amendment 202
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point g
(g) 'importer' means any natural or legal person **declaring** minerals or metals within the scope of this Regulation **for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No 2913/1992';

(ga) 'placing on the market' means the supply by any means, irrespective of the selling technique used, of products for the first time on the internal market for distribution or use in the course of commercial activity whether in return for payment or free of charge, including the supply by means of distance communication as defined in Directive 97/7/EC; 'placing on the market' also includes the supply on the internal market of products derived from minerals or metals within the scope of this Regulation already placed on the internal market;


Amendment

203
Daniel Caspary

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission  
(g) 'importer' means any natural or legal person **declaring** minerals or metals within the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No

Amendment

(g) 'importer' means any natural or legal person **established in the Union in whose name the customs declaration is made** (Importer of Record) for the physical introduction into the customs territory of the Union of the minerals or metal within
the scope of this Regulation for release for free circulation within the meaning of Article 79 of Council Regulation (EEC) No. 2913/1992\(^{13}\);


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Amendment 204
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 2 – paragraph 1 – point g a (new)

\textit{Text proposed by the Commission}

\textit{(ga) 'recycled metals' means reclaimed end-user or post-consumer products, or scrap processed metals created during product manufacturing. Recycled metals include excess, obsolete, defective, and scrap metal materials which contain refined or processed metals that are appropriate to recycle in the production of tin, tantalum, tungsten and gold. Minerals that are partially processed, unprocessed or a bi-product from another ore are not recycled metals;}

\textit{Amendment}

\textit{Or. it}

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Amendment 205
Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point g a (new)

AM\:1055294EN.doc  117/320  PE549.420v02-00
(ga) 'covered products' means all covered resources and products comprising or containing covered resources [Note: see c below for definition];

Or. en

Amendment 206
Ramon Tremosa i Balcells

Proposal for a regulation
Article 2 – paragraph 1 – point g b (new)

(gb) 'placing on the market' means the supply by any means, irrespective of the selling technique used, of products for the first time on the internal market for distribution or use in the course of commercial activity whether in return for payment or free of charge, including the supply by means of distance communication as defined in Directive 97/7/EC; 'placing on the market' also includes the supply on the internal market of products derived from covered products already placed on the internal market;

Or. en

Amendment 207
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point h

(h) 'responsible importer' means any importer who chooses to self-certify

deleted
according to the rules set out in this Regulation;

Or. en

Justification

The concepts of a ‘responsible importer’ and ‘self-certification’ are redundant if companies are subject to mandatory requirements.

Amendment 208
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) 'responsible importer' means any importer who chooses to self-certify according to the rules set out in this Regulation;

Amendment

deleted

Or. en

Justification

The concepts of a ‘responsible importer’ and ‘self-certification’ are redundant if companies are subject to mandatory requirements.

Amendment 209
Joachim Schuster

Proposal for a regulation
Article 2 – paragraph 1 – point h

Text proposed by the Commission

h) 'responsible importer' means any importer who chooses to self-certify according to the rules set out in this

Amendment

deleted
Regulation;

Amendment 210
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 2 – paragraph 1 – point h

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) 'responsible importer' means any importer who chooses to self-certify according to the rules set out in this Regulation;</td>
<td>(h) 'responsible importer' means any importer who chooses to self-declare according to the rules set out in this Regulation;</td>
</tr>
</tbody>
</table>

Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 211
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point h

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(h) 'responsible importer' means any importer who chooses to self-certify according to the rules set out in this Regulation;</td>
<td>(h) 'upstream' means the natural resource supply chain from the sourcing sites to the final choke points of transformation and traceability;</td>
</tr>
</tbody>
</table>

Or. de

Or. en
Amendment 212
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) ‘responsible importer’ means any importer who chooses to self-certify according to the rules set out in this Regulation;

Amendment

(h) ‘responsible operator’ means any operator who shall self-certify according to the rules set out in this Regulation;

Or. en

Amendment 213
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Amendment

deleted

Or. en

Justification

The definition of self-certification is now redundant.

Amendment 214
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point i
Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Amendment

deleted

Or. en

Justification

The definition of self-certification is now redundant.

Amendment 215
Joachim Schuster

Proposal for a regulation
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Amendment

deleted

Or. de

Amendment 216
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations

Amendment

(i) 'self-declaration' means the act of declaring one's adherence to the obligations

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relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Or. en

Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 217
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Amendment

(i) 'upstream actor' means any natural or legal person operating at a choke point of transformation and traceability in a resources supply chain, such as smelters, refiners and raw materials exchanges;

Or. en

Justification

The OECD Guidance places the most important due diligence obligations on so called choke points, such as smelters, refiners, etc. This definition covers these choke point companies globally. The following definition of upstream operator, on the other hand, refers to these companies when they import into the EU. The Commission proposal treated all raw material importers the same way irrespective of whether they are choke points or simply traders. this risks treating some downstream companies as upstream companies.

Amendment 218
Daniel Caspary

Proposal for a regulation
Article 2 – paragraph 1 – point i

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Text proposed by the Commission

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party audits and disclosure as set out in this Regulation;

Amendment

(i) 'self-certification' means the act of declaring one's adherence to the obligations relating to management systems, risk management, third-party conformity assessment and disclosure as set out in this Regulation;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout)

Or. en

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 219
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point i a (new)

Text proposed by the Commission

(ia) 'upstream operator' means any upstream actor that places any covered resource for the first time on the internal market for distribution or use in the course of commercial activities;

Amendment

Or. en

Amendment 220
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey
Proposal for a regulation  
Article 2 – paragraph 1 – point j  

Text proposed by the Commission  
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of mineral extraction, trade, handling and export in conflict-affected and high-risk areas;

Amendment  
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of resource sourcing, trade, handling and export in respect of resources originating in conflict-affected and high-risk areas;

Or. en

Justification  

Changes reflect the broader resources scope of the Regulation.

Amendment 221  
Ska Keller  
on behalf of the Verts/ALE Group  
Judith Sargentini

Proposal for a regulation  
Article 2 – paragraph 1 – point j

Text proposed by the Commission  
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of mineral extraction, trade, handling and export in conflict-affected and high-risk areas;

Amendment  
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of resource sourcing, trade, handling and export in respect of resources originating in conflict-affected and high-risk areas;

Or. en

Justification  

Changes reflect the broader resources scope of the Regulation.
Amendment 222
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point j

Text proposed by the Commission
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of mineral extraction, trade, handling and export in conflict-affected and high-risk areas;

Amendment
(j) 'grievance mechanism' means an early-warning risk awareness mechanism allowing any interested party or whistle-blower to voice concerns regarding the circumstances of resource extraction, trade, handling and export in respect of resources originating in conflict-affected and high-risk areas;

Or. en

Amendment 223
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission
(ja) 'Annex II operator' refers to any operator of the type identified in Annex II;

Amendment
(ja) 'Annex II operator' refers to any operator of the type identified in Annex II;

Or. en

Justification
The Proposal only focuses on smelters and refiners. To ensure that the supply chain due diligence obligations contained in this Regulation can also effectively apply to supply chains with choke points other than smelters and refiners, it is necessary that new choke point operators can be added, as they become available. For that reason this amendment refers to a list of them into an Annex (Annex II) and calls them Annex II operators.
Amendment 224
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) 'Annex Ia operator' refers to any operator of the type identified in Annex Ia;

Or. en

Justification

The Proposal only focuses on smelters and refiners. To ensure that the supply chain due diligence obligations contained in this Regulation can also effectively apply to supply chains with choke points other than smelters and refiners, it is necessary that new choke point operators can be added, as they become available. For that reason this amendment refers to a list of them into an Annex (Annex Ia) and calls them Annex Ia operators.

Amendment 225
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment

(jb) 'Annex II actor' refers to any natural or legal person of the type identified in Annex II;

Or. en

Justification

This definition groups together all persons that act as choke points in the supply chains of covered resources. It includes global smelters, refiners and other supply chain choke points listed in Annex II. It differs from ‘Annex II operators’. The definition ensures that certain downstream obligations concern all global Annex II actors. These obligations call for the identification of all Annex II actors globally, not only those based in the EU.
Amendment 226
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point j b (new)

Text proposed by the Commission

Amendment
(jb) 'Annex Ia actor' refers to any natural or legal person of the type identified in Annex Ia;

Or. en

Justification
This definition groups together all persons that act as choke points in the supply chains of covered resources. It includes global smelters, refiners and other supply chain choke points listed in Annex Ia. It differs from 'Annex Ia operators'. The definition ensures that certain downstream obligations concern all global Annex Ia actors. These obligations call for the identification of all Annex Ia actors globally, not only those based in the territory of the EU.

Amendment 227
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point j c (new)

Text proposed by the Commission

Amendment
(jc) 'responsible Annex II actor' refers to any Annex II actor that complies with this Regulation or the OECD Due Diligence Guidance and has submitted audited reports as set out in Article 6 to a Member State authority in accordance with Article 7 (3) or 7 (7);

Or. en
Justification

All references to ‘responsible smelters or refiners’ have been replaced with ‘responsible Annex II actor[s]’. See comments on ‘responsible Annex II actor’ and Article 8 below.

Amendment 228
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point j c (new)

Text proposed by the Commission

Amendment
(jc) 'responsible Annex Ia actor' refers to any Annex Ia actor that complies with this Regulation or the OECD Due Diligence Guidance and has submitted audited reports as set out in Article 6 to a Member State authority in accordance with Article 7 (3) or 7 (6) (a);

Or. en

Justification

All references to ‘responsible smelters or refiners’ have been replaced with ‘responsible Annex Ia actor[s]’. See comments on ‘responsible Annex Ia actor’ and Article 8 below.

Amendment 229
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point j d (new)

Text proposed by the Commission

Amendment
(jd) 'business confidentiality and other competitiveness concerns' means price information and supplier relationships without prejudice to subsequent evolving interpretation;
Or. en

Justification

This term should be defined to avoid uncertainty. The definition used is the definition in the OECD Due Diligence Guidance.

Amendment 230
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point j d (new)

Text proposed by the Commission

Amendment

(jd) 'business confidentiality and other competitiveness concerns' means price information and supplier relationships without prejudice to subsequent evolving interpretation;

Or. en

Justification

This term should be defined to avoid uncertainty. The definition used is the definition in the OECD Due Diligence Guidance.

Amendment 231
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) 'model supply chain policy' conforms to Annex II of the OECD Due Diligence Guidance outlining the risks of significant adverse impacts which may be associated with the extraction, trade, handling and
export of minerals from conflict-affected and high risk areas;

Justification
due to change of order

Amendment 232
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point k

Text proposed by the Commission
(k) 'model supply chain policy' conforms to Annex II of the OECD Due Diligence Guidance outlining the risks of significant adverse impacts which may be associated with the extraction, trade, handling and export of minerals from conflict-affected and high risk areas;

Amendment
deleted

Justification
Due to change of order

Amendment 233
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvsckog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point k

Text proposed by the Commission
(k) 'model supply chain policy' conforms to

Amendment
(k) 'model supply chain policy' means the
to Annex II of the OECD Due Diligence Guidance outlining the risks of significant adverse impacts which may be associated with the extraction, trade, handling and export of minerals from conflict-affected and high risk areas; model supply chain policy in Annex II of the OECD Due Diligence Guidance;

Amendment 234
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) 'risk management plan' means the importers' written response to the identified supply chain risks based on Annex III to the OECD Due Diligence Guidance\(^\text{14}\); deleted


Justification
due to change of order

Amendment 235
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini
Proposal for a regulation
Article 2 – paragraph 1 – point l

Text proposed by the Commission

(l) 'risk management plan' means the importers' written response to the identified supply chain risks based on Annex III to the OECD Due Diligence Guidance14;

________________________


Amendment

deleted

________________________

Justification

Due to change of order

Amendment 236
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point l

Text proposed by the Commission

(l) 'risk management plan' means the operators' written response to the identified supply chain risks identified under Article 5(a), in accordance with Annex III to the OECD Due Diligence Guidance14;

________________________

Amendment 237
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point l

**Text proposed by the Commission**

(l) 'risk management plan' means the **importers'** written response to the identified supply chain risks based on Annex III to the OECD Due Diligence Guidance;

**Amendment**

(l) 'risk management plan' means the **operators'** written response to the identified supply chain risks based on Annex III to the OECD Due Diligence Guidance;

____________________


Amendment 238
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point n

**Text proposed by the Commission**

(n) 'upstream' means the mineral supply chain from the extraction sites to the smelters or refiners, included;

**Amendment**

deleted

____________________


Or. en
Justification

This definition is redundant in light of the broader resources scope. Many minerals and other resources that fuel conflict financing and human rights abuses are not smelted or refined (e.g. coal). Where appropriate, supply chain choke points such as smelters and refiners are instead referred to as: “Annex II operators”, “Annex II actors”.

Amendment 239
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

(n) 'upstream' means the mineral supply chain from the extraction sites to the smelters or refiners, included;

Amendment

deleted

Or. en

Justification

This definition is redundant in light of the broader resources scope. Many minerals and other resources that fuel conflict financing and human rights abuses are not smelted or refined (e.g. coal). Where appropriate, supply chain choke points such as smelters and refiners are instead referred to as: “Annex Ia operators”, “Annex Ia actors”.

Amendment 240
Joachim Schuster

Proposal for a regulation
Article 2 – paragraph 1 – point o

Text proposed by the Commission

o) 'supply chain due diligence' refers to the obligations of responsible importers of tin, tantalum and tungsten, their ores, and gold in relation to their management systems, risk management, third-party audits and disclosure of information with a view to forwarding of information to the relevant
identifying and addressing actual and potential risks linked to conflict-affected and high risk-areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Member State authorities with a view to identifying and addressing actual and potential risks linked to conflict-affected and high risk-areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Amendment 241
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) 'supply chain due diligence' refers to the obligations of responsible importers of tin, tantalum and tungsten, their ores, and gold in relation to their management systems, risk management, third-party audits and disclosure of information with a view to identifying and addressing actual and potential risks linked to conflict-affected and high risk-areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Amendment

(o) 'supply chain due diligence' refers to the obligations of responsible operators in relation to their management systems, risk management, third-party audits and disclosure of information as appropriate with a view to identifying, addressing and reporting on actual and potential risks linked to conflict-affected and high risk-areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Or. en

Amendment 242
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) 'supply chain due diligence' refers to the obligations of responsible importers of tin, tantalum and tungsten, their ores, and gold in relation to their management

Amendment

(o) 'supply chain due diligence' refers to the obligations of responsible operators of tin, tantalum and tungsten, their ores, and gold in relation to their management
systems, risk management, third-party audits and disclosure of information with a view to identifying and addressing actual and potential risks linked to conflict-affected and high risk-areas to prevent or mitigate adverse impacts associated with their sourcing activities;

Amendment 243
Marielle de Sarnez

Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission
(p) 'responsible smelters or refiners' means smelters or refiners in the supply chain of the responsible importer;

Amendment
(p) 'smelters or refiners’ means smelters or refiners in the supply chain of the responsible importer;

Justification
European smelters and refiners will be required to apply the regulation.

Amendment 244
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission
(p) 'responsible smelters or refiners' means smelters or refiners in the supply chain of the responsible importer;

Amendment
(p) 'responsible upstream actor' refers to any upstream actor that complies with the OECD Due Diligence Guidance and has submitted audited reports in accordance with Article 7 (3) or 7 (7);
Amendment 245
Pablo Zalba Bidegain

Proposal for a regulation
Article 2 – paragraph 1 – point p

Text proposed by the Commission

(p) 'responsible smelters or refiners' means smelters or refiners in the supply chain of the responsible importer;

Amendment

(p) 'responsible smelters or refiners' means smelters or refiners in the supply chain of the responsible operator;

Or. en

Amendment 246
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 2 – paragraph 1 – point p a (new)

Text proposed by the Commission

(pa) ‘micro-enterprise’ means an enterprise that employs fewer than 10 people and whose annual turnover or annual balance sheet total does not exceed EUR 2 million, in accordance with Commission Recommendation 2003/361/EC1a;

Amendment


Or. it
Amendment 247
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 2 – paragraph 1 – point q

Text proposed by the Commission
(q) 'Member State competent authorities'
means the designated one or more
authorities with auditing competences and
knowledge as regards raw materials and
industrial processes.

Amendment
(q) 'The EU-wide competent authority'
means the designated EU-wide authority
with auditing competences and knowledge
as regards raw materials and industrial
processes.

Or. en

Amendment 248
Iratxe García Pérez, Catherine Bearder
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Article 2 – paragraph 1 – point q

Text proposed by the Commission
(q) 'Member State competent authorities'
means the designated one or more
authorities with auditing competences and
knowledge as regards raw materials and
industrial processes.

Amendment
(q) 'Member State competent authorities'
means the designated one or more
authorities with auditing competences and
knowledge as regards raw materials and
industrial processes and human rights,
including the importance of defending the
lives of women and children in conflict-
affected and high-risks areas.

Or. en

Amendment 249
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 2 – paragraph 1 – point q
Text proposed by the Commission

(q) 'Member State competent authorities' means the designated one or more authorities with auditing competences and knowledge as regards raw materials and industrial processes.

Amendment

(q) 'Member State competent authorities' means the designated one or more authorities with auditing and investigation competences and knowledge as regards raw materials and industrial processes.

Or. en

Amendment 250
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 2 – paragraph 1 – point q

Text proposed by the Commission

(q) 'Member State competent authorities' means the designated one or more authorities with auditing competences and knowledge as regards raw materials and industrial processes.

Amendment

(q) 'Member State competent authorities' means the designated one or more authorities with auditing and investigation competences and knowledge as regards raw materials and industrial processes.

Or. en

Amendment 251
Joachim Schuster

Proposal for a regulation
Article 2 – paragraph 1 – point q

Text proposed by the Commission

q) 'Member State competent authorities' means the designated one or more authorities with auditing competences and knowledge as regards raw materials and industrial processes.

Amendment

q) 'Member State competent authorities' means a named authority to which importers must supply proof of compliance with this Regulation.

Or. de
Amendment 252
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

(qa) 'business confidentiality and other competitiveness concerns' means price information and supplier relationships without prejudice to subsequent evolving interpretation; all information will be disclosed to any institutionalised mechanism, regional or global, once in place with the mandate to collect and process information on minerals from conflict-affected and high-risk areas.

Amendment

Or. en

Amendment 253
Daniel Caspary

Proposal for a regulation
Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

(qa) 'industry scheme' means a combination of voluntary supply chain due diligence procedures, tools or mechanisms, developed and overseen by relevant industry associations, including third-party conformity assessments;

Amendment

Or. en

Amendment 254
Pablo Zalba Bidegain
Proposal for a regulation
Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) 'recycled metals' means reclaimed end-user or post-consumer products, or scrap processed metals created during product manufacturing; recycled metals include excess, obsolete, defective, and scrap metal materials which contain refined or processed metals that are appropriate to recycle in the production of tin, tantalum, tungsten and/or gold; minerals partially processed, unprocessed or a by-product from another ore are not recycled metals;

Or. en

Amendment 255
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) 'microenterprise', as defined in the Commission recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises C (2003) 1422, means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million.

Or. en

Amendment 256
Pablo Zalba Bidegain
Proposal for a regulation
Article 2 – paragraph 1 – point q b (new)

Text proposed by the Commission

Amendment

(qb) 'industry scheme' means a combination of supply chain due diligence procedures, tools or mechanisms, developed and overseen by relevant industry associations, including third party audits;

Or. en

Amendment 257
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 2 – paragraph 1 – point q c (new)

Text proposed by the Commission

Amendment

(qc) 'OECD Due Diligence Guidance' means the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Second Edition, OECD Publishing (OECD (2013)) including all Council decisions, Annexes and Supplements, as each may be amended or replaced periodically.

Or. en

Amendment 258
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Amendment

Self-certification as a responsible Operator obligations
importer

Amendment 259
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 3 – title

Text proposed by the Commission Amendment

Self-certification as a responsible importer
Operator obligations

Or. en

Amendment 260
Joachim Schuster

Proposal for a regulation
Article 3 – title

Text proposed by the Commission Amendment

Self-certification as a responsible importer
Process of defining conflict-affected regions

Or. de

Amendment 261
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 3 – title

Text proposed by the Commission Amendment

Self-certification as a responsible importer Self-declaration as a responsible importer
Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 262
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Self-certification as a responsible importer

Amendment

Flexible operator obligations

Amendment 263
Pablo Zalba Bidegain

Proposal for a regulation
Article 3 – title

Text proposed by the Commission

Self-certification as a responsible importer

Amendment

Self-certification as a responsible operator

Amendment 264
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals

Amendment

1. Any importer of minerals or metals
within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

within the scope of the Regulation may self-certify as responsible importer by declaring to the EU-wide competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Or. en

Amendment 265
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Amendment

1. In accordance with the OECD Due Diligence Guidance, operators shall take all reasonable steps and make good faith efforts to conduct their due diligence obligations pursuant to Article 4 and 5. Each operator shall ensure that they make progressive, measurable and timely improvement in complying with its obligations. The nature and extent of specific due diligence that is appropriate depends on individual circumstances and is affected by factors such as an operator's position in the supply chain, the size of the operator, the location of the operator's activities, the situation in a particular country, the sector and nature of the products or services involved.

Or. en

Justification

New paragraph 1 reflects the language set out in the OECD Due Diligence Guidance, including the expectation that companies make measurable and progressive improvement in
carrying out due diligence.

Amendment 266
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Amendment

1. In accordance with the OECD Due Diligence Guidance, operators shall take all reasonable steps and make good faith efforts to conduct their due diligence obligations pursuant to Article 4 and 5. Each operator shall ensure that they make progressive, measurable and timely improvement in complying with its obligations. The nature and extent of specific due diligence that is appropriate depends on individual circumstances and is affected by factors such as an operator's position in the supply chain, the size of the operator, the location of the operator's activities, the situation in a particular country, the sector and nature of the products or services involved.

Or. en

Justification

New paragraph 1 reflects the language set out in the OECD Due Diligence Guidance, including the expectation that companies make measurable and progressive improvement in carrying out due diligence.

Amendment 267
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 3 – paragraph 1
1. Any importer of minerals or metals within the scope of the Regulation may **self-certify as** responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

**Amendment**

1. Any importer of minerals or metals within the scope of the Regulation may **self-declare as a** responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

**Or. en**

**Justification**

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

**Amendment 268**

Ramon Tremosa i Balcells

**Proposal for a regulation**

**Article 3 – paragraph 1**

**Text proposed by the Commission**

1. Any importer of minerals or metals within the scope of the Regulation may **self-certify as** responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

**Amendment**

1. Any importer of minerals or metals within the scope of the Regulation **shall self-certify as** responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

**Or. en**
Amendment 269
Joachim Schuster

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Amendment

1. The definition of emerging ‘conflict-affected regions’ shall be drawn up on the basis of dialogue between the Commission, the European Parliament, the competent Member State authorities and civil society actors.

Amendment 270
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Amendment

1. Operators shall take all reasonable steps and make good faith efforts to conduct their due diligence obligations pursuant to Article 4 and 5. Each operator shall ensure that they make progressive, measurable and timely improvement in complying with its obligations. The nature and extent of specific due diligence that is appropriate depends on individual circumstances and is affected by factors such as an operator's position in the supply chain, the size of the operator, the location of the
operator's activities, the situation in a particular country, the sector and nature of the products or services involved. Particular attention shall be given to the situation of micro-small and medium sized downstream operators.

Or. en

Justification

This is particularly relevant for micro, small and medium sized enterprises and should be read in conjunction with changes to articles 4 and 5.

Amendment 271
Pablo Zalba Bidegain

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Any importer of minerals or metals within the scope of the Regulation may self-certify as responsible importer by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the importer confirms its adherence to the obligations including results of the independent third-party audits carried out.

Amendment

1. Any operator of minerals or metals within the scope of the Regulation shall self-certify as responsible operator by declaring to a Member State competent authority that it adheres to the supply chain due diligence obligations set out in this Regulation. The declaration shall contain documentation in which the operator confirms its adherence to the obligations including results of the independent third-party audits carried out.

Or. en

Amendment 272
Alessia Maria Mosca

Proposal for a regulation
Article 3 – paragraph 1 – subparagraph 1 a (new)
Micro-enterprises wishing to self-certify as responsible importers shall comply with the provisions set out in the following articles but shall be exempted from having to meet the obligations set out in Article 4(f)(iv) and (v) and (g)(v) and (vi), Article 5(b) and Article 7(2) and (3).

Or. it

Amendment 273
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 3 – paragraph 2

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Or. en

Amendment 274
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 3 – paragraph 2

2. The Member State competent authorities shall carry out appropriate ex-
post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment 275
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment 276
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment

2. The EU-wide competent authority shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.
2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Or. en

Amendment 277
Joachim Schuster

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment

Article 3a

The Member State competent authorities shall carry out checks in order to ensure that importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Or. de

Amendment 278
Emma McClarkin on behalf of the ECR Group

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-declared responsible importers of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Or. en
Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 279
Pablo Zalba Bidegain

Proposal for a regulation
Article 3 – paragraph 2

2. The Member State competent authorities shall carry out appropriate ex-post checks in order to ensure that self-certified responsible operators of the minerals or metals within the scope of this Regulation comply with their obligations pursuant to Articles 4, 5, 6, and 7 of this Regulation.

Amendment 280
Nicola Danti

Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1 a (new)

Micro-enterprises shall not be covered by the scope of this Regulation and the obligations it lays down.

Amendment 281
Bernd Lange

Proposal for a regulation
Article 3 a (new)
Text proposed by the Commission

Amendment

Article 3a
All importers of products containing minerals and metals within the scope of this Regulation shall prove to the competent Member State authority that the minerals and metals in question meet the requirements of this Regulation. Evidence of certification under the Dodd-Frank Act shall be regarded as proof of compliance.

Or. de

Amendment 282
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The responsible importer of the minerals or metals within the scope of this Regulation shall:

Each operator shall, in accordance with the OECD Due Diligence Guidance:

Or. en

Justification

The reference to “operator” reflects the broader company scope. The words “in accordance with the OECD Due Diligence Guidance” are necessary to ensure that the detail set out in the Guidance is incorporated into the Regulation, and that operators comply with the standards in the Guidance.

Amendment 283
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

AM\1055294EN.doc 155/320 PE549.420v02-00
Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

Each operator shall, in accordance with the OECD Due Diligence Guidance:

Justification

The reference to “operator” reflects the broader company scope. The words “in accordance with the OECD Due Diligence Guidance” are necessary to ensure that the detail set out in the Guidance is incorporated into the Regulation, and that operators comply with the standards in the Guidance.

Amendment 284
Joachim Schuster

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

The importer of the minerals or metals within the scope of this Regulation shall:

Or. de

Amendment 285
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

Each upstream operator shall, in accordance with the OECD Due Diligence Guidance
Regulation shall:

Guidance:

Justification

All changes to article 4 are made to reflect the broadened company scope while ensuring that only upstream operators are subject to upstream obligations in line with the OECD Guidance and that downstream companies are only subject to flexible and size appropriate downstream obligations.

Amendment 286

Pablo Zalba Bidegain

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The responsible importer of the minerals or metals within the scope of this Regulation shall:

The responsible operator of the minerals or metals within the scope of this Regulation shall:

Or. en

Amendment 287

Iratxe García Pérez, Catherine Bearder

on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas,

(a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas, as well as key measures undertaken to avoid financing of illicit activities that may lead to violations of human rights and the exploitation of, and violence against,
women and children,

Amendment 288
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission
(a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas,

Amendment
(a) adopt and clearly communicate to suppliers and the public its supply chain policy for covered resources potentially originating from conflict-affected and high-risk areas,

Or. en

Justification
Change reflects the broader resources scope. See the definition of ‘covered resources’ above.

Amendment 289
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission
(a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas,

Amendment
(a) adopt and clearly communicate to suppliers and the public its supply chain policy for covered resources potentially originating from conflict-affected and high-risk areas,

Or. en
**Justification**

*Change reflects the broader resources scope. See the definition of ‘covered resources’ above.*

**Amendment 290**  
**Joachim Schuster**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas,</td>
<td>a) supplies the competent Member State authority with proof of compliance with its due diligence obligation by the entire supply chain downstream from the smelter or refinery for the minerals and metals potentially originating from conflict-affected and high-risk areas and clearly communicates this to the public,</td>
</tr>
</tbody>
</table>

Or. de

**Amendment 291**  
**Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling**

**Proposal for a regulation**  
**Article 4 – paragraph 1 – point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) adopt and clearly communicate to suppliers and the public its supply chain policy for the minerals and metals potentially originating from conflict-affected and high-risk areas,</td>
<td>(a) adopt and clearly and systematically communicate to suppliers and the public its supply chain policy for the covered resources potentially originating from conflict-affected and high-risk areas,</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 292**  
**Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey**
Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission
(b) incorporate in its supply chain policy
the standards against which supply chain
due diligence is to be conducted consistent
with the standards set forth in the model
supply chain policy in Annex II to the
OECD Due Diligence Guidance,

Amendment
(b) incorporate in its supply chain policy
the standards against which supply chain
due diligence is to be conducted consistent
with the standards set forth in the model
supply chain policy,

Or. en

Justification
See the amended definition of ‘model supply chain policy’. The reference to Annex II of the
OECD Guidance is now redundant.

Amendment 293
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission
(b) incorporate in its supply chain policy
the standards against which supply chain
due diligence is to be conducted consistent
with the standards set forth in the model
supply chain policy in Annex II to the
OECD Due Diligence Guidance,

Amendment
(b) incorporate in its supply chain policy
the standards against which supply chain
due diligence is to be conducted consistent
with the standards set forth in the model
supply chain policy,

Or. en

Justification
See the amended definition of ‘model supply chain policy’. The reference to Annex II of the
OECD Guidance is now redundant.
Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) structure its internal management systems to support supply chain due diligence by assigning responsibility to senior staff to oversee the supply chain due diligence process as well as maintain records for a minimum of 5 years,

Amendment

(c) structure its internal management systems to support supply chain due diligence, inter alia, by assigning responsibility to senior staff to oversee the supply chain due diligence process as well as maintain records for a minimum of 10 years,

Or. en

Justification

The words “inter alia” are included to ensure that the detail in the OECD Guidance is incorporated. Companies are expected to structure their internal management systems in other ways, and not only by assigning responsibility to senior staff. For example, see the Supplement on Tin, Tantalum and Tungsten, Step1.B. (page 45). The change to 10 years reflects the requirements in other regulations.

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) structure its internal management systems to support supply chain due diligence by assigning responsibility to senior staff to oversee the supply chain due diligence process as well as maintain records for a minimum of 5 years,

Amendment

(c) structure its internal management systems to support supply chain due diligence, inter alia, by assigning responsibility to senior staff to oversee the supply chain due diligence process as well as maintain records for a minimum of 5 years,

Or. en
Justification

The words “inter alia” are included to ensure that the detail in the OECD Guidance is incorporated. Companies are expected to structure their internal management systems in other ways, and not only by assigning responsibility to senior staff. For example, see the Supplement on Tin, Tantalum and Tungsten, Step1.B. (page 45).

Amendment 296
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) establish a system of controls and transparency over the resources supply chain, including the identification of Annex II actors in the supply chain, which may be implemented through participation in industry-driven programmes,

Or. en

Justification

See the definition of ‘model supply chain policy’ in Article 2.

Amendment 297
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) establish a system of controls and transparency over the resources supply chain, including the identification of Annex Ia actors in the supply chain, which may be implemented through
participation in industry-driven programmes,

Or. en

Justification

See the definition of 'model supply chain policy' in Article 2.

Amendment 298
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission
(d) strengthen its engagement with suppliers by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance,

Amendment
(d) strengthen its engagement with suppliers, *inter alia*, by incorporating its supply chain policy into contracts and agreements with suppliers consistent with the model supply chain policy.

Or. en

Amendment 299
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission
(d) strengthen its engagement with suppliers by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance,

Amendment
(d) strengthen its engagement with suppliers by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance *on a voluntary basis, where appropriate*.

Or. en
Justification

It is not appropriate in all possible circumstances foreseen in the application of this Regulation to oblige, by law, companies to contain specific clauses in certain contracts. While this should be encouraged, it should remain at the discretion of the company concerned.

Amendment 300
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission
(d) strengthen its engagement with suppliers by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance,

Amendment
(d) strengthen its engagement with suppliers, *inter alia*, by incorporating its supply chain policy into contracts and agreements with suppliers consistent with the model supply chain policy,

Or. en

Amendment 301
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission
(d) strengthen its engagement with suppliers by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance,

Amendment
(d) strengthen its engagement with suppliers, *inter alia*, by incorporating its supply chain policy into contracts and agreements with suppliers consistent with Annex II to the OECD Due Diligence Guidance, and, where possible, assist suppliers in building capacities with a view to improving due diligence performance,

Or. en
Amendment 302
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) establish a company-level grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other companies or organisations, or by facilitating recourse to an external expert or body (e.g. ombudsman),

Amendment

(e) establish a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system, or by facilitating recourse to the European ombudsman,

Or. en

Amendment 303
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) establish a company-level grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other companies or organisations, or by facilitating recourse to an external expert or body (e.g. ombudsman),

Amendment

(e) establish a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system,

Or. en

Amendment 304
María Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David
Proposal for a regulation
Article 4 – paragraph 1 – point e

Text proposed by the Commission
(e) establish a company-level grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other companies or organisations, or by facilitating recourse to an external expert or body (e.g. ombudsman).

Amendment
(e) establish a company-level, or industry-wide, grievance mechanism as an early-warning risk-awareness system.

Or. en

Amendment 305
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission
(f) as regards minerals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the mineral, including its trade name and type,
(ii) name and address of the supplier to the importer,
(iii) country of origin of the minerals,
(iv) quantities and dates of extraction, expressed in volume or weight,
(v) when minerals originate from conflict-affected and high-risk areas, additional information, such as the mine of mineral origin; locations where minerals are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the law of the country of origin.

Amendment
deleted
with the specific recommendations for upstream companies as set out in the OECD Due Diligence Guidance.

Justification

Due to change of ordering. See next paragraph.

Amendment 306
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point f

Text proposed by the Commission

(f) as regards minerals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the mineral, including its trade name and type,

(ii) name and address of the supplier to the importer,

(iii) country of origin of the minerals,

(iv) quantities and dates of extraction, expressed in volume or weight,

(v) when minerals originate from conflict-affected and high-risk areas, additional information, such as the mine of mineral origin; locations where minerals are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the specific recommendations for upstream companies as set out in the OECD Due Diligence Guidance.

Amendment

deleted
Justification

Due to change of ordering. See next paragraph.

Amendment 307
Joachim Schuster

Proposal for a regulation
Article 4 – paragraph 1 – point f – introductory part

Text proposed by the Commission
f) as regards minerals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

Amendment
f) as regards minerals, operate a chain of custody or supply chain traceability system that compiles the following information, which can be supported by documentation, from its suppliers and makes it available to the competent Member State authorities:

Or. de

Amendment 308
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point f – introductory part

Text proposed by the Commission
(f) as regards minerals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

Amendment
(f) operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

Or. en

Amendment 309
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling
Proposal for a regulation
Article 4 – paragraph 1 – point f – point i

Text proposed by the Commission
(i) description of the mineral, including its trade name and type,

Amendment
(i) description of the resource, including its trade name and type,

Or. en

Amendment 310
Jarosław Wałęsa

Proposal for a regulation
Article 4 – paragraph 1 – point f – point iii

Text proposed by the Commission
(iii) country of origin of the minerals,

Amendment
deleted

Or. en

Amendment 311
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point f – point iii

Text proposed by the Commission
(iii) country of origin of the minerals,

Amendment
(iii) country of origin of the resource,

Or. en

Amendment 312
Jarosław Wałęsa

Proposal for a regulation
Article 4 – paragraph 1 – point f – point iv
Amendment 313
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point f – point iv

Text proposed by the Commission
(iv) quantities and dates of extraction, expressed in volume or weight,

Amendment
deleted

Or. en

Amendment 314
Jarosław Wałęsa

Proposal for a regulation
Article 4 – paragraph 1 – point f – point v

Text proposed by the Commission
(v) when minerals originate from conflict-affected and high-risk areas, additional information, such as the mine of mineral origin; locations where minerals are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the specific recommendations for upstream companies as set out in the OECD Due Diligence Guidance.

Amendment
deleted

Or. en
**Amendment 315**
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point f – point v

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(v) when minerals originate from conflict-affected and high-risk areas, additional information, such as the mine of mineral origin; locations where minerals are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the specific recommendations for upstream companies as set out in the OECD Due Diligence Guidance.</td>
<td>(v) when resources originate from conflict-affected and high-risk areas, additional information, such as the site of origin; locations where resources are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the specific recommendations for upstream companies as set out in the OECD Due Diligence Guidance.</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 316**
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 – point g

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(g) as regards metals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:</td>
<td>deleted</td>
</tr>
<tr>
<td>(i) description of the metal, including its trade name and type,</td>
<td></td>
</tr>
<tr>
<td>(ii) name and address of the supplier to the importer,</td>
<td></td>
</tr>
<tr>
<td>(iii) name and address of the smelters or refiners in the importers' supply chain,</td>
<td></td>
</tr>
<tr>
<td>(iv) record of the smelters' or refiners' third-party audit reports,</td>
<td></td>
</tr>
<tr>
<td>(v) countries of origin of the minerals in</td>
<td></td>
</tr>
</tbody>
</table>
the smelters' or refiners' supply chain.

(vi) when metals are based on minerals originating from conflict-affected and high-risk areas, additional information shall be provided in accordance with the specific recommendations for downstream companies set out in the OECD Due Diligence Guidance.

Justification

No longer required as the amended subparagraph f now addresses both issues together, in accordance with the OECD Guidance.

Amendment 317
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1 – point g

Text proposed by the Commission
Amendment
(g) as regards metals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the metal, including its trade name and type,

(ii) name and address of the supplier to the importer,

(iii) name and address of the smelters or refiners in the importers' supply chain,

(iv) record of the smelters' or refiners' third-party audit reports,

(v) countries of origin of the minerals in the smelters' or refiners' supply chain.

(vi) when metals are based on minerals
originating from conflict-affected and high-risk areas, additional information shall be provided in accordance with the specific recommendations for downstream companies set out in the OECD Due Diligence Guidance.

Justification

No longer required as the amended subparagraph f now addresses both issues together, in accordance with the OECD Guidance.

Amendment 318
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 – paragraph 1 – point g

Text proposed by the Commission
(g) as regards metals, operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the metal, including its trade name and type,
(ii) name and address of the supplier to the importer,
(iii) name and address of the smelters or refiners in the importers' supply chain,
(iv) record of the smelters' or refiners' third-party audit reports,
(v) countries of origin of the minerals in the smelters' or refiners' supply chain.

Amendment
(deleted)

(vi) when metals are based on minerals originating from conflict-affected and high-risk areas, additional information shall be provided in accordance with the specific recommendations for downstream
companies set out in the OECD Due Diligence Guidance.

Amendment 319
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

In addition to the obligations set out in paragraph 1, Annex II type operators, shall operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the resource including its trade name and type,

(ii) name and address of the supplier to the Annex II actors,

(iii) country of origin of the resource,

(iv) quantities and dates of extraction, expressed in volume or weight,

(v) when resources originate from conflict-affected and high-risk areas listed in Annex V, additional information, such as extraction site; locations where resources are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the OECD Due Diligence Guidance.

Justification

The changes to this paragraph reflect the broader company and resources scope, and ensure that the obligations listed in subparagraphs (i) to (v) apply to all smelters, refiners and other operators that can act as supply chain choke points identified in Annex II.
Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In addition to the obligations set out in paragraph 1, Annex Ia type operators, shall operate a chain of custody or supply chain traceability system that provides, supported by documentation, the following information:

(i) description of the resource including its trade name and type,

(ii) name and address of the supplier to the Annex Ia actors,

(iii) country of origin of the resource,

(iv) quantities and dates of extraction, expressed in volume or weight,

(v) when resources originate from conflict-affected and high-risk areas, additional information, such as extraction site; locations where resources are consolidated, traded and processed; and taxes, fees, royalties paid, in accordance with the OECD Due Diligence Guidance.

Or. en

Justification

The addition of this paragraph reflect the broader company and resources scope, and ensure that the obligations listed in subparagraphs (i) to (v) apply to all smelters, refiners and other operators that can act as supply chain choke points identified in Annex Ia.

Amendment 321
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey
Proposal for a regulation
Article 4 – paragraph 1b (new)

Text proposed by the Commission

Where an operator can reasonably conclude that covered products are derived only from recycled resources, it shall:

(a) publicly disclose their determination; and

(b) describe in reasonable detail the due diligence measures they exercised in making that determination.

Or. en

Justification

See definition on recycled materials contained in Article 2.

Amendment 322
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 4 – paragraph 1b (new)

Text proposed by the Commission

Where an operator can reasonably conclude that covered products are derived only from recycled resources, it shall:

(a) publicly disclose their determination; and

(b) describe in reasonable detail the due diligence measures they exercised in making that determination.

Or. en
Justification

See definition on recycled materials contained in Article 2.

Amendment 323
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Article 4 a
Any downstream operator shall comply with the obligations set out in paragraph 1a)-e) of this Article and establish a system of controls and transparency over the resources supply chain in accordance with the OECD Due Diligence Guidance, including in order to identify the upstream actors in its supply chain, which may be implemented through participation in industry-driven programs.

Or. en

Amendment 324
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 4 b (new)

Text proposed by the Commission

Article 4 b
Where an upstream and downstream operator can reasonably conclude that resources are derived only from recycled or scrap sources, it shall:
(a) publicly disclose their determination; and
(b) describe in reasonable detail the due diligence measures they exercised in making that determination.

Or. en

Amendment 325
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

1. Each operator shall, in accordance with the OECD Due Diligence Guidance, identify and assess the risks in its resources supply chain in accordance with Article 4, and:

Or. en

Justification

The reference to the ‘responsible importer of the minerals or metals’ at the top of paragraph 1 has been replaced by ‘Each operator’. This extends the obligations listed in subparagraphs (i) to (iv) to all ‘operators’, reflecting the broader company scope. All other changes reflect the language in the OECD Due Diligence Guidance.

Amendment 326
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

1. Each operator shall, in accordance with the OECD Due Diligence Guidance, identify and assess the risks in its resources supply chain in accordance
with Article 4, and:

Or. en

Justification

The reference to the ‘responsible importer of the minerals or metals’ at the top of paragraph 1 has been replaced by ‘Each operator’. This extends the obligations listed in subparagraphs (i) to (iv) to all ‘operators’, reflecting the broader company scope. All other changes reflect the language in the OECD Due Diligence Guidance.

Amendment 327
Joachim Schuster

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

1. The importer of the minerals or metals within the scope of this Regulation shall:

Or. de

Amendment 328
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. The responsible importer of the minerals or metals within the scope of this Regulation shall:

Amendment

1. Any upstream operator shall, in accordance with the OECD Due Diligence Guidance:

Or. en
Justification

All changes to article 5 are made to reflect the broadened company scope while ensuring that only upstream operators are subject to upstream obligations in line with the OECD Guidance and that downstream companies are only subject to flexible and size appropriate downstream obligations.

Amendment 329
Pablo Zalba Bidegain

Proposal for a regulation
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission Amendment

1. The responsible importer of the minerals or metals within the scope of this Regulation shall:

Or. en

Amendment 330
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission Amendment

(a) identify and assess the risks of adverse impacts in its mineral supply chain on the basis of the information provided pursuant to Article 4 against the standards of its supply chain policy, consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance,

Or. en

Amendment 331
Ska Keller
on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(a) identify and assess the risks of adverse impacts in its mineral supply chain on the basis of the information provided pursuant to Article 4 against the standards of its supply chain policy, consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance,</td>
<td>deleted</td>
</tr>
</tbody>
</table>

Or. en

Amendment 332
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 5 – paragraph 1 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(a) identify and assess the risks of adverse impacts in its mineral supply chain on the basis of the information provided pursuant to Article 4 against the standards of its supply chain policy, consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance,</td>
<td>(a) identify and assess the risks of adverse impacts in its supply chain in the light of the standards of its supply chain policy, and its supply chain due diligence obligations,</td>
</tr>
</tbody>
</table>

Or. en

Amendment 333
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 1 – point b – introductory part
(b) implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by

(b) implement a strategy to respond to the identified risks, in accordance with the OECD Due Diligence Guidance, including by

Or. en

Justification
To reflect the language in the OECD Due Diligence Guidance.

Amendment 334
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 – point b – introductory part

Text proposed by the Commission

(b) implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by

(b) implement a strategy to respond to the identified risks, in accordance with the OECD Due Diligence Guidance, including by

Or. en

Justification
To reflect the language in the OECD Due Diligence Guidance.

Amendment 335
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 5 – paragraph 1 – point b – introductory part
Text proposed by the Commission

(b) implement a strategy to respond to the identified risks *designed so as to prevent or mitigate adverse impacts* by

Amendment

(b) implement a strategy to respond to the identified risks, *including* by

Amendment 336
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 1 – point b – point i

Text proposed by the Commission

(i) reporting findings of the supply chain risk assessment to its designated senior management,

Amendment

(i) reporting findings of the supply chain risk assessment to its designated senior management *of the operator*,

Justification

*To reflect the language in the OECD Due Diligence Guidance.*

Amendment 337
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 – point b – point i

Text proposed by the Commission

(i) reporting findings of the supply chain risk assessment to its designated senior management,

Amendment

(i) reporting findings of the supply chain risk assessment to its designated senior management *of the operator*,

Or. en
**Justification**

To reflect the language in the OECD Due Diligence Guidance.

**Amendment 338**
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 1 – point b – point ii – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(ii) adopting risk management measures consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance, considering its ability to influence, and where necessary take steps to put pressure on suppliers who can most effectively prevent or mitigate the identified risk, by making it possible either to</td>
<td>(ii) devising and adopting a risk management plan, considering its ability to influence, and where necessary take steps to build leverage on suppliers who can most effectively prevent or mitigate the identified risk, by making it possible either to</td>
</tr>
</tbody>
</table>

**Justification**

To reflect the language in the OECD Due Diligence Guidance.

**Amendment 339**
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 – point b – point ii – introductory part

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(ii) adopting risk management measures consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance, considering its ability to influence, and where necessary take steps to put pressure on suppliers who</td>
<td>(ii) devising and adopting a risk management plan, considering its ability to influence, and where necessary take steps to build leverage on suppliers who can most effectively prevent or mitigate the identified risk, by making it possible either</td>
</tr>
</tbody>
</table>

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can most effectively prevent or mitigate the identified risk, by making it possible either to:

Or. en

**Justification**

To reflect the language in the OECD Due Diligence Guidance.

**Amendment 340**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b – point ii – introductory part**

**Text proposed by the Commission**

(ii) adopting risk management *measures* consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance, considering its ability to influence, and where necessary take steps to *put pressure* on suppliers who can most effectively prevent or mitigate the identified risk, by making it possible either to

**Amendment**

(ii) *devising and* adopting a risk management *plan* consistent with Annex II and the due diligence recommendations of the OECD Due Diligence Guidance, considering its ability to influence, and where necessary take steps to *build leverage* on suppliers who can most effectively prevent or mitigate the identified risk, by making it possible either to

Or. en

**Amendment 341**

Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

**Proposal for a regulation**

**Article 5 – paragraph 1 a (new)**

**Text proposed by the Commission**

1a. Each operator other than an Annex II operator shall identify and assess the risks in its resources supply chain in
accordance with paragraph 1 by:
(a) identifying, to its best efforts, the Annex II actors in its resources supply chain;
(b) assessing, to its best efforts, the due diligence practices of those Annex II actors identified under paragraph 2(a) above on the basis of any available audited reports and/or, as appropriate, other relevant information;

Or. en

Justification

This amendment aims to qualify how risk identification and assessment may be conducted by operators further down in the supply chain, which is particularly relevant for SMEs. The amendment ensures that for smaller companies who are not Annex II operators, due diligence under Article 5 may be conducted by obtaining audited reports from the identified choke points, as they are available, and to check these. For larger companies it would be appropriate to also use other information.

Amendment 342
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

1a. Each operator other than an Annex Ia operator shall identify and assess the risks in its resources supply chain in accordance with paragraph 1 by:
(a) identifying, to its best efforts, the Annex Ia actors in its resources supply chain;
(b) assessing, to its best efforts, the due diligence practices of those Annex Ia actors identified under paragraph 1(a) above on the basis of any available audited reports and/or, as appropriate,
Other relevant information;

Or. en

Justification

This amendment aims to qualify how risk identification and assessment may be conducted by operators further down in the supply chain, which is particularly relevant for SMEs. The amendment ensures that for smaller companies who are not Annex Ia operators, due diligence under Article 5 may be conducted by obtaining audited reports from the identified choke points, as they are available, and to check these. For larger companies it would be appropriate to also use other information.

Amendment 343
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. If a responsible importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment

2. If an Annex II operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall, in accordance with the OECD Due Diligence Guidance, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Or. en

Justification

The change restricts this obligation to smelters, refiners and other choke points identified by the Commission (‘Annex II operators’). The obligations for Annex II operators are substantially wider than those for other operators which reflects their position in the supply chain and their ability to conduct due diligence up to the sourcing site. Reference to the OECD Due Diligence Guidance requires the operator to consult the entities listed, and agree on a strategy for risk mitigation.
Amendment 344
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. If a responsible importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment

2. If an Annex Ia operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall, in accordance with the OECD Due Diligence Guidance, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Or. en

Justification

The change restricts this obligation to smelters, refiners and other choke points identified by the Commission (‘Annex Ia operators’). The obligations for Annex Ia operators are substantially wider than those for other operators which reflects their position in the supply chain and their ability to conduct due diligence up to the sourcing site. Reference to the OECD Due Diligence Guidance requires the operator to consult the entities listed, and agree on a strategy for risk mitigation.

Amendment 345
Joachim Schuster

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. If a responsible importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected

Amendment

2. If an importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected
stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment 346
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. If a responsible importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment

2. If an upstream operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall, in accordance with the OECD Due Diligence Guidance, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Or. en

Amendment 347
Pablo Zalba Bidegain

Proposal for a regulation
Article 5 – paragraph 2

Text proposed by the Commission

2. If a responsible importer pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected

Amendment

2. If a responsible operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and affected
stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

<table>
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<tr>
<th>Amendment 348</th>
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<tbody>
<tr>
<td>Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey</td>
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<tr>
<td>Proposal for a regulation</td>
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<tr>
<td>Article 5 – paragraph 3</td>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>3. <strong>A responsible importer</strong> shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, <strong>rely</strong> on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.</td>
<td>3. <strong>Each Annex II operator</strong> shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, <strong>draw</strong> on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement <strong>in accordance with the OECD Due Diligence Guidance.</strong></td>
</tr>
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<table>
<thead>
<tr>
<th>Justification</th>
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<tbody>
<tr>
<td>As above. Changes reflect the OECD Guidance and the change in company scope. These obligations are now limited to smelters, refiners and other choke points identified by the Commission (see the definition of Annex II operator).</td>
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<tr>
<td>Ska Keller on behalf of the Verts/ALE Group</td>
</tr>
<tr>
<td>Judith Sargentini</td>
</tr>
<tr>
<td>Proposal for a regulation</td>
</tr>
<tr>
<td>Article 5 – paragraph 3</td>
</tr>
</tbody>
</table>
3. A responsible importer shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Amendment

3. Each Annex Ia operator shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, draw on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement in accordance with the OECD Due Diligence Guidance.

Justification

As above. Changes reflect the OECD Guidance and the change in company scope. These obligations are now limited to smelters, refiners and other choke points identified by the Commission (see the definition of Annex Ia operator).

Amendment 350
Joachim Schuster

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. A responsible importer shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Amendment

3. An importer shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Or. de

Amendment 351
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling
Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. A responsible importer shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Amendment

3. An upstream operator shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, draw on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Or. en

Amendment 352
Pablo Zalba Bidegain

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. A responsible importer shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Amendment

3. A responsible operator shall, in order to design conflict and high-risk sensitive strategies for mitigation in the risk management plan, rely on the measures and indicators under Annex III of the OECD Due Diligence Guidance and measure progressive improvement.

Or. en

Amendment 353
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 5 – paragraph 3 – subparagraph 1 a (new)

Any downstream operator shall identify and assess the risks in its resources supply
chain in accordance with paragraph 1(a) by:

a) identifying, to its best efforts, the upstream actors in its resources supply chain; and

b) assessing, to its best efforts, the due diligence practices of those upstream actors on the basis of any available audited reports and/or, as appropriate, other relevant information.

Amendment 354
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

3a. If an operator other than an Annex II operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade it shall, as appropriate and in accordance with the OECD Due Diligence Guidance, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Justification

This new paragraph sets out downstream operator relevant obligations that correspond to the Annex II operator specific obligations contained in paragraphs 5 and 6. The separation of those obligations reflects the different expectations for downstream and upstream due diligence in the OECD Due Diligence Guidance. The requirement further specifies that these requirements only apply to operators of large size and with sufficient leverage over the
upstream supply chain, as it would be appropriate for them to conduct these actions. The additional reference to 'as appropriate' ensures that these requirements would not apply to smaller companies or those with no leverage over the upstream supply chain due diligence.

Amendment 355
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If an operator other than an Annex Ia operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade it shall, as appropriate and in accordance with the OECD Due Diligence Guidance, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

Or. en

Justification

This new paragraph sets out downstream operator relevant obligations that correspond to the Annex Ia operator specific obligations contained in paragraphs 5 and 6. The separation of those obligations reflects the different expectations for downstream and upstream due diligence in the OECD Due Diligence Guidance. The requirement further specifies that these requirements only apply to operators of large size and with sufficient leverage over the upstream supply chain, as it would be appropriate for them to conduct these actions. The additional reference to 'as appropriate' ensures that these requirements would not apply to smaller companies or those with no leverage over the upstream supply chain due diligence.

Amendment 356
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvsjö, Jude Kirton-Darling
Proposal for a regulation  
Article 5 – paragraph 3a (new)

*Text proposed by the Commission*

3a. If a downstream operator pursues risk mitigation efforts while continuing trade or temporarily suspending trade it shall, in accordance with the OECD Due Diligence Guidance and, where appropriate, consult with suppliers and affected stakeholders, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.

*Amendment*

Or. en

Amendment 357  
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation  
Article 6 – paragraph 1

*Text proposed by the Commission*

The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.

*Amendment*

Annex II operators shall have their due diligence practices audited by an independent third-party in accordance with the OECD Due Diligence Guidance.

*Or. en*

*Justification*

Reflects broader company scope, and differentiated auditing requirements, as per OECD Guidance. Not all covered operators must conduct third-party audits. This is a requirement only on choke points as designated in Annex II. It also ensures that smaller companies which are now included in the scope of the Regulation are nonetheless not subject to the auditing requirements unless they are Annex II operators, i.e. smelters and refiners.
Amendment 358
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.

Amendment

Annex Ia operators shall have their due diligence practices audited by an independent third-party in accordance with the OECD Due Diligence Guidance.

Or. en

Justification

Reflects broader company scope, and differentiated auditing requirements, as per OECD Guidance. Not all covered operators must conduct third-party audits. This is a requirement only on choke points as designated in Annex Ia. It also ensures that smaller companies which are now included in the scope of the Regulation are nonetheless not subject to the auditing requirements unless they are Annex Ia operators, i.e. smelters and refiners.

Amendment 359
Joachim Schuster

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.

Amendment

The importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third party and shall make the findings available to the competent Member State authorities.

Or. de
Amendment 360
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 6 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.</td>
<td>Upstream operators shall have their due diligence practices audited by an independent third-party in accordance with the OECD Due Diligence Guidance.</td>
</tr>
</tbody>
</table>

Justification
Reflects broader company scope, and differentiated auditing requirements, as per OECD Guidance. Not all covered operators must conduct third-party audits. This is requirement only on choke points. It also ensures that smaller companies which are now included in the scope of the Regulation are nonetheless not subject to the auditing requirements unless they are choke points such as smelters and refiners.

Amendment 361
Pablo Zalba Bidegain

Proposal for a regulation
Article 6 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.</td>
<td>The responsible operator of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.</td>
</tr>
</tbody>
</table>

Or. en

Amendment 362
Daniel Caspary
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

The responsible importer of the minerals or metals within the scope of this Regulation shall carry out audits via an independent third-party.

Amendment

The responsible importer of the minerals or metals within the scope of this Regulation shall let a notified conformity assessment body carry out a conformity assessment in accordance with the conformity assessment scheme as mentioned in article 6a.

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 363
Daniel Caspary

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

The independent third-party audit shall (a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

Amendment

deleted
(c) respect the audit principles of independence, competence and accountability as set out in the OECD Due Diligence Guidance.

Or. en

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 364
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The independent third-party audit shall</td>
<td>In accordance with the first paragraph of this Article and the OECD Due Diligence Guidance, the independent third-party audit shall:</td>
</tr>
</tbody>
</table>

Or. en

Justification

This ensures that all audits are to the standard and specifications outlined in OECD Guidance.

Amendment 365
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 6 – paragraph 2 – introductory part
Text proposed by the Commission

Amendment

The independent third-party audit shall

In accordance with the first paragraph and the OECD Due Diligence Guidance, the independent third-party audit shall:

Or. en

Justification

This ensures that all audits are to the standard and specifications outlined in OECD Guidance.

Amendment 366
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The independent third-party audit shall

In accordance with Article 6.1 and the OECD Due Diligence Guidance, the independent third-party audit shall:

Or. en

Amendment 367
Catherine Bearder

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management,
disclosure of information, health and safety of the mining operation including the safety of miners, and disclosure of information,

Or. en

Amendment 368
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

Amendment

(a) include in the audit scope all of the operator's activities, processes and systems used to implement supply chain due diligence regarding covered resources, including the operator's management system, risk management, and disclosure of information,

Or. en

Justification

Reflects broader company scope and broader material scope, as above.

Amendment 369
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

Amendment

(a) include in the audit scope all of the operator's activities, processes and systems used to implement supply chain due diligence regarding covered resources,
metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

including the operator's management system, risk management, and disclosure of information,

Or. en

Justification

Reflects broader company scope and broader material scope, as above.

Amendment 370
Joachim Schuster

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

Amendment

(a) include in the audit scope all of the importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

Or. de

Amendment 371
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or

Amendment

(a) include in the audit scope all of the operator's activities, processes and systems used to implement supply chain due diligence regarding covered resources
metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

including the operator's management system, risk management, and disclosure of information,

Or. en

Amendment 372
Pablo Zalba Bidegain

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission
(a) include in the audit scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information,

Amendment
(a) include in the audit scope all of the responsible operator's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible operator's management system, risk management, and disclosure of information,

Or. en

Amendment 373
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission
(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

Amendment
(b) determine as the objective of the audit the conformity of the operator's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

Or. en
**Justification**

*Reflects broader company scope, as above.*

**Amendment 374**  
Ska Keller  
on behalf of the Verts/ALE Group  
Judith Sargentini

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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</tr>
</thead>
<tbody>
<tr>
<td>(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,</td>
<td>(b) determine as the objective of the audit the conformity of the operator's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,</td>
</tr>
</tbody>
</table>

*Or. en*

**Justification**

*Reflects broader company scope, as above.*

**Amendment 375**  
Joachim Schuster

**Proposal for a regulation**  
**Article 6 – paragraph 2 – point b**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,</td>
<td>(b) determine as the objective of the audit the conformity of the importer’s supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,</td>
</tr>
</tbody>
</table>

*Or. de*
Amendment 376
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 6 – paragraph 2 – point b

**Text proposed by the Commission**

(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

**Amendment**

(b) determine as the objective of the audit the conformity of the operator's supply chain due diligence practices with its obligations under Articles 4, 5 and 7 of this Regulation,

Or. en

Amendment 377
Pablo Zalba Bidegain

Proposal for a regulation
Article 6 – paragraph 2 – point b

**Text proposed by the Commission**

(b) determine as the objective of the audit the conformity of the responsible importer's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

**Amendment**

(b) determine as the objective of the audit the conformity of the responsible operator's supply chain due diligence practices with Articles 4, 5 and 7 of this Regulation,

Or. en

Amendment 378
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 6 – paragraph 2 – point c

**Text proposed by the Commission**

(c) respect the audit principles of independence, competence and accountability as set out in the OECD Due

**Amendment**

(c) respect the audit principles of independence, competence and accountability and any applicable audit
Diligence Guidance. *scope, criteria and activities*, as set out in the OECD Due Diligence Guidance.

*Or. en*

**Justification**

This ensures that all audits are to the standard and specifications outlined in OECD Guidance.

**Amendment 379**

Ska Keller  
on behalf of the Verts/ALE Group  
Judith Sargentini  

Proposal for a regulation  
Article 6 – paragraph 2 – point c  

**Text proposed by the Commission**  
(c) respect the audit principles of independence, competence and accountability as set out in the OECD Due Diligence Guidance.

**Amendment**  
(c) respect the audit principles of independence, competence and accountability *and any applicable audit scope, criteria and activities*, as set out in the OECD Due Diligence Guidance.

*Or. en*

**Justification**

This ensures that all audits are to the standard and specifications outlined in OECD Guidance.

**Amendment 380**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling  

Proposal for a regulation  
Article 6 – paragraph 2 – point c  

**Text proposed by the Commission**  
(c) respect the audit principles of  

**Amendment**  
(c) respect the audit principles of  

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independence, competence and accountability as set out in the OECD Due Diligence Guidance.

independence, competence and accountability and any applicable audit scope, criteria and activities, as set out in the OECD Due Diligence Guidance.

Amendment 381
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

All operators may cooperate through their industry organizations to ensure that the independent third-party audit is carried out in accordance with paragraph 2.

Or. en

Justification

Relevant operators may cooperate with industry organisations in order to carry out third party audits, as per OECD Guidance.

Amendment 382
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

All operators may cooperate through their industry organizations to ensure that the independent third-party audit is carried out in accordance with paragraph 2.

Or. en
**Justification**

*Relevant operators may cooperate with industry organisations in order to carry out third party audits, as per OECD Guidance.*

**Amendment 383**
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

**Proposal for a regulation**
**Article 6 – paragraph 2 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operators may cooperate through their industry organizations to ensure that the independent third-part audit is carried out in accordance with paragraph 2.</td>
<td>Or. en</td>
</tr>
</tbody>
</table>

**Amendment 384**
Daniel Caspary

**Proposal for a regulation**
**Article 6 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
</table>
| **Article 6 a**

Conformity assessment scheme

The Commission shall adopt an implementing act designating one or more conformity assessment scheme(s) that:

a) has as scope all of the responsible importer's activities, processes and systems used to implement supply chain due diligence regarding minerals or metals within the scope of the Regulation, including the responsible importer's management system, risk management, and disclosure of information; |
and

b) gives a presumption of conformity with the requirements of articles 4, 5 and 7 of this Regulation.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 13 (3).

Or. en

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 385
Daniel Caspary

Proposal for a regulation
Article 6 b (new)

Text proposed by the Commission

Amendment

Article 6 b

Notification of conformity assessment bodies

1. Member States shall notify the Commission and the other Member States of bodies authorised to carry out third-party conformity assessment tasks under this regulation.

2. The Commission shall make publicly available the list of the bodies notified under this Regulation, including the identification numbers that have been allocated to them and the activities for which they have been notified. The Commission shall ensure that that list is kept up to date.

3. Member States may notify only conformity assessment bodies which have
satisfied the requirements laid down in Article 6c.

4. Conformity assessment bodies that are accredited in accordance with Regulation (EC) No 765/2008 against an appropriate harmonised accreditation standard for carrying out conformity assessment based on a designated conformity assessment scheme, shall be presumed to comply with the requirements in Article 6c.

5. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 6c, or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw notification as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.

6. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying Member State shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying Member State competent authorities at their request.

Or. en

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 386
Daniel Caspary
Proposal for a regulation
Article 6 c (new)

Text proposed by the Commission

Amendment

Article 6 c

Requirements related to conformity assessment bodies seeking notification

1. A conformity assessment body shall be established under national law and have legal personality.

2. A conformity assessment body shall be a third-party body independent of the importer it assesses as well from the smelter/refiner, smelter/refiner’s subsidiaries, licensees, contractors, suppliers and companies cooperating in the conformity assessment.

A body belonging to a business association or professional federation representing undertakings importing, melting or refining minerals under involved in which it assesses, may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

3. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the importer, smelter or refiner of tin, tantalum and tungsten, their ores, and gold.

A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the trade in and smelting and refining of tin, tantalum and tungsten, their ores, and gold or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which
they are notified. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Article 6d and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each conformity assessment procedure in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it
carries out as a notified body and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the product technology in question and the mass or serial nature of the production process.

It shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall have access to all necessary equipment or facilities.

7. The personnel responsible for carrying out conformity assessment activities shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the essential requirements, of the applicable harmonised standards and of the relevant provisions of Union harmonisation legislation and of its implementing regulations;

(d) the ability to draw up certificates, records and reports demonstrating that assessments have been carried out.

8. The impartiality of the conformity assessment bodies, their top level management and of the assessment personnel shall be guaranteed.

The remuneration of the top level management and assessment personnel of a conformity assessment body shall not
depend on the number of assessments carried out or on the results of those assessments.

9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Article 6d or any provision of national law giving effect to it, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 387
Daniel Caspary

Proposal for a regulation
Article 6d (new)

Text proposed by the Commission

Amendment

Article 6d
Obligations of notified conformity assessment bodies

1. The notified conformity assessment body shall carry out the conformity assessment in accordance with a certification scheme designated in
accordance with article 6a.

2. Where a notified conformity assessment body finds that requirements laid down in the certification scheme have not been met by an importer, it shall require that importer to take appropriate corrective measures and shall not issue a certificate.

3. Where, in the course of the monitoring of conformity following the issue of a certificate, a notified conformity assessment body finds that a product no longer complies, it shall require the importer to take appropriate corrective measures and shall suspend or withdraw the certificate if necessary.

4. Where corrective measures are not taken or do not have the required effect, the notified conformity assessment body shall restrict, suspend or withdraw any certificates, as appropriate.

Or. en

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 388
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. By 31 March of each year at the latest, the responsible importer of minerals or metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:

Amendment

1. By 31 March of each year at the latest, all operators shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:
calendar period:

Justification

Change reflects the broader company scope. See the definition of ‘operator’ above.

Amendment 389
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. By 31 March of each year at the latest, the responsible importer of minerals or metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year’s calendar period:

Amendment

1. By 31 March of each year at the latest, all operators shall submit to the Member State competent authority the following documentation covering the previous year’s calendar period:

Justification

Change reflects the broader company scope. See the definition of ‘operator’ above.

Amendment 390
Joachim Schuster

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. By 31 March of each year at the latest, the responsible importer of minerals or metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year’s calendar period:

Amendment

1. By 31 March of each year at the latest, the importer of minerals or metals within the scope of this Regulation shall submit to
shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:

Or. de

Amendment 391
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

<table>
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<th>Text proposed by the Commission</th>
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<tbody>
<tr>
<td>1. By 31 March of each year at the latest, the responsible importer of minerals or metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:</td>
<td>1. By 31 March of each year at the latest, all operators shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:</td>
</tr>
</tbody>
</table>

Justification

All changes in article 7 reflect the more limited auditing requirements in article 6 and the broader company scope. According to the OECD Guidance, only choke points need to be audited but everyone is subject to the reporting and disclosure requirements as set up in this article.

Amendment 392
Pablo Zalba Bidegain

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. By 31 March of each year at the latest, the responsible importer of minerals or</td>
<td>1. By 31 March of each year at the latest, the responsible operator of minerals or</td>
</tr>
</tbody>
</table>

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metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:

Amendment 393
Joachim Schuster
Proposal for a regulation
Article 7 – paragraph 1 – point a

Text proposed by the Commission
(a) its name, address, full contact details and a description of its commercial activities,

Amendment
Does not affect the English version.

Or. de

Amendment 394
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey
Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission
(c) independent third-party audits carried out in accordance with Article 6 of this Regulation.

Amendment
deleted

Justification
This change reflects the broader company scope of the amended regulation. With a broader company scope, not all covered operators are required to carry out independent third-party audits. This is a requirement only on those operators designated in Annex II, as reflected in amendments to Article 6 above.
Amendment 395
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) independent third-party audits carried out in accordance with Article 6 of this Regulation.

Amendment

deleted

Or. en

Justification

This change reflects the broader company scope of the amended regulation. With a broader company scope, not all covered operators are required to carry out independent third-party audits. This is a requirement only on those operators designated in Annex Ia, as reflected in amendments to Article 6 above.

Amendment 396
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) independent third-party audits carried out in accordance with Article 6 of this Regulation.

Amendment

deleted

Or. en

Amendment 397
Daniel Caspary
Proposal for a regulation
Article 7 – paragraph 1 – point c

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) independent third-party audits carried out in accordance with Article 6 of this Regulation.</td>
<td>(c) the certificate issued as result of the third party conformity assessment carried out in accordance with Article 6 of this Regulation.</td>
</tr>
</tbody>
</table>

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.

Amendment 398
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. By 31 March of each year at the latest, the responsible importer of minerals within the scope of this Regulation shall submit to the Member State competent authority the documentation covering the previous year's calendar period as regards the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased, as confirmed by independent third-party audits in accordance with Article 6 of this Regulation.</td>
<td>2. By 31 March of each year at the latest, operators other than Annex II operators shall also submit to the Member State competent authority management reports containing the following documentation covering the previous year's calendar period:</td>
</tr>
</tbody>
</table>

Justification

With a broader company scope, the reporting obligations of operators differ depending on
their positions in the supply chain. As per OECD Guidance, designated choke points, listed in Annex II, are subject to additional reporting requirements in the form of third party audits. The reporting requirements in this article, on the other hand, apply to other operators. These requirements reflect those set out in OECD Guidance.

Amendment 399
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. By 31 March of each year at the latest, the responsible importer of minerals within the scope of this Regulation shall submit to the Member State competent authority the documentation covering the previous year's calendar period as regards the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased, as confirmed by independent third-party audits in accordance with Article 6 of this Regulation.

Amendment

2. By 31 March of each year at the latest, operators other than Annex Ia operators shall also submit to the Member State competent authority management reports containing the following documentation covering the previous year's calendar period:

Or. en

Justification

With a broader company scope, the reporting obligations of operators differ depending on their positions in the supply chain. As per OECD Guidance, designated choke points, listed in Annex Ia, are subject to additional reporting requirements in the form of third party audits. The reporting requirements in this article, on the other hand, apply to other operators. These requirements reflect those set out in OECD Guidance.

Amendment 400
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 2
Text proposed by the Commission

2. By 31 March of each year at the latest, the responsible importer of minerals within the scope of this Regulation shall submit to the Member State competent authority the documentation covering the previous year's calendar period as regards the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased, as confirmed by independent third-party audits in accordance with Article 6 of this Regulation.

Amendment

2. By 31 March of each year at the latest, downstream operators shall also submit to the Member State competent authority management reports containing the following documentation covering the previous year's calendar period:

(a) the operator's supply chain due diligence policy, including the operator's management structure responsible for its due diligence and the person directly responsible;

(b) the operator's system of control and transparency over the resources supply chain, including the steps taken to identify upstream actors in the supply chain and to assess their due diligence practices;

(c) name and address of each of the upstream actors in its supply chain, as identified by the operator in accordance with Article 4 and 5,

(d) independent third-party audits regarding each of the upstream actors in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation, as identified by the operator in accordance with article 4 and 5,

(e) potential or actual risks identified by the operator and action taken by the operator to manage risks during the reporting period in accordance with Article 5,

(f) action taken by the operator to strengthen its due diligence efforts during the reporting period.
Amendment 401
Pablo Zalba Bidegain

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. By 31 March of each year at the latest, the responsible importer of minerals within the scope of this Regulation shall submit to the Member State competent authority the documentation covering the previous year's calendar period as regards the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased, as confirmed by independent third-party audits in accordance with Article 6 of this Regulation.

Amendment

2. By 31 March of each year at the latest, the responsible operator of minerals within the scope of this Regulation shall submit to the Member State competent authority the documentation covering the previous year's calendar period as regards the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased, as confirmed by independent third-party audits in accordance with Article 6 of this Regulation.

Amendment 402
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point a (new)

Text proposed by the Commission

(a) the operator's supply chain due diligence policy, including the operator's management structure responsible for its due diligence and the person directly responsible;

Amendment

(a) the operator's supply chain due diligence policy, including the operator's management structure responsible for its due diligence and the person directly responsible;
Justification

Reflects the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.

Amendment 403
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point b (new)

Text proposed by the Commission

(b) the operator's system of control and transparency over the resources supply chain, including the steps taken to identify upstream actors in the supply chain and to assess their due diligence practices;

Or. en

Justification

Reflects the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.

Amendment 404
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point c (new)

Text proposed by the Commission

(c) name and address of each of the Annex Ia actors in its supply chain, as identified by the operator in accordance with Article 4 and 5;

Or. en
Justification

Reflects changes to Articles 4 and 5 above, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.

Amendment 405
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point d (new)

Text proposed by the Commission
(d) independent third-party audits regarding each of the Annex Ia actors in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation, as identified by the operator in accordance with Article 4 and 5;

Or. en

Justification

Reflects changes to Articles 4, 5, and 6, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance. Operators not listed in Annex Ia are not required to conduct independent third-party audits. As part of their due diligence, they are, however, required to identify all relevant choke-points in their supply chains designated in Annex Ia, and obtain and review the third party audits carried out on their due diligence.

Amendment 406
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point e (new)
Text proposed by the Commission

(e) potential or actual risks identified by the operator and action taken by the operator to manage risks during the reporting period in accordance with Article 5;

Or. en

Justification

Reflects changes to Article 5 above, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance. It is critical that companies publicly report on the risks they have identified in their supply chains, as well as what they have done to mitigate against these. This information is crucial to the due diligence efforts of other companies, as well consumers, investors, and other parties.

Amendment 407
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 2 – point f (new)

Text proposed by the Commission

(f) action taken by the operator to strengthen its due diligence efforts during the reporting period.

Or. en

Justification

Due diligence is an ongoing and flexible process. As such, it allows for operators to improve their due diligence processes over time. This may involve developing better systems, building leverage and relations with suppliers, and cooperating with other companies or industry schemes. It is, however, crucial, that companies are required to state clearly how they plan to make timely improvements in cases where their due diligence is found wanting.
Proposal for a regulation
Article 7 – paragraph 2 – point a (new)

Text proposed by the Commission

(a) the operator's supply chain due diligence policy, including the operator's management structure responsible for its due diligence and the person directly responsible;

Or. en

Justification

Reflects the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.

Proposal for a regulation
Article 7 – paragraph 2 – point b (new)

Text proposed by the Commission

(b) the operator's system of control and transparency over the resources supply chain, including the steps taken to identify upstream actors in the supply chain and to assess their due diligence practices;

Or. en

Justification

Reflects the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.
Amendment 410
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 2 – point c (new)

Text proposed by the Commission

(c) name and address of each of the Annex II actors in its supply chain, as identified by the operator in accordance with Article 4 and 5;

Amendment

Or. en

Justification

Reflects changes to Articles 4 and 5 above, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance.

Amendment 411
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 2 – point d (new)

Text proposed by the Commission

(d) independent third-party audits regarding each of the Annex II actors in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation, as identified by the operator in accordance with Article 4 and 5;

Amendment

Or. en

Justification

Reflects changes to Articles 4, 5, and 6, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance. Operators not listed in Annex II are not required to conduct independent third-party audits. As part of their due diligence, they are, however, required to identify all relevant choke-points...
in their supply chains designated in Annex II, and obtain and review the third party audits carried out on their due diligence.

Amendment 412
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(e) potential or actual risks identified by the operator and action taken by the operator to manage risks during the reporting period in accordance with Article 5;

Or. en

Justification

Reflects changes to Article 5 above, and the OECD’s five-step framework for risk-based due diligence in the mineral supply chain, as described in Annex I of the OECD Guidance. It is critical that companies publicly report on the risks they have identified in their supply chains, as well as what they have done to mitigate against these. This information is crucial to the due diligence efforts of other companies, as well consumers, investors, and other parties.

Amendment 413
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 2 – point f (new)

Text proposed by the Commission

Amendment

(f) action taken by the operator to strengthen its due diligence efforts during the reporting period.

Or. en
Justification

Due diligence is an ongoing and flexible process. As such, it allows for operators to improve their due diligence processes over time. This may involve developing better systems, building leverage and relations with suppliers, and cooperating with other companies or industry schemes. It is, however, crucial, that companies are required to state clearly how they plan to make timely improvements in cases where their due diligence is found wanting.

Amendment 414
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. By 31 March of each year at the latest, the responsible importer of metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year’s calendar period:

Amendment

3. By 31 March of each year at the latest, Annex II type operators shall also submit to the Member State competent authority the following documentation covering the previous year’s calendar period:

Justification

Reflects broader company scope and differentiated reporting requirements, as above. This amendment is also essential to ensure that the proposed White List contained in Article 8 actually only covers those actors and operators that have complied with their due diligence obligations as proven by the third party audit reports.

Amendment 415
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 3 – introductory part

Text proposed by the Commission

3. By 31 March of each year at the latest, the responsible importer of metals within

Amendment

3. By 31 March of each year at the latest, Annex Ia type operators shall also submit
the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:

Or. en

Justification

Reflects broader company scope and differentiated reporting requirements, as above. This amendment is also essential to ensure that the proposed White List contained in Article 8 actually only covers those actors and operators that have complied with their due diligence obligations as proven by the third party audit reports.

Amendment 416
Joachim Schuster

Proposal for a regulation
Article 7 – paragraph 3 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. By 31 March of each year at the latest, the responsible importer of metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:</td>
<td></td>
</tr>
<tr>
<td>Or. de</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 417
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 3 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. By 31 March of each year at the latest, the responsible importer of metals within the scope of this Regulation shall submit</td>
<td></td>
</tr>
<tr>
<td>3. By 31 March of each year at the latest, upstream operators shall also submit to the Member State competent authority the</td>
<td></td>
</tr>
</tbody>
</table>

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to the Member State competent authority the following documentation covering the previous year's calendar period:

<table>
<thead>
<tr>
<th>Amendment 418</th>
<th>Pablo Zalba Bidegain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal for a regulation</td>
<td>Article 7 – paragraph 3 – introductory part</td>
</tr>
<tr>
<td><strong>Text proposed by the Commission</strong></td>
<td><strong>Amendment</strong></td>
</tr>
<tr>
<td>3. By 31 March of each year at the latest, the responsible <em>importer</em> of metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:</td>
<td>3. By 31 March of each year at the latest, the responsible <em>operator</em> of metals within the scope of this Regulation shall submit to the Member State competent authority the following documentation covering the previous year's calendar period:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amendment 419</th>
<th>Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal for a regulation</td>
<td>Article 7 – paragraph 3 – point a</td>
</tr>
<tr>
<td><strong>Text proposed by the Commission</strong></td>
<td><strong>Amendment</strong></td>
</tr>
<tr>
<td>(a) name and address of each of the responsible smelters or refiners in its supply chain,</td>
<td>deleted</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Redundant as this reporting requirement only applies to Annex II operators.</em></td>
</tr>
</tbody>
</table>
Amendment 420
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 3 – point a

Text proposed by the Commission
(a) name and address of each of the responsible smelters or refiners in its supply chain,

Amendment
deleted

Justification
Redundant as this reporting requirement only applies to Annex Ia operators.

Amendment 421
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 3 – point a

Text proposed by the Commission
(a) name and address of each of the responsible smelters or refiners in its supply chain,

Amendment
deleted

Amendment 422
Joachim Schuster

Proposal for a regulation
Article 7 – paragraph 3 – point a

Text proposed by the Commission
(a) name and address of each of the

Amendment
(a) name and address of each of the

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responsible smelters or refiners in its supply chain,

Amendment 423
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) independent third-party audits regarding each of the responsible smelters or refiners in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation,

Amendment

(b) independent third-party audits carried out in accordance with Article 6 of this Regulation; and

Or. de

Justification

Reflects broader company scope and differentiated reporting requirements, as above. Annex II operators are required to carry out independent third party audits, as per Article 6 and OECD Due Diligence Guidance, OECD’s five-step framework for risk-based due diligence in the mineral supply chain Step 4. It is critical that this information is part of the operator’s public reporting.

Amendment 424
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 3 – point b

Text proposed by the Commission

(b) independent third-party audits regarding each of the responsible smelters or refiners in its supply chain carried out

Amendment

(b) independent third-party audits carried out in accordance with Article 6 of this Regulation; and
in accordance with the scope, objective and principles set out in Article 6 of the Regulation,

Or. en

**Justification**

Reflects broader company scope and differentiated reporting requirements, as above. Annex Ia operators are required to carry out independent third party audits, as per Article 6 and OECD Due Diligence Guidance. OECD’s five-step framework for risk-based due diligence in the mineral supply chain Step 4. It is critical that this information is part of the operator’s public reporting.

**Amendment 425**

Joachim Schuster

Proposal for a regulation

Article 7 – paragraph 3 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) independent third-party audits regarding each of the responsible smelters or refiners in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation,</td>
<td>(b) independent third-party audits regarding each of the smelters or refiners in its supply chain carried out in accordance with the scope, objective and principles set out in Article 6 of the Regulation,</td>
</tr>
</tbody>
</table>

Or. de

**Amendment 426**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation

Article 7 – paragraph 3 – point b

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) independent third-party audits regarding each of the responsible smelters or refiners in its supply chain carried out</td>
<td>(b) independent third-party audits carried out in accordance with Article 6 of this Regulation; and</td>
</tr>
</tbody>
</table>

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in accordance with the scope, objective and principles set out in Article 6 of the Regulation,
refiners, as confirmed by independent third-party audits.

resources purchased, as confirmed by the independent third-party audits in accordance with Article 6 of this Regulation.

Or. en

Justification

Changes ‘minerals’ to ‘covered resources’ to reflect broader material scope, as above. Also reflects broader company scope and differentiated reporting obligations, as reflected in Article 6.

Amendment 429
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 3 – point c

Text proposed by the Commission

(c) the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased by each of those smelters or refiners, as confirmed by independent third-party audits.

Amendment

(c) information on the proportion of covered resources originating from conflict-affected and high-risk areas relative to the total amount of covered resources purchased, as confirmed by the independent third-party audits in accordance with Article 6 of this Regulation.

Or. en

Justification

Changes ‘minerals’ to ‘covered resources’ to reflect broader material scope, as above. Also reflects broader company scope and differentiated reporting obligations, as reflected in Article 6.

Amendment 430
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling
Proposal for a regulation
Article 7 – paragraph 3 – point c

Text proposed by the Commission

(c) the proportion of minerals originating from conflict-affected and high-risk areas relative to the total amount of minerals purchased by each of those smelters or refiners, as confirmed by independent third-party audits.

Amendment

(c) information on the proportion of resources originating from conflict-affected and high-risk areas relative to the total amount of resources purchased, as confirmed by the independent third-party audits in accordance with Article 6 of this Regulation.

Or. en

Amendment 431
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The responsible importer of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

Amendment

4. Operators shall make available to their immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns, in accordance with the OECD Due Diligence Guidance.

Or. en

Justification

Reflects broader company scope, and ensures reporting requirements are consistent with OECD Guidance, which accommodates considerations of confidentiality and competitive concerns.

Amendment 432
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The responsible importer of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

Amendment

4. Operators shall make available to their immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns, in accordance with the OECD Due Diligence Guidance.

Or. en

Justification

Reflects broader company scope, and ensures reporting requirements are consistent with OECD Guidance, which accommodates considerations of confidentiality and competitive concerns.

Amendment 433
Joachim Schuster

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. The responsible importer of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

Amendment

4. The importer of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

Or. de
Amendment 434
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 7 – paragraph 4

*Text proposed by the Commission*

4. *The responsible importer of minerals or metals within the scope of this Regulation* shall make available to *its* immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

*Amendment*

4. *Operators* shall make available to *their* immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns, *in accordance with the OECD Due Diligence Guidance.*

Or. en

Amendment 435
Pablo Zalba Bidegain

Proposal for a regulation
Article 7 – paragraph 4

*Text proposed by the Commission*

4. The responsible *importer* of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

*Amendment*

4. The responsible *operator* of minerals or metals within the scope of this Regulation shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence with due regard to business confidentiality and other competitive concerns.

Or. en

Amendment 436
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 5

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5. The responsible importer of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the responsible importer to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.

5. Operators shall publicly disclose in accordance with the OECD Due Diligence Guidance and as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the operator to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as any independent third-party audits of responsible Annex II actors in the operators' supply chain, with due regard to business confidentiality and other competitive concerns.

Or. en

Justification

Reflects broader company scope, and ensures reporting requirements are consistent with OECD Guidance. This includes a requirement to publish full third-party audits, as described in e.g. Step 5a.2.1 in the 3T Supplement.

Amendment 437
Ska Keller on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. The responsible importer of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps
taken by the responsible importer to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.

taken by the operator to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as any independent third-party audits of responsible Annex Ia actors in the operators' supply chain, with due regard to business confidentiality and other competitive concerns.

Or. en

Justification

Reflects broader company scope, and ensures reporting requirements are consistent with OECD Guidance. This includes a requirement to publish full third-party audits, as described in e.g. Step 5a.2.1 in the 3T Supplement.

Amendment 438
Joachim Schuster

Proposal for a regulation
Article 7 – paragraph 5

Text proposed by the Commission

5. The responsible importer of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the responsible importer to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.

Amendment

5. The importer of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the responsible importer to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.

Or. de
### Amendment 439
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

#### Proposal for a regulation
**Article 7 – paragraph 5**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. <em>The responsible importer of minerals or metals within the scope of this Regulation</em> shall publicly report as widely as possible, including on the internet and on an annual basis on <em>its</em> supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the <em>responsible importer</em> to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.</td>
<td>5. <em>Operators</em> shall publicly report as widely as possible, including on the internet and on an annual basis on <em>their</em> supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the <em>operator</em> to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well as any independent third-party audits of upstream operators in the operators' supply chain with due regard to business confidentiality and other competitive concerns.</td>
</tr>
</tbody>
</table>

Or. en

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### Amendment 440
Pablo Zalba Bidegain

#### Proposal for a regulation
**Article 7 – paragraph 5**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. The responsible <em>importer</em> of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the responsible <em>importer</em> to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well</td>
<td>5. The responsible <em>operator</em> of minerals or metals within the scope of this Regulation shall publicly report as widely as possible, including on the internet and on an annual basis on its supply chain due diligence policies and practices for responsible sourcing. The report shall contain the steps taken by the responsible <em>operator</em> to implement the obligations as regards its management system, risk management set out in Article 4 and 5 respectively, as well</td>
</tr>
</tbody>
</table>
as a summary report of the third-party audits, including the name of the auditor, with due regard to business confidentiality and other competitive concerns.

Amendment 441
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 7 – paragraph 6 a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a. Responsible Annex II actors outside the territory of the European Union may, for the purpose of being included in a Member State competent authority's reports under Article 15(1) and the list referred to in Article 8, submit to that authority:</td>
<td>(a) documentation in accordance with paragraphs 1 and 3 above; and (b) a written declaration of conformity with the OECD Due Diligence Guidance, also containing its name, address, full contact details and a description of its commercial activities.</td>
</tr>
</tbody>
</table>

Justification

The addition opens the White List referred to in Article 8 to Annex II actors based outside the territory of the European Union. This will allow the EU to leverage its commercial weight to influence the sourcing behaviour of other companies and parts of the supply chain, while facilitating due diligence for European enterprises other than Annex II operators. These companies must provide assurance that they are carrying out due diligence, as required by this regulation.
Proposal for a regulation  
Article 7 – paragraph 6 a (new)  

Text proposed by the Commission

6a. Responsible Annex Ia actors outside the territory of the European Union may, for the purpose of being included in a Member State competent authority's reports under Article 15(1) and the list referred to in Article 8, submit to that authority:

(a) documentation in accordance with paragraphs 1 and 3 above; and

(b) a written declaration of conformity with the OECD Due Diligence Guidance, also containing its name, address, full contact details and a description of its commercial activities.

Or. en

Justification

The addition opens the White List referred to in Article 8 to Annex Ia actors based outside the territory of the European Union. This will allow the EU to leverage its commercial weight to influence the sourcing behaviour of other companies and parts of the supply chain, while facilitating due diligence for European enterprises other than Annex Ia operators. These companies must provide assurance that they are carrying out due diligence, as required by this regulation.
6a. Responsible upstream actors outside the territory of the European Union may, for the purpose of being included in a Member State competent authority's reports under Article 15(1) and the list referred to in Article 8, submit to that authority:

(a) documentation in accordance with paragraphs 1 and 3 above; and

(b) a written declaration of conformity with the OECD Due Diligence Guidance, also containing its name, address, full contact details and a description of its commercial activities.

Or. en

Justification

This allows non-European choke points to also be added to the white list if they also are responsible, which increases transparency for downstream operators.

Amendment 444
Marielle de Sarnez

Proposal for a regulation
Article 7 a (new)
Union.

2. The certification authorities of the European Union shall ensure the proper application of the European due diligence system by smelters and refiners. If there is a failure to comply with these obligations, the authorities shall notify the fact to the smelter or refiner, and shall ask them to take corrective measures in order to comply with the European due diligence system. In the event of a persistent failure to comply, the certification authorities of the European Union shall impose penalties for infringement of this regulation. These penalties shall cease when the smelter or refiner complies with the provisions of this regulation.

Or. fr

Justification

European smelters and refiners are key actors in the supply chain, as they are involved in the stage when minerals are processed. They are therefore in a better position to gather, communicate and verify information about the origin of minerals and the various operators that have been responsible for them. For this reason, compliance with the regulation should be mandatory for them.

Amendment 445
Pablo Zalba Bidegain

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a
Industry schemes

1. During the transitional period, relevant industry associations may submit an application to the Commission to have an industry scheme recognised as equivalent to the requirements of this Regulation.
Such application shall be supported by evidence and information.

2. Applications referred to in paragraph 1 may only be made in respect of industry schemes existing at the time of entry into force of this Regulation.

3. Where, on the basis of the evidence and information provided pursuant to paragraph 1 of this Article, the Commission determines that the industry scheme, when effectively implemented by a responsible operator, enables that responsible operator to comply with its obligations under Articles 4, 5, 6 and 7, it shall grant a recognition of equivalence.

4. Interested parties shall inform the Commission of any changes or updates made to industry schemes for which a recognition of equivalence has been granted in accordance with paragraph 3.

5. The Commission shall withdraw the recognition of equivalence where it has determined that changes to an industry scheme compromise a responsible operator's ability to comply with its obligations under Articles 4, 5, 6, and 7, or where repeated or significant cases of non-compliance by responsible operators relate to deficiencies in the scheme.

6. The Commission shall establish and keep up-to-date an internet-based register of industry schemes to which a recognition of equivalence has been granted.

7. Responsible operators of minerals and metals that can be proven to have been sourced exclusively from parties that have been certified by an industry scheme for which a recognition of equivalence has been granted or that have themselves been certified by an industry scheme for which a recognition of equivalence has been granted shall be exempted from the independent third party audit. Such certification shall be sent to the competent
authorities.

Amendment 446
Iuliu Winkler

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

Industry schemes

1. During the transitional period, relevant industry associations may submit an application to the Commission to have an industry scheme accredited under the requirements of this Regulation. Such application shall be supported by evidence and information.

2. Applications referred to in paragraph 1 may only be made in respect of industry schemes existing at the time of entry into force of this Regulation.

3. Where, on the basis of the evidence and information provided pursuant to paragraph 1 of this Article, the Commission determines that the industry scheme, when effectively implemented by a responsible importer, enables that responsible importer to comply with its obligations under Articles 4, 5, 6 and 7, it shall grant the accreditation.

4. Interested parties shall inform the Commission of any changes or updates made to industry schemes for which the accreditation has been granted in accordance with paragraph 3.

5. The Commission shall withdraw the accreditation where it has determined that changes to an industry scheme compromise a responsible importer's
ability to comply with its obligations under Articles 4, 5, 6 and 7, or where repeated or significant cases of non-compliance by responsible importers relate to deficiencies in the scheme.

6. The Commission shall establish and keep up-to-date an internet-based register of industry schemes to which the accreditation has been granted.

7. Responsible importers of minerals and metals that can be proven to have been sourced exclusively from parties that have been certified by an industry scheme for which the accreditation has been granted or that have themselves been certified by an industry scheme for which the accreditation has been granted shall be exempted from the independent third party audit. Such certification shall then be sent to the competent authorities.

Amendment 447
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 8 – title

*Text proposed by the Commission*  
List of responsible *smelters and refiners*  

*Amendment*  
List of responsible *Annex II actors*

*Or. en*

Justification

*At present the list is restricted to smelters and refiners. These are the relevant choke points in the supply chains of many metals. They are not, however, the relevant choke points in the supply chains of other minerals that fall within the material scope of the amended regulation. See comments on material scope above. The addition of “Annex II actors” makes it possible to designate other relevant supply chain choke points, and include these in the list.*
**Amendment 448**

Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

List of responsible *smelters and refiners*      List of responsible *Annex Ia actors*

Or. en

**Justification**

At present the list is restricted to smelters and refiners. These are the relevant choke points in the supply chains of many metals. They are not, however, the relevant choke points in the supply chains of other minerals that fall within the material scope of the amended regulation. See comments on material scope above. The addition of “Annex Ia actors” makes it possible to designate other relevant supply chain choke points, and include these in the list.

**Amendment 449**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Amendment

List of responsible *smelters and refiners*      List of responsible *upstream actors*

Or. en

**Justification**

The changes to this article together with changes to articles 7 and 15 ensure that the white list only includes choke point actors that conduct due diligence. Under the Commission proposal it was sufficient for a smelter or refiner to be in the supply chain of responsible importers. Under the new changes, choke points have to prove that they are actually responsible and the Commission has to check.
Amendment 450
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment

1. On the basis of the information provided by the EU-wide competent authority in its reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Or. en

Amendment 451
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment

1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible Annex II actors.

Or. en

Justification

The COM list is defined as a list of all smelters and refiners in the supply chain of a responsible importer irrespective of whether or not those smelters or refiners, in or outside the EU, meet OECD Guidance standards. To make the list a genuine incentive, they should e.g. publicly report on their due diligence and make their audit available, in line with the OECD Guidance. This system should also be open to smelters/refiners that are not currently
in the supply chain of European companies.

Amendment 452
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission
1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment
1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible Annex Ia actors.

Or. en

Justification
The Commission's proposal defines the list as a list of all smelters and refiners in the supply chain of a responsible importer irrespective of whether or not those smelters or refiners, in or outside the EU, meet OECD Guidance standards. To make the list a genuine incentive, they should e.g. publicly report on their due diligence and make their audit available, in line with the OECD Guidance. This system should also be open to smelters/refiners that are not currently in the supply chain of European companies.

Amendment 453
Christofer Fjellner

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission
1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment
1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available,
decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

both on the internet and through appropriate information and communication channels, a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment 454
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible smelters and refiners of minerals within the scope of this Regulation.

Amendment

1. On the basis of the information provided by the Member States in their reports as referred to in Article 15, the Commission shall adopt and make publicly available a decision listing the names and addresses of responsible upstream actors.

Or. en

Amendment 455
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission shall identify on the list referred to in paragraph 1 those responsible smelters and refiners that source – at least partially – from conflict-affected and high-risk areas.

Amendment

2. The Commission shall identify on the list referred to in paragraph 1 those responsible Annex II actors that source – at least partially – from conflict-affected and high-risk areas.
### Justification

Reflects broader material scope, as above.

#### Amendment 456

**Ska Keller**  
on behalf of the Verts/ALE Group  
**Judith Sargentini**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Commission shall identify on the list referred to in paragraph 1 those <strong>responsible smelters and refiners</strong> that source – at least partially – from conflict-affected and high-risk areas.</td>
<td>2. The Commission shall identify on the list referred to in paragraph 1 those <strong>Annex Ia actors</strong> that source – at least partially – from conflict-affected and high-risk areas.</td>
</tr>
</tbody>
</table>

#### Justification

Reflects broader material scope, as above.

#### Amendment 457

**Emma McClarkin**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 8 – paragraph 2**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The Commission shall identify on the list referred to in paragraph 1 those <strong>responsible smelters and refiners</strong> that source – at least partially – from conflict-affected and high-risk areas.</td>
<td>2. The Commission shall identify on the list referred to in paragraph 1 those <strong>Annex Ia actors</strong> that source – at least partially – from conflict-affected and high-risk areas. <strong>This list shall be drawn up taking into account existing</strong></td>
</tr>
</tbody>
</table>

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equivalent industry, governmental or other due diligence schemes covering the minerals and metals within the scope of this Regulation as set out in Annex I.

Or. en

Amendment 458
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The Commission shall identify on the list referred to in paragraph 1 those responsible smelters and refiners that source – at least partially – from conflict-affected and high-risk areas.

Amendment

2. The Commission shall identify on the list referred to in paragraph 1 those responsible upstream actors that source – at least partially – from conflict-affected and high-risk areas.

Or. en

Amendment 459
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt the list in accordance with the template in Annex II and the regulatory procedure referred to in Article 13(2). The OECD Secretariat shall be consulted.

Amendment

3. The Commission shall adopt the list in accordance with the template in Annex III. The OECD Secretariat shall be consulted.

Or. en

Justification

Renumbering of Annexes.
Amendment 460
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt the list in accordance with the template in Annex II
and the regulatory procedure referred to in Article 13(2). The OECD Secretariat shall be consulted.

Amendment

3. The Commission shall adopt the list in accordance with the template in Annex II. The OECD Secretariat shall be consulted.

Or. en

Amendment 461
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The Commission shall update the information included in the list in a timely manner. The Commission shall remove from the list the names of the smelters and refiners that are no longer recognised as responsible importers by Member States in accordance with Article 14(3), or the names of the smelters and refiners in the supply chain of the no longer recognised responsible importers.

Amendment

4. The Commission shall update the information included in the list in a timely manner but no later than every six months. The Commission shall remove from the list the names of Annex II actors that are no longer recognised as responsible Annex II actors by Member States in accordance with Article 14(3).

Or. en

Justification

References to ‘responsible smelters and refiners’ and ‘responsible importers’ changed to “Annex II actors”, as above. These changes reflect the fact that the list now accommodates
other designated choke points in other resource supply chains, and amendments designed to ensure the list does not include smelters or refiners that are not compliant with the due diligence required by this regulation, but which are in the supply chains of compliant companies.

Amendment 462
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission
4. The Commission shall update the information included in the list in a timely manner. The Commission shall remove from the list the names of the smelters and refiners that are no longer recognised as responsible importers by Member States in accordance with Article 14(3), or the names of the smelters and refiners in the supply chain of the no longer recognised responsible importers.

Amendment
4. The Commission shall update the information included in the list in a timely manner but no later than every six months. The Commission shall remove from the list the names of Annex Ia actors that are no longer recognised as responsible Annex Ia actors by Member States in accordance with Article 14(3).

Justification
References to ‘responsible smelters and refiners’ and ‘responsible importers’ changed to “Annex Ia actors”, as above. These changes reflect the fact that the list now accommodates other designated choke points in other resource supply chains, and amendments designed to ensure the list does not include smelters or refiners that are not compliant with the due diligence required by this regulation, but which are in the supply chains of compliant companies.

Amendment 463
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 8 – paragraph 4
4. The Commission shall update the information included in the list in a timely manner. The Commission shall remove from the list the names of the smelters and refiners that are no longer recognised as responsible importers by Member States in accordance with Article 14(3), or the names of the smelters and refiners in the supply chain of the no longer recognised responsible importers.

Amendment

Amendment 464
Pablo Zalba Bidegain

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The Commission shall update the information included in the list in a timely manner. The Commission shall remove from the list the names of the smelters and refiners that are no longer recognised as responsible importers by Member States in accordance with Article 14(3), or the names of the smelters and refiners in the supply chain of the no longer recognised responsible importers.

Amendment

Amendment 465
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 9 – title

Text proposed by the Commission

4. The Commission shall update the information included in the list in a timely manner. The Commission shall remove from the list the names of the smelters and refiners that are no longer recognised as responsible importers by Member States in accordance with Article 14(3), or the names of the smelters and refiners in the supply chain of the no longer recognised responsible importers.

Amendment

4. The Commission shall update the information included in the list in a timely manner but no later than every six months. The Commission shall remove from the list the names of upstream actors that are no longer recognised as responsible upstream actors by Member States in accordance with Article 14(3).
**Text proposed by the Commission**

*Member State* competent authorities

**Amendment**

*EU-wide* competent authorities

**Amendment 466**
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

**Text proposed by the Commission**

Each *Member State* shall designate one or more *competent authorities* in charge of the application of this Regulation.

**Amendment**

One single *EU-wide* competent *authority shall be* in charge of the application of this Regulation.

Or. en

**Amendment 467**
Joachim Schuster

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 1

**Text proposed by the Commission**

Each Member State shall designate one or more *competent authorities* in charge of the *application of* this Regulation.

**Amendment**

Each Member State shall designate one or more competent authorities for receiving imports' reports and for verifying compliance with this Regulation

Or. de

**Amendment 468**
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 9 – paragraph 1 – subparagraph 2
Text proposed by the Commission

Member States shall inform the Commission of the names and addresses of the competent authorities within 3 months after the entry into force of this Regulation. Member States shall inform the Commission of any changes to the names or addresses of the competent authorities.

Amendment

Proposal for a regulation

Article 9 – paragraph 2

2. The Commission shall make a decision to publish, including on the internet, a list of competent authorities in accordance with the template in Annex III and the regulatory procedure referred to in paragraph 2 of Article 13. The Commission shall update the list regularly.

Amendment

Proposal for a regulation

Article 9 – paragraph 2

2. The Commission shall publish, including on the internet, all relevant information on the EU-wide competent authority.

Amendment

Proposal for a regulation

Article 9 – paragraph 2

2. The Commission shall make a decision to publish, including on the internet, a list of competent authorities in accordance
with the template in Annex III and the regulatory procedure referred to in paragraph 2 of Article 13. The Commission shall update the list regularly.  

Or. en

Justification

Renumbering of Annexes.

Amendment 471
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission
2. The Commission shall make a decision to publish, including on the internet, a list of competent authorities in accordance with the template in Annex III and the regulatory procedure referred to in paragraph 2 of Article 13. The Commission shall update the list regularly.

Amendment
2. The Commission shall make a decision to publish, including on the internet, a list of competent authorities in accordance with the template in Annex III. The Commission shall update the list regularly.

Or. en

Amendment 472
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 10 – title

Text proposed by the Commission
Ex-post checks on responsible importers

Amendment
Ex-post checks on operators

Or. en
Justification

Change reflects the broader company scope.

Amendment 473
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – title

Text proposed by the Commission                     Amendment
Ex-post checks on responsible importers                Ex-post checks on operators

Justification

Change reflects the broader company scope.

Amendment 474
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 10 – title

Text proposed by the Commission                     Amendment
Ex-post checks on responsible importers                Ex-post checks on operators

Or. en

Amendment 475
Pablo Zalba Bidegain

Proposal for a regulation
Article 10 – title
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Amendment 476
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure that operators within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Or. en

Justification

Change reflects the broader company scope.

Amendment 477
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Amendment 477
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure that operators comply with the obligations set out in Articles 4, 5, 6 and 7.

Or. en
Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Or. en

Justification

Change reflects the broader company scope.

Amendment 478
Joachim Schuster

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Amendment

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether importers of minerals and metals within the scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Or. de

Amendment 479
Emma McClarkin
on behalf of the ECR Group

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Amendment

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-declared responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.
Justification

For the purposes of this Regulation, "self-declaration" is more appropriate a term than "self-certification."

Amendment 480
Pablo Zalba Bidegain

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission  
Amendment

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible operators of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

Amendment 481
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling, Alessia Maria Mosca

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission  
Amendment

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure whether self-certified responsible importers of minerals and metals within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.

1. The competent authorities of the Member States shall carry out appropriate ex-post checks in order to ensure that operators within scope of this Regulation comply with the obligations set out in Articles 4, 5, 6 and 7.
Amendment 482
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

Amendment

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by an operator with this Regulation.

Or. en

Justification

Change reflects the broader company scope.

Amendment 483
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

Amendment

2. The checks referred to in paragraph 1 shall be conducted on the basis of uniform, harmonised control criteria and standards established by the competent authorities of the Member States, taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a
responsible importer with this Regulation.

Or. it

**Amendment 484**
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

**Proposal for a regulation**
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a **responsible importer** with this Regulation.

*Amendment*

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by an **operator** with this Regulation.

Or. en

*Justification*

*Change reflects the broader company scope.*

**Amendment 485**
Joachim Schuster

**Proposal for a regulation**
**Article 10 – paragraph 2**

*Text proposed by the Commission*

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information,

*Amendment*

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information,
including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

including on the basis of substantiated concerns provided by third parties, concerning the compliance by an importer with this Regulation.

**Amendment 486**

**Christofer Fjellner**

**Proposal for a regulation**

**Article 10 – paragraph 2**

**Text proposed by the Commission**

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

**Amendment**

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks shall be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

**Or. de**

**Amendment 487**

**Pablo Zalba Bidegain**

**Proposal for a regulation**

**Article 10 – paragraph 2**

**Text proposed by the Commission**

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks may be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible importer with this Regulation.

**Amendment**

2. The checks referred to in paragraph 1 shall be conducted by taking a risk-based approach. In addition, checks shall be conducted when a competent authority is in possession of relevant information, including on the basis of substantiated concerns provided by third parties, concerning the compliance by a responsible operator with this Regulation.
Amendment 488
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 10 – paragraph 3 – point a

_text proposed by the Commission_  
(a) examination of the _responsible importer's_ implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,

_text proposed by the Commission_  
(a) examination of the _operator's_ implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,

_Justification_

Change reflects the broader company scope.

Amendment 489
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 3 – point a

_text proposed by the Commission_  
(a) examination of the _responsible importer's_ implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,

_text proposed by the Commission_  
(a) examination of the _operator's_ implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,
**Justification**

*Change reflects the broader company scope.*

**Amendment 490**  
Joachim Schuster

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) examination of the <strong>responsible</strong> importer's implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,</td>
<td>(a) examination of the <strong>importer’s</strong> implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,</td>
</tr>
</tbody>
</table>

Or. de

**Amendment 491**  
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point a**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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</thead>
<tbody>
<tr>
<td>(a) examination of the <strong>responsible</strong> importer's implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,</td>
<td>(a) examination of the <strong>operator’s</strong> implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,</td>
</tr>
</tbody>
</table>

Or. en

**Amendment 492**  
Pablo Zalba Bidegain
Proposal for a regulation
Article 10 – paragraph 3 – point a

Text proposed by the Commission

(a) examination of the responsible importer's implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,

Amendment

(a) examination of the responsible operator's implementation of supply chain due diligence obligations including the management system, risk management, independent third-party audit and disclosure,

Or. en

Amendment 493
Joachim Schuster

Proposal for a regulation
Article 10 – paragraph 3 – point b

Text proposed by the Commission

(b) examination of documentation and records that demonstrate the proper compliance with the supply chain due diligence obligations,

Amendment

(b) examination of documentation and records that demonstrate proper compliance with the OECD's supply chain Due Diligence Guidance,

Or. de

Amendment 494
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 10 – paragraph 3 – point c a (new)

Text proposed by the Commission

(ca) examination of the reporting requirements in accordance with the scope, objective and principles set out in Article 7,

Amendment

Or. en
**Justification**

Reflects changes to the reporting requirements set out in Article 7 above.

**Amendment 495**

Ska Keller  
on behalf of the Verts/ALE Group  
Judith Sargentini

Proposal for a regulation  
Article 10 – paragraph 3 – point c a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ca) examination of the reporting requirements in accordance with the scope, objective and principles set out in Article 7,</td>
<td></td>
</tr>
</tbody>
</table>

Or. en

**Justification**

Reflects changes to the reporting requirements set out in Article 7 above.

**Amendment 496**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation  
Article 10 – paragraph 3 – point c a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ca) examination of the reporting requirements in accordance with the scope, objective and principles set out in Article 7,</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. **Responsible importers** shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Amendment

4. **Operators** shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Or. en

Justification

Change reflects the broader company scope.

Amendment 498
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. **Responsible importers** shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Amendment

4. **Operators** shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Or. en

Justification

Change reflects the broader company scope.
Amendment 499
Joachim Schuster

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Responsible importers shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Amendment

4. Importers shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Or. de

Amendment 500
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Responsible importers shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Amendment

4. Operators shall offer all assistance necessary to facilitate the performance of the checks referred to in paragraph 1, notably as regards access to premises and the presentation of documentation and records.

Or. en

Amendment 501
Pablo Zalba Bidegain

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. Responsible importers shall offer all

Amendment

4. Responsible operators shall offer all
assistance necessary to facilitate the
performance of the checks referred to in
paragraph 1, notably as regards access to
premises and the presentation of
documentation and records.

Or. en

Amendment 502
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 10 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The competent authorities of the Member States shall publish a report
detailing the full findings of any ex-post checks, together with a reasonable explanation for making those findings and any documentation on which the competent authority based its findings.

Or. en

Justification

One of the main aims of the Regulation is to increase transparency and responsibility as regards companies' supply practices. Disclosure of this information supports this aim because it ensures transparency as to supply practices, thereby encouraging companies to source responsibly.

Amendment 503
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 10 – paragraph 4 a (new)
4a. The competent authorities of the Member States shall publish a report detailing the full findings of any ex-post checks, together with a reasonable explanation for making those findings and any documentation on which the competent authority based its findings.
Justification

Change reflects the broader company scope.

Amendment 506
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 11 – title

Text proposed by the Commission                              Amendment
Records of checks on responsible importers                  Records of checks on operators

Or. en

Justification

Change reflects the broader company scope.

Amendment 507
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 11 – title

Text proposed by the Commission                              Amendment
Records of checks on responsible importers                  Records of checks on operators

Or. en

Amendment 508
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 11 – paragraph 1

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The competent authorities shall keep records of the checks referred to in Article 10(1), indicating in particular their nature and results, as well as records of any notice of remedial action issued under Article 14(2).

Text proposed by the Commission

Amendment

The EU-wide competent authority shall keep records of the checks referred to in Article 10(1), indicating in particular their nature and results, as well as records of any notice of remedial action issued under Article 14(2).

Amendment 509
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

Records of the competent authorities' checks shall be kept for at least 5 years.

Amendment

Records of the EU-wide competent authority's checks shall be kept for at least 5 years.

Or. en

Amendment 510
Marielle de Sarnez, Alexander Graf Lambsdorff

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Article 11a
Establishment of a ‘European responsible supply chain label for imports of minerals’, for use by undertakings operating downstream of the mineral supply chain

I. Undertakings operating downstream of the mineral supply chain which decide to establish due diligence arrangements
based on the OECD Guidance or on equivalent sectoral due diligence initiatives shall be awarded a ‘European responsible supply chain label for imports of minerals’ by the Commission.

2. European undertakings which wish to receive certification shall submit a file to the Commission detailing the due diligence measures which they are establishing.

3. On the basis of predetermined criteria, the Commission shall certify European undertakings operating downstream of the mineral supply chain. The Commission, taking as a basis the OECD Due Diligence Guidance, shall define the criteria for awarding the label, for which purpose it may consult the secretariat of the OECD. The conditions for awarding the ‘European responsible supply chain label for imports of minerals’ must be as strict as those required by the OECD certification system.

4. The Commission may recognise equivalence between the European due diligence system and the sectoral due diligence arrangements already established by sectors of industry which serve the same purposes of securing the mineral supply chain as the European system.

5. Undertakings which have been awarded the ‘European responsible supply chain label for imports of minerals’ shall be encouraged to display this label on their websites and to inform European consumers of the fact.

Justification

The establishment of a European responsible supply chain label for businesses which wish to exercise due diligence would create a voluntary incentive scheme which could ultimately generate market pressure on other parties in the supply chain. The label would not be
attached to products. European businesses would be able to indicate on their websites that they had been awarded the label, or could use the information in their communication strategy.

Amendment 511
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall exchange information, including with their respective customs authorities, on matters pertaining to self-certification and ex-post checks carried out.

Amendment

1. The EU-wide competent authority shall exchange information, including with the respective customs authorities, on matters pertaining to self-certification and ex-post checks carried out.

Or. en

Amendment 512
Joachim Schuster

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Competent authorities shall exchange information, including with their respective customs authorities, on matters pertaining to self-certification and ex-post checks carried out.

Amendment

1. Competent authorities shall exchange information, including with their respective customs authorities, on matters pertaining to importers’ reports and ex-post checks carried out.

Or. de

Amendment 513
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 12 – paragraph 2
2. Competent authorities shall exchange information on shortcomings detected through the ex-post checks referred to in Article 10 and on the rules applicable to infringement in accordance with Article 14 with the competent authorities of other Member States and with the Commission.

2. The EU-wide competent authority shall exchange information on shortcomings detected through the ex-post checks referred to in Article 10 and on the rules applicable to infringement in accordance with Article 14 with the Commission and the committee referred to in Art. 2 e.

Or. en

Amendment 514
Paul Rübig, Othmar Karas

Proposal for a regulation
Article 12 – paragraph 3


Or. en

Amendment 515
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 12 a (new)
**Lists of resources and choke points**

1. The Commission shall regularly review developments with regard to the contribution of global trade in natural resources to conflict and human rights abuses and violations in conflict-affected and high-risk areas, the development of international responsible sourcing standards and the experience gained in the implementation of this Regulation. In the course of the review, the Commission shall take into account, in particular, the information obtained by the Commission under and for the purposes of Article 15 and information provided by international or civil society organisations and affected third parties.

2. The Commission shall regularly review the scope of Annex I and Ia, in the light of the information obtained pursuant to paragraph 1 so as to achieve effectively the purpose of this Regulation, as stated in Article 1. Annex I shall be reviewed with a view to expanding the list of covered resources. Annex Ia shall be reviewed with a view to identifying additional choke points of transformation and traceability in covered resources supply chains with a view to strengthening supply chain due diligence with regard to all Annex I resources. Such a review shall take place not less than every 6 months.

3. The Commission shall be empowered to adopt delegated acts in order to amend Annex I and Ia in accordance with the procedure referred to in Article 13.

**Justification**

This amendment read in conjunction with those relating to covered resources and covered products, while keeping in mind the need for specifying the recipients of choke point due diligence obligations, effectively introduce a mechanism whereby resources and choke point actors can be added to the scope of this regulation by means of delegated acts, instead of an
entire ordinary legislative procedure.

Amendment 516
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 13 – title

Text proposed by the Commission Amendment
Committee procedure Delegated Acts

Amendment 517
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – title

Text proposed by the Commission Amendment
Committee procedure Exercise of the delegation

Amendment 518
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – title

Text proposed by the Commission Amendment
Committee procedure Delegated acts

Or. en
Amendment 519
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Or. en

Justification

standard delegated act procedure

Amendment 520
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

Or. en

Amendment 521
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 1
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
Justification

standard delegated act procedure

Amendment 524
Bernd Lange

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Ia. The committee shall in particular be mindful of possible equivalent arrangements in the Dodd-Frank Act, when this Regulation is implemented, so that there are no dual certification requirements.

Amendment

Or. de

Amendment 525
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Ib. The delegation of powers referred to in relevant Articles may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The delegation of powers referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Justification

standard delegated act procedure

Proposal for a regulation
Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
Amendment 528
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 13 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Justification

standard delegated act procedure

Amendment 529
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. A delegated act adopted pursuant to the relevant Articles shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the
European Parliament or the Council.

Amendment 530
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 13 – paragraph 1 d (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1d. A delegated act adopted pursuant to Articles 14 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en

Justification

standard delegated act procedure

Amendment 531
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 13 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</td>
<td></td>
</tr>
<tr>
<td>deleted</td>
<td></td>
</tr>
</tbody>
</table>

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Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Or. en

Amendment 532
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission
Amendment

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Or. en

Amendment 533
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 1

Text proposed by the Commission
Amendment

Where reference is made to this paragraph, Article 4 of Regulation (EU) deleted

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No 182/2011 shall apply.

Or. en

Amendment 534
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

A delegated act adopted pursuant to Article 13 a shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 535
Pablo Zalba Bidegain

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

deleted
Amendment 536
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

Amendment

The power to adopt delegated acts referred to in Article 13 bis 2 shall be conferred to the Commission for an indeterminate period of time from the date that this Regulation enters into force.

Or. en

Amendment 537
Daniel Caspary

Proposal for a regulation
Article 13 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Amendment

Justification

To speed up the legislative process this amendment introduces an idea proposed by the Netherlands which is under discussion in the Council at the moment. To allow this House an early discussion of this proposal and a respective positioning this amendment has been tabled.
Amendment 538
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The delegation of powers referred to in Article 13 bis2 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 539
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 540
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey
Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Amending Annex I and Annex II

1. The Commission shall regularly review developments with regard to the contribution of global trade in natural resources to conflict and human rights abuses and violations in conflict-affected and high-risk areas, the development of international responsible sourcing standards and the experience gained in the implementation of this Regulation. In the course of the review, the Commission shall take into account, in particular, the information obtained by the Commission under and for the purposes of Article 15 and information provided by international or civil society organisations and affected third parties.

2. The Commission shall regularly review the scope of Annex I and II, in the light of the information obtained pursuant to paragraph 1 so as to achieve effectively the purpose of this Regulation, as stated in Article 1. Annex I shall be reviewed with a view to expanding the list of covered resources. Annex II shall be reviewed with a view to identifying additional choke points of transformation and traceability in covered resources supply chains with a view to strengthening supply chain due diligence with regard to all Annex I resources. Such a review shall take place not less than every 6 months.

3. The Commission may adopt delegated acts in order to expand the list of covered resources as stated in paragraph 2.

4. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph
5. The notification of a delegated act adopted under this Article to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

5. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 13 bis 1. In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or the Council.

Or. en

JUSTIFICATION

These amendments read in conjunction with those relating to covered resources and covered products, while keeping in mind the need for specifying the recipients of choke point due diligence obligations, effectively introduce a mechanism whereby resources and choke point actors can be added to the scope of this regulation by means of delegated acts, instead of an entire ordinary legislative procedure.

Amendment 541
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Expanding the Resources Scope

1. The Commission shall regularly review developments with regard to the contribution of global trade in natural resources to conflict and human rights abuses and violations in conflict-affected and high-risk areas, the development of international responsible sourcing standards and the experience gained in the implementation of this Regulation. In
the course of the review, the Commission shall take into account, in particular, the information obtained by the Commission under and for the purposes of Article 15 and information provided by international or civil society organisations and affected third parties.

2. The Commission shall regularly review the resources scope as set out in Annex I in the light of the information obtained pursuant to paragraph 1 so as to achieve effectively the purpose of this Regulation, as stated in Article 1. Annex I shall be reviewed with a view to expanding the list of covered resources and with a view to identifying additional key points of transformation and traceability in covered resources supply chains with a view to strengthening supply chain due diligence. Such a review shall take place not less than every 6 months.

3. The Commission may adopt delegated acts in order to expand the list of covered resources as stated in paragraph 2. The Commission shall have power to amend Annexes I and II in accordance with Article 290 TFEU.

Or. en

Justification

This article together with the changes to article 13 allows additional natural resources to be added to the scope of the regulation automatically and over time to ensure that the objectives of breaking the link conflict financing and natural resources trade is achieved.

Amendment 542
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 14 – title
Text proposed by the Commission

Rules applicable to infringement

Amendment

Rules applicable to infringement and penalties

Or. en

Amendment 543
Joachim Schuster

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Member States shall lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

1. The Commission shall lay down the financial penalties applicable to infringements of the provisions of this Regulation.

Or. de

Amendment 544
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The Member States shall lay down the rules applicable to infringements of the provisions of this Regulation.

Amendment

1. The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take the measures necessary to ensure that they are implemented and enforced. The penalties provided for must be effective, proportionate and dissuasive.

Or. en
Justification

These are standard provisions that have been agreed in other Regulations.

Amendment 545
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 14 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the responsible importer.</td>
<td>2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the operator.</td>
</tr>
</tbody>
</table>

Or. en

Justification

The use of ‘operators’ reflects the broader company scope, and ensures that the supply chain due diligence obligations apply to all covered companies.

Amendment 546
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 14 – paragraph 2

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<tbody>
<tr>
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<td>2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the operator.</td>
</tr>
</tbody>
</table>

Or. en
Justification

The use of ‘operators reflects the broader company scope, and ensures that the supply chain due diligence obligations apply to all covered companies.

Amendment 547
Joachim Schuster

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission
2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the responsible importer.

Amendment
2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the importer.

Or. de

Amendment 548
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission
2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the responsible importer.

Amendment
2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the operator.

Or. en

Amendment 549
Pablo Zalba Bidegain

PE549.420v02-00 300/320 AM\1055294EN.doc
Proposal for a regulation
Article 14 – paragraph 2

*Text proposed by the Commission*

2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the responsible *importer*.

*Amendment*

2. In case of an infringement of the provisions of this Regulation, the competent authorities of Member States shall issue a notice of remedial action to be taken by the responsible *operator*.

Or. en

Amendment 550
Joachim Schuster

Proposal for a regulation
Article 14 – paragraph 3

*Text proposed by the Commission*

3. In case of inadequate remedial action by the responsible importer, the competent authority shall issue to the importer a notice of non-recognition of its responsible importer certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.

*Amendment*

3. In case of inadequate remedial action by the importer, the competent authority shall notify the importer of the financial penalties laid down by the Commission and shall inform the Commission.

Or. de

Amendment 551
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 14 – paragraph 3

*Text proposed by the Commission*

3. In case of inadequate remedial action by the responsible importer, the competent authority shall issue to the importer a notice of non-

*Amendment*

3. In case of inadequate remedial action by the operator, the competent authority shall issue to the operator a notice of non-
notice of *non-recognition of its* responsible importer certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.

*Or.* en

**Justification**

Change reflects the broader company scope. References to the responsible importer certificate are redundant under a mandatory regulation.

**Amendment 552**

Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martín, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

**Proposal for a regulation**

**Article 14 – paragraph 3**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
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<tr>
<td>3. In case of inadequate remedial action by the responsible importer, the competent authority shall issue to the importer a notice of <em>non-recognition of its</em> responsible importer certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.</td>
<td>3. In case of inadequate remedial action by the operator, the competent authority shall issue to the operator a notice of non-compliance and inform the Commission.</td>
</tr>
</tbody>
</table>

*Or.* en

**Amendment 553**

Pablo Zalba Bidegain

**Proposal for a regulation**

**Article 14 – paragraph 3**

<table>
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<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>3. In case of inadequate remedial action by the responsible importer, the competent authority shall issue to the importer a notice of <em>non-recognition of its</em> responsible importer certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.</td>
<td>3. In case of inadequate remedial action by the responsible operator, the competent authority shall issue to the operator a notice of non-compliance and inform the Commission.</td>
</tr>
</tbody>
</table>
authority shall issue to the importer a notice of non-recognition of its responsible importer certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.

authority shall issue to the importer a notice of non-recognition of its responsible operator certificate as regards the minerals or metals within the scope of this Regulation and inform the Commission.

Or. en

Amendment 554
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

EU accompanying measures

Within six months of the adoption of this Regulation, the Commission shall submit to the European Parliament and the Council a legislative proposal for the adoption of accompanying measures, in the form of aids and incentives, to promote full participation by companies in responsible sourcing and compliance with the obligations laid down in this Regulation, taking due account of the specific needs and difficulties of small and medium-sized enterprises.

Or. it

Amendment 555
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall submit to the Commission by 30 June of each year at the

1. Member States shall submit to the Commission by 30 June of each year at the
latest, a report on the implementation of this Regulation during the previous calendar year, including any information on responsible importers as set out in Article 7(1) (a), 7.2 and 7.3 (a) and (c).

latest, a report on the implementation of this Regulation during the previous calendar year, including any information on responsible Annex II actors, as set out in Article 7(1)(a), 7(3) (a)-(b) and 7(7) (a).

Or. en

Justification

Change reflects the broader company scope. See the definition of ‘operator’ above. The addition of ‘responsible Annex II actors’ reflects amendments to reporting requirements set out in Article 7 above. See also comments on ‘responsible Annex II actor’ and Article 8 above.

Amendment 556
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission
Amendment

1. Member States shall submit to the Commission by 30 June of each year at the latest, a report on the implementation of this Regulation during the previous calendar year, including any information on responsible importers as set out in Article 7(1) (a), 7.2 and 7.3 (a) and (c).

1. Member States shall submit to the Commission by 30 June of each year at the latest, a report on the implementation of this Regulation during the previous calendar year, including any information on Annex Ia actors, as set out in Article 7(1) (a), 7(3) (b)-(c) and 7 (6) (a) (a).

Or. en

Justification

Change reflects the broader company scope. See the definition of ‘operator’ above. The addition of ‘responsible Annex Ia actors’ reflects amendments to reporting requirements set out in Article 7 above. See also comments on ‘responsible Annex Ia actor’ and Article 8 above.
Amendment 557
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission
1. Member States shall submit to the Commission by 30 June of each year at the latest, a report on the implementation of this Regulation during the previous calendar year, including any information on responsible importers as set out in Article 7(1) (a), 7.2 and 7.3 (a) and (c).

Amendment
1. Member States shall submit to the Commission by 30 June of each year at the latest, a report on the implementation of this Regulation during the previous calendar year, including any information on responsible upstream actors as set out in Article 7(1)(a), 7(3) (a)-(b) new and 7(6) (a).

Amendment 558
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission
3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Amendment
3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the resources within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Justification
Change reflects the broader resources scope.
Amendment 559
Ska Keller
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Amendment

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the resources within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Or. en

Justification

Change reflects the broader resources scope.

Amendment 560
Christofer Fjellner

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The

Amendment

3. Two years after the entry into force of this Regulation and every five years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The
Commission shall submit a review report to the European Parliament and to the Council.

Commission shall submit a review report to the European Parliament and to the Council.

Amendment 561
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Amendment

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Or. en

Amendment 562
Pablo Zalba Bidegain

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

3. Three years after the entry into force of this Regulation and every six years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from conflict-

Amendment

3. Three years after the date of entry into force of this Regulation and every three years thereafter, the Commission shall review the functioning and effectiveness of this Regulation, including on the promotion and cost of responsible sourcing of the minerals within its scope from
affected and high-risk areas. The Commission shall submit a review report to the European Parliament and to the Council.

Amendment 563
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Accompanying measures

1. In order to effectively break the link between the exploitation of natural resources and conflict and to ensure their responsible sourcing, the Commission and the External Action Service shall implement accompanying measures to this Regulation aimed at the enhancement of responsible sourcing, the effective establishment of national and international due diligence frameworks and related support systems, including reliable certification and traceability systems, and the addressing of development needs linked to:

(a) the exploitation and trade in natural resources originating from conflict-affected and high-risk areas and

(b) the implementation of this Regulation, including:

(i) support to companies to responsibly source from conflict-affected and high risk areas providing technical and other assistance and guidance to operators, taking into account the situation of small and medium-sized enterprises and their position in the supply chain, in order to facilitate compliance with the
requirements of this Regulation.

(ii) targeted, rights-based development cooperation, particularly addressing the challenges of implementing responsible sourcing in the local context of conflict-affected and high risk areas, including poverty reduction, good governance and the security sector;

(iii) meaningful policy dialogues on responsible sourcing with third countries and other stakeholders.

(iv) close cooperation with the Member States, in particular complementary initiatives in the area of consumer, investor and customer information and when providing technical and other assistance according to paragraph 1 (a).

2. The European Commission and the European External Action Service shall, as appropriate, implement the objectives of accompanying measures through political and policy dialogues, programming, and relevant internal and external policies. Where appropriate, legislative proposals should be presented to the European Parliament and the Council.

3. The European Commission shall present to the European Parliament and to the Council an annual report of the accompanying measures implemented pursuant to this Article and their impact and effectiveness.

Or. en

Justification

To enhance effective implementation of this regulation, and address development needs directly linked to exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures need to be implemented. COM and EEAS shall apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach".
Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Accompanying measures

1. In order to effectively break the link between the exploitation of natural resources and conflict and to ensure their responsible sourcing, the Commission and the External Action Service shall implement accompanying measures to this Regulation aimed at the enhancement of responsible sourcing, the effective establishment of national and international due diligence frameworks and related support systems, including reliable certification and traceability systems, and the addressing of development needs linked to

(a) the exploitation and trade in natural resources originating from conflict-affected and high-risk areas, and

(b) the implementation of this Regulation, including:

(i) support to companies to responsibly source from conflict-affected and high risk areas providing technical and other assistance and guidance to operators, taking into account the situation of small and medium-sized enterprises and their position in the supply chain, in order to facilitate compliance with the requirements of this Regulation;

(ii) targeted, rights-based development cooperation, particularly addressing the challenges of implementing responsible
sourcing in the local context of conflict-affected and high risk areas, including poverty reduction, good governance and the security sector;

(iii) meaningful policy dialogues on responsible sourcing with third countries and other stakeholders;

(iv) close cooperation with the Member States, in particular complementary initiatives in the area of consumer, investor and customer information and when providing technical and other assistance in accordance with point (i).

2. The European Commission and the European External Action Service shall, as appropriate, implement the objectives of accompanying measures through political and policy dialogues, programming, and relevant internal and external policies. Where appropriate, legislative proposals should be presented to the European Parliament and the Council.

3. The European Commission shall present to the European Parliament and to the Council an annual report of the accompanying measures implemented pursuant to this Article and their impact and effectiveness.

Or. en

Justification

To enhance effective implementation of this regulation, and address development needs directly linked to exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures need to be implemented. The Commission and the EEAS shall apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach".

Amendment 565
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David
Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Accompanying Measures

1. In order to effectively break the link between the exploitation of natural resources and conflict and to ensure their responsible sourcing, the Commission and the External Action Service shall implement accompanying measures to this Regulation aimed at the enhancement of responsible sourcing, the effective establishment of national and international due diligence frameworks and related support systems, including reliable certification and traceability systems, and the addressing of development needs linked to (i) the exploitation and trade in natural resources originating from conflict-affected and high-risk areas and (ii) to the implementation of this Regulation, including:

a. Support to companies to responsibly source from conflict-affected and high risk areas providing technical and other assistance and guidance including in the form of written material to operators, taking into account the situation of micro-small and medium-sized enterprises and their position in the supply chain, in order to facilitate compliance with the requirements of this Regulation.

b. Targeted, rights-based development cooperation, particularly addressing the challenges of implementing responsible sourcing in the local context of conflict-affected and high risk areas, including poverty reduction, good governance and the security sector;
c. Meaningful policy dialogues on responsible sourcing with third countries and other stakeholders.

d. Close cooperation with the Member States, in particular complementary initiatives in the area of consumer, investor and customer information and when providing technical and other assistance according to paragraph 1 (a).

2. The European Commission and the European External Action Service shall, as appropriate, implement the objectives of accompanying measures through political and policy dialogues, programming, and relevant internal and external policies. Where appropriate, legislative proposals should be presented to the European Parliament and the Council.

3. The European Commission shall present to the European Parliament and to the Council an annual report of the accompanying measures implemented pursuant to this Article and their impact and effectiveness.

Or. en

Justification

To enhance effective implementation of this regulation, and address development needs directly linked to exploitation of natural resources originating in conflict-affected and high-risk areas, accompanying measures need to be implemented. COM and EEAS shall apply and further develop an integrated EU approach to responsible sourcing as initiated in the Joint Communication "Responsible sourcing of minerals originating in conflict-affected and high-risk areas. Towards an integrated EU approach".

Amendment 566
Pablo Zalba Bidegain

Proposal for a regulation
Article 16 – paragraph 1 a (new)
Text proposed by the Commission

Amendment

This Regulation shall apply from...*

_____________________________________________________________________

*OJ: Please insert the date: two years after the date of entry into force of this regulation

Or. en

Amendment 567
Nicola Danti, Alessia Maria Mosca

Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

It shall apply from....*.

_____________________________________________________________________

*OJ: Please insert the date: 18 months after the date of entry into force of this Regulation.

Or. it

Amendment 568
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Annex I – product description – rows 17 a to 17 n (new)

Text proposed by the Commission

Amendment

Chrome
Hard coal
Cobalt
Copper
Diamonds
Gold
Jade
Lapis Lazuli
Rare Earths
Rubies
Sapphire
Tantalum
Tin
Tungsten

Justification

Change reflects the broader resources scope. See the definition of ‘covered resources’. Note that the Commission now reviews Annex I with a view to expanding the list of covered resources (see new Article 14).

Amendment 569
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Annex I

Text proposed by the Commission

List of minerals and metals within the scope of the Regulation classified under the Combined Nomenclature

<table>
<thead>
<tr>
<th>CN code</th>
<th>Product description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2609 00 00</td>
<td>Tin ores and concentrates</td>
</tr>
<tr>
<td>2611 00 00</td>
<td>Tungsten ores and concentrates</td>
</tr>
<tr>
<td>2615 90 00</td>
<td>Tantalum ores and concentrates</td>
</tr>
<tr>
<td>2616 90 00</td>
<td>Gold ores and concentrates</td>
</tr>
<tr>
<td>2825 90 40</td>
<td>Tungsten oxides and hydroxides</td>
</tr>
<tr>
<td>2849 90 30</td>
<td>Tungsten carbides</td>
</tr>
<tr>
<td>2849 90 50</td>
<td>Tantalum carbides</td>
</tr>
<tr>
<td>7108</td>
<td>Gold, unwrought or in semi-manufactured forms, or in powder form</td>
</tr>
<tr>
<td>CN code</td>
<td>Product description</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>8001</td>
<td>Tin, unwrought</td>
</tr>
<tr>
<td>8003 00 00</td>
<td>Tin bars, rods, profiles and wires</td>
</tr>
<tr>
<td>8007 00</td>
<td>Tin, other articles</td>
</tr>
<tr>
<td>8101 10 00</td>
<td>Tungsten, powder</td>
</tr>
<tr>
<td>8101 94 00</td>
<td>Tungsten, unwrought, including bars and rods obtained simply by sintering</td>
</tr>
<tr>
<td>8101 96 00</td>
<td>Tungsten wire</td>
</tr>
<tr>
<td>8101 99</td>
<td>Tungsten bars and rods, other than those obtained simply by sintering, profiles, plates, sheets, strip and foil, and other</td>
</tr>
<tr>
<td>8103 20 00</td>
<td>Tantalum, unwrought including bars and rods obtained simply by sintering; powders</td>
</tr>
<tr>
<td>8103 90</td>
<td>Tantalum bars and rods, other than those obtained simply by sintering, profiles, wire, plates, sheets, strip and foil, and other</td>
</tr>
</tbody>
</table>

Amendment

List of resources within the scope of the Regulation

Minerals

Metals

Semi-precious stones

Precious stones

Or. en

Amendment 570
Ska Keller, Judith Sargentini

Proposal for a regulation
Annex I

Text proposed by the Commission
2616 90 00  Gold ores and concentrates
2825 90 40  Tungsten oxides and hydroxides
2849 90 30  Tungsten carbides
2849 90 50  Tantalum carbides
7108  Gold, unwrought or in semi-manufactured forms, or in powder form

8001  Tin, unwrought
8003 00 00  Tin bars, rods, profiles and wires
8007 00  Tin, other articles
8101 10 00  Tungsten, powder
8101 94 00  Tungsten, unwrought, including bars and rods obtained simply by sintering
8101 96 00  Tungsten wire
8101 99  Tungsten bars and rods, other than those obtained simply by sintering, profiles, plates, sheets, strip and foil, and other
8103 20 00  Tantalum, unwrought including bars and rods, obtained simply by sintering; powders
8103 90  Tantalum bars and rods, other than those obtained simply by sintering, profiles, wire, plates, sheets, strip and foil, and other

Amendment
Minerals
Metals
Precious stones
Semi-precious stones

Or. en

Amendment 571
Ska Keller, Judith Sargentini

Proposal for a regulation
Annex I a (new)
Text proposed by the Commission

Annex Ia

List of choke points identified in the supply chains of covered resources

- ‘smelters’
- ‘refiners’

Or. en

Justification

The new Annex Ia is relevant to the definition of ‘Annex Ia operators’, ‘Annex Ia actors’ and ‘responsible Annex Ia actors’. Specific obligations apply to operators that act as choke points in the relevant supply chains, including smelters and refiners.

Amendment 572
Ska Keller, Judith Sargentini

Proposal for a regulation
Annex II – Title

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of responsible <em>smelters and refiners’ template referred to in Article 8</em></td>
<td>List of responsible <em>Annex Ia actors</em></td>
</tr>
</tbody>
</table>

Or. en

Amendment 573
Ska Keller, Judith Sargentini

Proposal for a regulation
Annex II

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Column A: Name of <em>smelters or refiners</em> in alphabetical order</td>
<td>Column A: Name of <em>Annex Ia</em> actor in alphabetical order</td>
</tr>
</tbody>
</table>

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Column B: Address of *the smelter or refiner*

Column C: 
(*), if the *smelter or refiner* sources minerals originating from conflict-affected and high risk areas

Column B: Address of *Annex Ia actor*

Column C: *Annex Ia category of the actor*

Column D: 
(*), if the *Annex Ia actor* engages in responsible sourcing of resources originating from conflict-affected and high-risk areas

Amendment 574
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Annex II a (new)

*Text proposed by the Commission*

**Annex II a**

*List of choke points identified in the supply chains of covered resources*

- 'smelters'
- 'refiners'
- 'foundries'
- 'raw material exchanges'
- 'diamond and gemstone exchanges'

Amendment 575
Maria Arena, Emmanuel Maurel, Inmaculada Rodríguez-Piñero Fernández, David Martin, Jörg Leichtfried, Marita Ulvskog, Jude Kirton-Darling

Proposal for a regulation
Article II a (new)
Text proposed by the Commission

Amendment

Annex II a
List of responsible upstream actors
template referred to in Article 8
Column A: Name of upstream actor in alphabetical order
Column B: Address of the smelter or refiner
Column C: Economic activity of the actor
Column D: (*) indicator, if the upstream actor engages in responsible sourcing of resources originating from conflict-affected and high-risk areas

Or. en

Amendment 576
Helmut Scholz, Anne-Marie Mineur, Lola Sánchez Caldentey

Proposal for a regulation
Annex II b (new)

Text proposed by the Commission

Amendment

Annex II b
List of responsible Annex II actors
Column A: Name of Annex II actor in alphabetical order
Column B: Address of Annex II actor
Column C: Annex II category of the actor
Column D: Indicator, if the Annex II actor engages in responsible sourcing of resources originating from conflict-affected and high-risk areas

Or. en