

31

From: [4.1(b)]
Sent: jeudi 25 septembre 2014 09:46
To: [4.1(b)]
Subject: Meeting report: Intel and HP - 23/09/2014

Meeting with Intel and HP on conflict minerals – 23/09/2014

Participants: [4.1(b)] [4.1(b)] (Intel); [4.1(b)] (HP); [4.1(b)]

Intel and HP inquired about the state of play as regards the legislative process involving EU Member States and EP. Intel expressed its intention to contact the EP rapporteur and to contribute to the hearings envisaged by the EP.

Furthermore, COM informed the companies about the current idea for developing a certification scheme for importers and for the public procurement incentive as part of the European Accreditation, which also allows for a link to the IAF. This would imply that EU certification – which is OECD based – would become accessible to global smelters/refiners. As to the current smelter/refinery schemes (e.g. CFSI, LBMA) this would require an adaptation of the geographical scope which is in some cases limited to DRC and the adjoining countries. Intel was interested in further discussing to broaden the geographical scope of the CFSI.

Furthermore, COM provided an overview both on the substance and on the process and invited Intel and HP to proactively make commitments to source minerals from conflict regions.

From: [4.1 (b)]
Sent: mercredi 24 septembre 2014 16:30
To: [4.1 (b)]
Cc: [4.1 (b)]
Subject: Meeting report: Applied Materials - 24/09/2014

Meeting with Applied Materials (AP) on conflict minerals – 24/09/2014

Participants: [4.1 (b)] (AP); [4.1 (b)] (Community Public Affairs) [4.1 (b)]

AP is a global leader in providing manufacturing solutions for the semiconductor, flat panel display and solar photovoltaic industries. Headquartered in the US, AP has a substantial presence in Europe with approximately 2000 employees in 10 different countries (e.g. IT, DE, FR, BE, NL). AP is listed in the US and has submitted its first conflict minerals report as "undeterminable" (used the CFSI template for its country of origin enquiry amongst their suppliers).

Having approached 27 EU MS and the EP on the conflict minerals file, AP was interested to hear COM views on the state of play. AP praised the focus on upstream and smelters/refiner and would welcome if a clear list of products (with HS codes) will be developed. They enquired whether a possible extension of the product scope can be envisaged. They were interested to hear more about MS views and position on the centralised implementation. They stressed that indeed different administrative procedures should be avoided given that they have various activities in different EU MS. As regards the upcoming guidelines and handbook, AP asked whether those documents will be validated by industry. Finally, AP was interested to learn more about the public procurement incentive.

[4.1 (b)] provided an overview both on the substance and on the process and invited AP to proactively make commitments to source minerals from conflict regions.

[4.1 (b)]

Policy Officer



European Commission

DG TRADE/G3

Market Access, Industry, Energy and Raw Materials

CHAR 05/94

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[4.1 (b)]

From: [4.1 b]
Sent: lundi 13 octobre 2014 16:46
To: [4.1 b]
Cc:]
Subject: Visit report - UMICORE 7/0/2014

Visit UMICORE Hoboken – smelter and refinery of precious metals

Participants: [4.1 b] (UMICORE) [4.1 b]

The **Umicore** Group is a global materials technology and recycling group. It focuses on application areas in materials science, chemistry and metallurgy and generates the majority of its revenues and dedicates most of its R&D efforts to clean technologies, such as emission control catalysts, materials for rechargeable batteries and photovoltaic, fuel cells, and recycling. Umicore has industrial operations on all continents and serves a global customer base; it generated a turnover of € 12.5 billion in 2013 and employs some 14,000 people. The visit concerned Umicore's precious metals and base metals operations in Hoboken (BE). The precious metals operations (refining) are LBMA-certified and therefore provide an interesting example of how responsible sourcing is implemented at a smelter/refinery. [4.1 b] Director Global Purchasing & Trade Compliance was our host at Umicore. Umicore is a member of Eurometaux.

Main messages:

1. **Due diligence** is carried out on the origin and chain of custody for mineral ores/concentrates, while for by-products (e.g. copper) and scrap the origin is the country of their production. The approach taken on by-products (such as gold from copper) is confirmed under the OECD where the origin should be deemed the point where trace gold is first separated.
2. Depending on the **country of origin** and the **percentage of metal in the substance** (leakage: below 1%, between 1%-5%, over 5%) a risk-level is attributed to the consignment and acted upon.
3. **Risk categories for country of origin:** high (DRC and adjoining countries), medium (CFSI countries + Hong Kong, South Africa) and low (rest of the world): this is the CFSI approach.
4. Business partner screening ("**know your counterparty**") has been practiced by for Umicore for long time, and is specified in the OECD gold supplement with reference to the 40 recommendations made by the FATF in 2003.
5. **Management** is kept informed through the management system on the level of risk and ultimately responsible for taking a decision on sourcing.
6. **China** is not addressed under the EU regulation still representing a **market distortion**. Level playing field should be aimed for through a global regulation.
7. [4.2] three-year cycle with second and third year substantially lower cost. System is audited annually.
8. Umicore prefers a system-based risk approach (as proposed in the draft Regulation) compared to a more burdensome transaction-based approach.
9. [4.2]

[4.1 b]

From: [4.1(b)]
Sent: vendredi 10 octobre 2014 17:38
To: [4.1(b)]
Cc: [4.1(b)]
Subject: Report: Eurosif Annual Event - Roundtable discussion on conflict minerals - 9/10/2014

Report – European Sustainable and Responsible Investment Forum (Eurosif) Annual Event – 9 October 2014

Roundtable Discussion on The Conflict minerals disclosure Directive: a "smart" regulation?

Panellists: [4.1(b)] [4.1(b)] [4.1(b)] (Triodos Bank), [4.1(b)] (BusinessEurope)

Main points of interventions:

[4.1(b)] clearly spelled out that the Regulation should be mandatory creating a level playing field among EU companies. She underlined that binding measures are needed to create a market in the EU for clean minerals sourced in conflict regions. [4.1(b)] stressed that the Regulation should include a broad range of processed goods to be in line with US DFA. As such, the EU and US, two biggest consumer markets with a binding measure for final products, can greatly influence China's behaviour (c.f. EU import regulation on toys). [4.1(b)] also cautioned that the trade embargo was the result of the Kabila ban coupled with DFA. She indicated that burden on SMEs should not be overstated and did not exclude that the mineral scope could be extended by the EP to other products such as nickel, cobalt and coal.

BusinessEurope stressed that harmonisation is important not only at EU/US level but also involving many other partner countries possibly through a WTO voluntary system. BusinessEurope warned that a trade embargo/mandatory approach is not the best option to bring results, and pointed to the important role of local authorities/EU Delegations to improve situation on the ground. She expressed concerns for SMEs' due diligence feasibility as well as for EU's competitiveness and supply of raw materials in case a mandatory approach. BusinessEurope voiced doubts how public procurement will be implemented at EU/MS level and requested more certainty for operators.

Triodos Bank explained the importance of environmental, social and governance factors for investors and requested to turn the proposal mandatory with a wider product scope. He referred to US investors support for US DFA and to its positive impact on companies' business decisions. He underlined that investors need regulatory support in order to convince companies to disclose information. He also stressed that demand for responsibly traded minerals needs to be created through regulatory measures.

[4.1(b)] noted that investors can be an important carrot in addition to the usual presentation on the EU integrated approach. She stressed that if investors ask companies systematically on what they are doing to avoid conflict minerals, it will provide a critical incentive to companies' management to develop a strategy on this topic.

Q&A and comments from the audience:

Global Witness described positive local developments with new companies being present and requested to continue and built upon such progress with a robust EU proposal. **OECD** reported about its upcoming MoU with the Chinese Chamber of Commerce for Metals Minerals & Chemicals to develop audit standards for smelters. **Amnesty International** stressed that the concept of due diligence is not well understood in the proposal and enquired how the EP intends to address the gap. An **NGO** stressed that in order to create demand for clean products (from conflict areas), the EU should not wait for the whole world to move. **Eurométaux** explained that the proposal is already considered mandatory for smelters/refiners and requested a level playing field with downstream operators.

From:

[4.1 (b)]

Sent:

23 October 2014 15:53

To:

[4.1 (b)]

Subject:

Presentation in KECE on conflict minerals - 22/10/2014


[4.1 (b)]

I gave a presentation on conflict minerals yesterday in the Korea Enterprises Committee in Europe consisting mainly of downstream companies (LG, Samsung). Just for the records, some feedback:

Presentation was very much welcome and the following discussion focused on:


- the extension of the product scope to downstream (similar to Timber Regulation) and if yes when such extension will be public.
- timing of enforcement
- If a Korean smelter would like to participate but its supplier (mining company) is not disclosing information. Changing supplier is not so easy given the market price mechanisms.
- If a company is active both in mining and smelting, due diligence is needed on which level?
- Whether Korean trading company (importing metal into the EU) can participate in the EU scheme.
- Will the EU come up with a few examples for conflict areas such as in the joint Communication?


[4.1 (b)]



EU responsible trading strategy for minerals from conflict zones

Korea Enterprises Committee in Europe
22 October 2014


European Commission
DG Trade, Unit G3



Outline

1. Context
2. Objectives of the integrated EU approach
3. Draft Regulation
4. Accompanying measures
5. EU vs. US approach
6. Next steps


2



Context

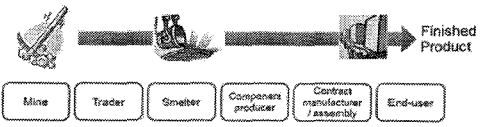
- Natural resources as a driver for development
- Extraction and trade often linked to conflict and instability
- Existing initiatives on responsible sourcing *i.a.*
 - OECD Due Diligence Guidance
 - ICGLR: legislation in the DRC and Rwanda
 - US Dodd-Frank Act Section 1502
 - Numerous public and private initiatives
- European Parliament Resolutions (2010 and 2014) on conflict minerals

3



Context

- Thousands of companies along the global supply chain indirectly affected by US Dodd-Frank Act
 - Determination of "conflict mineral" origin (tin, tantalum, tungsten and gold) and to carry out due diligence when sourcing from the DRC or neighbours
- Asia hosts 80% of the global smelters/refiners
- EU and US consume 50% of metals (3TG)



4

Objectives of the integrated approach

- **Based on public consultation outcome and impact assessment findings, an integrated EU approach proposed to promote responsible mineral sourcing** (5 March 2014)
- **Complementary objectives established:**
 - Break the link between mineral extraction, trade and the financing of armed conflict
 - Create and further develop a market in the EU for responsibly traded minerals from conflict regions
 - Improve the ability of EU operators to comply with existing due diligence frameworks

5

Draft Regulation

- **Main elements of the draft Regulation:**
 - Voluntary self-certification by EU importers of tin, tantalum, tungsten and gold (ores, concentrates and metals) *regardless of origin (global scope)*
 - Obligations based on the OECD DDG (5-step framework)
 - Publication of an annual EU list of responsible smelters/refiners
 - Ex-post checks by EU Member States competent authorities
 - Review no later than three years after entry into force
- **Aim: to act at the most effective level of the EU supply chain and to facilitate the flow of due diligence information down to end users**

6

Accompanying measures

- **Measures to promote supply chain due diligence**
 - **Public procurement incentives for companies selling products containing tin, tantalum, tungsten and gold:**
 - Companies should provide evidence that due diligence is carried out in line with the OECD Due Diligence Guidance or equivalent scheme
 - **Letters of Intent – Industry commitments:**
 - Increase industry's engagement in responsible sourcing of minerals in conflict areas
 - Visible recognition for the efforts of companies who source responsibly from such areas (e.g. website)
 - **Policy dialogues and diplomatic outreach with governments in extraction, processing and consuming countries to encourage broader use of due diligence**

7

EU vs. US approach

- **Target population: US-listed companies (mainly downstream) vs. EU importers (upstream)**
- **Geographical scope: the DRC and adjoining countries vs. global**
- **Product scope: 3TG for both**
- **US: final determination required whether product is "DRC conflict-free"**
- **EU: list of responsible smelters/refiners and various accompanying incentives**

8

Next steps

- **Legislative discussion through ordinary legislative procedure:**
 - Council: ongoing discussion
 - EP: start of discussion in November 2014
- **Foreseen entry into force**
- **Development of a certification scheme including accreditation of certification bodies (auditors)**
- **Drafting of guidance on identification of conflict-affected and high-risk areas**

9

Contact

Further contact/information

[4.1 (b)]
http://europa.eu/rapid/press-release_IP-14-218_en.htm

10

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

MISSIONS REPORT

Subject: 8th ICGLR-OECD-Un GoE Joint-Forum on Responsible Mineral Supply Chains, 2-6 November 2014

Participants: 4.7 (b)

Summary:

OECD Forum focussed on (i) the **lack of progress on ICGLR certification capacity** in the DRC provinces and beyond; (ii) how to shift the focus now to **human rights and serious abuses** (under Annex II of the OECD DDG); and (iii) the **broader responsible investors'** agenda.

Good EU visibility: the EU presented domestic progress on the file; EU HoD chaired two forum sessions and a well-attended local **press conference on the broader EU development cooperation agenda** and its new conflict mineral policy, including an interview by local television.

EU was invited to facilitate discussions on a **new private traceability initiative** from a Belgian operator on gold for the Oriental Province (DRC). The signature of a MoU is expected soon with the Provincial Ministry of Mines.

A **donor coordination** meeting was conducted in the margins. Resulting renewed efforts to start at the next ICGLR conference in January in Berlin. Main issue is capacity building and cooperation with private schemes.

New contacts were established including with Swiss government representative on raw materials (supportive of EU approach) and responsible smelters from Malaysia.

After the Forum, **Member states** were briefed in a separate meeting in the EU Delegation. Through its bilateral aid, the EU Delegation is mainly targeting financial governance, and the health and infrastructure sectors.

Details:

Lack of progress on ICGLR certification capacity in the DRC provinces and beyond: separate meetings were conducted on capacity building in the different countries and provinces (DRC, Burundi, Kivu, Orientale, Katanga etc.) in relation to progress on legally exported 3TG. iTSCi presented export developments in a graph (see annex)

Moreover, **two baseline studies on the Mukungwe artisanal mine** (South Kivu, DRC) were discussed with the following conclusions: the contribution of gold to official tax revenues is far lower than it should be; not enough gold mines are validated to sustain sufficient legitimate gold supply; there is little awareness or knowledge on the OECD DDG among traders despite efforts at mitigation, South Kivu artisanal and small scale mining is still an important source of conflict financing; progress is possible as was shown by the demilitarization of the Munkungwe mine; and is substantial room for improvement on the transformation from artisanal to industrial mining.

The Forum increasingly focussed on the human rights and serious abuses (as per Annex II of the OECD DDG): separate sessions were held to discuss relevant human right issues and serious abuses under annex II of the Guide; public and private security forces and on the promotion of women's and children's rights and preventing sexual violence in mining areas.

Broader responsible investors' agenda: beyond the issue of conflict minerals, the local and regional investment climate in the mining sector was discussed in a session with international investors. The conclusions pointed at increasingly stringent expectations by investors and traders as to the implementation of international standards.

EU visibility: two EU contributions to the programme (TRADE and EEAS) on domestic progress as well as the two EU chaired sessions ensured good EU visibility at the Forum. In addition, the well-attended local press conference, after the formal conference by the OECD/DRC, on the broader EU development cooperation agenda and its new conflict mineral policy including an interview by the HoD to the local television and a Communiqué de Press ensured visibility in the DRC press.

New private traceability initiative: The Belgian operator of MINERAL CARE invited the EU representatives to a private session with the Mining Minister of the Oriental Province (DRC). Parties envisage signing soon a MoU for MINERAL CARE to deliver tracking services to the government for gold. This would be the first gold traceability system in the DRC and the involvement of government and a tested scheme (running for diamonds in Angola) should be closely followed.

A **donor coordination** meeting was conducted in the margins. Resulting renewed efforts to start at the next ICGLR conference in January in Berlin. Main issue is capacity building and cooperation with private schemes.

New contacts were established including with Swiss government representative on raw materials (supportive of EU approach) and responsible smelters from Malaysia.

After the Forum, **Member states** were briefed in a separate meeting in the EU Delegation. Through its bilateral aid, the EU Delegation is mainly targeting financial governance, and the health and infrastructure sectors.

Follow-up:

1. Prepare outreach mission to Indonesia, possibly Malaysia, and China to discuss the EU responsible sourcing agenda with Governments and processing industries.
2. MINERAL CARE development on gold
3. Contact the Swiss government to discuss EU approach
4. Donor coordination meeting in January/February 2015 in Berlin

[4.1(b)]

MISSIONS REPORT – DF-14-941368

ERA CONFERENCE: ELECTRICAL AND ELECTRONIC EQUIPMENT AND THE ENVIRONMENT 2014

11 – 13 NOVEMBER 2014

Participants: [4.1(b)]

Summary: I made a presentation on the **EU responsible trading strategy for minerals from conflict zones** at the Conference which convenes the electrical and electronic equipment sector.

Details: The conference was well attended with some 80 participants, representing both the EU as well as US business, typically those who deal with quality and environmental management, implementing the requirements arising from EU legislation.


I made an opening speech, speaking about the draft regulation and accompanying measures, giving also the state of play in the legislative procedure.

My presentation was followed by a presentation by [4.1(b)] from Global Witness. She first elaborated on the OECD Due Diligence Guidance and made a pitch for the companies to make use of that in their supply chain management. Then she commented on the EU proposal, giving also concrete recommendations which were (as expected) to introduce a mandatory requirement for company reporting (along the lines of the OECD), broaden both the company scope (to include downstream) and materials' scope.

In the Q&A the participants questioned the capacity of downstream companies to perform due diligence (due to long supply chains), drew parallels to Timber Regulation which has not affected illegal logging, raised the issue of the role of governments and the private sector (referring to limitations what the private sector can do), also mentioned the preference to getting back to the source – meaning the crucial role of smelters in the supply chain.

In a lively debate on the pros and cons of voluntary versus mandatory system the moderator raised the question whether mandatory import certification could not assist the downstream companies to do their due diligence more than a voluntary system.


In the margins of the meeting I got some additional feedback from the companies, inc those who are Dodd-Frank compliant and have faced serious difficulties. I could further explain the advantages of our approach and its complementarity to the US one.



EU responsible trading strategy for minerals from conflict zones

16th Annual 2014 Conference on Electrical and Electronic Equipment and the Environment 2014

[Signature]
European Commission
Director, DG Trade



Outline

1. Context
2. Objectives of the integrated EU approach
3. Draft Regulation
4. Accompanying measures
5. Impact on operators
6. Next legislative steps


2



Context

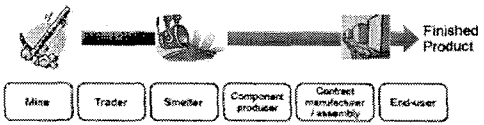
- **Natural resources: a driver for development but often linked to conflict and instability**
- **Existing Initiatives on responsible sourcing of minerals:**
 - US Dodd-Frank Act Section 1502
 - OECD Due Diligence Guidance
 - International Conference on the GLR (DRC, Rwanda)
 - Numerous public and private Initiatives (CFSI, LBMA, RJC)
- **European Parliament Resolution (2010, 2014) on conflict minerals**
- **Integrated EU approach on responsible mineral sourcing proposed (5 March 2014)**

3



Context

- **Operating environment for EU companies**
 - 150,000-200,000 EU companies indirectly affected by US Dodd-Frank Act
 - 420 EU importers (traders, smelters/refiners, component manufacturers)
 - EU trade share of ores is about 35% (tin, tantalum, tungsten, gold) and 15-25% for the metals



4

Objectives

- **Complementary objectives established on the basis of the public consultation**
 - Break the link between mineral extraction, trade and the financing of armed conflict
 - Preserve and further develop a market in the EU for responsibly traded minerals from conflict regions
 - Improve the ability of EU operators to comply with existing due diligence frameworks (OECD DDG, US Dodd-Frank)

5

Draft Regulation

- **Main elements of the draft Regulation:**
 - Voluntary self-certification by EU Importers of tin, tantalum, tungsten and gold (ores, concentrates and metals)
 - Global scope
 - Obligations based on the OECD DDG (5-step framework)
 - Ex-post checks by EU Member States competent authorities
 - Publication of an annual EU list of responsible smelters/refiners
- **Aim: to act at the most effective level of the EU supply chain and to facilitate the flow of due diligence information down to end users**

6

Accompanying measures

- **Additional measures to promote the take-up of the certificate and supply chain due diligence:**
 - Public procurement incentives for companies selling products such as mobile phones, printers and computers containing tin, tantalum, tungsten and gold
 - Financial support to SMEs to promote the uptake of self-certification and to the OECD to promote due diligence among EU and non-EU smelters/refiners
 - Visible recognition for the efforts of EU companies who source responsibly from conflict-affected countries or areas

7

Accompanying measures

- **Additional measures to promote supply chain due diligence:**
 - Policy dialogues and diplomatic outreach with governments in extraction, processing and consuming countries to encourage a broader use of due diligence
 - Raw materials diplomacy including in the context of multi-stakeholder due diligence initiatives
 - Development cooperation with the countries concerned
 - Support by EU Member States through their own policies and instruments

8

Impact on operators

- **Impact on responsible EU importers:**
 - Increased legal certainty and transparency through their self-certification to ensure that they do not contribute to the financing of armed conflicts
 - Easier compliance with Dodd-Frank obligations
- **Impact on responsible smelters/refiners:**
 - Increased public accountability and transparency of their practices through the publication of an annual EU list
 - Identification of those sourcing from conflict areas
- **Impact on downstream users:**
 - Facilitated flow of due diligence information down to end users and easier to source metals responsibly
 - Public procurement incentives to satisfy contractual due diligence obligations

Next steps

- **Draft proposal has been transmitted to the European Parliament and the Council**
- **Legislative discussion through ordinary legislative procedure**
 - **Council – Working Party on Trade Questions**
 - Broad consensus among Member States on the approach (voluntary, product and geographical scope, audit)
 - Separate discussions in experts groups on the definition of conflict-affected and high-risk areas and the product scope
 - **European Parliament: INTA committee, DEVE may be associated**
 - First meeting 6 November; Hearings beginning of December
 - Report first semester 2015
- **Entry into force depending on progress**

10

Contact

Further contact/information

[41(b)]

http://europa.eu/rapid/press-release_IP-14-218_en.htm

11

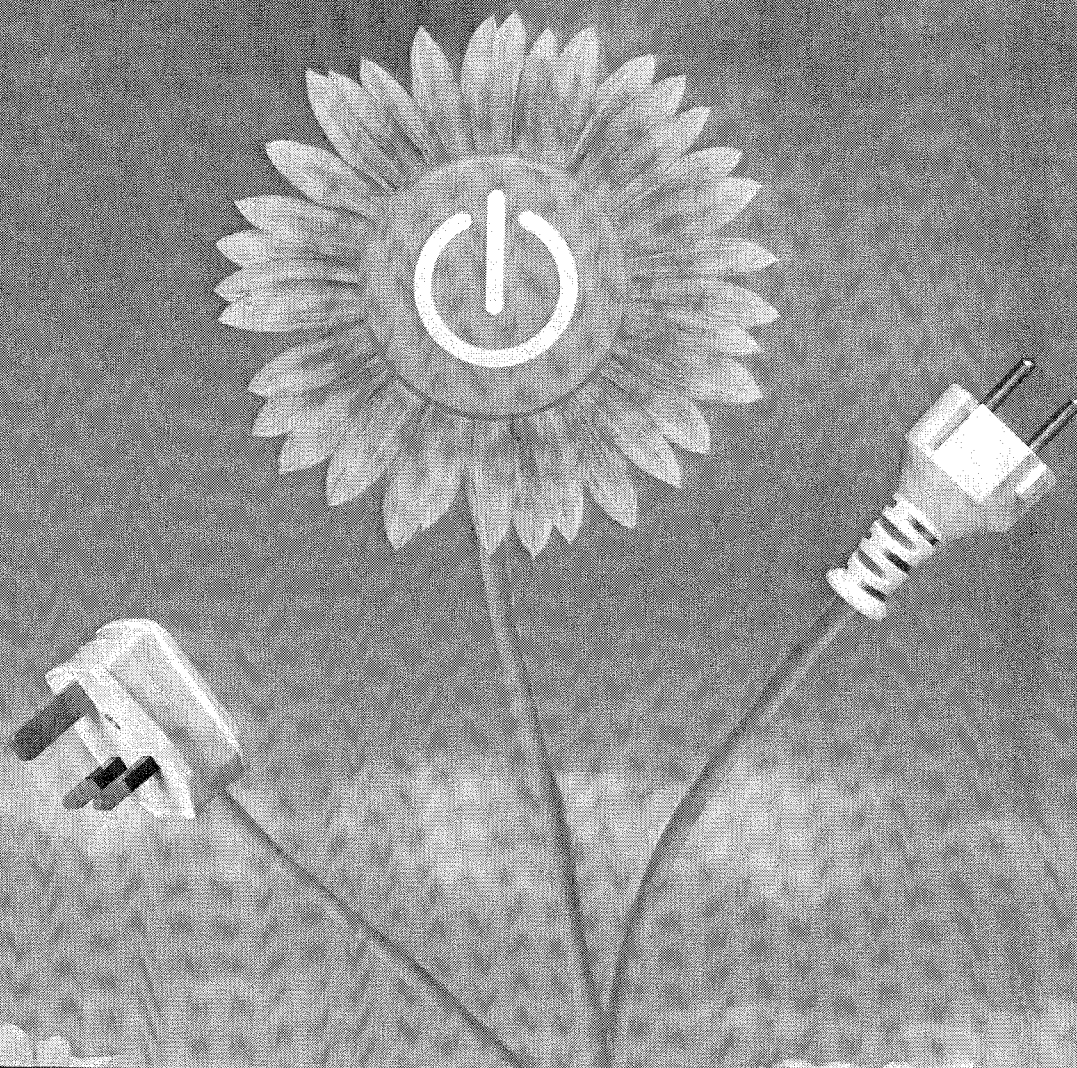
1

1. The first part of the document is a list of the names of the persons who have been named in the document.

ERA
TECHNOLOGY

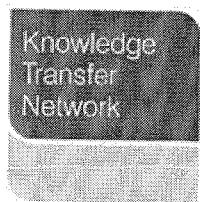
**Electrical and Electronic
Equipment and the Environment 2014**
Meeting the Technical and Regulatory
Compliance Challenges

12-13 November 2014 - Hilton London Heathrow Airport (T4), UK



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www.era.co.uk/events/era-conference-2014

08.30 Registration, refreshments and exhibition

Chair: **Chris Robertson - ERA Technology**

09.00 **Welcome and setting the scene**

Chris Robertson - ERA Technology

09.10 **European Union (EU) responsible trading strategy for minerals from conflict zones**

Signe Ratso - European Commission (EC), Directorate General for Trade

- EU approach on responsible sourcing of minerals from conflict zones
- Draft EU regulation for responsible importers of tin, tantalum, tungsten and gold from conflict zones
- EU accompanying measures to promote responsible sourcing
- State of play of the normal legislative procedure in the EU.

09.40 **Conflict Minerals**

Annie Dunnebacke - Global Witness
Content to be confirmed.

10.10 **The RoHS2 Directive and the amended Batteries Directive**

Iain Nicol - BIS, (Department for Business, Innovation and Skills), Green Economy Team

- RoHS2:
 - Revised scope and interpretation
 - Transition for medical devices and monitoring & control instruments
 - Additional substance restrictions.
- Batteries:
 - Transposition of the Batteries Directive amendments into UK Regulations.

10.40 **Discussion**

10.50 **Refreshments and exhibition**

11.20 **The National Measurement Office (NMO) and regulatory compliance**
Huw Jones - NMO

- The NMO's role in UK market surveillance
- A structured European approach
- RoHS
- Ecodesign
- Cooperation with industry
- Looking forward.

11.50 **REACH - assumptions, legends and actuality**

Dave Sidgwick - GE Aviation

- Where does it come from and where is it going?
- Assumptions on which REACH appears to be based
- Do viable alternatives exist?
- Who decides what constitutes an alternative?
- How could the Risk Management Option play out?
- Effect on multinationals and Small and Medium-sized Enterprises (SMEs).

12.20 **Integrated Chemicals Management: a case study of metal working fluids**

Gitanjali Nayar - Rolls Royce

- What is Integrated Chemical Management (ICM)
- Relationship between ICM and the Strategic Approach to International Chemicals Management
- How does ICM apply to manufacturing shop floor operations
- Case study of metal working fluids to demonstrate the functioning of the ICM framework
- Streamlining processes within the ICM framework.

12.50 **Discussion**

13.00 **Lunch and exhibition**

Chair: **Steve Brambley - GAMBICA**

14.10 **The WEEE2 Directive - UK and EU update**

Steve Andrews - Department for Business, Innovation & Skills (BIS)

- The first year of the changed UK system
- The new WEEE2 FAQ. Key points and areas of discussion
- Meeting the new EC targets.

14.40 **Countering WEEE illegal trade: the CWIT Project**

Mary Liddane - Compliance and Risks

- CWIT Project overview and objectives
- Effects of illegal activities on compliant producers (and wider society)
- Regulatory overview
- Estimation of WEEE volumes in Europe
- Mapping of WEEE flows in Europe
- Analysis of criminal behaviours associated with e-waste trade.

15.10 **Discussion**

15.20 **Refreshments and exhibition**

15.50 **WEEE from the sharp end**

Patrick Watts - Sweep Kuusakoski

- The demands of fitting a WEEE recycler into the market
- The growth of WEEE recycling and the obligations of waste producing businesses
- Regulation enforcement encourages development and circular economy
- Scarce materials recycling.

16.20 **Tracking the use of critical raw materials in the EU - from supply, security to sustainability**

Adrian Tan - BIO Intelligence by Deloitte

- EC data inventory of the raw material flows in industry and society
- Life cycle study of 22 raw materials
- Quantitative data on flows through the EU, sustainable use of materials and security of supply
- Website of relevant data and public information
- Other relevant work performed from BIO by Deloitte.

16.50 **Switched on to value: delivering business products through sustainability**

Gerrard Fisher, WRAP

- Evidence on the value of sustainable actions
- The business case for longer-life products:
 - Market information
 - Business benefits
- Developing sector action on sustainability:
 - Specifying longer-life products
 - Implementing new business models
- Actions delivered so far and their impacts.

17.20 **Discussion**

17.30 **Close**

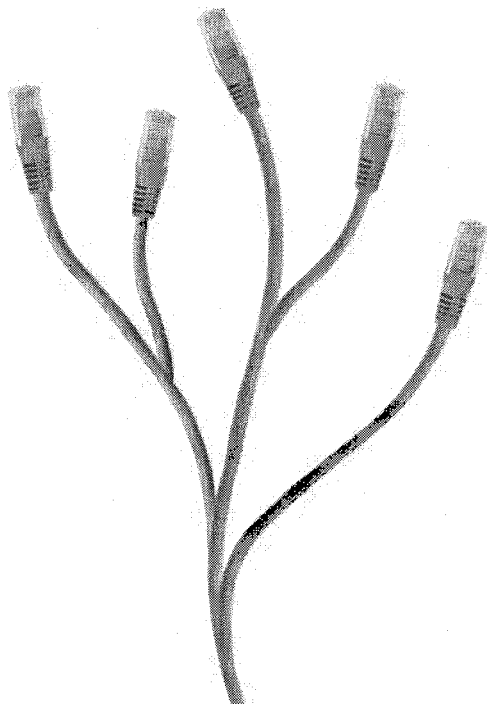
19.00 **Drinks reception**

19.30 **Conference dinner.**

HILTON LONDON HEATHROW AIRPORT

The hotel is offering a preferential accommodation rate for conference delegates.

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Thursday 13 November 2014

08.30 Registration, refreshments and exhibition

Chair: Gary Nevison - Premier Farnell

09.00 Update on Energy-Using Products policy

Mike Walker - Department of Energy & Climate Change (DECC)

- Recent and expected developments on products
- Review of the energy labelling directive
- Compliance and the Ecopliant project
- International activities.

09.30 Ecodesign working plan 2015-2017: taking ecodesign one step further

Corinna Fischer - Öko Institut e.V.

Goals, scope and status of the study

- Challenges when dealing with "non-conventional" product groups
- Dealing with the challenges (methodological approach, possible political approaches)
- Preliminary results of the study (proposed product groups)
- Outlook on the political process.

10.00 Discussion

10.10 Refreshments and exhibition

10.40 The Ecodesign Directive – what happens when system efficiency is considered by a product directive

Steve Brambley - GAMBICA

- The Ecodesign Directive and the preparatory study process
- The case of electric motors and control systems - product vs system efficiency
- The legacy of Lot 11 and the future of Lot 30
- The importance of stakeholder engagement with the study team
- System efficiency - how can regulation and policy address this issue?

11.10 A practical application of life cycle assessment to real life products

Tom Penny - Product Sustainability Services, ERM

- Sky's product sustainability journey
- Examples of the studies and tools developed
- Benefits and challenges faced when embedding product sustainability within an organisation.

11.40 Global developments in packaging policy

David Perchard - Perchards

- The EU waste policy review and what it means for producers and compliance schemes
- A separate packaging waste management regime for Scotland?
- Producer responsibility is coming to Canada, but what about the US?
- Australia's review of packaging policy
- Producer responsibility for packaging in Asia
- Packaging policy developments in Latin America.

12.10 Discussion

12.20 Lunch and exhibition

Chair: Chris Robertson - ERA Technology

13.30 China – managing RoHS and other product and environmental risks

Tad Ferris - Foley & Lardner LLP

- Review of recent electrical and electronic equipment-related environmental and product-content regulatory developments and trends
- Specific discussion of materials restriction issues and developments
- Briefing on key developments, including issues associated with surges in citizen environmental initiatives, waste/scrap shipments, end-of-life product recycling and chemicals regulation
- Discussion of "case study" involving China vendor waste-import management proposal.

14.00 Product environmental regulations and trends - US developments

Rick Goss - Information Technology Industry Council

- Product energy efficiency mandates and initiatives (Federal and State)
- The prospects for Federal Toxic Substances Control Act (TSCA) reform
- Implementation of the California Safer Consumer Products Act
- Electronic Product Environmental Assessment Tool (EPEAT) and the green procurement landscape
- US e-recycling - status update and certification programs.

14.30 Future EU substance restrictions

Paul Goodman, ERA Technology

- Additional RoHS substance restriction studies
- Future REACH restrictions
- Restrictions from other EU legislation.

15.00 Final discussion

15.10 Close.

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Subject: Comparative Table of the EU proposal on conflict minerals with existing schemes
Location: CHAR 05/236
Start: mer. 19/11/2014 10:00
End: mer. 19/11/2014 11:00
Recurrence: (none)
Meeting Status: Accepted
Organizer: [4.1 (b)]
Required Attendees: [4.1 (b)]

From: [4.1 (b)]
Sent: Wednesday, September 17, 2014 1:51 PM
To: [4.1 (b)]
Cc: [4.1 (b)]
Subject: Comparative Table of the EU proposal on conflict minerals with existing schemes

Dear [4.1 (b)]

On behalf of DigitalEurope and the American Chamber of Commerce to the EU (AmCham EU) I hereby send you our jointly developed Comparative Table of the EU proposal on conflict minerals with existing schemes.

The objective of this comparative table is to facilitate the work of EU policy makers to define a complementary and effective approach in pursuit of conflict free. We hope that you will find this useful in the ongoing work that you and your colleagues are undertaking on this issue.

Conflict minerals is a complex issue that requires the engagement of multiple stakeholders, including governments, the private sector and civil society.

Our associations welcome the European Commission's proposal for a regulation on conflict minerals and support the three goals of the EU integrated approach to responsible sourcing:

- Breaking the link between minerals extraction, trading and the financing of armed conflict;
- Supporting a market in the EU for responsibly traded minerals that originate in conflict regions;
- Improving the ability of EU operators throughout the supply chain to comply with existing due diligence measures.

Both associations would very much welcome the opportunity to meet with you to present and discuss the comparative table in detail, and to have an exchange on the current progress on the legislative proposal and the Communication. We will follow up with you individually.

We look forward to engaging in a dialogue with you in the near future, and remain at your disposal should you have any questions.

[4.1 (b)]
 Senior Policy Manager
 DigitalEurope
 [4.1 (b)]

[4.1 (b)]
 Policy Officer
 AmCham EU
 [4.1 (b)]

Best regards,

[4.1(6)]

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Comparative table of the EU proposal on conflict minerals with existing schemes

Comparing different regulatory approaches on responsible trading of conflict minerals

Executive summary

The objective of this comparative table is to help facilitate the work of EU policy makers to define a complementary and effective approach in pursuit of conflict free. Conflict minerals is a complex issue that requires the engagement of multiple stakeholders, including governments, the private sector and civil society. There is a clear need to promote real change, and we believe the Commission proposal is a step in the right direction.

* * *

ABOUT AMCHAMEU – AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €2 trillion in 2013 and directly supports more than 4.3 million jobs in Europe.

ABOUT DIGITALEUROPE – DIGITALEUROPE represents the digital technology industry in Europe. Our members include some of the world's largest IT, telecoms and consumer electronics companies and national associations from every part of Europe. DIGITALEUROPE wants European businesses and citizens to benefit fully from digital technologies and for Europe to grow, attract and sustain the world's best digital technology companies.

* * *

American Chamber of Commerce to the European Union (AmCham EU)
Avenue des Arts 53, B-1000 Brussels, Belgium
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POSITION PAPER

Comparison of approaches to the responsible trading of Conflict Minerals

10 September 2014

The objective of this comparative table is to help facilitate the work of EU policy makers to define a complementary and effective approach in pursuit of conflict free minerals. The undersigned associations welcome the European Commission's proposal for a regulation on conflict minerals and support the three goals of the EU integrated approach to responsible sourcing:

- Breaking the link between minerals extraction, trading and the financing of armed conflict
- Supporting a market in the EU for responsible traded minerals that originate in conflict regions
- Improving the ability of EU operators throughout the supply chain to comply with existing due diligence measures.

The proposed Regulation would complement existing US legislation on responsible sourcing of conflict minerals (Dodd-Frank Act) and contribute to the harmonisation of global compliance programmes. We are pleased to see that the Regulation will exert pressure on importers of conflict minerals to source from smelters and refiners that are verified as being conflict-free. In addition, the list of smelters and refiners that the Commission would publish, and the information developed by responsible importers, would assist companies with their due diligence inquiries under the US Dodd-Frank Act.

POSITION PAPER

Comparison of approaches to the responsible trading of Conflict Minerals

EU Regulation

| ISSUE | EU Proposal | Dodd-Frank Act (DFA) | Comments |
|---------------------------|--|---|---|
| Approach | Voluntary self-certification program | Mandatory disclosure requirement | The self-certification programme is embedded in a wider comprehensive approach to promote responsible sourcing of minerals based on the OECD due diligence guidelines. Different initiatives, such as Conflict Free Sourcing Initiative (CFSI) and the Conflict Free Tin Initiative (CFTI) have so far proven to be both effective and cost efficient. A voluntary approach carries less risk of a de-facto embargo. |
| Focus | Upstream (importers of minerals, metals listed in Annex A) | US Publically traded listed companies (upstream + downstream) | Concentrating on upstream supply chain operators and on facilitating transmission of quality information in the supply chain leverages the appropriate point in the supply chain and is consistent with the OECD Guidance, with industry initiatives, such as the Conflict-Free Smelter Program (part of CFSI), and complements the Dodd-Frank Act. Beyond the pinch point of smelters, it becomes exponentially more difficult to identify the origin of metals. |
| Geographical Scope | "Conflict-affected and high-risk areas" | DRC and adjoining countries | Today, supply chain due diligence initiatives are largely focused on the DRC and the Great Lakes Region. This focus was identified at the highest international level in a UN Security Council Resolution. It is imperative that a consistent process and criteria is defined for identifying areas as conflict-affected and high risk for the purposes of the EU regulation. |

POSITION PAPER

Comparison of approaches to the responsible trading of Conflict Minerals

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| Definition of Conflict-Free | Not defined.
Designed to support further compliance with the OECD Guidance and with a process-oriented focus | Product may be described as DRC conflict-free if it does not contain minerals that directly or indirectly benefit armed groups in the DRC and adjoining countries | OECD Guidance does not define conflict-free. It provides due diligence guidance to help companies respect human rights and avoid contributing to conflict through their sourcing decisions. The OECD describes their views on conflict-free in a letter to the SEC dated 29 July 2011. |
| Minerals Scope | Tantalum, Tungsten, Tin, Gold (3TGs) | 3TGs | A focus on 3TGs achieves coherence between the EU and US policy approaches.
Alignment of mineral scope would allow the current initiatives to mature. |
| Institutional bodies responsible | Competent authorities in Member States | Securities & Exchange Commission (SEC) | Responsibility should lie with public authorities that have the appropriate expertise and capacity to effectively implement and enforce the requirement, aiming to avoid market fragmentation within the EU. |
| Due Diligence Approach | OECD Guidance Five-Step Framework | Nationally or internationally recognized Due Diligence Framework. May use OECD Guidance | Companies support the five-step framework in the OECD due diligence guidance. |
| Auditing | Audit required for importers that have volunteered to participate | Audits are to be levied against companies that file DRC conflict free or if they have determined whether the conflict minerals financed have benefited armed groups, starting in 2015 | A common approach to auditing is necessary. At an industry level, voluntary initiatives focus audits at smelters/refiners in the supply chain consistent with Step 4 of the OECD Guidance. |

POSITION PAPER

Comparison of approaches to the responsible trading of Conflict Minerals

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| List of smelters/refiners | Based on information provided by Member States, COM shall make publicly available a list of responsible smelters and refiners | <u>Worldwide list</u> of 3TG minerals processing facilities to be put together by US Dept of Commerce 30 months after law's entry into force | It is important to have a common list of known smelters/refiners. Current industry initiatives list smelters/refiners that are compliant with the Conflict-Free Smelter Program, LBMA's Responsible Gold Program (London Bullion Market Association), RJC's Chain of Custody Certification Program (Responsible Jewellery Council). |
|----------------------------------|---|--|---|

EU Joint Communication

| ISSUE | Joint Communication | US Policy Measures | Comments |
|-----------------------------|---|--|--|
| Public Procurement | COM and Member States to include requirements for respecting OECD Guidance in procurement contracts | N/A | <p>There should be a consistent approach to public procurement incentives across Member States and Commission.</p> <p>Performance clauses should aim to encourage the uptake of due diligence at a company level. It is companies, not products, that follow the OECD Guidance and we recommend that this language be revised to ensure implementation is consistent with the international due diligence framework. Such an approach would enable consistency across the EU and also allow for the flexible application of due diligence as recognized in the OECD Guidance. Public procurement should address all 3TG containing products.</p> |
| Consumer information | Member States to consider complimentary initiatives in the area of consumer info and labelling | SEC filing posted on company's website | <p>Avoid market fragmentation. Annual reporting on supply chain due diligence is Step 5 of the OECD Guidance. Consistent with the EU Directive on disclosure of non-financial and diversity information, companies should have the flexibility to disclose relevant information in the way they consider most useful.</p> |

POSITION PAPER

Comparison of approaches to the responsible trading of Conflict Minerals

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| "In-region" sourcing and responsible minerals trade | EU supports ICGLR Regional Initiative on Natural Resources. Member-State activity. | US support ICGLR Regional Initiative and Public-Private Alliance for Responsible Minerals Trade. USAID activity in DRC supports responsible minerals trade. | In-region sourcing and the development of systems to enable responsible trade from conflict areas should be a priority. Without such in-region efforts, due diligence further downstream may result in unintended embargo of all material from an area. |
| Outreach to countries with minerals/metals processing facilities | Outreach to countries w/smelters, including an int'l conference | State Dept diplomatic and commercial outreach | Outreach to smelters is important to help boost participation in industry's Conflict-Free Smelter Program and equivalent initiatives. There is an opportunity for EU and its economic partners to collaborate on outreach to countries with minerals/metals processing facilities |
| Institutional bodies involved | European Commission, External Action Service, EU Member States, European Parliament | State Department, USAID, SEC, Commerce Dept. | Institutional bodies involved at international level include UN Security Council Group of Experts on DRC, ICGLR, OECD |
| SMEs | Financial assistance available for Small and Medium Sized Enterprises via the COSME (Competitiveness of Enterprises and Small and Medium-sized Enterprises) program. | SEC rule extends phase in period for product descriptions to 4 years for SMEs (vs. 2 years) | It is critical that SMEs receive administrative and financial support to implement conflict-free systems. |