



Council of the
European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Regulation of the European Parliament and of the Council laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas - Adoption of the legislative act (LA + S) = Statements

Statement by the Council

The Council agrees, on an exceptional basis, to delegate to the Commission the power to adopt delegated acts to amend the thresholds of Annex I as set out in Article 1(4) and (5), so as to ensure a timely adoption of the thresholds and to meet the objectives of this Regulation. Such agreement is without prejudice to future legislative proposals in the area of trade, as well as in the area of external relations as a whole.

Statement 1 by the Commission

The Commission will consider making additional legislative proposals targeted at EU companies with products containing tin, tantalum, and tungsten and gold in their supply chain should it conclude that the aggregate efforts of the EU market on the responsible global supply chain of minerals are insufficient to leverage responsible supply behaviour in producer countries, or should it assess that the buy-in of downstream operators that have in place supply chain due diligence systems in line with the OECD guidance is insufficient.

Statement 2 by the Commission

In the exercise of its empowerment to adopt delegated acts pursuant to Article 1(5), the Commission will take due account of the objectives of this Regulation, notably as set out in recitals (1), (7), (10) and (17).

In doing so, the Commission will, in particular, consider the specific risks associated with the operation of upstream gold supply chains in conflict affected and high-risk areas and taking into account the position of Union micro and small enterprises importing gold in the EU.

Statement 3 by the Commission

In response to the request of the European Parliament for specific guidelines, the Commission is willing to develop performance indicators specific to the responsible sourcing of conflict minerals. By means of such guidelines, relevant companies with more than 500 employees that are required to disclose non-financial information in conformity with Directive 2014/95/EU would be encouraged to disclose specific information in relation to products containing tin, tantalum, tungsten or gold.
