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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 6 March 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: SWD(2014) 53 final - PART 5/7

Subject: COMMISSION STAFF WORKING DOCUMENT
IMPACT ASSESSMENT
PART 5 (Third part of Annex III to the Impact Assessment)
Accompanying the document
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

Delegations will find attached document SWD(2014) 53 final - PART 5/7.

Encl.: SWD(2014) 53 final - PART 5/7



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Brussels, 5.3.2014
SWD(2014) 53 final

PART 5/7

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

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Proposal for a Regulation of the European Parliament and of the Council

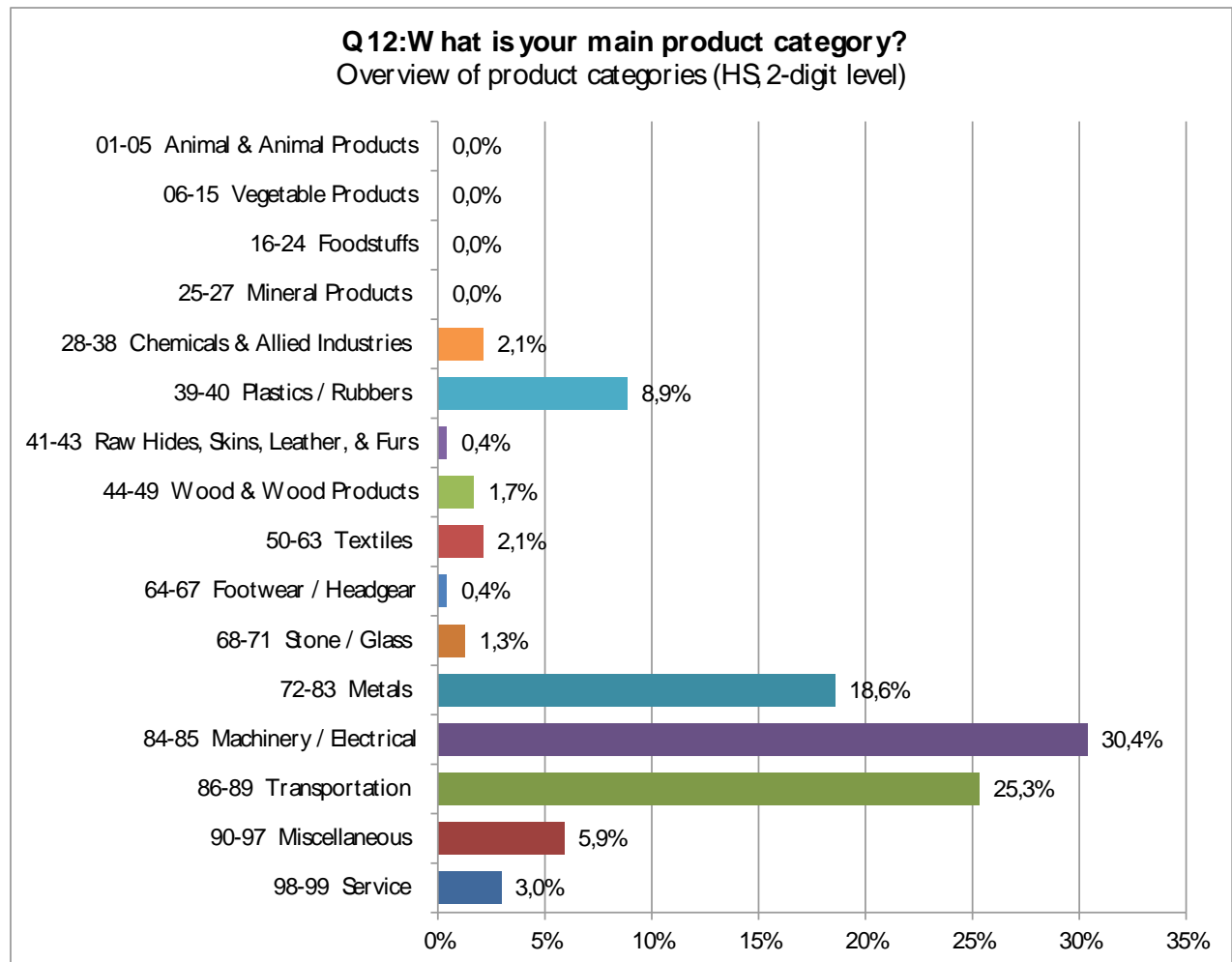
setting up a Union system for supply chain due diligence self-certification of responsible importers of tin, tantalum and tungsten, their ores, and gold originating in conflict-affected and high-risk areas

{COM(2014) 111 final}
{SWD(2014) 52 final}

ANNEX III (cont.)

3.3.2.10 Main product category

As regards the main product category according to the Harmonized Commodity Description and Coding System (HS) of tariff nomenclature, nearly a third (30,4%) of the products listed by the respondents can be allocated to the area “Machinery/Electrical” (HS 84-85), followed by products belonging to the area Transportation (25,3%, HS 86-89), Metals (18,6%, HS 72-83) and Plastics / Rubbers (8,9%, HS 39-40).³⁷ (cf. Figure 1). None of the respondents named products belonging to the HS areas 01-05 (Animal & Animal Products), 06-15 (Vegetable Products), 16-24 (Foodstuffs), or 25-27 (Mineral products).



³⁷ NB: Of all the answers the respondents entered as free text, 15% were not allocatable unambiguously to a specific HS code. These unallocatable answers were excluded from the calculations for Figure 1.



Figure 1: Overview of product categories (2-digit level) according to Harmonized Commodity Description and Coding System (iPCMP user survey, Q12)

On the four-digit level, products of the area “parts & access for motor vehicles” (HS 8708) dominated (18,1%), followed by “transmission shafts, bearings, gears etc, parts” (HS 8483, 5,5%), and “motor cars & vehicles for transporting persons” (HS 8703, 4,2%). (for a complete overview of all the answers including, whenever possible, their allocation to a 4-digit HS code, cf. Annex 21).³⁸

³⁸ When a product was allocatable to more than one HS codes, the list was ordered by the lowest code.



3.3.2.11 Estimated effort for Conflict Minerals Reporting

3.3.2.11.1 Initial costs

As regards the overall initial costs, i.e. the total one-time efforts for all of the seven cost items, nearly three quarters of the respondents (74%) reported costs under US\$ 35 000, which result in an estimated € 13 500³⁹ (Figure 2).

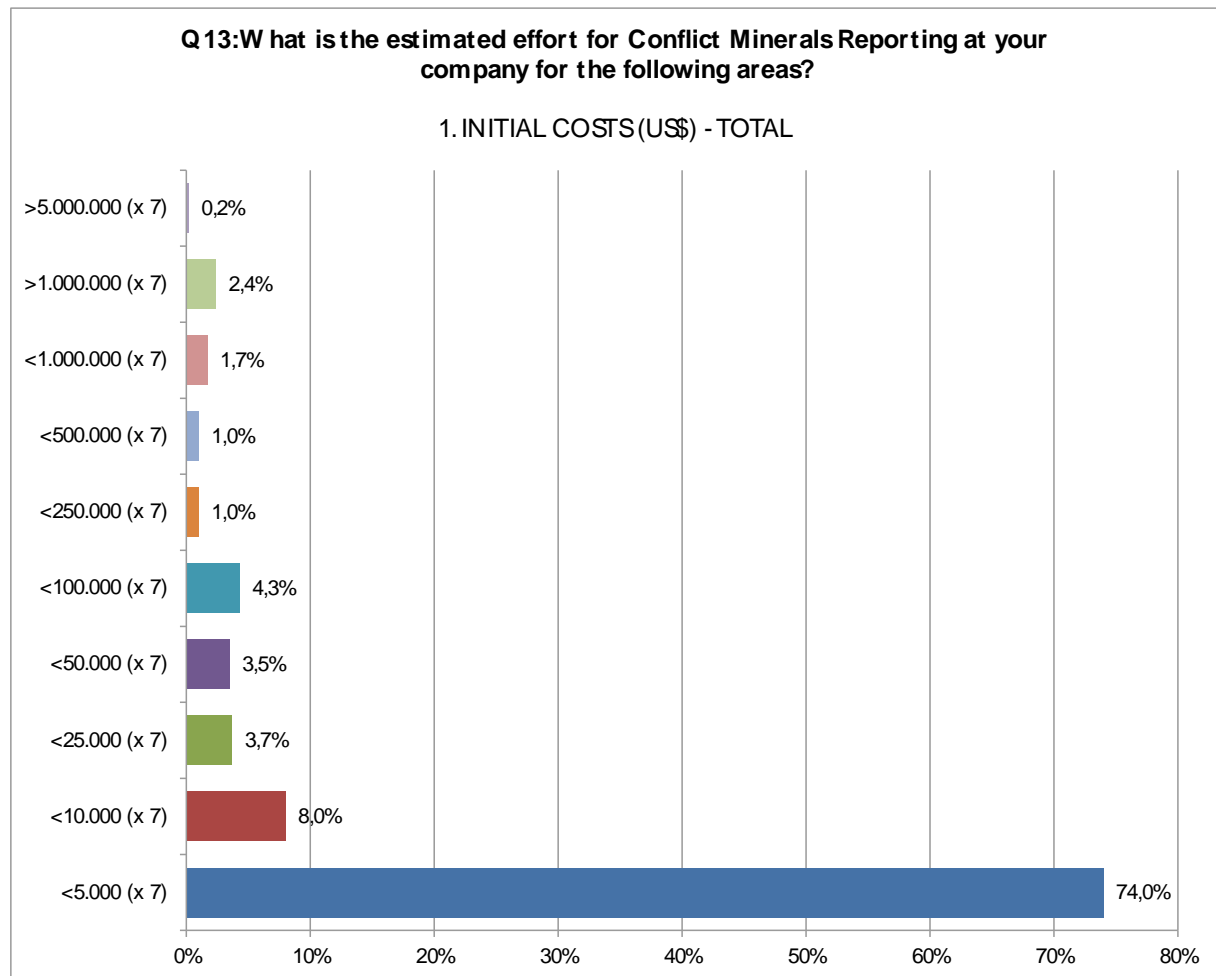


Figure 2: Overall initial (one-time) cost (iPCMP user survey, Q13)

On taking a closer look at the individual cost items (Figure 3), area “6. INTERNAL: Gathering information / Reporting (estimation)” stands out against the other areas inasmuch as the survey

³⁹ The applied exchange rate is 1.3 €/US\$. The formula for this and the following calculations is: maximum cost amount divided by two (median) divided by 1.3 (€/US\$ exchange rate).

respondents almost continuously indicated higher costs for this area. Similarly, area “7. EXTERNAL: Gathering information / Reporting (estimation)” also stands out in the higher cost regions.

These deviations could be due to the fact that some super-large companies have more than 50 000 suppliers, from whom they need to collect Conflict Minerals-related data for their own reports.



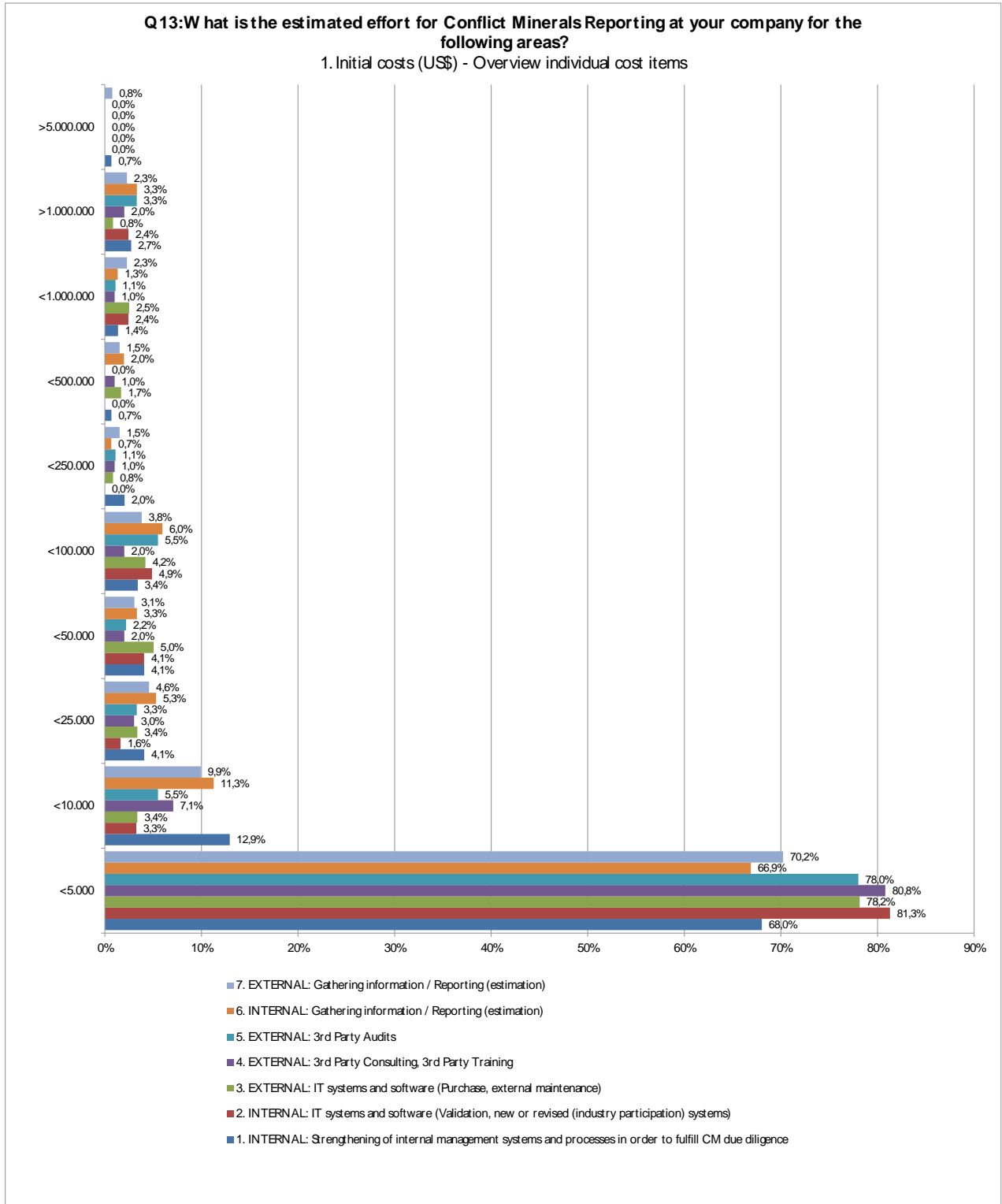


Figure 3: Initial (one-time) costs – Overview individual cost items (iPCMP user survey, Q13)



3.3.2.11.2 Ongoing costs

Concerning the overall ongoing costs, i.e. the total annually recurring efforts for all of the seven cost items, nearly two-thirds (63,8%) reported costs estimated at € 2 700⁴⁰ (Figure 4).

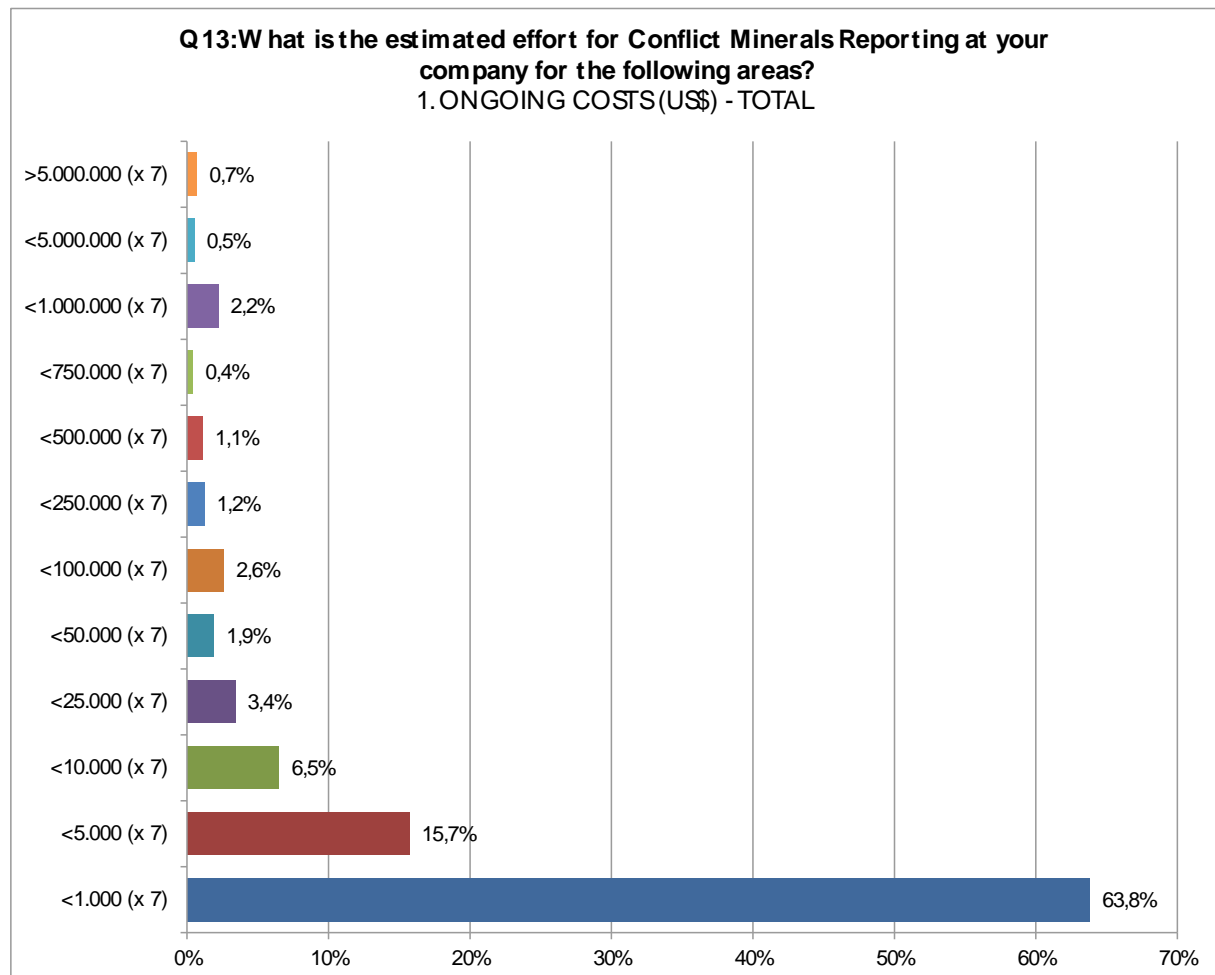


Figure 4: Overall ongoing (annually recurring) cost (iPCMP user survey, Q13)

On taking a closer look at the individual cost items (Figure 5), area “7. EXTERNAL: Gathering information / Reporting (estimation)” stands out, particularly in the higher cost regions. This finding is rather surprising if one takes into account that software tools such as the iPCMP, which facilitate and automatize the data collection and reporting processes, can be purchased for approximately € 60 (US\$80) per calendar year.

⁴⁰ US\$ 7,000/2/1.3



However, in the comments, many respondents indicated that these were very rough estimates (one participant even spoke of “guesstimates”), with others stating that they had no estimate of costs available at this point in time. This is not surprising if one takes into account that the first Conflict Minerals reports are only due in May 2014. Then again, other respondents were able to come up with far more concrete costs. In this context, one of the survey participants provided the following (from iPoint’s perspective rather high) estimate: “total estimated project costs \$1.7M, with about \$200,000 annual ongoing costs per year”. Other respondents indicated much lower or no extra costs for Conflict Minerals compliance. (for all of the comments on this question, cf. Annex 22) It is not possible to draw a straightforward conclusion from the overall picture of the comments, and the respondents’ selections of their efforts in relation to individual cost items and types (initial; ongoing) seem to offer more reliable data on this question.



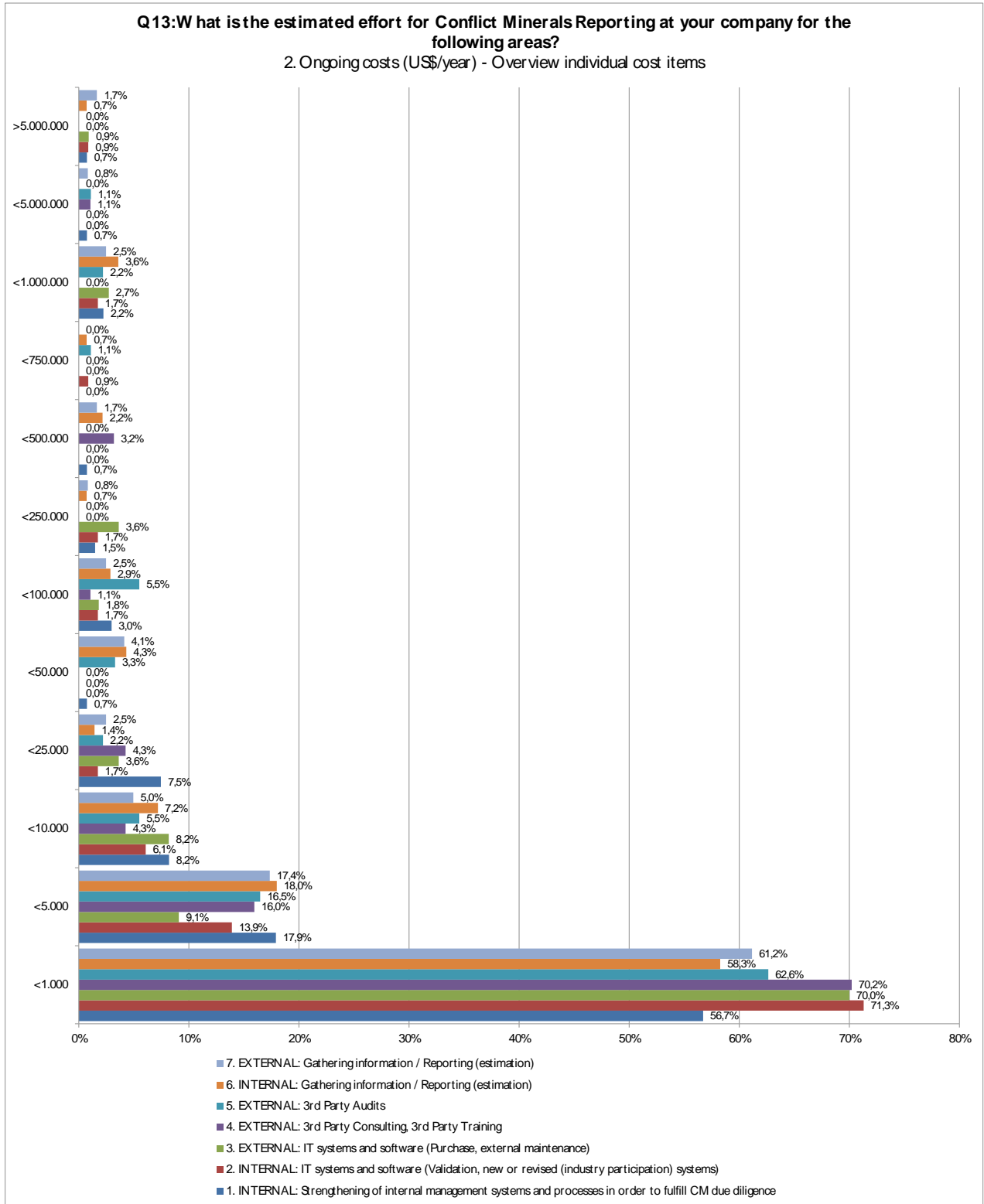


Figure 5: Ongoing (annually recurring) costs – Overview individual cost items (iPCMP user survey, Q13)



3.3.2.11.3 SMEs vs. Large Companies

Slightly more than half of the survey participants (55%) worked at large enterprises with 250 employees and more. The remaining respondents (45%) represented small and medium-sized enterprises (SMEs), i.e. companies with less than 250 employees.

As regards the overall initial cost, small and medium-sized enterprises (< 250 employees) had less expenditures than large companies (82,5% of the SMEs vs. 95,7% of the large companies reported overall initial costs estimated at € 27 000,⁴¹ whereby 85,1% of the SMEs and 66,2% of the large companies had overall initial costs estimated at € 13 500⁴² (Figure 6).

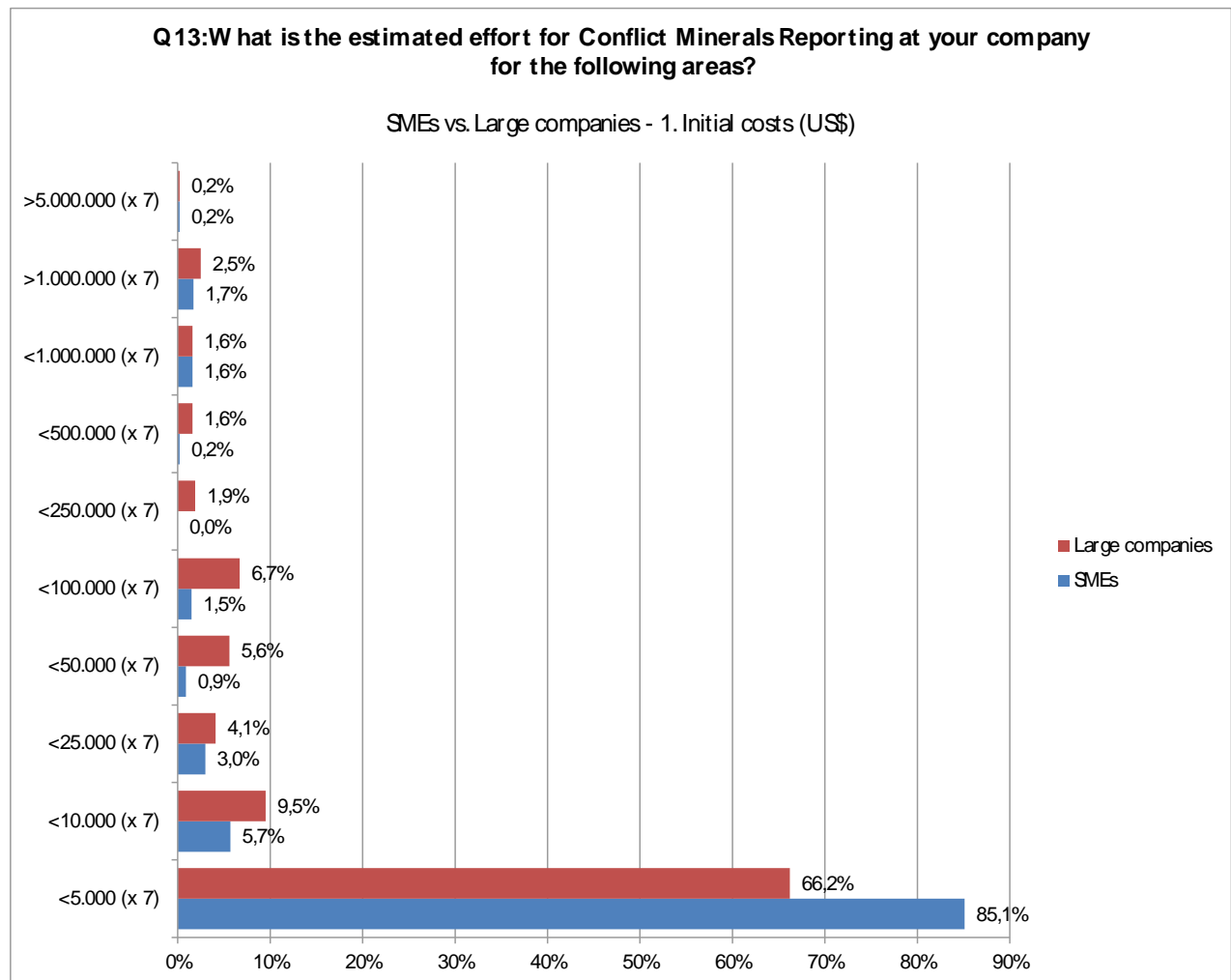


Figure 6: SMEs vs. Large companies – Overall initial costs (iPCMP user survey, Q13)

⁴¹ US\$ 70,000/2/1.3

⁴² US\$ 35,000/2/1.3





We have similar results with the overall ongoing cost: 91,1% of the SMEs vs. 81,7% of the large companies reported overall ongoing costs estimated at € 27 000,⁴³ whereby 73,9% of the SMEs and 55,5% of the large companies had overall initial costs estimated at € 2 700⁴⁴ (Figure 7).

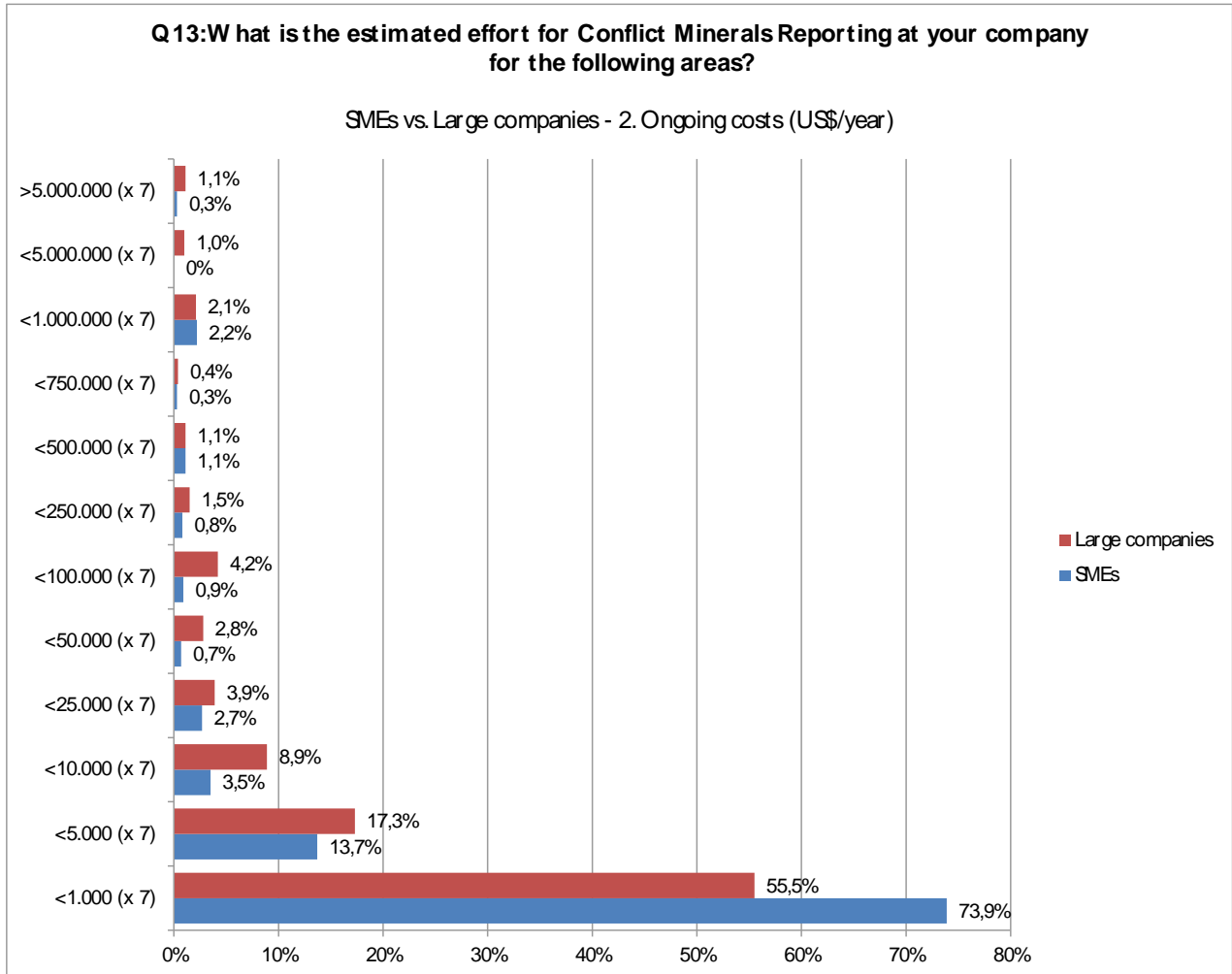


Figure 7: SMEs vs. Large companies – Overall ongoing costs (iPCMP user survey, Q13)

⁴³ US\$ 70,000/2/1.3

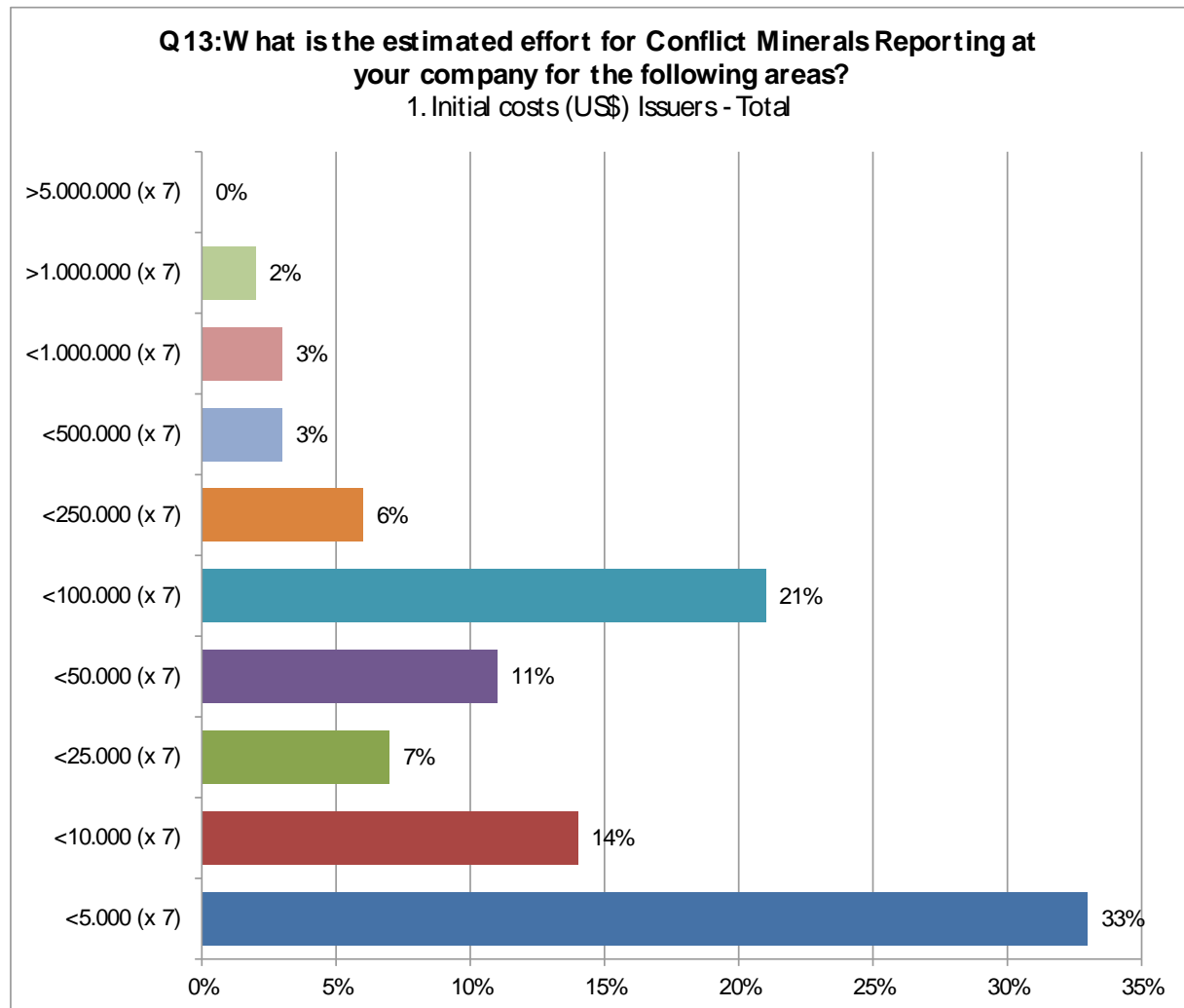
⁴⁴ US\$ 7,000/2/1.3



3.3.2.11.4 Issuers (SEC filers)

A small part of the respondents (16%) were an SEC issuer (filer) and thus, as a publicly-traded U.S. company, directly affected by the Conflict Minerals reporting requirements of the U.S. Dodd-Frank Act and the related SEC ruling.

More than half of the issuers (54%) had overall initial costs below US\$175.000, whereby a third (33%) of the issuers estimated that their total one-time effort for all of the seven cost items at € 13 500.⁴⁵ However, a fifth (21%) of the issuers indicated slightly higher overall initial costs, estimated at € 270 000⁴⁶ (Figure 8).



⁴⁵ US\$ 35,000/2/1.3

⁴⁶ US\$ 700,000/2/1.3



Figure 8: Initial costs – Issuers (iPCMP user survey, Q13)



The overall ongoing costs of issuers were somewhat lower than the overall initial costs: For this cost type, two-thirds (66%) reported recurring annual expenses for Conflict Minerals Reporting estimated at € 27 000,⁴⁷ with a quarter (25%) even indicating overall ongoing costs estimated at € 2 700.⁴⁸ However, a tenth (10%) of the issuers also indicated a slightly higher total of ongoing costs, estimated at € 27 000⁴⁹ (Figure 9).

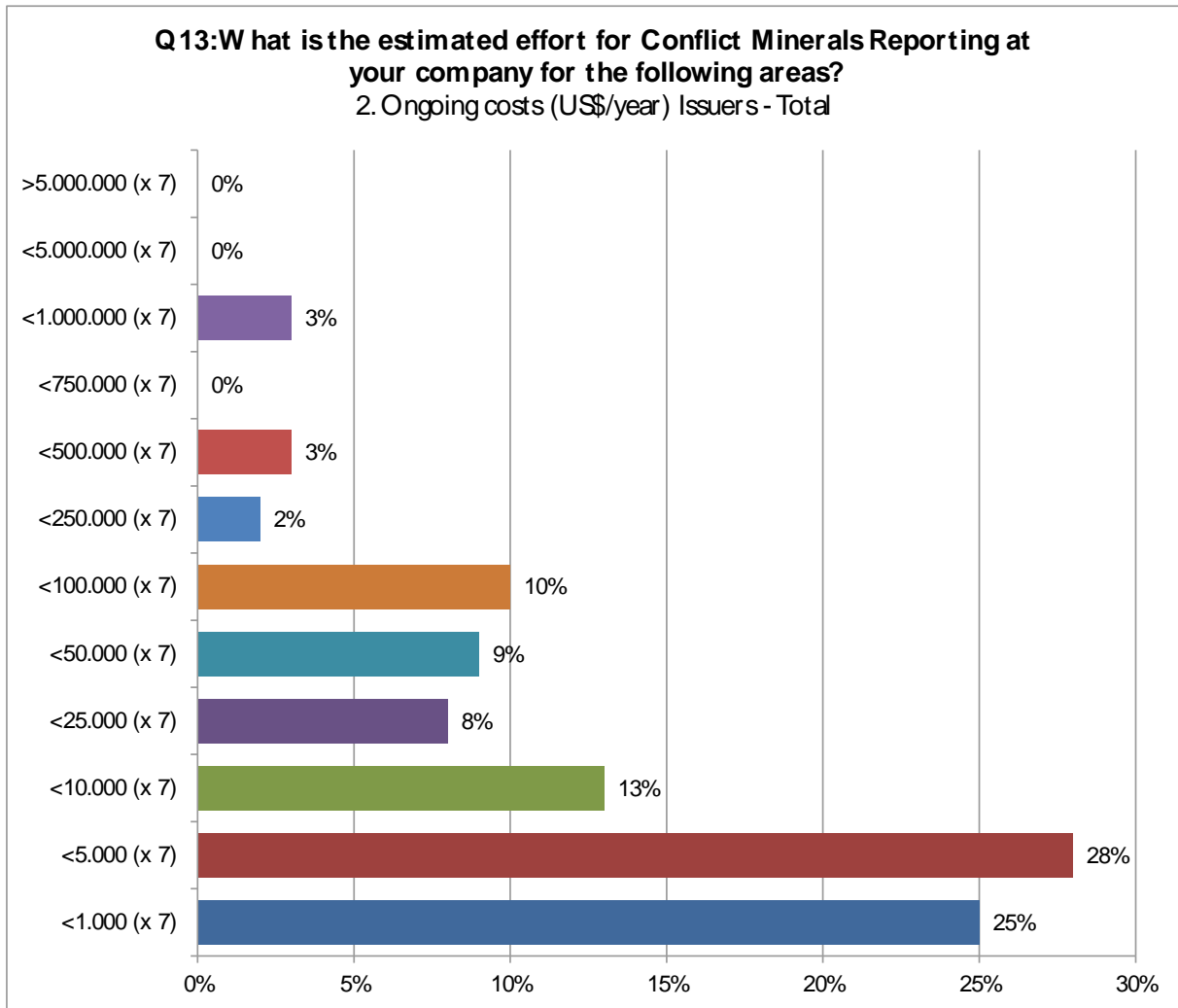


Figure 9: Ongoing costs – Issuers (iPCMP user survey, Q13)

⁴⁷ US\$ 70,000/2/1.3

⁴⁸ US\$ 7.000/2/1.3

⁴⁹ US\$ 700.000/2/1.3



3.3.2.11.5 Non-Issuers (SEC non-filers)

3.3.2.11.5.1 SMEs

Among the group of non-issuers, there was a relatively balanced relationship between SMEs (51%) and large companies (49%). Thereby, the majority of the SMEs had rather moderate overall expenses for both cost types, with 85,1% (initial costs) resp. 87,6% (ongoing costs) of the respondents indicating costs estimated at € 13 500⁵⁰ (Figure 10 and Figure 11).

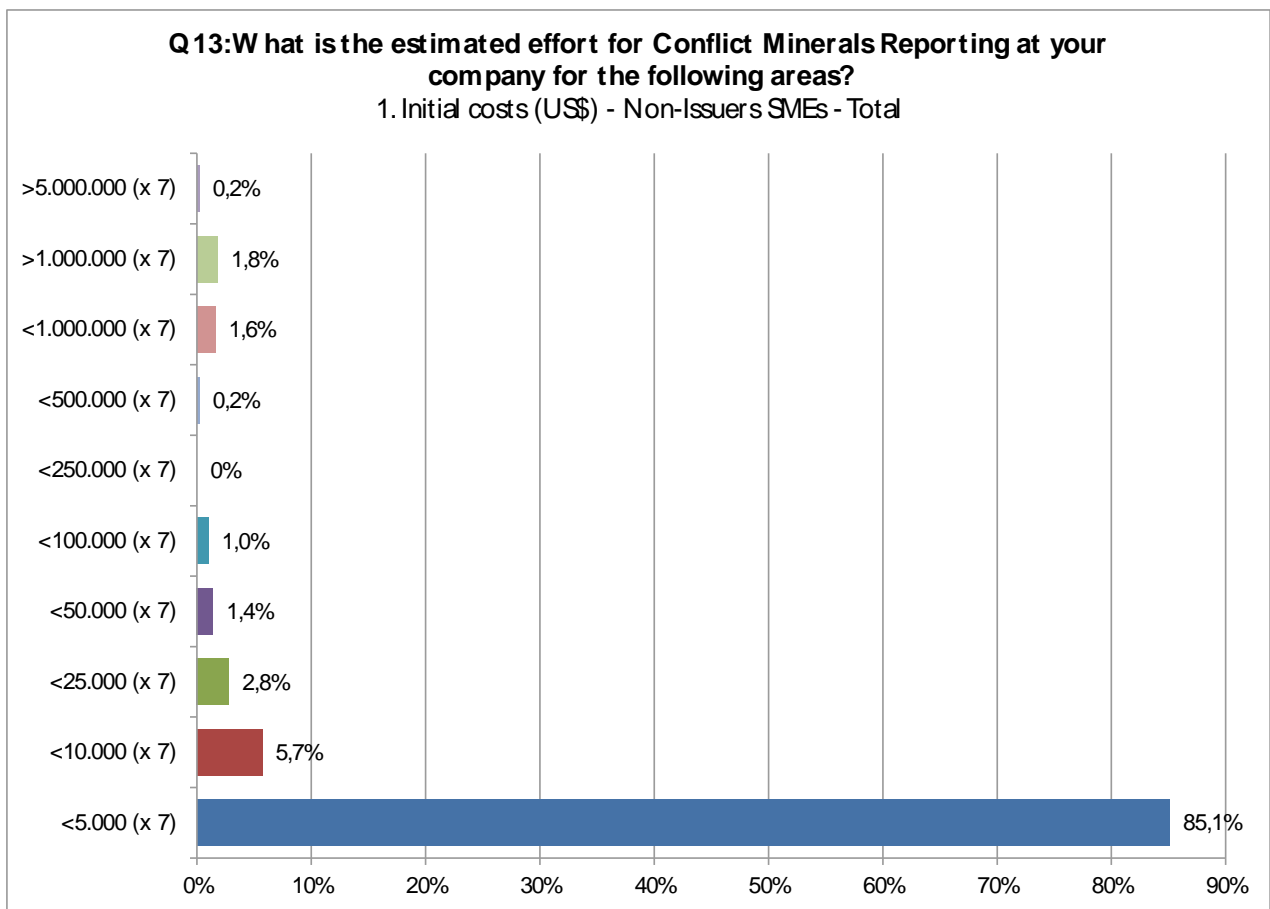


Figure 10: Initial costs – Non-Issuers SMEs (iPCMP user survey, Q13)

⁵⁰ US\$35.000/2/1.3



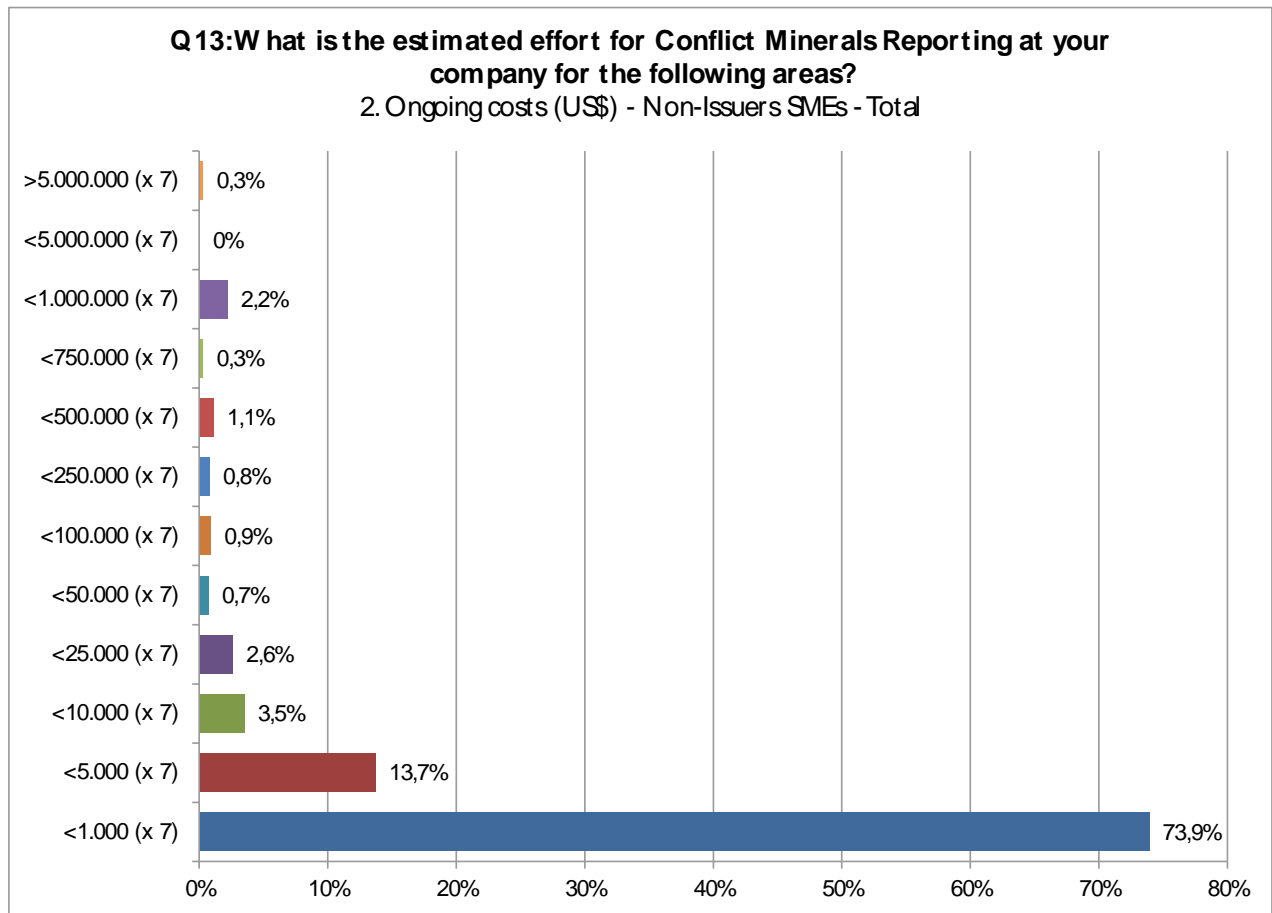


Figure 11: Ongoing costs – Non-Issuers SMEs (iPCMP user survey, Q13)



3.3.2.11.5.2 Large Companies

The survey revealed similar results for the non-issuing large companies: In this group, a slightly smaller majority also reported rather moderate overall expenses for both cost types, with 76,1% (initial costs) resp. 79% (ongoing costs) of the respondents indicating costs below € 13 500⁵¹ (Figure 12 and Figure 13).

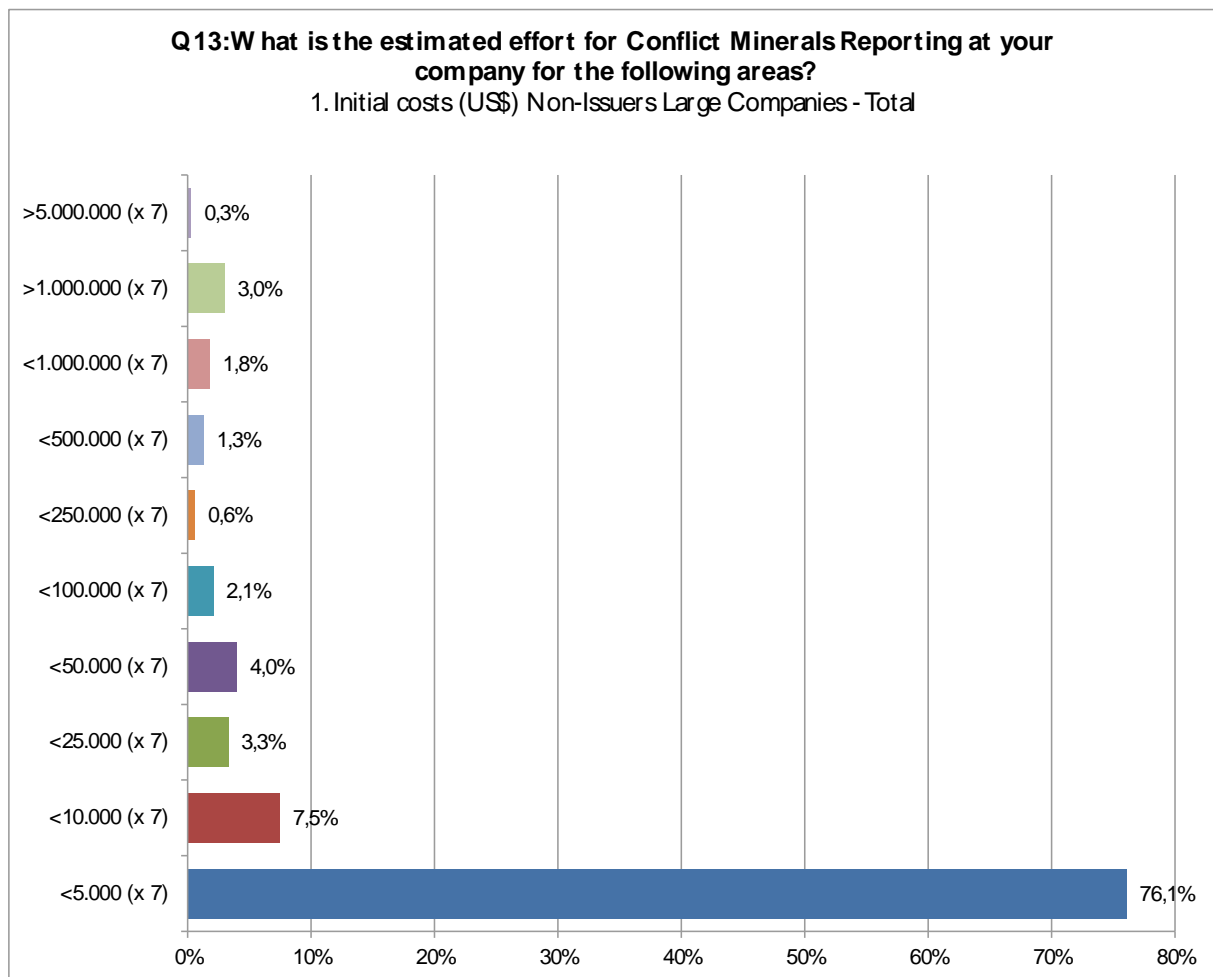


Figure 12: Initial costs – Non-Issuers Large Companies (iPCMP user survey, Q13)

⁵¹ US\$35.000/2/1.3



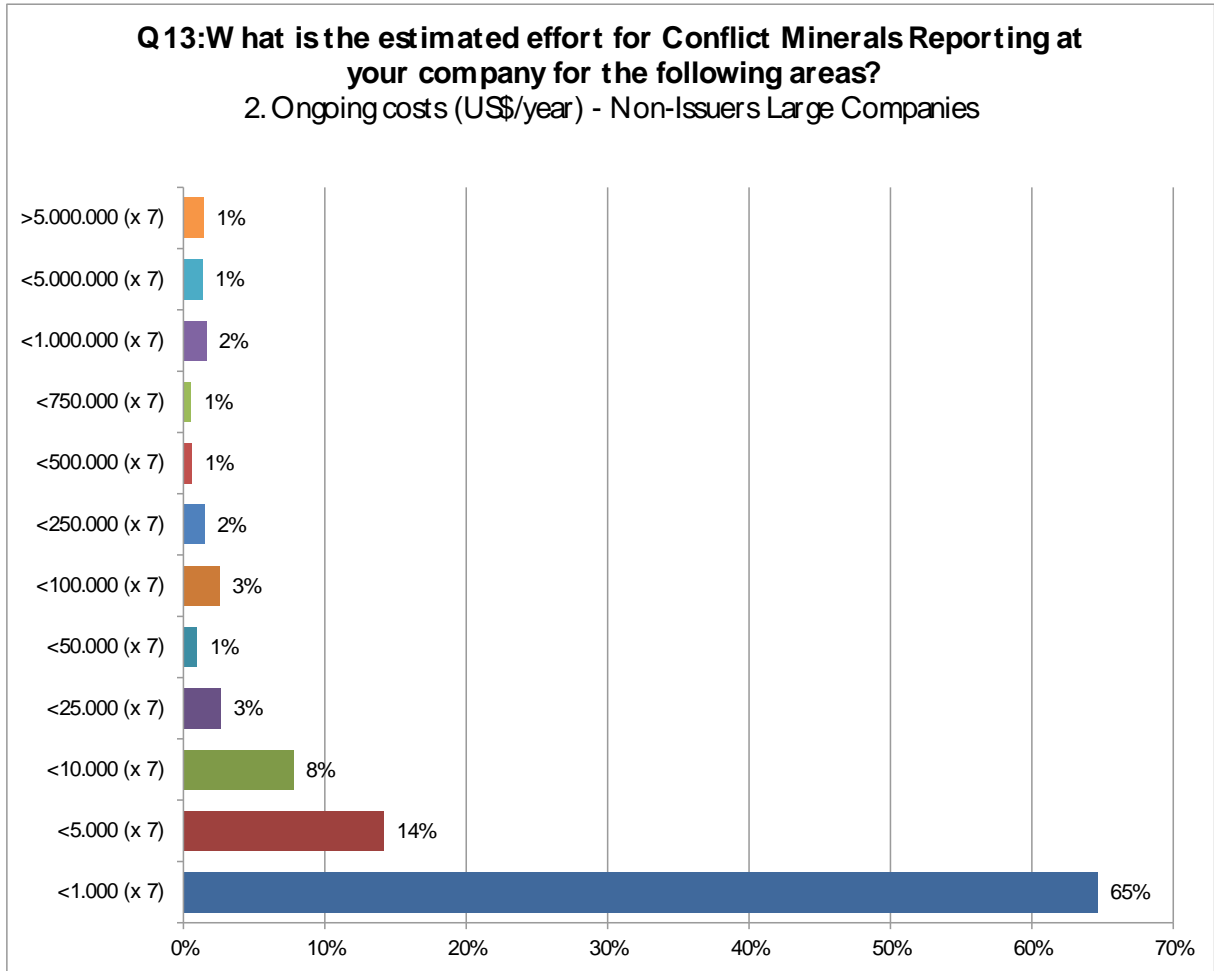


Figure 13: Ongoing costs – Non-Issuers Large Companies (iPCMP user survey, Q13)



3.3.2.12 Expected social and economic impact of Conflict Minerals due diligence on conflict-affected and high-risk areas, for local operators and communities as well as for the underlying conflicts themselves

A slight majority of the respondents (55%) expects that Conflict Minerals due diligence will not have a social impact on conflict-affected and high-risk areas, for local operators and communities as well as for the underlying conflicts themselves (Figure 14).

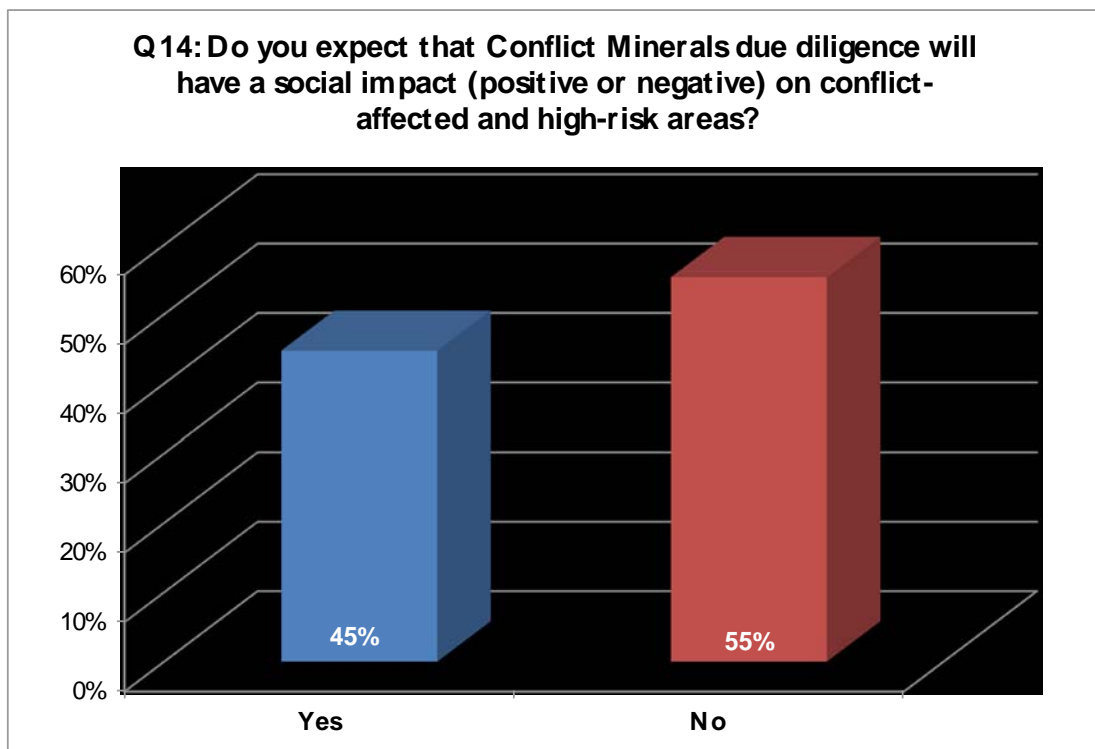


Figure 14: Expected social impact (positive or negative) of Conflict Minerals due diligence on conflict-affected and high-risk areas (iPCMP user survey, Q14)

As regards the expected positive social impacts of Conflict Minerals due diligence for local operators, local communities, and the underlying conflicts themselves, the majority of the respondents (60%) delivered answers which can be subsumed under the heading “Political and social stability”, followed by “International awareness, transparency and progress” (27%), “Environment” (7%), and “Defunding the warlords” (6%). (Figure 15; for the complete answers on this question, cf. Annex 23)



Q15a: What positive social impact do you expect for local operators and communities as well as for the underlying conflicts themselves?

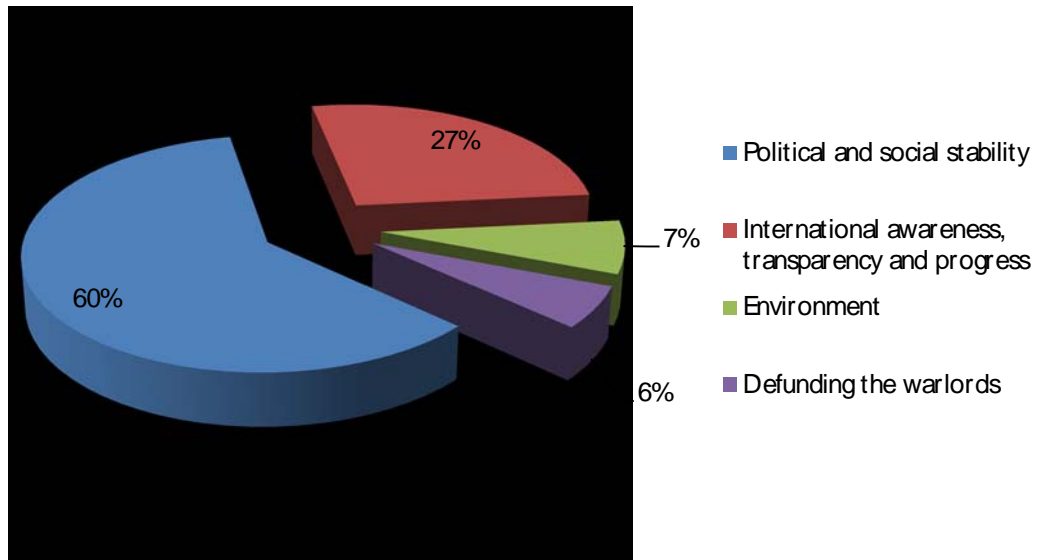


Figure 15: Expected positive social impacts for local operators, local communities, and the underlying conflicts (iPCMP user survey, Q15a)

Concerning the negative social impacts of Conflict Minerals due diligence for local operators, local communities, and the underlying conflicts themselves, the survey participants provided a wide range of answers with no clear majority. The responses can be clustered as follows: “Impoverishment / Unemployment” (22%); “No significant or further negative effects” (21%); “Embargo / Reduced economic activity” (18%); “Increased bureaucracy and effort” (18%); “More corruption” (16%); and “Violence increase / escalation” (5%). (Figure 16; for the complete answers on this question, cf. Annex 24).

Q15b: What negative social impact do you expect for local operators and communities as well as for the underlying conflicts themselves?

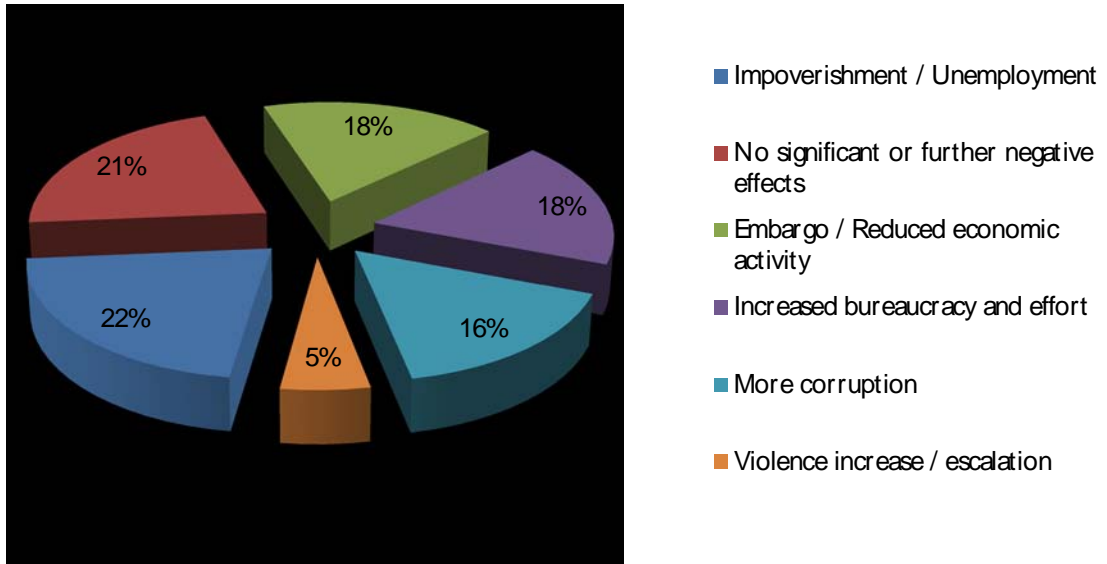


Figure 16: Expected negative social impacts for local operators, local communities, and the underlying conflicts (iPCMP user survey, Q15b)

Concerning the question whether Conflict Minerals due diligence will have an economic impact (positive or negative) on conflict-affected and high-risk areas, for local operators and communities as well as for the underlying conflicts themselves, there was a tie: 50% of the respondents expected an economic impact, whereas 50% did not (Figure 17).



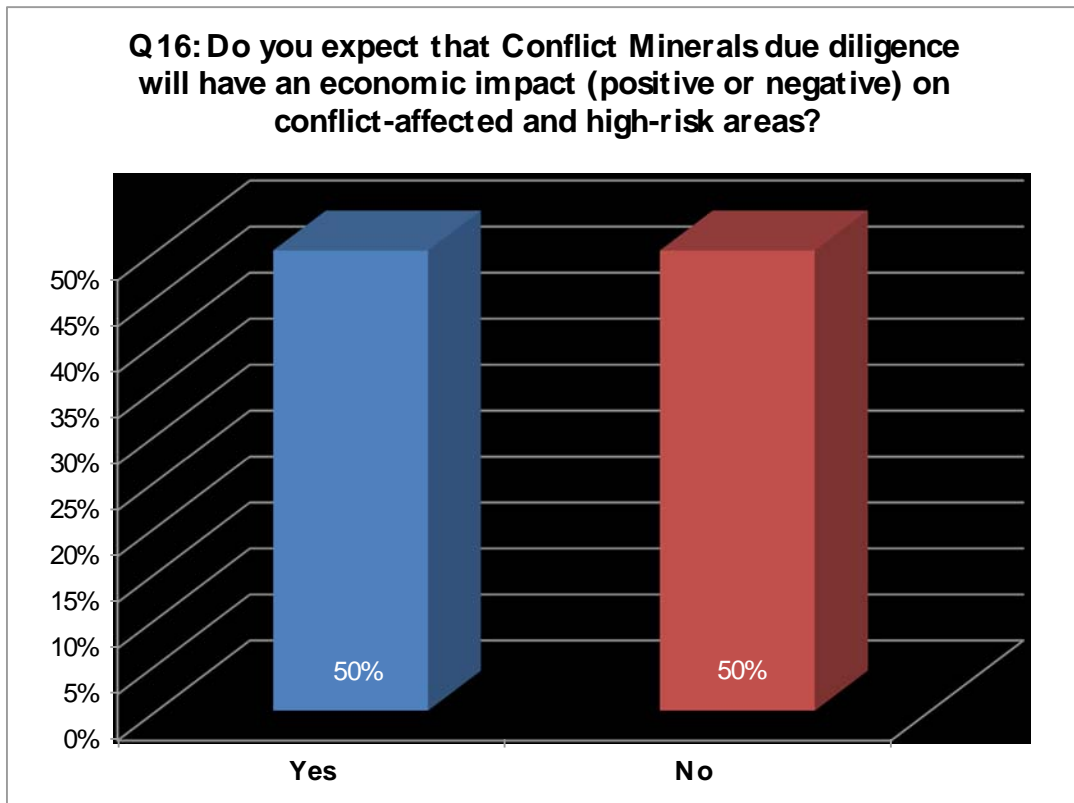


Figure 17: Expected economic impact (positive or negative) of Conflict Minerals due diligence on conflict-affected and high-risk areas (iPCMP user survey, Q16)

Concerning the expected positive social impacts of Conflict Minerals due diligence for local operators, local communities, and the underlying conflicts themselves, the majority of the survey participants (47%) gave responses which can be subsumed under the heading “Increased trade and market fairness”, followed by “Improvements in local income distribution and social/political development” (31%); “No significant or further negative effects” (13%), and “Benefit for conflict-free mines and operators” (9%). (Figure 18; for the complete answers on this question, cf. Annex 25)



Q 17a: What positive economic impact do you expect for local operators and communities as well as for the underlying conflicts themselves?

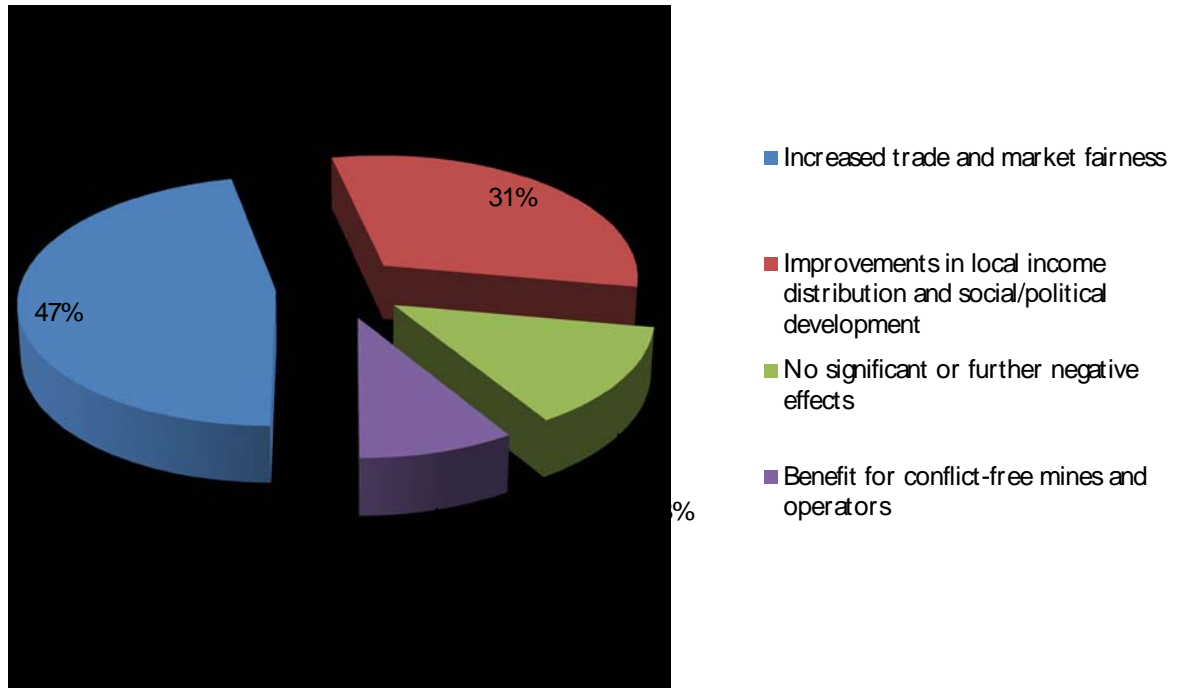


Figure 18: Expected positive economic impacts for local operators, local communities, and the underlying conflicts (iPCMP user survey, Q17a)

The answers concerning the expected negative economic impacts can be clustered to five groups, whereby the majority is subsumable under the heading “Economic loss for local operators and society” (60%), followed by “Cost or price increase” (15%), “No significant or further negative effects” (12%), “Increased illegal trade and corruption”(8%), and “Other” (5%). (Figure 19; for the complete answers on this question, cf. Annex 26)



Q 17b: What negative economic impact do you expect for local operators and communities as well as for the underlying conflicts themselves?

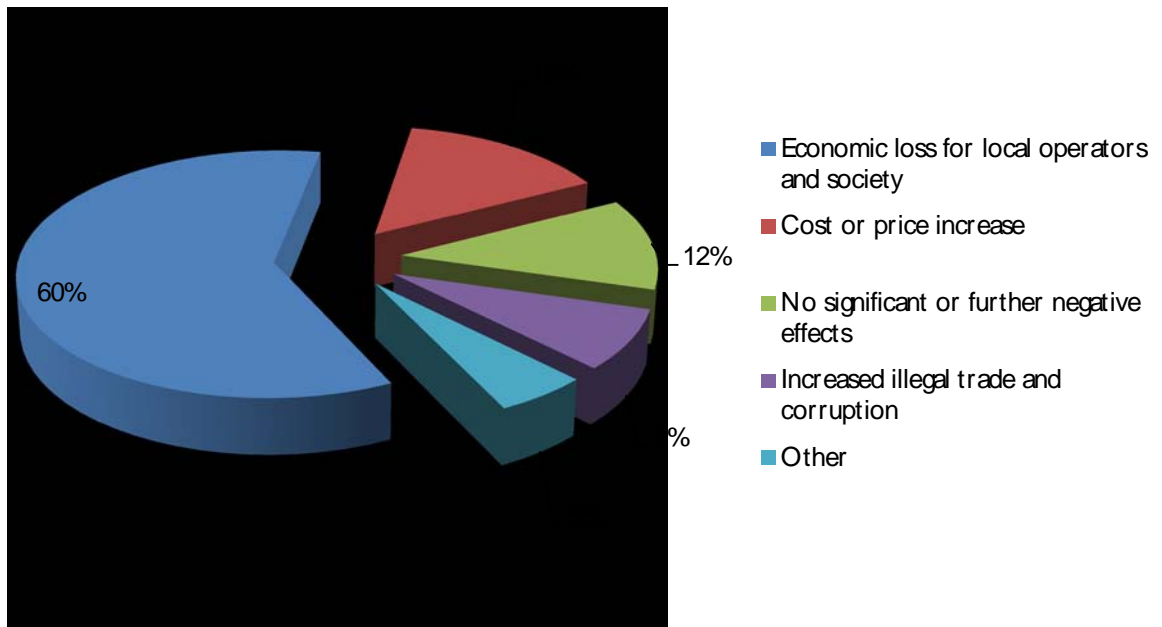


Figure 19: Expected negative economic impacts for local operators, local communities, and the underlying conflicts (iPCMP user survey, Q17b)



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