



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate C - Africa, Caribbean and Pacific, Asia (II), Trade and Sustainable Development, Green Deal

Unit C4 - Multilateral Trade and Sustainable Development Policy, Green Deal, Conflict Minerals

Meeting of the Member State Expert Group on "responsible sourcing of tin, tantalum, tungsten and gold (3TG)"

Friday 27 November 2020

Minutes

1. *Introduction and adoption of the agenda*

The Commission explained organisational changes in DG TRADE affecting the responsibility for the implementation of the Conflict Minerals Legislation.

The agenda proposed by the Commission was adopted.

2. *Implementation of Regulation (EU) 2017/821 at EU-level*

▪ *Recognition of supply chain due diligence schemes¹*

The Commission gave details on the state of play of the process for recognition of individual supply chain due diligence schemes as prescribed in Article 8 of the Regulation. To date, five applications have been received, four were considered as admissible and one is still under verification of admissibility. The assessment process by the contractor (Kumi Consulting Ltd.) has been delayed due to COVID-19 travel restrictions. The Commission is currently examining a prolongation of the framework contract in order to advance the process in 2021.

The Commission stressed that the responsibility for the assessment as well as its conclusions and any potential final decision on recognition lies with the Commission. It also recalled the consultative role of the OECD Secretariat in the assessment process.

Some Member States expressed interest in knowing the names of the applicants and the state of play of the different recognition processes. The Commission agreed on following-up on this matter, but recalled that data protection rules need to be respected.

▪ *List of Conflict-Affected and High-Risk Areas²*

The Commission informed Member States on the state of play of the preparation of the list of 'Conflict Affected and High Risk Areas' (CAHRAs list). The work with the contractor (Rand Europe) is almost finalized, but there are still some final quality checks

¹ See Article 8 of Regulation (EU) 2017/821.

² See Article 14(2) of Regulation (EU) 2017/821.

on the application of the methodology. The publication of the list on a dedicated Rand-Website is foreseen for December. Member States will receive the link to the Website before publication. The list will be subject to updates every three months.

▪ *Commission Delegated Regulation on missing thresholds in Annex 1*³

The Commission informed Member States on the completion of Annex I of Regulation (EU) 2017/821 (List of Minerals within the scope of the Regulation) by Delegated Act as provided by Articles 1(4) and 18 of the Regulation. With this Delegated Act the thresholds for the five remaining products (Tantalum or niobium ores and concentrates, Gold ores and concentrates, Tin oxides and hydroxides, Tantalates, Carbides of tantalums) have now been established.

3. *Implementation of Regulation (EU) 2017/821 at Member State level*

Member States informed the Expert Group of the state of play of preparation of national rules, in particular as regards infringements. The Commission recalled the responsibility of Member States to lay down the rules applicable to infringements under Article 16 of the Regulation and that such rules must be ready by 1 January 2021.

Seven Member States informed about delays on the adoption of the rules, mostly due to delays in Parliamentary calendars related to COVID-19 restrictions. Ten Member States confirmed being at a final stage of adoption, and expecting to have infringement rules in place by 1 January 2021. Seven Member States confirmed to have the relevant mechanism already in place.

Some Member States provided data on the number of companies exceeding the threshold. Member States gave an update on their awareness raising process at a national level and encouraged other Member States to share their experiences at separate informal meetings.

4. *Accompanying measures - state of play*

▪ *Responsible minerals information system (ReMIS)*

The Commission informed Member States about the state of play of the Joint Controllership Agreement regarding the Responsible Minerals Information System (ReMIS). Several Member States have sent comments and questions and ten Member States still have to provide information on the Data Protection Officer.

Several Member States raised questions of procedural nature on the signature of the Joint Controllership Agreement. The Commission agreed to address these issues at a later stage.

³ See Articles 1(4) and 18 of Regulation (EU) 2017/821.

6. *AOB*

The AOB was used to share questions of general interest.

Some of the question raised by Member States included questions on EORI, custom procedure 40200, definition of union importers and status of the template for national authorities reporting. Member States agreed to provide questions to the Commission by e-mail. In order to keep the same level of information, the Commission will send replies to all Member States.

It was agreed that until Friday 4 December, each Member State will provide one e-mail address as coordination contact point to the Commission. The list will be shared with all Member States.

7. *Participants*

Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Estonia
European Parliament
Finland
France
Germany
Greece
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden
The Netherlands