INTERNATIONAL TIN ASSOCIATION (ITA) – RESPONSIBLE MINERALS INITIATIVE (RMI)

ASSESSMENT CRITERIA FOR TIN SMELTING COMPANIES
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I. INTRODUCTION

The International Tin Association (ITA) and the Responsible Minerals Initiative (RMI) encourage the responsible sourcing of minerals from Conflict-Affected and High Risk Areas (CAHRAs), and, where relevant, artisanal and small scale mining (ASM) producers. To incentivize and improve supply chain due diligence in the tin value chain, ITA and RMI collaborated to issue these joint Assessment Criteria for tin smelting companies. This document sets forth the criteria for determining conformance with RMI and ITA program requirements, the OECD Guidance, as well as regulatory requirements on minerals due diligence.

These criteria follow the five-step framework and 3T Supplement for risk-based due diligence from the OECD Due Diligence Guidance for Responsible Mineral Supply Chains from Conflict-Affected and High Risk Areas, Edition 3 (OECD Guidance), and also include additional regulatory requirements; currently Section 1502 of the US Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd Frank Act) and Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 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 (EU Regulation). These criteria also include additional requirements from Standard Setting Organizations for actions that are of importance in OECD Guidance implementation.

The criteria in this document are used by an audit firm and their individual auditors to assess whether a company has implemented OECD-aligned supply chain due diligence adapted to the circumstances of its tin supply chain. Assessments carried out against these criteria are equivalent to Step 4 audit of the OECD Guidance with compliance recorded in an audit firm report.

Companies are expected to undertake relevant steps of their due diligence process on a continual and ongoing basis and these activities are expected to result in progressively improved understanding of supply chain risks, risk management performance, and risk mitigation within reasonable timescales. Companies are expected to use good faith and reasonable efforts in their due diligence and are expected to adapt the nature and extent of their process to their individual circumstances such as company size, location, sector, and the likelihood and severity of identified risks. Companies are expected to proactively carry out due diligence and to react to changes of circumstances and risks in the supply chain.

Where appropriate, companies may cooperate with other companies, or work via an industry program in joint initiatives, for example, to share costs, commercially confidential information, carry out red flag reviews and / or ensure competent on-the-ground assessments of high-risk areas free from conflict of interest. Companies may also submit data to, or be audited by, an institutionalized mechanism. Each company remains fully responsible for their own due diligence and should ensure all joint work is relevant for their own circumstances and supply chains, including the company actions in response to reported risks.

The Responsible Minerals Assurance Process (RMAP) utilizes independent third-party assessments of company management systems and sourcing practices to validate conformance with RMAP requirements. The criteria in this document form the basis of the independent third-party assessments to determine a company’s conformance in accordance with the ISO 19011:2018 audit standard. Companies can use the assessment results to support customer requests, meet regulatory requirements, inform sourcing practices and continually improve due diligence management systems.
The ITA Code of Conduct for tin mining, smelting and recycling operations has 10 key Principles and a total of more than 70 Standards, of which Standard 7.3 covers responsible sourcing. The criteria in this document are the basis for third-party assurance of assertions made by companies in their public due diligence reports through an ISAE 3000 assurance engagement which can be submitted to ITA to achieve third-party conformance with Standard 7.3 of the ITA Code. Stakeholders can use validated company due diligence reports in their own assessments of supply chain practices.

Adhering to these criteria demonstrates conformance with:

- ITA Code of Conduct Standard 7.3
- OECD Guidance
- Regulatory requirements for relevant national laws which reference the OECD Guidance, including the EU Regulation and the Dodd Frank Act
- Responsible Minerals Assurance Process (RMAP)

RMAP follows the International Organization for Standardization (ISO) 19011:2018 auditing standard in conducting an independent third party assessment. ISO 19011:2018 is issued by the International Organization for Standardization and provides guidance on auditing management systems, including the principles of auditing, managing an audit programme and conducting management system audits, as well as guidance on the evaluation of competence of individual auditors involved in the audit process.

The independent third party assessment approach endorsed by the ITA for assurance engagements conducted to demonstrate compliance with the ITA Code is the International Standard on Assurance Engagement (ISAE 3000). ISAE 3000 is issued by the International Federation of Accountants (IFAC) and sets out guidelines for the ethical behaviour, quality management and performance of an ISAE 3000 engagement.

Auditors shall apply professional judgment and obtain reasonable assurance that evidence is sufficient and appropriate when conducting the assessment.

In these criteria, the word ‘must’ is used where a matter is a requirement for achieving conformance to the criteria. The word ‘must’ is also used to indicate activities or tasks that are mandatory for an auditor to conduct as part of an assessment that meets the quality assurance requirements for the Standard Setting Organizations.
II. LIMITATIONS

These assessment criteria do not cover all human rights, social, and environmental risks that companies may be faced with as part of their responsible sourcing practices. A successful assessment must not be used to imply operating performance beyond the strict scope of these Assessment Criteria, does not result in a material certification, nor does it determine that minerals, materials or metal products are “conflict-free”.

A successful assessment utilizing these criteria can be used to demonstrate due diligence for mineral or other material sourcing in accordance with the OECD Guidance and relevant regulatory requirements. Companies may choose to utilize other assessment programs to demonstrate OECD-aligned processes and/or to demonstrate 100% secondary sourcing.

Assessments will take into account participation of the company and/or its suppliers in a joint initiative or institutionalized mechanism, which, if such an initiative or mechanism has been independently confirmed to be aligned with the OECD Guidance, can be considered to be reasonably managing supply chain risks. A company making use of a joint initiative or institutionalized mechanism must understand and follow activities and results of such initiatives/mechanisms and demonstrate how the company makes use of that information in their own decision making and due diligence.

Assessment of information disclosure among supply chain actors, to auditors, other stakeholders and the public will take into account the protection of business confidentiality and other competitive concerns. This includes price information and supplier relationships. Such information can be disclosed to an aligned joint initiative and/or institutionalized mechanism, regional or global, with the mandate to collect and process information and assessment of information disclosure will take into account company participation in, and the extent of information published by, such initiatives/mechanisms.
III. ASSESSMENT SCOPE

A. COMPANIES/FACILITIES WITHIN THE SCOPE OF THE ASSESSMENT

ELIGIBILITY CRITERION:

Companies with facilities that meet the definition of a smelter are eligible to use these criteria. Where a company or facility has more than one process, only those tin-related processes are included within the scope of the assessment.

All company activities, processes and systems used to implement supply chain due diligence regarding tin minerals or other tin materials, including the management system, risk management, and disclosure of information are in scope for the assessment.

Where a company makes claims that receipts or operations are not covered by the assessment or out-of-scope for any step of due diligence, those claims must be verified.

The criteria in this document from the OECD Guidance are relevant for the circumstance of a primary smelter purchasing minerals from external third party suppliers, or located in a CAHRA. Additional criteria of Standards Settings Organisations also apply to support OECD implementation or regulatory requirements. Relevant sections are applicable to primary smelters treating minerals from their own integrated operations to report on impacts of their own activities, as well as by other companies, including but not limited to secondary smelters, choosing to demonstrate due diligence relevant to their supply chains through RMI or ITA assessment processes.

The differentiation between a refiner, a secondary smelter and/or alloy manufacturer, especially when secondary materials or metal products are inputs, may not be readily apparent. The eligibility of refiners without smelting capabilities for assessment of their input sources under these criteria, or under an alternative downstream assessment, will be evaluated on a case by case basis depending on the facility’s capabilities and operations. Refining operations of a company are always included in the scope of this assessment.

Operations that do not meet the definition of a company, and therefore are outside the scope of the assessment, include but are not limited to the following:

- Treatment specialist: A company may send partly processed materials for external treatment and that treatment specialist would not be required to have been independently assessed provided that it does not perform smelting or refining processes. For example, a treatment specialist might receive materials from the company to remove hazardous contaminants (e.g., arsenic, radioactivity) as a service, and then return the treated materials to the same company. Such materials, if continually owned by the company, do not require additional origin information on their return from the treatment specialist, nor evidence of assessment of the treatment specialist.

- Traders: Actors trading in minerals or materials where there is no mechanical or heat treatment or other process performed, and the minerals or material traded is in the same chemical and physical state as received.
• Recycler/handler/recovery operators: **Actors** with the ability to mechanically process **secondary** materials using means such as shearing, cutting, sawing, shredding, briquetting/compacting, shot/sand blasting (wheel abrade and pneumatic) and machining. Where a **company** performs a mechanical process outside the scope of the **assessment** in addition to other processes that are within scope, the **facility** as a whole must demonstrate conformance, as conformance is determined at the **company** level, not at the process level.

• Operators separating mixed **mineral**: An **upstream actor** mechanically separating tin-containing **minerals** from those of another metal prior to **smelting** of those **minerals**.

**B. MINERALS AND MATERIALS IN SCOPE**

| ELIGIBILITY CRITERION: | All tin containing **minerals** and **materials**, physically received, held, and/or processed at an in-scope **company facility** during the **assessment period**, regardless of **origin**, storage location and type, are included. This includes all **minerals** and **materials** received under **toll** contracts. |

**Minerals** and **materials** outside the scope of the **assessment** are:

• **Legacy** material, created in the current form on a verifiable date prior to 1 February 2013.
• **Assay** materials in small quantities.
IV. CONFORMANCE CRITERIA

Conformance criteria in each section of this document consist of the OECD Due Diligence Guidance Supplement on Tin, Tantalum and Tungsten and requirements from Standard Setting Organizations. For a summary of applicability of due diligence processes refer to Figure 1.

The OECD conformance criteria specify that steps to establish policies and management systems, conduct a red flag review based on the collection of relevant supply chain information, and report on due diligence shall be implemented by all companies that meet the definition of a primary smelter, regardless of the source of their minerals. Steps to collect additional supply chain information, conduct an Annex II Risk Assessment, establish an on the ground assessment team to assist in reporting and managing identified risks, as well as undergoing an independent third party assessment must be implemented by companies sourcing minerals known or suspected to be from a CAHRA. Companies treating primary minerals from their own operations must take steps relevant to activities related to their own operations.

The Standards Setting Organization conformance criteria specify that companies treating only secondary materials must take steps in order to allow the company to describe in reasonable detail the due diligence measures used to reach the conclusion that all material inputs are secondary and disclose that conclusion. Companies receiving any other material types such as non-secondary metal product must take steps to ensure the supplying smelter producing the metal has undergone an independent third party assessment and/or that any risk of association with sources known or suspected to be from CAHRAs has been identified and acted upon. To conform with the Standards Setting Organization requirements, all companies, regardless of their sourcing practices, type of materials, or origin of minerals must implement steps to establish policies and management systems, conduct a red flag review based on the collection of relevant supply chain information, undergo an independent third party assessment, and report on due diligence.

A company may choose to make use of an aligned joint initiative or institutionalized mechanism to demonstrate that some conformance criteria, including expectations on their suppliers and upstream supply chain, are fulfilled. If doing so, the company must provide evidence to the auditor confirming;

a) The alignment of the standards of the joint initiative or institutionalized mechanism with the OECD Guidance;

b) The alignment of the implementation by the joint initiative or institutionalized mechanism of their standards;

c) The company and/or suppliers’ participation in the aligned joint initiative or institutionalized mechanism;

d) Review by the company of information provided by the aligned joint initiative or institutionalized mechanism to confirm relevance to their own circumstance;

e) Review by the company of a sample of suppliers’ performance as independently audited by the aligned joint initiative or institutionalized mechanism.

The company must also;

f) Identify and address any gaps in the activities of the initiative or mechanism which are relevant to their own circumstance in order to ensure risks throughout the supply chain are being reasonably managing.

The extent to which any conformance criteria may be considered fulfilled through the use of an aligned joined initiative or institutionalized mechanism is defined by the Standard Setting Organization and the auditor. The company retains the responsibility to demonstrate conformance with the criteria.
Figure 1: Applicability of Conformance Criteria

**STEP 1**
A. Establish a policy
B. Establish a management system
C. Collect information on suppliers, minerals & materials for red flag review
D. Engage with suppliers
E. Establish a grievance system

**STEP 2**
A. Perform red flag review including by:
   - Recording anomalies in deliveries
   - Understanding plausible supply
   - Determining CAHRA

**STEP 5**
A. Annual public report describing:
   - Company policy and management structure
   - Method and outcomes of red flag review
   - Improvements in due diligence
   - Record keeping and disclosure
   - Publication of audit summary
   - Publication of policy

STEP 5 (CAHRA)
A. Supplementary annual public report describing:
   - Traceability and EITI support
   - On-the-ground assessment & results
   - Disengagement strategy or mitigation action
   - Publication of audit summary
A. STEP 1 – ESTABLISH STRONG COMPANY MANAGEMENT SYSTEMS
(All companies)

OECD Step 1 Guidance Reference:

Companies should:
- A) Adopt and commit to a supply chain policy for minerals originating from conflict-affected and high-risk areas.
- B) Structure internal management to support supply chain due diligence.
- C) Establish a system of controls and transparency over the mineral supply chain.
- D) Strengthen company engagement with suppliers.
- E) Establish a company-level grievance mechanism.

OECD Step 1A - Adopt and commit to a supply chain policy for minerals originating from CAHRAs (All Companies): A company must have a policy, applicable to itself and its suppliers, which demonstrates that it is familiar with, and committed to, performing OECD-conforming supply chain due diligence on risks described in Annex II (see Box 1). A policy may be developed at a company or group level that covers all facilities or at a facility level. The policy must also describe due diligence management processes and be adequate to be used by the company to assess itself and its suppliers’ activities.

A company must:
1. Adopt a written supply chain policy.
2. Include in the policy the standards against which the company will make assessments of itself and its suppliers’ activities.
3. Ensure the policy and standards are consistent with those in the Annex II model supply chain policy or equivalent, including timescales for disengagement or progressive improvement through mitigation.
4. Include in the policy a description of the management process for identifying and managing risks.
5. Include in the policy a commitment to the due diligence steps relevant to its supply chain and operations.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:
6. Ensure the policy covers all types of tin minerals and materials relevant to company activities.
7. Have and implement a process for periodically reviewing the policy and updating as necessary.

A company may demonstrate fulfillment of relevant criteria by;
- a) Referring to policies, commitments and processes submitted to, and evaluated by, an aligned joint initiative.

Box 1. Risks included in the OECD Guidance Annex II Model Supply Chain Policy. Note: Refer to the OECD Guidance document for all required information, including on recommended responses to identified risks.

- Serious abuses associated with the extraction, transport or trade of minerals:
  - Any forms of torture, cruel, inhuman and degrading treatment;
  - Any forms of forced or compulsory labor;
• The worst forms of child labor1;
• Other gross human rights violations and abuses such as widespread sexual violence;
• War crimes or other serious violations of international humanitarian law, crimes against humanity or genocide.
• Direct or indirect support to non-state armed groups2.
  • For example, financial or logistical support to non-state armed groups who illegally control, tax or extort benefits at mines, trading points, transportation routes or supply chain actors.
• Direct or indirect support to public or private security forces.
• Bribery and fraudulent misrepresentation of the origin of minerals.
• Money laundering.
• Non-payment of taxes, fees and royalties to governments.

Immediate disengagement is expected when risks relating to serious human rights abuses and non-state armed groups are identified. Mitigation may be pursued for other risks with the aim of achieving significant measurable improvement within six months. Upon failure of mitigation, disengagement is expected for a minimum of three months3.

OECD Step 1B – Structure internal management to support supply chain due diligence (All Companies): A company must have a system in place which assigns responsibility for each relevant aspect of the company’s due diligence management process to identified and accountable staff. The nominated staff must be competent and have authority and resources to implement the process, which must include organisational structures that ensure communication to employees and suppliers.

A company must:
1. Assign responsibility for each part of the due diligence management process to appropriate staff
2. Provide authority to staff at a senior level to oversee due diligence
3. Ensure responsible employees have sufficient knowledge and experience of due diligence
4. Allocate resources and staff for due diligence operation and monitoring
5. Implement communication processes to ensure that critical information – including the company supply chain policy, management processes and information on risks – reaches relevant employees and suppliers, and
6. Put in place accountability for employees expected to perform due diligence.

A company may demonstrate fulfillment of relevant criteria by;
a) Referring to management plans submitted to, and evaluated by, an aligned joint initiative.

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1 See ILO Convention No. 182 on the Worst Forms of Child Labour (1999).
2 This includes direct or indirect finance or benefit to armed groups as defined in the United States Securities and Exchange Commission 17 CFR Parts 240 and 249b (SEC Final Conflict Minerals Rule). To identify non-state armed groups, companies should refer to relevant UN Security Council resolutions.
3 The company may take decisions regarding risk mitigation strategy, disengagement, suspension or mitigation according to their own circumstances.
OECD Step 1C – Establish a system of controls and transparency over the mineral supply chain (All Companies): The company must have a system in place which enables them to identify upstream actors in the supply chain to the extent necessary to allow a red flag review of minerals and suppliers in Step 2A.

A company must:
1. Obtain and retain information for red flag review

Standards Setting Organization Requirements for mineral sourcing: In order to meet additional programmatic or EU requirements, a company must:
2. Obtain and retain available information regarding minerals, their origin, transport and transit in order to determine if the known or suspected origin of the mineral is a CAHRA as follows:
   2.1. Description of mineral type, including for by-products
   2.2. The stated mineral origin (location of extraction, country or regional mining area within a country)
   2.3. Quantities and dates of extraction, if available, expressed in volume or weight. Note: not all suppliers will have this information available
   2.4. Countries through which minerals have transited (in sealed shipping containers)
   2.5. Countries through which minerals have been transported (not in sealed shipping containers), or in which they have been reprocessed, repacked or handled
3. Obtain and retain available information regarding immediate suppliers, and any known actors further up the supply chain identifiable through general business dealings or public reports in order to determine if supplier activities relate to mineral trading associated with known or suspected CAHRA as follows;
   3.1. Name, addresses and type of business of immediate suppliers
   3.2. Aggregated lists of countries in which the supplier has shareholder or company interests
   3.3. Aggregated lists of countries of origin, transport and transit of minerals from which suppliers have sourced over the last 12 months
   3.4. Declaration of the countries or areas determined by the supplier to be a CAHRA
   3.5. Declaration of individuals and entities that hold direct or indirect beneficial ownership stakes in the supplier against relevant national and international sanctions lists and law.
4. For by-products from other metal ores, have a process to obtain and retain information to determine the point of separation of minerals from those other ores and all information required for red flag review from that point.

Standards Setting Organization Requirements for partially processed material sourcing: In order to meet additional programmatic or EU requirements, a company must obtain and retain information to evaluate which slags or metal products are produced by a supplying smelter which has undergone a due diligence assessment equivalent to these criteria, or otherwise demonstrate that reasonable due diligence has been performed on the source of minerals in a supply chain:

5. For materials received from supplying smelters, including slags, have and implement a process to obtain and retain the following information as follows:
   5.1. Description of materials including composition, physical form and production date
   5.2. Name and address of the immediate supplier
   5.3. Name and address of the supplying smelter that produced the material

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4 The OECD Guidance refers to minerals, while, Standards Setting Organisations set additional requirements for other materials in order to verify materials that are out-of-scope.
5.4. Transport documentation from the supplying smelter
5.5. Records of the independent third-party audit firm reports of the supplying smelter. Or, if the supplying smelter has not undergone an independent third-party assessment, the following additional information:
5.5.1. Records identifying mineral or material inputs used for the production of materials received from the supplying smelter together with information required for red flag review in Step 2A, and further information for full due diligence on minerals if inputs are known or suspected to be from a CAHRA.

6. For non-secondary tin metal products unused for their primary purpose, have a process to obtain and retain the following information as follows:
6.1. Description of the metal products including composition, physical form and production date
6.2. Name and address of the immediate supplier
6.3. Name and address of the supplying smelters who produced the tin in the metal product
6.4. Transport documentation from the supplying smelter
6.5. Records of the independent third-party audit firm reports of the supplying smelters. Or, if the supplying smelter has not undergone an independent third-party assessment, the following additional information:
6.5.1. Records identifying mineral or material inputs used for the production of materials received from the smelter together with information required for red flag review in Step 2A, and further information for full due diligence on minerals if inputs are known or suspected to be from a CAHRA.

Standards Setting Organization Requirements for out-of-scope mineral or material sourcing: In order to meet additional programmatic or EU requirements, a company must:
7. Obtain and retain information to demonstrate which receipts of minerals or materials are out-of-scope as follows:
7.1. For legacy receipts, have sufficient documentation to describe the type of mineral or material and demonstrate that the conflict minerals were created in the current form and same chemical and physical state on a verifiable date prior to 1 February 2013.
7.2. For assay samples, have a description of the type of samples and sufficient documentation on the quantity of mineral received and a verification that this quantity is less than 0.03% of the total receipts from the same producer over the same period.
7.2.1. For mineral assay samples received from CAHRAs the company may obtain a declaration from the producer and another party, such as government, aligned joint initiative or the on-the-ground assessment team, that such quantities are plausible, and taken from mineral batches traceable by that party.

Standards Setting Organization Requirements for secondary material sourcing: In order to meet additional programmatic or EU requirements, a company must:
8. Obtain and retain information to demonstrate receipts are secondary and out-of-scope for CAHRA assessment:
8.1. Description of the secondary material including composition, physical form and any other information such as analysis data and/or photos (refer to Annex B for example materials).
8.2. Name and address of the immediate supplier
8.3. Transport documentation from the immediate supplier

Standards Setting Organization Requirements for all companies, minerals and materials: In order to meet additional programmatic or EU requirements, a company must:
9. Have records of assessment of suppliers prior to entering into business with new suppliers, including assessment of risks.

10. Calculate a mass balance as a means to substantiate the total material processed by the company, taking into account receipts, inventory, losses, and sales quantities. Any discrepancies observed during the mass balance calculation must be justified.

A company may demonstrate fulfillment of relevant criteria in any of the above sections of Step 1C by;

a) Confirming that information on minerals, materials and suppliers has been submitted to, and evaluated by an aligned joint initiative.

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**DUE DILIGENCE APPLICABLE ONLY FOR MINERALS KNOWN OR SUSPECTED TO BE FROM CAHRAS**

OECD Step 1C1 to 1C4 – System of Controls and Transparency (Where the red flag review confirms the need for Annex II risk assessment on minerals known or suspected to be from CAHRAs per Step 2B): Where a company determines the need for a full Annex II risk assessment, based on the outcomes of the red-flag review in Step 2A, the company must have in place a chain of custody or a traceability system that generates detailed information on the circumstances of extraction, export, reprocessing or trade. The company must have a system to store information for five years, including records of payments made by suppliers which constitute risks associated with those listed in Annex II. The company must also avoid use of cash and support the principles of the Extractive Industry Transparency Initiative (EITI).

A company must:

1. Incorporate supply chain information disclosure requirements into written agreements and/or contracts with immediate suppliers whether international concentrate traders, mineral re-processors, or exporters. The disclosure requirements include information listed in Step 1C1 and 1C2:
   1.1. All taxes, fees or royalties paid to government for the purposes of extraction, trade, transport and export of minerals;
   1.2. Any other payments made to governmental officials for the purposes of extraction, trade, transport and export of minerals;
   1.3. All taxes and any other payments made to public or private security forces or other armed groups at all points in the supply chain from the point of ore extraction onwards;
   1.4. The ownership (including beneficial ownership) and corporate structure of the exporter, including the names of corporate officers and directors; the business, government, political or military affiliations of the company and officers;
   1.5. The mine of mineral origin;
   1.6. Quantity, dates and method of extraction (artisanal and small-scale or large-scale mining);
   1.7. Locations where minerals are consolidated, traded, processed or upgraded;
   1.8. The identification of all upstream intermediaries, consolidators or other actors in the upstream supply chain;
   1.9. Transportation routes;
   1.10. All export, import and re-export documentation of international concentrate traders and re-processors.

2. Introduce a chain of custody or traceability system and retain information for five years.

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5 Such risk may be reported by a joint initiative.
3. Make the information gained related to company due diligence standards and processes available to immediate downstream purchasers or to auditors and any aligned joint initiative or institutionalized mechanism, regional or global, with the mandate to collect and process information on minerals from CAHRAs, with due regard taken of business confidentiality and other competitive or security concerns.

4. Avoid, where practicable, cash purchases for company transactions. Where cash purchases are unavoidable, the company must obtain verifiable documentation and preferably route the transaction through official banking channels.

5. Support the implementation of the principles of the EITI individually or through joint efforts and through company participation in appropriate reporting. This reporting is required only in an implementing country of EITI.

A company may demonstrate fulfillment of relevant criteria by confirming:

a) Which minerals purchased are from sources/suppliers participating in an aligned joint initiative or institutionalized mechanism;

b) The status of the supplier’s participation as reported by the aligned joint initiative or institutionalized mechanism at the time of the company transaction;

c) The type of information held, and evaluated by, the aligned initiative/mechanism as a proxy for supply chain disclosure, including to downstream purchasers due to business confidentiality and other competitive or security concerns;

d) That information is held for five years.

OECD Step 1D – Strengthen company engagement with suppliers (All Companies): The company must aim to establish positive long-term relationships with their immediate suppliers in order to increase leverage over the due diligence performance of those suppliers. The company must also communicate requirements to immediate suppliers, help build their capabilities, and consider measuring improvement over time.

A company must:

1. Establish, where practicable, long term relationships with suppliers

2. Confirm that suppliers commit to a supply chain policy consistent with Annex II and the OECD Guidance

3. Communicate to suppliers their expectations on responsible supply chains of minerals from CAHRAs

4. Incorporate the company’s supply chain policy and due diligence management processes into commercial contracts and/or written agreements with suppliers, including the right to conduct unannounced spot-checks on suppliers and have access to their documentation.

5. Consider ways the company can support and build capabilities of suppliers to improve performance and conform to company supply chain policy, especially if carrying out Step 3 risk mitigation.

6. Design measurable improvement plans with suppliers, with the involvement, if relevant and where appropriate, of local and central governments, international organisations and civil society when pursuing Step 3 risk mitigation.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:

7. Monitor the performance of the immediate supplier against the expectations set out in the contract with the company.
A company may demonstrate fulfillment of relevant criteria by confirming the participation of suppliers in an aligned joint initiative which;

a) Evaluates operators policies and due diligence plans and reports recommendations
b) Holds and validates confidential or sensitive information
c) Supports capacity building through training and general advice
d) Has a process to regularly engage with stakeholders including governments and civil society
e) Provides performance monitoring and improvement recommendations through regular reporting or audit.

OECD Step 1E – Establish Company Level Grievance System (All Companies): The company must:

1. Have a mechanism allowing any interested party, including whistle-blowers, to voice concerns regarding the circumstances of extraction, trade and handling of minerals in or exported from a CAHRA in order to alert the company to possible risks. The mechanism may be provided through collaborative arrangements with other companies, or by facilitating recourse to an external expert or body, such as an ombudsman.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:

2. Record concerns received through the company mechanism and the results of follow-up

A company may demonstrate fulfillment of relevant criteria through;

a) Use of an industry-wide mechanism such as an aligned joint initiative which the company confirms is relevant to their own circumstances, and appropriately investigates reports, recommends, and monitors risk mitigation.

B. STEP 2 – IDENTIFY AND ASSESS RISKS IN THE SUPPLY CHAIN

OECD Step 2 Guidance Reference:

Companies should identify and assess risks on the circumstances of extraction, trading, handling and export of minerals from conflict-affected and high-risk areas.

A) Identify the scope of the risk assessment of the mineral supply chain
B) Map the factual circumstances of the company’s supply chains, underway and planned
C) Assess risks in the supply chain

Note that companies may cooperate to carry out the requirements in this section through joint initiatives. However, companies retain individual responsibility for their due diligence, and should ensure that all joint work duly takes into consideration circumstances specific to the individual company.

OECD Step 2.A. – Identify the Scope of the Risk Assessment of the Mineral Supply Chain (All Companies): A company must review relevant information generated from Step 1 (excluding Step 1.C1 to C4) to conduct a red flag review of locations of mineral origin and transit, and supplier red-flags (See Box 2) in order to

6 ‘Exported from’ required under the EU Regulation
determine the need for **Annex II risk assessment** targeted on **minerals** known or suspected to be from **CAHRA**. The **company** must ensure that the scope of risk identification and **risk assessment** extends to all of the **risks** set out in **Annex II** and the recommendations in the **OECD Guidance**.

A **company** must:

1. Have and implement a process to review information gathered in Step 1 (excluding Step 1.C1 to 1.C4) to determine whether further steps of due diligence are triggered.

| Box 2. OECD Red Flags
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Red flag locations of mineral origin and transit:</strong></td>
</tr>
<tr>
<td>• The <strong>minerals</strong> originate from or have been <strong>transported</strong> via a <strong>CAHRA</strong>.</td>
</tr>
<tr>
<td>• The <strong>minerals</strong> are claimed to originate from a country that has limited known reserves, likely resources or expected production levels of the <strong>mineral</strong> in question (i.e. the declared volumes of <strong>mineral</strong> from that country are out of keeping with its known reserves or expected production levels).</td>
</tr>
<tr>
<td>• The <strong>minerals</strong> are claimed to originate from a country in which <strong>minerals CAHRAs</strong> are known to transit.</td>
</tr>
<tr>
<td><strong>Supplier red flags:</strong></td>
</tr>
<tr>
<td>• The company’s suppliers or other known <strong>upstream companies</strong> have shareholder or other interests in <strong>companies</strong> that supply <strong>minerals</strong> from or operate in a <strong>red flag location</strong> of mineral <strong>origin</strong> and <strong>transit</strong>.</td>
</tr>
<tr>
<td>• The <strong>company</strong>’s suppliers’ or other known <strong>upstream companies</strong> are known to have sourced <strong>minerals</strong> from a <strong>red flag location of origin and transit</strong> in the last 12 months.</td>
</tr>
</tbody>
</table>

**Standards Setting Organization Requirements:** In order to meet additional programmatic or EU requirements, a **company** must:

2. Design and implement a process to validate information on **minerals** and **materials** received as follows:
   2.1. Confirm that the type, weight, composition and quality of **minerals** and **materials** received are consistent with accompanying documentation
   2.2. Confirm that information required for **red flag review** as set out in Step 1C has been collected and/or provided by the **immediate suppliers** and any known actors further upstream
   2.3. Investigate and address any discrepancies or inconsistencies identified during the above review

3. Design and implement a process to understand plausibility of **mineral** supply as follows:
   3.1. Maintain a reasonable understanding of reserves, production and export statistics for all tin mining countries and/or regional mining areas within a country
   3.2. Investigate and address any higher than expected volumes of **mineral** supplied from any area compared to the potential for production in that area

4. Design and implement a reasonable process to determine **CAHRAs** from which tin **minerals** may be produced as follows. The **company** may refer to resources provided by **aligned joint initiatives**, **institutionalized mechanisms** or indicative list of **CAHRAs** provided by the European Commission pursuant to Article 14.2 of the EU Regulation to inform the design and implementation of the process.
   4.1. Record the types of information and resources used by the **company** to identify **CAHRAs**
   4.2. Establish a method or procedure to make a **CAHRA** determination
   4.3. Establish the frequency at which the **CAHRA** determination is reviewed and updated
   4.4. Include in the process a general evaluation of relevant **national and international sanctions lists**
5. Design and implement a process for red flag review in which the company compares the supplier and country of origin information gathered in Step 1C with the recorded results of the documentation check, the plausibility assessment, and the CAHRA determinations made by the company as above.

6. The responsible person must record the findings of the red flag review and report them to the senior management team.

7. As part of the red flag review the company must also review information received according to Step 1C on all other minerals and materials for discrepancies or inconsistencies and record their determination of receipts as follows:
   7.1. Byproducts and their associated risks from the point of separation
   7.2. Materials from supplying smelters, and evidence of third party assessment of that company and whether minerals treated by the supplying smelter are from CAHRA’s, or otherwise information and actions equivalent to these full relevant criteria
   7.3. Non-secondary metal products and evidence of third party assessment of the supplying smelter producing the tin and whether minerals treated by that company are from CAHRA’s, or otherwise information and actions equivalent to these full relevant criteria
   7.4. Legacy material verified to be out of scope
   7.5. Assay materials verified to be out of scope
   7.6. Secondary materials verified to be out of scope

8. In performing the red flag review the company must make a reasonable assessment of anomalies and likely risks and explain the findings which may conclude the outcome of the red flag review to be:
   • Red flag locations and suppliers are not identified and no Annex II risk assessment is required;
   • Red flag locations and suppliers are identified but Annex II risk assessment is not justified as the review does not indicate a significant probability that the source of minerals is a CAHRA and this can be reasonably confirmed without on-the-ground investigation;
   • Red flag locations and suppliers are identified and Annex II risk assessment is necessary as the level of risk is unclear or the review indicates that:
     o The source of mineral is a CAHRA, or suspected to be a CAHRA rather than the stated origin;
     o The supplier has trading activities relating to a CAHRA that could impact risks for minerals declared to be from non-CAHRA sources.

A company may demonstrate fulfillment of relevant criteria by;
   a) Referring to information held, aggregated, or reported by an industry-wide mechanism such as an aligned joint initiative.

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**DUE DILIGENCE APPLICABLE ONLY FOR MINERALS KNOWN OR SUSPECTED TO BE FROM CAHRAS**

If the company identifies risks that receipts may be associated with minerals known or suspected to be from CAHRAs then further steps must be taken as relevant and appropriate. When Annex II risk assessment is required, the company must continue through the remaining steps of due diligence. This includes continuing with Step 2B, 2C, 3, 4, and 5 and obtaining extensive information on the supply chain to the mine of origin (Steps 1C1 to 1C4) and establishing an on the ground assessment team or engaging an aligned joint...
initiative to understand local context, work with local stakeholders, suggest and monitor risk management and address grievances.

**Box 3. Guidance for Upstream Risk Assessments**

*Create enabling conditions for an effective risk assessment:* The company must ensure that on-the-ground teams are free from conflicts of interest and provide reliable and up-to-date evidence for use in the company risk assessment. The company must employ appropriate experts for the on-the-ground teams with relevant knowledge and skills, as well as high standards of professional care.

*Establish an on-the-ground assessment team:* The company must ensure that the assessment team consults with local governments, civil society and suppliers and, where appropriate, has a community monitoring network to provide information. The company must ensure that the information maintained by the assessment team is shared throughout the supply chain, and, that the assessment team has the correct scope and adequate capacity to obtain first-hand facts on relevant circumstances including militarisation and serious abuses by public, private, or non-state armed groups. The assessment team must be able to put forward recommendations for risk management and respond to any questions from the company, as well as receive and address grievances of whistleblowers and interested parties.

The company must facilitate the work of the assessment team by allowing access to information gained by company due diligence processes, including access to records, and, providing a designated contact person.

*Recommended Questions That Company Assessments Should Answer:* The company must ensure that their on-the-ground team provides information to enable the company to understand the context of the CAHRA, know suppliers and business partners, and understand the conditions of mineral extraction, transport, handling, trade and export in CAHRA. The company must take this information into account in the targeted Annex II risk assessment.

OECD Step 2.B. – Map the Factual Circumstances of the Company’s Supply Chain(s), Underway and Planned (Where red flag review confirms the need for Annex II risk assessment on minerals known or suspected to be from CAHRA(s)): The company should establish a chain of custody or traceability system to obtain relevant information according to Step 1C1 to 1C4 in order to be able to identify and assess Annex II risks. The company should work to understand the supply chain to the mine of origin and understand the context within the identified CAHRA, including via on-the-ground assessment teams or an aligned joint initiative while retaining individual responsibility for company actions and decisions.

A company must have and implement a process to:

1. Understand the context of CAHRAs that have been identified in the company’s supply chain.
2. Clarify the information on chain of custody, activities and relationships of all upstream suppliers obtained for the red flag review in Step 1C.
3. Identify the locations and qualitative conditions of the extraction, trade, handling and export of the mineral by implementing Step 1 C1 to C4 (i.e., a chain of custody or traceability system).
4. Obtain and maintain up to date on-the-ground information for use in company risk assessment according to the OECD Guidance Appendix (See Box 3).
Companies may obtain information from on-the-ground assessment teams established by an aligned joint initiative as long as the company retains responsibility for following and acting on recommendations from the team. A company may demonstrate fulfillment of relevant criteria by confirming their:

a) Understanding of the scope, competence, methodology and standards of the on-the-ground teams of an aligned joint initiative used for the provision of information and recommendations for mitigation;

b) Process for reviewing critical information generated by the on-the-ground teams of an aligned joint initiative;

c) Process for implementing company actions to obtain information identified to be outside the scope or implementing activities of the aligned joint initiative.

OECD Step 2.C. – Assess Risks in the Supply Chain (Where red flag review confirms the need for Annex II risk assessment on minerals known or suspected to be from CAHRAs): The company must cross-check the factual information available, including the facts provided by the on-the-ground assessment team or aligned joint initiative, against the company policy and standards and carry out a risk assessment. These standards include national laws of the company’s own country and those of mineral origin, transport and re-export. The company must also take into account legally binding documents governing operations and business relations, as well as other relevant laws.

A company must:

1. Design and implement a process to use all relevant available information obtained in Step 2B in a comparison with the following:
   1.1. The principles and standards of the company supply chain policy referencing Annex II
   1.2. National laws of the countries;
       1.2.1. where the company is domiciled or publicly-traded (if applicable);
       1.2.2. from which the minerals originate; and
       1.2.3. of transport or re-export.
   1.3. Legal instruments governing company operations and business relations, such as financing agreements, contractor agreements and supplier agreements
   1.4. Other relevant international instruments such as the OECD Guidelines for Multinational Enterprises, international human rights and humanitarian law.

If the outcome of the comparison identifies any reasonable inconsistency between factual information and their standard, that is an identified risk with potential adverse impact to which Step 3 applies.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:

2. Record the outcome of the risk assessment, including any identified risks to the company supply chain.

C. STEP 3 – DESIGN AND IMPLEMENT A STRATEGY TO RESPOND TO IDENTIFIED RISKS
(Where red flag review confirms the need for Annex II risk assessment on minerals known or suspected to be from CAHRAs)

7 Including comparison with relevant national and international sanctions lists
Note that companies may cooperate to carry out the requirements in this section through joint initiatives. However, companies retain individual responsibility for their due diligence, and should ensure that all joint work duly takes into consideration circumstances specific to the individual company.

OECD Step 3.A. – Report findings to designated senior management. The company must ensure that all risks identified during Step 2 are reported to a senior manager with designated responsibility for due diligence.

A company must:
1. Have and implement a process to ensure that on an ongoing basis, an outline of information gathered and the actual and potential risks identified in the supply chain risk assessment are reported to senior management with designated responsibility for due diligence.

OECD Step 3.B. – Devise and adopt a risk management plan. The company must develop a plan to manage identified risks taking into account the options of continuing trade, suspending trade while managing risks, or disengaging from trade if risks are not manageable. The company should determine a risk management strategy appropriate for their own circumstances by reviewing their supply chain policy. If the company is not disengaging then it must constructively engage with stakeholders to promote progressive improvement to eliminate negative impacts over a reasonable timescale. This must include consulting with affected suppliers, local authorities, civil society and third parties and providing them with assessments and plans for discussion. The company must ensure that the plan for risk mitigation has actions from which the outcomes are measureable.

A company must have and implement a process to:
1. Maintain a risk management plan explaining possible company strategies in response to risks which include:
   1.1. continuing trade throughout the course of measurable risk mitigation efforts;
   1.2. temporarily suspending trade while pursuing ongoing measurable mitigation efforts;
   1.3. Disengaging with a supplier in cases where mitigation appears not feasible or unacceptable.
2. Review identified risks against the company policy to determine the relevant risk management strategy and a relevant risk management plan.
3. When mitigating risks, include in the risk management plan a description of means to achieve progressive improvement within reasonable timescales.
4. In order to support progressive improvement, build and/or exercise leverage over the actors in the supply chain who can most effectively and most directly mitigate the risks.
5. Consult with suppliers and affected stakeholders to agree on the strategy for risk mitigation in the risk management plan including qualitative or quantitative measures of improvement.

6. Publish the supply chain risk assessment and risk management plan with due regard to business confidentiality and other competitive concerns (refer to Step 5).

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:

7. Include in the risk management strategy and plan, responses to risks associated with national and international sanctions, including notification of those risks in the annual due diligence report and to customers.

A company may demonstrate fulfillment of relevant criteria by confirming the company has and implements a process to review identified risks reported by the on-the-ground team or aligned joint initiative in order to clarify and confirm:

- Risk mitigation measures recommended are appropriate for the company plan;
- There is direct engagement with affected stakeholders to pursue mitigation;
- Progress is reviewed on-the-ground against the recommended actions;
- Information on risks and progress of mitigation is shared while taking into account due regard to business confidentiality and other competitive concerns;
- Whether additional responses or actions by the company are needed, including disengagement, suspension or to increase leverage on suppliers or other stakeholders.

OECD Step 3.C. – Implement the risk management plan. The company must, in cooperation with the stakeholders mentioned in Step 3B, ensure that the risk mitigation plan is implemented, and its progressive success monitored. The company may wish to establish community networks to assist with this monitoring. Once the senior manager responsible for due diligence receives updated information on the management of identified risks they must confirm or re-consider the company strategy as appropriate.

A company must:

1. Have and implement the risk management plan
2. Monitor and track performance of risk mitigation in cooperation and/or consultation with local and central authorities, upstream companies, international or civil society organisations and affected third parties.
3. Report back to designated senior management and consider suspending or discontinuing engagement with a supplier after failed attempts at mitigation.
4. Consider establishing or supporting a community monitoring network.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:

5. Implement the risk management strategy and plan for risks associated with relevant national and international sanctions.

A company may demonstrate fulfillment of relevant criteria by confirming the company has and implements a process to review the progress and results of mitigation of identified risks by the on-the-ground team or aligned joint initiative in order to confirm:

- Direct engagement with affected stakeholders to pursue mitigation has continued;
- Whether a community monitoring network is in place (if established);
- The results of mitigation six months from the identification of any risk.
d) Whether additional responses or actions by the company are needed, including disengagement, suspension or to increase leverage on suppliers or other stakeholders.

**OECD Step 3.D. – Undertake additional fact and risk assessments for risks requiring mitigation, or after a change in circumstances.** A company must:

1. Conduct on-going monitoring, and after the implementation of the risk management plan and/or following any change in the company supply chain information gathering, and cross-checking against company standards must be repeated (Step 2B-2C).

A company may;

a) Refer to the on-going risk monitoring of the aligned joint initiative to assist with their review.

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**D. STEP 4 - CARRY OUT INDEPENDENT THIRD-PARTY AUDIT OF SMELTER’S DUE DILIGENCE PRACTICES**

(Where red flag review confirms the need for Annex II risk assessment on minerals known or suspected to be from CAHRAs)

**OECD Step 4 Guidance Reference:**

Companies should carry out independent third-party audits of smelter due diligence practices.

(All companies, primary integrated smelters or secondary smelters, choosing to demonstrate due diligence relevant to their supply chains through RMI or ITA assessment processes even if their own activities are not associated with CAHRAs)

**OECD Step 4.A - Plan an independent third party audit of the smelter’s due diligence for responsible supply chains of minerals from CAHRAs.** The company must allow a independent third-party audit of its due diligence which covers all the company’s relevant processes, information, assessments and plans related to minerals known or suspected to be from CAHRAs as described in these criteria.

The company must ensure that the audit:

1. Is carried out to required audit principles, by competent auditors who may be monitored through performance indicators.
2. Is adequately prepared with samples of relevant documentation available to be reviewed in preparation or performance of the audit.
3. Includes, when sourcing from known or suspected CAHRA’s, on-site investigations of suppliers to the smelter, as well as meetings with the on-the-ground assessment team and consultations with local authorities, civil society and experts.

**Standards Setting Organization Requirements:** In order to meet additional programmatic or EU requirements, a company must:

4. Undergo an audit of all activities, processes and systems used by the smelter to conduct supply chain due diligence, regardless of their sourcing practices, type of materials, or origin of minerals.

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8 The OECD Guidance requires auditing of companies purchasing minerals from CAHRA’s. Standards Setting Organisations also allow other eligible companies to choose to be assessed under these criteria but not all OECD requirements are relevant to non-mineral sources.
OECD Step 4.B – Implement the audit in accordance with the audit scope, criteria, principles and activities. A company must undergo an audit according to the scope, criteria, principles and activities described in Step 4A.

The company must:
1. Allow auditors access to company sites, personnel and all documentation and records of supply chain due diligence relevant to the scope of the audit.
2. When sourcing from known or suspected CAHRA’s, facilitate auditor contact with a sample of immediate suppliers.

A company may demonstrate fulfillment of relevant criteria by:
   a) Allowing auditors access to independent audit reports from an aligned joint initiative on a sample of company suppliers.

E. STEP 5 – REPORT ANNUALLY ON SUPPLY CHAIN DUE DILIGENCE
(All Companies)

OECD Step 5 Guidance Reference:

Companies should annually report or integrate, where practicable, into annual sustainability or corporate responsibility reports, additional information on due diligence for responsible supply chains of minerals from conflict-affected and high-risk areas.

OECD Step 5 – Annually report or integrate, where practicable, into annual sustainability or corporate responsibility reports, additional information on due diligence for responsible supply chains of minerals from CAHRAs.

OECD Step 5.A.1. (All companies) The company must publically report annually on their due diligence in their supply chains and measures being taken to manage risks. The company report must generally describe the company policy, management structure and controls, as well as a description of the type of information that the company has recorded and how this has improved its due diligence.

All public information published must take into account due regard of business confidentiality and other competitive concerns including price information and supplier relationships. Confidential information would for example include information on company suppliers, customers, contract terms, tonnage and capacity.

A company must publish the following information in an annual due diligence report:
1. Company Management Systems (all companies) as follows:
   1.1. Describe the company’s supply chain policy
   1.2. Explain the management structure responsible for due diligence
   1.3. Describe the system used by the company to gather information necessary for red-flag review
   1.4. Explain how information obtained for red flag review has strengthened the company’s due diligence efforts
   1.5. Describe the company’s record-keeping system
1.6. Describe methods for disclosing relevant information to downstream actors or to auditors, an aligned joint initiative or institutionalized mechanism.

DUE DILIGENCE APPLICABLE ONLY FOR MINERALS KNOWN OR SUSPECTED TO BE FROM CAHRAS

If a targeted Annex II risk assessment (Step 2C) has been required on minerals known or suspected to be from a CAHRA, the company must also describe additional management systems and outline the methods of, and type of information provided by, the on-the-ground assessment team as well as an explanation of how the company performs risk assessment. The company strategy for responding to risks must also be outlined, including any training of suppliers, the involvement of stakeholders and the company efforts to monitor risk management activities.

2. Company Management Systems (companies sourcing from CAHRA) as follows:
   The following additional information must be published:
   2.1. Describe the company’s system for chain of custody and traceability of the supply chain to identify locations and operators for Annex II risk assessment.
   2.2. Describe methods for disclosing relevant information to mine of origin to downstream actors or to auditors, an aligned joint initiative or institutionalized mechanism.
   2.3. Describe how the company publicly supports the principles of the EITI individually or through joint efforts and through company participation in appropriate reporting. This is required in an implementing country.

3. Company risk assessment in the supply chain as follows:
   3.1. Publish the methodology and results of the risk assessment and the supply chain management plan with due regard taken of business confidentiality and other competitive concerns (Refer to Step 3B).
   3.2. Outline the methodology, practices and information yielded by the on-the-ground assessment.
   3.3. Explain the methodology of company supply chain risk assessments.

4. Risk management as follows:
   4.1. Describe the steps taken to manage risks, including a summary report on the strategy for risk mitigation in the risk management plan, and capability training, if any, and the involvement of affected stakeholders.
   4.2. Disclose the efforts made by the company to monitor and track performance.

Standards Setting Organization Requirements: In order to meet additional programmatic or EU requirements, a company must:
   5. Publish its annual due diligence report regardless of their sourcing practices, type of materials, or origin of minerals.
   6. Include information on their approach to, and conclusions from, their red flag review.

A company may demonstrate fulfillment of relevant criteria by:
   a) Referring in its annual due diligence report, in general terms, to methodologies, information, results or strategies expected to be published by an aligned joint initiative or institutionalized mechanism while not identifying relations with specific suppliers or customers.

OECD Step 5.A.2. – A company must publish the following information:
1. **Audit** firm summary report with due regard taken of *business confidentiality and other competitive concerns* including price information and supplier relationships.

**Standards Setting Organization Requirements:** In order to meet additional programmatic or EU requirements, a *company* must publish with due regard taken of *business confidentiality and other competitive concerns*:

2. The name of the *audit firm* (this information may be included in the *audit firm summary* report)

3. Supply Chain Policy

A *company* may demonstrate fulfillment of relevant *criteria* by;

a) Publishing their *audit firm* summary report via an industry-wide mechanism such as an *aligned joint initiative*. 
V. ANNEXES

ANNEX A: DEFINITION OF TERMS AND ACRONYMS

Note: some terms are used in these criteria in both defined and general terms. For example, ‘mineral’ is used in general terms when quoted from the EU Regulation and is not shown in bold, while mineral in bold has the specific meaning as defined herein.

Actor: an entity that does not carry out processes of a smelter and is therefore not a company as defined in these criteria.

Aligned/alignment: confirmation by a third party assessment that the activities of a joint initiative or institutionalized mechanism are, at a minimum, 80% ‘Fully Aligned’ for standards, 80% ‘Fully Aligned’ for implementation, and without any criteria ‘Not Aligned’, according to the OECD Alignment Assessment Methodology and Tool 2018 Section B ‘Alignment of programme requirements with the five-step due diligence framework’; https://mneguidelines.oecd.org/industry-initiatives-alignment-assessment.htm

Annex II: Annex II of the OECD Guidance titled “Model Supply Chain Policy for a Responsible Global Supply Chain of Minerals from Conflict-Affected and High-Risk Areas.”

Artisanal or Artisanal and Small-Scale Mining (ASM): Formal or informal mining operations with predominantly simplified forms of exploration, extraction, processing, and transportation. ASM is normally low capital intensive and uses high labor-intensive technology.

Assay: small quantities taken as samples from any tin containing mineral or material in order to test the precise chemical composition. Assay samples are retained by buyers, sellers and laboratories for reference for a period of time after which they are processed for recovery of the tin content.

Assessment/Audit: A formalised evaluation of an entity against criteria established independent of the audited entity, typically resulting in a report containing specific findings. In this document, the term “audit” is used specifically in the context of the OECD Guidance Step 4 or the ISO19011:2001 Standard. The evaluation of a company against the conformance criteria in this document is referred to as “assessment”.

Assurance Engagement: The process that the independent third party assessor (audit firm) and assessed entity (company) undertake to validate a claim (company report) regarding due diligence performance against these criteria. The audit firm assesses the company report to establish if claims are truthful and accurate based on appropriate evidence held by the company and produces an independent third party audit firm report, including findings and a conclusion, according to the ISAE 3000 assurance standard.

Auditor/Audit firm: The individual/entity that carries out an assessment of a company against the criteria and produces an audit firm report.

Assessment period: The period of time covered by the assessment, typically one year.

Business confidentiality and other competitive concerns: Information regarding supplier relationships as well as factors that may affect price or competition such as capacity, trading routes, mineral and material sources and other information normally protected by competition/anti-trust law.
Byproduct(s): Mineral resulting from the processing of another non 3TG metal ore which would not have otherwise have been obtained without processing of that other ore. The origin of that mineral byproduct is the point of separation from the other metal ore.

Chain of custody or a traceability system: A process to collect detailed information on the supply chain as specified in OECD Guidance Step 1.C1 to 1.C4⁹.

Company: A legal business entity with overall management responsibility of operations and administration of at least one smelter. A company can consist of a single facility and business processes (smelting) or multiple facilities and business processes (in addition to smelting).

Conflict Minerals: Cassiterite, columbite-tantalite, gold, wolframite, or their derivatives, or any other minerals or their derivatives determined to be financing conflict in the covered countries described by the Dodd Frank Act.

Conflict-affected and high-risk areas (CAHRAs): Conflict-affected and high-risk areas where Annex II risks are likely to exist. They are identified by the presence of armed conflict, widespread violence or other risks of harm to people. 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. High-risk areas may include areas of political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure and widespread violence. Such areas are often characterized by widespread human rights abuses and violations of national or international law.¹⁰

Covered Countries: The Democratic Republic of the Congo (DRC) and its nine adjoining countries as outlined in Section 1502 of the Dodd Frank Act, namely Angola, Burundi, Central African Republic, Republic of the Congo, Rwanda, South Sudan, Tanzania, Uganda, and Zambia.

Criteria: The program requirements against which an auditor evaluates companies to assess the company’s level of conformance in an assessment.

Critical Information: Any and all information related to the company’s due diligence and that is necessary for all parties involved, specifically employees and suppliers, to effectively carry out the tasks and responsibilities assigned to them as part of the company’s due diligence.

Dodd-Frank Act: The Dodd-Frank Wall Street Reform and Consumer Protection Act A federal statute in the United States that was signed into law on July 21, 2010. Section 1502 requires issuers with conflict minerals that are necessary to the functionality or production of a product manufactured by such entity to disclose annually whether any of those conflict minerals originated in the Democratic Republic of the Congo or the covered countries. Refer to http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf

Downstream: The supply chain from smelters to retailers.

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⁹ Note that the EU Regulation uses the term ‘chain of custody or supply chain traceability system’ to cover both identifying upstream actors for red flag review for all sources, and detailed traceability required for CAHRA only.

¹⁰ OECD Guidance for Responsible Supply Chains of Minerals from Conflict Affected and High-Risk Areas, Third Edition
Extractive Industry Transparency Initiative (EITI): A standard to promote the open and accountable management of oil, gas and mineral resources the implementation of which takes place in countries signed up to the EITI.

EU Regulation: Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 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

Facility: A singular location of a process.

Identifying upstream actors: A process to identify known immediate suppliers and any known actors further upstream which are identifiable through general business dealings or public reports to the extent necessary to enable red flag review.

Immediate supplier: The entity which has a contract with and supplies mineral or material to the smelter and is immediately before the smelter in the supply chain, which may be suppliers such as a mining entities, traders, other smelters, or downstream users.

Institutionalized mechanism: A body established at the industry’s initiative, supported by governments, and in cooperation with relevant stakeholders with the mandate to collect and process information on minerals from conflict-affected and high-risk areas. The institutionalized mechanism may implement or oversee audits.

Inventory (whether calculated or declared): Stocks of mineral, secondary material, other materials and finished metal product, including work in progress not calculated in stocks, and similar mineral or material held at the smelting facility of the company.

ISO 19011:2018: International Organization for Standardization guidelines for auditing management system provides guidance on auditing management systems, including the principles of auditing, managing an audit programme and conducting management system audits, as well as guidance on the evaluation of competence of individuals involved in the audit process, including the person managing the audit programme, auditors and audit teams.

ISAE: ISAE 3000 (Revised) provides a standard for undertaking assurance engagements of non-financial information. It was developed by the International Auditing and Assurance Standards Board (IAASB) and provides a suitable mechanism for ensuring assurance engagements are conducted by qualified persons and are reported adequately and consistently.

ITA: International Tin Association Ltd.

ITA Code of Conduct: 10 principles comprised of 70 standards covering governance, economic, environmental, health and safety, human rights and social issues relevant to tin mining and processing that ITA members commit to and report against.

Joint initiative: An industry-wide initiative enabling cooperation between companies, on responsible supply chain management meeting the due diligence principles, standards and processes of the OECD Guidance which may assist in establishing a system of controls over the supply chain to build leverage, overcome practical challenges and effectively discharge the due diligence recommendations contained in the OECD
Guidance. The joint initiative may establish suitably qualified and independent on-the-ground assessment teams, including to report on risks, recommend risk management, engage stakeholders and measure progress as well as having information systems jointly accessible by companies.

Large Scale Mining (LSM): All formal operations characterized by substantial capital, heavy equipment, high technology and a significant workforce (large and medium in size) not meeting the ASM definition.

Legacy: according to the EU Regulation, stocks created in the current form on a verifiable date prior to 1 February 2013. Also accounting for conflict minerals ‘outside the supply chain’ according to the Dodd Frank Act which were smelted or fully refined, or if not smelted or fully refined were outside the covered countries, prior to 31 January 2013.

Mass balance: Method by which companies verify that the quantity of mineral and material received and in inventory during the assessment period matches that expected from the transaction records, taking into account the possible error margin of inventory, stock, and loss estimation.

Material(s): Any tin-containing receipts that are not minerals, including slags, metal products or secondary materials.

Metal product(s): Metals in any unalloyed, alloyed or chemical form which may be used as a semi-finished or finished good, including forms of tin listed in EU Regulation 2017/821: Annex 1:B as ‘metals’ such as oxides, hydroxides, chlorides, unwrought tin bars, rods, profiles, wires and other articles.

Mineral(s): tin containing ore in any physical form, extracted through mining of geological deposits, processed to higher grade mineral concentrate, and used in a primary smelter to undergo smelting to produce crude tin metal. Mineral(s) includes all forms of commercially useful tin ore, for example, naturally occurring tin oxide ‘cassiterite’.

National or International Sanctions Lists: Includes the U.S. List of Specially Designated Nationals and Blocked Persons (“SDN List”); the U.S. Foreign Sanctions Evaders List (“FSE List”); the UK Consolidated List of Targets; the Consolidated List of Persons, Groups and Entities subject to EU Financial Sanctions; and United Nations sanctions lists.


Origin: The country, or regional mining area within a country, from which the mineral was extracted from the ground.

Red flag review: A comparison of information gathered in Step 1C (excluding 1C1 to 1C4) with the recorded results of documentation check, plausibility assessment, and CAHRA determinations in order to assess the scope of further risk evaluation and confirm out-of-scope receipts.

Refiner/refining: Process that removes impurities or unwanted elements from the crude tin metal output from a smelting plant or other forms of impure tin metal such as secondary alloys.
**RBA**: Responsible Business Alliance.

**Receipts**: All minerals and materials received during the assessment period. To be used as part of the mass balance calculation.

**Risk**: Adverse impacts which may be associated with extracting, trading, handling and exporting minerals from conflict-affected and high-risk areas.

**Risk Assessment**: Cross checking of information for inconsistencies undertaken in Step 2C in order to verify identified Annex II risks. Only required following identification of known or suspected CAHRAs during red flag review.

**Risk Management Plan**: A plan under Step 3 of the OECD Guidance to manage identified Annex II risks taking into account strategy options of continuing trade, suspending trade while managing risks, or disengaging from trade if risks are not manageable.

**Risk Mitigation**: Actions under Step 3 of the OECD Guidance intended to reduce the adverse effects of risks described in Annex II of the OECD Guidance.

**RMAP**: Responsible Minerals Assurance Process, the smelter assessment program under the RMI.

**RMI**: Responsible Minerals Initiative.

**Secondary**: Materials commonly referred to as recycle/scrap. This includes recycled metals as defined by the OECD Guidance, and referenced by the EU Regulation and the U.S. Securities and Exchange Commission which are ‘reclaimed end-user or post-consumer products, or scrap processed metals created during product manufacturing including: excess, obsolete, defective, and scrap metal materials which contain refined or processed metals that are appropriate to recycle in the production of tin. As defined by the OECD Guidance, minerals partially processed, unprocessed, or byproducts from another ore (for example, slags) are not recycled or secondary materials. See Annex II of this criteria document for examples of possible secondary materials.

**Slag**: Partially processed mineral generated during smelting that may be discarded or may be re-processed for recovery of tin, tantalum or other metal content. This term includes substances commonly referred to as ‘slag’ as well as any other partially processed substances generated by a company such as dross.

**Supplying smelter**: Is the last smelter in the supply chain where the mineral or material was processed. Trading actors and other pass-through segments of the supply chain are not supplying smelters.

**Smelter/smelting**:
- **Primary smelter**: A facility treating minerals or slags in order to produce crude tin metal for refining. A facility treating metal products unused for their primary purpose is also considered a primary smelter.
- **Secondary smelter:** A facility with one or more processes with the ability to treat secondary materials\(^\text{11}\) by reduction\(^\text{12}\) for the production of crude or higher grade tin metal or tin product.

A smelter as referred to within this document may operate as either one or both types of business operation unless specified in the document.

**Standard Setting Organizations:** The organisation responsible for managing the development or revision of a standard (Source: ISEAL Code of Good Practices, Definitions).

**Total material processed:** With respect to the mass balance calculation, this refers to total tin metal content of the receipts processed by the company during the assessment period. This includes minerals, secondary materials, other materials and internal recycle/reclaim, whether the auditee’s own or received for toll processing.

**Toll/tolling:** An arrangement where mineral or materials are processed by a smelter on behalf of a client who retains ownership of the agreed to metals and/or volume of those minerals or materials.

**Transit:** Shipping of goods between origin and final destination, including through countries and across international borders, without discharging the cargo.

**Transport:** Movement of goods from one location to another.

**Upstream:** The mineral supply chain from the mine to smelters inclusive, which for the purpose of the OECD Guidance and these criteria includes artisanal or small-scale producing enterprises, rather than individuals or informal working groups of artisanal miners\(^\text{13}\).

\(^\text{11}\) A company classified as a secondary smelter may not in the normal course of business treat minerals but does have the capability to do so.

\(^\text{12}\) Recyclers of solder dross and similar oxide based materials with the capability to perform reduction to metallic tin would be classified as a secondary smelter.

\(^\text{13}\) OECD Guidance 3T Supplement Footnote 1.
ANNEX B: SECONDARY TIN MATERIAL TYPES

Tin has many hundreds of uses both as the metal, and as organic and inorganic compounds. Tin containing material may therefore arise from hundreds of sources and cannot be specifically described. As an indication, secondary materials and sources may include, but are not limited to those described below:

A. Manufacture of tin tubes, foils, and other similar forms. Producers of tin and tin alloys, lead, copper (e.g. brasses, bronzes, gunmetal, Babbitt metal, etc.), zinc, titanium, aluminum, steel, cast iron and a variety of other metal alloy manufacturers.
   - Melting drosses, skimmings, ashes and runouts from the casting processes
   - Refining and spent dross and refining slag (dross produced in liquid form)
   - Off-cuts, or out of specification or contaminated material
   - Gas cleaning sludge and dust
   - Water treatment sludge
   - Filter dust or similar materials (e.g. tin oxides)

B. Manufacturers of alloy - components, powders or final products, for a range of industries such as automotive, electrical and electronics, plumbing and building, radiator manufacturing, bearings, brazing, coins, printing, model making, jigging and fixturing, ammunition, dental, ornamental items, toys and jewelry, and for various types of general engineering.
   - Ashes, drosses, skimmings and runouts from the anode casting melting dross
   - Contaminated or waste metal
   - Out of specification or contaminated material
   - Metallic blocks or items as off-cuts of casting failures
   - Runners and risers from casting processes
   - Scrap wire, strip, stampings, trimmings, turnings, pieces, cuttings, dust, powder, etc.
   - Machining, grinding and polishing waste, ball mill fines
   - Gas cleaning sludge and dust
   - Water treatment sludge
   - Filter dust or similar materials (e.g. tin oxides)
   - Copper slags and refractory slags from the copper alloying or other alloying industries.

C. Printed circuit board manufacturers and other industrial solder users of any kind of lead, lead-free, high temperature or other solders
   - Solder dross
   - Spent anodes
   - Return solder products (e.g. bar, paste, spheres, preforms, wire)
   - Contaminated solder pot material
   - Waste solder paste
   - Spillings and drippings
   - Filter dust or similar materials (e.g. tin oxides)

D. Users of tin metal or chemicals in the plating industry, for example, manufacture of components for automotive, electrical, electronic, medical and general engineering industries, etch resist material as well as canning and other types of packaging. Plating may be pure tin or tin alloy coatings such as tin-nickel, tin-zinc, tin-copper, tin-lead or any other combination of materials producing the required final properties. Tin plating may be applied to almost any other metal alloy, including but not limited to steel and copper and their alloys.
   - Ashes, drosses, skimmings and runouts from the anode casting process
   - Spent anodes
- Plating sludges from any hydro-metallurgical or electrolytic tinning process
- Plated off-cuts or reject items

E. Hot tinning and solder dipping operations as well as thermal spray coating processes in general engineering, electrical and electronic and other product manufacture
- Drosses
- Contaminated metal
- Filter dust or similar materials (e.g. tin oxides)
- Overspray

F. The glass manufacturing, forming, and coating industries using tin metal and/or compounds
- Metal and drosses from glass float processes
- Metal and drosses from sputtering targets
- Filter dust or similar materials (e.g. tin oxides)
- Spent sputtering targets

G. Manufacturers and users of tin chemicals in a very wide range of industries such as brake pads, fire retardants, foams, polymers, rubbers, ceramic pigments, glazes, conductive films, crystal glasses, mirrors, textiles, wood and other preservatives, food additives, soaps, toothpastes and cosmetics, veterinary products, cements, mercury sorbants, fluxes and anti-slag agents
- Tinny sludge from tin chemical or pharmaceutical manufacturing processes
- Other waste or reject tin containing materials
- Any other type of residue, drosses, skimmings as a byproduct of production
- Filter dust or similar materials (e.g. tin oxides)

H. Tin or tin compounds used as catalysts for polymerization, alkylation, esterification, oxidation, hydrogenation and use in gas sensors, as well as reducing agents activators, sensitizing agents, passivation, and stabilizers, including for PVC, during a manufacturing process.
- Tinny sludge from manufacturing processes
- Other waste or reject tin containing materials
- Any other type of residue, drosses, skimmings as a byproduct of production

I. De-tinning operations for recovery of tin from any type of plated or coated general items, for example tin-coated copper alloy or steel
- Tin bearing sponge

J. Operators reclaiming any tin containing metals and items manufactured from them, such as organ pipes, wires, pewter plates and vessels, costume jewelry, candlesticks, light fittings, clocks, kilt pins
- All forms of materials

K. Copper recovery operations using pyro-metallurgical and/or other relevant processes
- All forms of materials, including copper slag or dross

L. Lead refiners or similar processors recovering tin as drosses, stannates and other materials from, for example, battery and other lead based alloys
- All forms of materials, including lead slag or dross

M. Recovery of end of life scrap and other wastes from any semi-finished or final products related to the above processes, for example electrical or electronic equipment, automobiles, heat exchangers, plumbing, ships, aircraft, packaging, building demolition, infrastructure replacement and any consumer product
- All forms of materials, which might include any kind of metal process arising from these types of non-smelting production facilities

N. Recovery of end of life engineering components of tin compounds and minerals, such as tin oxide bricks
- All forms of materials
Any forms of tin which have been extracted, smelted and then used for their primary purpose and are no longer used for such purpose are capable of being recycled. Tin containing secondary materials suitable for recovery may arise from practically any type of metal, polymer, ceramic, glass, rubber, chemical production, use or recovery plant as well as numerous types of industrial and consumer products. Note that residues such as ashes, drosses, skimmings and other forms of similar material mentioned above may be 100% oxidic, 100% metallic or any combination of the two, with or without organic contamination or moisture.
ANNEX C: EFFECTIVE DATE & REVISION HISTORY

This revision of the document is in effect as of the date identified on the cover page as the “Effective Date.” Transitional assessment arrangements to account for implementation of this revised Criteria will be in place and described separately. This revision of the document will replace all previous versions of the RMAP Standard for tin, when it is reviewed and approved pursuant to the Regulation (EU) 2017/821. All audits utilizing these Criteria must use the most current version of the Criteria, which is identified by the “Publication Date” on the cover page.

Revision History: International Tin Association (ITA) – Responsible Minerals Initiative Assessment Criteria for Tin Smelting Companies

Rev 25 October 2019 – Initial release of Assessment Criteria for Tin Smelting Companies jointly issued by RMI and ITA; explained use of criteria for RMI-RMAP and ITA-Code of Conduct assessment processes; further modified RMAP Tin and Tantalum Standard to follow OECD 5 Steps; removed references to tantalum; separated assessment criteria into OECD, RMI, ITA, and regulatory requirements; added reference language from each step of the OECD Due Diligence Guidance Supplement on Tin, Tantalum and Tungsten; expanded text on company reference to joint initiatives and institutionalized mechanisms and expectation for alignment; eliminated guidance and procedural language intended for smelter or auditor use; deleted terms in Glossary that are not used in the document, added terms/definitions; aligned all definitions with OECD, EU Regulation, and DFA Section 1502; deleted Annexes no longer necessary due to document restructure; addressed 2018 comments from Alignment Assessment; incorporated interpretive concurrence from OECD.

Revision History: Responsible Minerals Assurance Process (RMAP) Tin and Tantalum Standard

Rev 12 October 2017 – Revised program names from “Electronic Industry Citizenship Coalition (EICC)” to “Responsible Business Alliance (RBA)”, and “Conflict-Free Sourcing Initiative (CFSI)” to “Responsible Minerals Initiative (RMI)”.

Rev 12 June 2017 – Revised program name from “Conflict Free Smelter Program” to “Responsible Minerals Assurance Process”, aligned with OECD Guidance five step framework and ISO management systems requirements, expanded definition of high-risk countries to include global scope for conflict-affected and high-risk areas, re-categorized country levels from a numeric category (e.g. Level 1) to Low-Risk and High-Risk, revised review of transactions to focus on the audit of management systems and processes, removed requirement for chain of custody documentation for low-risk sources, removed procedural aspects, clarified origin determination requirements, consolidated document examples for high-risk sources including data points and aligned with OECD Guidance requirements, improved definitions for companies in scope, reformatted.

Rev 21 November 2013 - Reformatted, reorganized and improved language of the entire document. Added several new introductory sections (Purpose, Scope, Definitions, etc.). Enhanced tin and tantalum smelter definitions. Added an Applicability and Origin Determination Process Flow. Shifted to a document expectation focus versus a document type focus. Added a document expectation table. Added a Level 1 document sampling methodology. Added allowances for supplying smelters, but also new startup smelters as well as transitional smelters trying to get into the audit program. Removed tungsten to a separate protocol. Removed the requirement for auditors to conduct an internal lot traceability exercise (from finished product to incoming lots). Changed the tantalum initial audit period to by one year.
Rev 21 December 2012 – Merged tin, tantalum and tungsten protocols into one 3T's document. Separated the audit procedure into a separate document. Major reorganization of the content from prior document revisions. Removal of the list of smelters. Addition of secondary materials sampling procedure. Merger of formal level 2B and Level 3 country expectations into a new Level 3, and renaming of Level 2A countries to Level 2. Major realignment of Level 3 documentation requirements with the OECD guidance. Establishment and revision of documentation expectation dates for stocks (legacy materials) and partially-processed and byproduct materials (for example, slag).

Rev 15 September 2011 (Sn), 09 Aug 2011 (W), 15 Jan 2011 (Ta) - initial release of protocols.