

To the negotiating team of the Critical Raw Materials Act

Subject: Major civil society organisations ask to support the European Parliament's amendments on certification schemes

10th November 2023, Brussels

Dear co-legislators,

Ahead of the political trilogue taking place on Monday, we as civil society organisations, would like to bring to your attention an aspect that is of critical importance and that Europe cannot get wrong: **the criteria for certification schemes must include the criterion of multi-stakeholder governance**, which is why the EU Parliament's position must be defended in negotiations.

With the draft text, the European Commission wishes to grant the status of “strategic project” to operations in third countries via the use of so-called “certification schemes”, which are laid out under Article 29, Annex III and Annex IV. Certification schemes can in some cases be a useful tool in providing information about what is happening - in the case of the CRMA - at a mining site or at a refining or recycling plant. However, not all schemes are created or managed equally: in fact, mining sector standards [vary widely](#) and lack the transparency and rigor to provide credible information on companies' practices more often than not.

Research has repeatedly shown how certification schemes, particularly those with weak governance, have failed to effectively uphold their standards. Multi-stakeholder governance is a necessary corrective to the self-regulatory approach of the industry. It can help to reduce the conflicts of interest of certification schemes by giving a voice to those negatively impacted by the extractive industry. Furthermore, **under no circumstance should participation in certification schemes be considered as a substitute for due diligence** and clear legally binding frameworks. As stated in the OECD guidelines for Responsible Business Conduct, project promoters shall “remain individually responsible for ensuring that their due diligence is carried out effectively”.

A final text that accepts the criteria outlined in Annex IV, which have been strengthened in the European Parliaments' position, would, if approved in the final text, lay the groundwork for ensuring certification schemes provide detailed information via on-site, third party audits and take into consideration the voices of relevant rightsholders including Indigenous Peoples.

Multistakeholder governance is a vital criterion at risk in the negotiations today and one we would like you to uphold, along with the other improvements made in the text by the Parliament. The concept of multistakeholder governance is not new but it has been widely used in other sectors such as agriculture and forestry. **The OECD [considers](#) that a certification scheme's governance is key for its effectiveness.** And perhaps most importantly for the purpose of this regulation, **it provides credibility to the quality of the scheme itself and its implementation**, because it helps ensure meaningful involvement of all impacted stakeholders.

For this reason, with this letter, **we urge you ahead of the upcoming political trilogue to support the European Parliament's amendments in Annex IV**, which references as key criteria multistakeholder governance, on-site audits, transparency and detailed criteria for assessment via specific risk categories.

The European Union prides itself to have the highest standards. However, if these points are not taken up in the CRMA final text, the EU will be showing the opposite and it will be giving global mining projects an unconditional pass.

Your sincerely,

