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Milan-Naples, 21 July 2022

F.A.O. National Contact Point (NCP)

for the OECD-guidelines for multinational enterprises

Ministry of Foreign Affairs, Directorate General of Foreign

Economic Affairs, Rijnstraat 8 | 2515 XP | The Hague,

The Netherlands

Specific Instance to the Dutch NCP

Italian NGOs

v.

Stellantis NV and FCA Italy

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Dear Madams/Sirs,

We are acting on behalf of several Italian associations and NGOs (**Annex 1**) and hereby submit to you a specific instance concerning the behaviour of the Stellantis NV Group, and the controlled FCA Italy, in the Democratic Republic of Congo, with particular regards to their suppliers' operation in the cobalt and other minerals mining sites of the State.

By virtue of the fact that Stellantis NV is incorporate in the Netherlands and is publicly traded on the Amsterdam Stock Exchange, Stellantis NV is subject to the principles and standards in the OECD Guidelines for Multinational Enterprises, and we therefore request that these submissions receive immediate attention by the Dutch NCP to ascertain whether the activities in the instance raised constitute breaches of the OECD Guidelines.

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We are aware of the procedural guidance that states that specific instances should be filed at the NCP in the country where the alleged breaches occurred. Nonetheless we are filing the specific instance concerning Stellantis NV's operations in the Democratic Republic of Congo to the Dutch NCP, because the DRC is not a signatory state to the OECD Guidelines. We request the Dutch NCP to actively follow and participate in resolving the case.

Also, please be aware that we have previously filed an instance concerning the behaviour of FCA Italy in the Democratic Republic of Congo to the Italian NCP which has rejected our instance without consulting with the company nor with other potential NCP (i.e. the Dutch NCP) and has ordered that we file our complaint with the Dutch NCP instead. We have summarised our complaint and background to today's instance below, for your ease of reference.

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I. BACKGROUND

The FIAT Group has historically been one of the largest Italian holding companies, headquartered in Turin. Fiat Auto company has always been directly involved in the design and sale of cars trading as FIAT, Alfa Romeo, Lancia, Fiat Professional and Abarth brands. On 01/02/07, the company changed its name to Fiat Group Automobiles (FGA). On 15/12/14, following the merger of the parent company formerly known as Fiat Group with Chrysler Group, FGA changed its name to FCA Italy, which still exists. To date, all FCA Italy's products are designed, developed and industrialized in Turin.

On 17/12/19, FCA concluded an agreement with the Groupe PSA (Peugeot Société Anonyme), which provided the acquisition by incorporation of Peugeot (PSA) in Fiat Chrysler Automobiles. However, for accounting purposes only, the merge identified PSA as the purchasing entity, acquiring FCA Italy.

At the time, Fiat Chrysler Automobiles (FCA) was an Italo-American multinational born in 2014 from the abovementioned merger between the Fiat group and the US Chrysler Group. It was headquartered in the Netherlands and therefore subject to Dutch law. It owned 10 different car brands (including several managed by FCA Italy): Abarth, Alfa Romeo, Chrysler, Dodge, Fiat, Fiat Professional, Jeep, Lancia, Ram and Maserati. It operated 102 factories, employed 199,000 people, it had a turnover of 110 billion euros in 2018, and sold approximately 4.8 million cars.

On the other hand, PSA owned 5 brands: Peugeot, Citroen, DS Automobiles, Opel and Vauxhall. It operated 45 plants, both assembly and components production, it employed 211,000 people and had a turnover of 74 billion euros in 2018, for a sale of approximately 3.9 million cars.

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On 04/01/2020, PSA and FCA the merger operation was approved by both general shareholders meetings.

On 17/01/2021, the Group was renamed Stellantis NV. The board of directors was appointed, and the new company statute officially entered into force. The Holding Stellantis N.V. (from now on 'Stellantis') is headquartered in Amsterdam (The Netherlands) and its corporate office is in Lijnden (The Netherlands), Singaporestraat 92, 1175 RA. The holding company controls one of the companies of the group (FCA Italy) based in Italy (precisely in Turin at Corso G. Agnelli 200; registered email address: fca.italy@pec.fcagroup.com).

On 19/11/2021, a notice was sent to FCA Italy S.p.A. (from now on 'FCA'), in its electric car manufacturer capacity, by way of recorded email on behalf of several associations. Such notice referenced breached of the following national and international legislation:

- Article 21 of the Italian Constitution and art. 11 of the European Charter of Fundamental Rights;
- Art. 6(a) of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly, 8 March 1999;
- The OECD Guidelines on the Protection of Human Rights Defenders;
- The OECD Guidelines for Multinational Enterprises, with specific regards to disclosure of transparent and detailed information.

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On this basis, the claimants requested that FCA disclosed information with regards to:

- a) its 'effective system' in place to identify and correct potential human rights violations within the supply chain for cobalt or other minerals originally sourced from the DRC;

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- b) appropriate, concrete, and specific measures to reduce the risk of human rights violations within its supply chain;
- c) communication to its suppliers of the commitment not to further purchase untraced cobalt or other minerals originated from the DRC;
- d) appropriate action against suppliers unable to categorically rule out that fundamental human rights violations had been committed in the process of extracting and processing the minerals;
- e) the necessary steps to compensate for the damages caused;
- f) publicly shared information on the potential risks of human rights violations within its supply chain for cobalt or other minerals originated from the DRC, in a transparent and detailed manner (as required by Article 3 letter c of Legislative Decree 254/2016);
- g) thorough investigations into the respect of human rights by its cobalt suppliers - with specific reference to Huayou Cobalt – and/or other minerals sourced from the DRC.

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With an email dated 13/12/2021, Stellantis acknowledged receipt of the notice by way of certified email. In its response, Stellantis confirmed the group's commitment to its values. It reassured of the initiatives undertaken to analyze and eliminate any potential risk associated with mining activities and with the extraction of essential minerals such as cobalt to produce electric vehicles from the Democratic Republic of Congo (from now on 'DRC'). Stellantis therefore confessed that it is aware of the critical issues surrounding cobalt extraction in the DRC, as well as of the obligations binding multinational companies in relation to the mitigation of environmental risks and human rights violations within their operations. Nonetheless, it did not disclose the requested information.

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Therefore, on 01 April 2021, the complainants decided to notify the Italian National Contact Point of a specific instance against FCA Italy and its parent company Stellantis NV, requesting the mediation of the NCP to compel them to disclose relevant information about their cobalt supply chain, to adapt their due diligence policy and to mitigate any negative externality deriving from their operations, and those of their suppliers and partners.

On 11 April 2022, only 10 days after filing the notification, the Italian NCP, without giving the parties any opportunity to discuss - and eventually disagree – released its final decision to dismiss the procedure because "*dealing with the management strategies and commercial activities of a company registered in the Netherlands, the application should be submitted to the National Contact Point of the Netherlands, as it follows from the OECD Declaration on International Investment and Multinational Enterprises art. I, as well as points 23 and 24 of Part II of the Procedures for the Implementation of the OECD Guidelines for Multinational Enterprises*".

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II. THE COMPLAINANTS' SPECIFIC INSTANCE

Today's specific instance in front of the Dutch NCP is therefore consequence of this decision of the Italian NCP. Please be aware we are taking all available steps to investigate and oppose the Italian NCP's decision.

Nonetheless, we reiterate our initial position against Stellantis NV and its controlled FCA Italy and we argue that they played a role in allowing human rights violations to occur within their cobalt and other minerals supply chain, specifically in the Democratic Republic of Congo. We raise the issue of uncertainty and lack of transparency around the companies'

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implementation of an effective risk assessment in relation to their supply chain and to the traceability of critical materials.

Human rights violations in this context have been widely documented by governmental and non-governmental organizations. It is widely known that these constitute one of the main risk factors associated with the automotive sector's supply chain for cobalt and other minerals.

Despite the initiatives it claims to have undertaken, Stellantis NV hasn't satisfactorily fulfilled its international duties, as required by the OECD Guidelines, failing to provide relevant information to verify the fairness and correctness of their business model. Within its reports, Stellantis/FCA forgets to identify its suppliers, their location and contact information. There is no indication of the results following risk assessment nor any data regarding the traceability of its supply chain and the mineral sourcing. The duty of diligence, as described by the OECD Guidelines, is a duty of a progressive nature, to be fulfilled through a gradual process. On the other hand, it also entails obligations to adequately document every initiative undertaken and any concrete progress, in such a way to guarantee access to information on the results obtained for all interested stakeholders.

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Therefore, we argue that Stellantis NV itself, and through FCA Group, hasn't adequately action to our request, and it hasn't granted access to the requested information, and it continues to operate in violation of the OECD Guidelines for multinational entities both with regards to the transparency of their information and to the compliance with the substantive principles set out in the Guidelines.

So said, we consider this application to be fully justified and necessary for the reasons that will be set out hereafter.

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Stellantis NV is a Dutch company whilst its controlled FCA Italy is an Italian company headquartered in Turin. Italy and the Netherlands are long time members of the OECD Guidelines for multinational enterprises. We therefore argue that both the Italian and the Dutch NCPs are competent.

III. EXTRACTION OF COBALT AND CRITICAL MINERALS IN THE DEMOCRATIC REPUBLIC OF CONGO

The impact of Stellantis and FCA behavior interests mainly the territory of the Democratic Republic of Congo (DRC), where several violations of human rights have occurred and continue to occur to this day.

The recent momentum towards decarbonization and ecological transition has led to an increase in the production of electric cars. Demand for raw materials needed to make lithium-ion rechargeable batteries is therefore growing rapidly. One of the essential materials is cobalt, 66% of which is mined from Democratic Republic of Congo's (DRC) natural reserves. According to the 2021 Cobalt Institute's Report, '*State of the Cobalt Market*', the demand for cobalt to be used for lithium batteries has increased steadily at a rate of 10% a year from 2013 to 2020, and, in 2020 alone, the percentage of cobalt destined for lithium battery use reached 57%.¹

The [United States Global Survey](#) estimates that out of the 7.1 million tonnes (Mt) of the world's total cobalt reserves, 3.6 ml are found in the DRC. Most of the cobalt is then extracted

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¹ Research carried out by [Greenpeace](#) has estimated that the demand for cobalt in 2050 will increase by as much as 17 times compared to 2020.

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from the southern former province of Katanga, particularly in the mining towns of Lualaba and Haut-Katanga.

The DRC is home to a wide range of extractive activities. Mining actors include both large mining companies, which operate on a large scale, and small, sometimes one-man companies, which run smaller sites. The World Economic Forum (WEF white paper, "*Making Mining Safe and Fair: Artisanal cobalt extraction in the Democratic Republic of the Congo*", September 2020 - **Annex 2**), estimated that around 15-30% of the cobalt sourced from the DRC is extracted through artisanal and small-scale mining activities, which, unlike large-scale activities, are carried out without any machinery, using rudimentary tools or in some cases bare hands. This is often consequence of the economic, political and social instability where high unemployment and low industrialization create a fertile environment for human rights abuse and exploitation of people living in extreme poverty conditions.

This situation is the result of years of political instability, which has prevented institutions and national governments from effectively regulating the mining sector, thus making it impossible to exploit it as an economic resource for the benefit of the development of the country. Until the 1990s the extraction of cobalt and copper was monopolized by the state company "Générale des Carrières et des Mines S.A." (Gécamines). Between 1998 and 2003, the beginning of the civil conflict, which arose to overthrow the successor of President Mobutu Sese Seko, Laurent Kabila, the country's social and economic conditions worsened even further. An attempt to revive the mining sector was undertaken by Kabila, who set up a government agency, the "Service d'Assistance et d'Encadrement du Small-Scale Mining" (SAESSCAM), to encourage people to extract minerals autonomously and independently. Eventually in 2002, the sector was officially regulated with the adoption of the Mining Code, aimed mainly at attracting foreign companies and investments which have since then taken over some of the most productive sites.

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The DRC's Mining Code, in regulating small-scale activities, established that these must be carried out exclusively within authorized areas of artisanal exploitation (i.e., Zones d'exploitation artisanale) and only by special licensed individuals. Notwithstanding, they can be quite different. The number of small, authorized, artisanal sites are not enough to satisfy the demand of local people whose livelihood largely depends on mining activities. Therefore, many miners tend to work within unauthorized zones or even trespass large companies' extraction sites.

Although the Mining Code provides for a series of general provisions on how to carry out artisanal and small-scale mining, it doesn't say anything about health and safety measures either in relation to workers' rights nor to sites' safety and stability. In small artisanal extraction areas, miners, also called "creuseurs", dig underground tunnels, which are often more than 30 m deep (legal threshold allowed by national legislation), using only rudimentary tools and without any safety system. In other areas, cobalt is sieved from waste residues from mining industries. The residues are rinsed and the cobalt, together with other useful minerals, is separated from the rocks with bare hands. This type of extraction often takes place without the companies' permit or authorization and without a valid license. There is allegation these activities are carried out also by women and minor children.

The minerals extracted in an artisanal way and on a small scale are then sold to authorized intermediaries (so-called "maisons d'achat" or "comptoirs"). Although local legislation prohibits from buying from unlicensed miners, there is no obligation on intermediaries to certify the origin of the products. It is therefore extremely difficult to guarantee minerals traceability when they are then purchased by large companies. Nonetheless, artisanal small-scale mining plays a pivotal role in the response to the ever-increasing demand for these minerals as it has proven to be fundamental also to companies conducting large scale mining

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in the area which often employ unlicensed miners themselves or even purchase products from the market.

Therefore, although it may appear that artisanal or small-scale mining operations are the only ones in danger of human rights violations, this does not correspond to reality. In its 2019 report, "*Interconnected supply chains: a comprehensive look at due diligence challenges and opportunities sourcing cobalt and copper from the Democratic Republic of the Congo*" (**Annex 3**), the OECD analyzed the incidence of risk factors within large-scale mining activities, identifying a high risk of corruption for the granting of concessions, as well as risks related to the use of security personnel, both private guards and military and local police forces, including the Republican Guard (Garde Républicaine), the National Army (Forces Armées de la République Démocratique du Congo), the Mining Police (Police des Mines et Hydrocarbures), Anti-Fraud Brigade, Local Police, Internal Affairs Police and National Intelligence Agency. Other large-scale activities risk factors relate to the potential enlargement of mining sites which, if allowed, would have a massive impact on the livelihood of the local communities. In particular, the resettlement programs often offered to people are economically insufficient and do not guarantee livability conditions.

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That said, the World Economic Forum ("*Making Mining Safe and Fair*" 2020, **Annex 2**) stressed that 90% of the country's exports derive from mineral extraction activities, which therefore represent a fundamental and founding element of its economy. This data, together with cobalt's growing demand, makes the continuous supply from the country's mines inevitable. As inevitable is the need to identify mechanisms to manage and minimize human rights violation risks connected to such activities.

IV. HUMAN RIGHTS VIOLATIONS IN THE DRC

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In terms of human rights violations, the critical issues surrounding mining activities in the DRC have been the object of in-depth analysis by numerous international organizations and NGOs, which have highlighted the most recurrent risks, which should be carefully considered by the companies operating in the sector.

Amnesty International's 2016 report, "*This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt*" (**Annex 4**), provided a detailed analysis of human rights violations occurring within the cobalt supply chain in the DRC. In 2017 Amnesty published a second report, ("*Time to Recharge: corporate action and inaction to tackle abuses in the cobalt supply chain*" - **Annex 5**), which was then followed by others from international organizations and academics. Based on these data, it's been possible to obtain a clear and constantly updated picture of the situation in the mines of the DRC. The most common human rights violations associated with the extraction of cobalt and other minerals in the Democratic Republic of Congo are as follows.

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a. Risks to health

The artisanal miners, as mentioned, work with their bare hands, without using protective gloves or masks, exposing themselves to serious health risks. In this regard, it should be noted that:

- continued exposure to dust containing cobalt can cause the onset of heavy metal pulmonary fibrosis ("hard metal lung disease"), a potentially fatal disease;
- inhalation of cobalt can lead to forms of respiratory hypersensitivity, asthma and decreased lung function;
- direct skin contact with cobalt can cause dermatitis and eczema;
- among those who work in dirty water for whole days to sift the cobalt from debris, the onset of urinary tract infections is common.

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Recent studies have also hypothesized that exposure to heavy metals by even just one of the parents may lead to a higher incidence of malformations in the foetus. Respiratory diseases are also aggravated by the fact that artisanal mines do not provide a proper ventilation system and the miners are forced to work in low oxygen conditions for sometimes up to 12 hours a day.

b. Risks associated with working conditions

The work in the artisanal cobalt mines is carried out under atrocious conditions. Given the almost total absence of safety measures, the number of accidents is countless. Mines can collapse; fires may occur inside them; sometimes the oxygen is so rare that the miners are unable to get out in time and die of asphyxiation; other times the ropes to which they are tied to lower themselves inside the mines break, causing them to fall inside. An interesting Unreported World documentary '*The Toxic Cost of Going Green*' records a group of miners diving inside a cobalt mine and clearly shows the dangers and pitfalls encountered by miners in the extraction of cobalt.

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There's not enough data to provide a precise number of deaths and accidents linked to cobalt and copper mining activities in the DRC. This is because many accidents take place in unauthorized mines or involve unregistered workers, who fear repercussions from local authorities (Amnesty International 2016). According to data from 2013², at least 72.2% of the artisanal workers interviewed had been involved in an accident and 80.5% of injured workers did not contact health services and had been cared for by family or colleagues.

The miners often work for more than 12 consecutive hours and carry bags weighing up to 50 kg from inside the mines to the nearest trading house. In addition to physical hardship,

² Reported in an article in the International Journal of Occupational Therapy and Environmental Health

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workers are also subject to extortion by private guards, local police and local criminal groups. Furthermore, entire communities are seeing an increase in the number of private abuse and violence, as evidenced by the local NGO Good Shepherd Sisters in its report "*Violence and abuse against women, girls and children in artisanal mining communities of the DRC*" (**Annex 6**).

With the onset of the COVID-19 pandemic, the conditions of workers have worsened even further. To note is the case of the Congo Dongfang International Mining (CDM) miners, who have been confined in the mines for three months after the start of the pandemic, until the government intervened to demand their release.

c. Child labour

In 2009 the United States Department of Labour classified cobalt as a good produced by child labour. The DRC's mines are no exception.

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Also, the International Labour Organization (ILO) has classified mining as one of the worst forms of child labour, due to the inherent danger of the activities and the conditions in which such work is carried out. It has been pointed out that, in addition to the "normal" risks of mining jobs, children suffer more serious consequences than adults do. Being subject to heavy loads can in fact cause long term musculoskeletal and development problems. Also, while they are exposed to the same materials, children tend to have higher levels of toxic metals in their system. It goes without saying, children are forced to work long hours as it is for adult workers.

The work carried out in the mines is one of the worst forms of child labour. In 1999 the ILO published the [Worst Forms of Child Labour Convention](#) (hereafter 'The Convention'). Article 3 defines the terms 'the worst form of child labour' as "(d) work which, by its nature

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or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”.

Pursuant to the Convention, the ILO published the [Worst Forms of Child Labour Recommendation n. 190/1999](#) which at Section II says that “*In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:*

- (a) work which exposes children to physical, psychological or sexual abuse;*
- (b) work underground, under water, at dangerous heights or in confined spaces;*
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;*
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;*
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.”*

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This leaves no doubt that mining and excavating activities as detailed above do fall within the ILO definition of worst forms of child labour.

In addition to the health risks, mining work exposes minors to a wider spectrum of physical and psychological abuses due to the site’s dynamics and chain of command. Amnesty International found that working or living near mining areas exposes children to higher risks of physical abuse, exploitation and sexual violence, not only by other workers, but mainly

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by the guards. Also, minors are often subject to extortion by traders, who refuse to weigh the minerals they collect, and by private guards and local police.

UNICEF, in its report "*Children's rights and the mining sector*" (**Annex 7**), has identified macro areas in which the impact of the mining sector on children's rights is most significant and can cause greater damage. Mining activities can, in fact, have serious repercussions on access to land, other natural resources and economic and development opportunities. This can lead to conflicts - as has already occurred in the DRC and other areas with reference to the extraction of gold - as well as the displacement of families from their homes and their land. Children are of course among the most vulnerable, exposed to greater danger in situations of conflict, displacement and migration, as they are often separated from their families, forced to live without means of support and recruited by armed groups.

Children's right to education is also at stake. Whilst primary education is mandatory and free in the DRC, schools are often forced to ask for a fee to cover their costs and salaries of teachers due to extreme conditions. Therefore, in most cases, minors are forced to work in mines to sustain their families or to pay for their education.

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d. Activists and human rights defenders

Another particularly worrying aspect of the cobalt supply chain is the potential repression of dissent. In December 2019, fourteen Congolese families represented by International Rights Advocates brought a case before the Washington DC court, against multinationals manufacturers of final products (Apple, Google, Dell, Microsoft and Tesla) operating in the cobalt supply chain. The claimants argued that these companies contributed to the death and/or physical injuries of their children, who worked in the cobalt mines in the DRC. Following the trial, the executive director of the African NGO Alternatives Plus, who

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researched and gathered information about the ongoing trial, received threats that forced him to move to Nigeria, along with his family.

Practices of intimidation against activists and human rights defenders are particularly worrying, as they act as deterrent against freedom of speech and expression and because these are aimed at stopping any attempt to obtain adequate reparations for the damage caused.

e. Other violations

In January 2020 the European Commission published a study ("[Study on due diligence requirements through the supply chain](#)") reporting on adverse human rights impact within the global supply chain allegedly caused or linked to business operation of multinational companies. In particular, it references Congo when reporting "*Torture, violence, rape and killings of individuals in conflict zones fuelled by sourcing of certain minerals by multinational companies to make products including laptops, mobile phones and cars sold on the European market.*"³ as previously attested by SOMO (Center for Research on Multinational Corporations) in December 2015 with the research "Multinational corporations in conflict-affected areas: Risks and challenges around human rights and conflict", and by the American organization The Enough Project with the article "Can you hear Congo now? Cell Phones, Conflict Minerals and the Worst Sexual Violence in the World" (April 2009).

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³ The Commission references to the following sources: SOMO, "*Multinational corporations in conflict-affected areas: Risks and challenges around human rights and conflict*" (December 2015), available at: <https://www.somo.nl/wp-content/uploads/2016/01/Risks-and-challenges-aroundhuman-rights-and-conflict.pdf>. Also John Prendergast, "*Can you hear Congo now? Cell Phones, Conflict Minerals and the Worst Sexual Violence in the World*" (April 2009), available at: <https://enoughproject.org/files/Can%20Your%20Hear%20Congo%20Now.pdf>

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V. THE COBALT SUPPLY CHAIN

We would like to take the time to outline the complex system of extractors, suppliers and producers that characterizes the cobalt supply chain in order to fully understand the indexed instance against Stellantis NV and FCA Italy, and how this shall work out to mitigate its risk factors. For the purposes of this application, we define ‘mineral supply chain’ as *“the system of all the activities, organisations, actors, technology, information, resources and services involved in moving the mineral from the extraction site downstream to its incorporation in the final product for end consumers”*, according to the OECD definition as per its 2016 Due Diligence Guidance⁴.

The OECD distinguishes between upstream companies and downstream companies in the supply chain, due to the different roles and responsibilities. While the former includes mineral producers (artisanal miners or large-scale producers), local traders or exporters from the country of origin, international concentrate traders, mineral reprocessing companies and smelters / refineries; downstream enterprises include metal traders and exchanges, component manufacturers, product manufacturers, original equipment manufacturers (OEMs) and retailers. Stellantis NV is therefore to be considered a downstream enterprise for the purposes of the Due Diligence Guidance.

The cobalt supply chain therefore originates with extraction which, as mentioned, can also take place through artisanal activities. The artisanal miners sell the extracted materials to some authorized trading houses, which then re-sell the assets to large companies that transform the materials before offering them to components and products manufacturers. Since trading houses have no legal obligation to ask for information about the origin of the material, it is

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⁴ OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, Third Edition, 2016, see here: <https://www.oecd.org/daf/inv/mne/OECD-Due-Diligence-Guidance-Minerals-Edition3.pdf>

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ever more difficult, at present, to trace the cobalt purchased by companies manufacturing the final products.

Notwithstanding this practice, large multinational enterprises such as Stellantis NV and FCA Group dispose of the right number of resources to implement a transparent and traceable supply chain. They do not only have the power to do so by pretending clear information from their suppliers and all the players within their procurement system. Multinational enterprises are also bound by European and international legislation which requires them to abide by higher standards than local trader, as we explain hereafter.

VI. EUROPEAN AND INTERNATIONAL LEGISLATION

From the above, it is clear that the violations that occur in the cobalt supply chain are mainly the consequence of local issues, such as extreme poverty and lack of stable institutions, with respect to which it is evident that the invited companies do not have any responsibility.

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However, this cannot translate into a complete unaccountability of the companies that procure raw materials from particularly vulnerable areas, thus taking advantage of a lower cost to the detriment of local populations. According to the [United Nations Guiding Principles on Business and Human Rights](#), each company must guarantee respect for human rights wherever it operates and regardless of whether that State actually guarantees these rights. Therefore, even in the absence of local legislation that adequately protects human rights, companies are, in any case, required to ensure respect for fundamental rights in the exercise of their activities.

In any case, such obligation assumes concrete enforceability on the basis of several national, European and international legislation.

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a. International standard

- **UN Guiding Principles on Business and Human Rights**: set standards of conduct for States and businesses aimed at guaranteeing respect for human rights and contributing to sustainable development;
- **UN Convention on the Rights of the Child**: Article 32 establishes the protection against economic exploitation and the right not to be forced into any work that involves risks or is likely to endanger the education of the adolescents or to harm their health or his physical, mental, spiritual development, moral or social;
- **ILO Convention on the Minimum Age of Workers** of 1973 (No. 138): it sets the minimum age for hiring for employment or, in any case, a minimum age not less than the age at which the compulsory school, while for the types of employment that can compromise health, safety or morality, the minimum age cannot be less than eighteen;
- **ILO Worst Forms of Child Labour Convention** of 1999 (No. 182): aimed at eliminating the worst forms of child labour;
- **ILO Safety and Health in Mines Convention** of 1995 (No. 176), **ILO Occupational Safety and Health Convention** of 1981 (No. 155) and its **Protocol** (P155), **ILO Promotional Framework for Occupational Safety and Health Convention** of 2006 (No. 187) 2006, all aimed at establishing cardinal principles relating to the minimum guarantees in this field health and safety at work;
- **International Covenant on Economic, Social and Cultural Rights**: Article 7 recognizes the right to enjoy just and favourable working conditions; art. 10.3 protects children and adolescents from economic and social exploitation and prohibits their use in jobs that are

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prejudicial to their morality or health, life-threatening or such as to harm their normal development; art. 12 recognizes the right to health; art. 13 recognizes the right to education.

b. European legislation

- **Charter of Fundamental Rights of the European Union**
- **Directive 2014/95 / EU of the European Parliament and of the Council** of 22 October 2014 on the reporting of non-financial information and information on diversity by certain companies and certain large groups (so-called "Non-financial -Financial Reporting Directive "(NFDR)), which establishes that large companies that are public interest entities, as well as public interest entities that are parent companies of a large group, *“shall include in the management report a non-financial statement containing information to the extent necessary for an understanding of the undertaking's development, performance, position and impact of its activity, relating to, as a minimum, environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters”*;
- **Communication 2017 / C215 / 01 of the European Commission**, containing guidelines on the communication of non-financial information (Methodology for the communication of non-financial information), which provides indications to help companies disclose *“high quality, relevant, useful, consistent and more comparable non-financial (environmental, social and governance-related) information in a way that fosters resilient and sustainable growth and employment, and provides transparency to stakeholders”*;
- **Regulation 2017/821 / EU of the European Parliament and of the Council, of 17/05/2017**, which establishes obligations regarding due diligence in the supply chain for Union importers of tin, tantalum and tungsten, their minerals , and gold, originating in conflict-affected or high-risk areas; and the **Delegated Regulation 2019/429 / EU of the**

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Commission, dated 11/01/2019, which integrates the Regulation 2017/821 / EU of the European Parliament and of the Council with regard to the methodology and criteria for the evaluation and recognition of the for the exercise of due diligence in the supply chain of tin, tantalum, tungsten and gold, which refer to the OECD Guidelines for the determination of their content

• **Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment Bank on the implementation of the strategic action plan on batteries** ([link here](#)) which aims at establishing a strategic battery value chain in Europe, which, noting the relevance of the battery market for a sustainable development, recognizes that the way in which their legal requirements are regulated will have a strong impact on public health, safety, climate and the environment;

• The 2021 proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34 / EU, Directive 2004/109 / EC, Directive 2006/43 / EC and European regulation no. 537/2014 as regards the corporate communication on sustainability, which shows a concrete interest at European level and intends to make the obligations regarding transparency and disclosure on sustainability of large companies more stringent.

c. Best practices

There are also examples of initiatives undertaken by various stakeholders involved in the sector, aimed at improving the environmental and social sustainability of the cobalt supply chain and mitigating its negative impacts. These include (but are not limited to):

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- [UN Global Compact](#), an initiative aimed at creating a network of companies committed to creating a more sustainable future and committed to respecting 10 Principles on human rights, working conditions and the environment;
- [Global Battery Alliance](#) and the [European Battery Alliance](#), aimed at creating networks of companies operating in the electric battery sector. Among the objectives there is also the creation of a sustainable supply chain and the traceability of the minerals used;
- Local initiatives, such as that of the [Good Shepherd International Foundation](#) together with Bon Pasteur Kolwezi, aimed at supporting local communities, which revolve around mining activities, assisting more vulnerable individuals and proposing alternative development and economic models to those dependent on mining of minerals, carrying out educational and professional programs;
- [ILO's COTECCO](#) project aimed at combating forms of child labour in the mining sector of the DRC, established thanks to funds from the US Department of Labour.

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VII. THE ROLE OF STELLANTIS NV AND FCA ITALY

The newly established Stellantis NV is the European leader in the automotive sector. According to what has been said above, it also had to adapt to the changing needs of the market, increasing production of electric cars, transitioning to rechargeable lithium-ion batteries. It therefore ranks among the companies operating further down the supply chain for cobalt and other minerals.

The OECD Guidelines on minerals supply chain set obligations for companies operating downstream in the supply chains, including the duty to set up effective business management systems; critical problems identification and risks assessment; the design and

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implementation of strategies to tackle the risks identified; the performance of audits by independent third parties to assess the practices relating to duty of diligence; and the publication of annual reports on the supply chain due diligence.

On its website, Stellantis NV provides its ‘2021 Sustainability Report’ (**Annex 8**) where it declares that “*Stellantis is notably transitioning to electric technology for mobility devices, which rely on raw materials necessary to produce battery components. Some materials pose human rights risks in the supply chain (lithium, aluminium, cobalt). Stellantis annually maps the sourcing of materials that are essential to electric vehicle battery manufacturing and is a member of global multi partner initiatives (RCS Global, Drive Sustainability notably) to improve risk identification in the supply chains. Stellantis suppliers are invited to join forces in those global approaches and required to disclose to the Company their raw material suppliers. This allows them to challenge their own supply chains to ensure a better risk coverage*” (underlining added).

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Moreover, Stellantis NV shared its Corporate Social Responsibility vision particularly emphasising its commitment to human rights and its flawless due diligence system. They accept that they can be made accountable for breaching their commitment and acting against their declaration. We have summarised some of Stellantis NV’s publicly available declaration, as follows (this list is not intended to be limited) (underlining added):

a. Stellantis’ CSR Vision

- “*With our suppliers, we work in partnership to implement responsible procurement practices, to ensure sustainable progress throughout the entire supply chain, with specific emphasis on respect for human rights, wise use of natural resources and reduced environmental impacts, while contributing to development of local activities in new territories*”;

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- *“The Stellantis governance model reflects our commitment to a culture dedicated to integrity, responsibility and ethical behaviour in all areas of our activity and along the entire value chain”.*

Human Rights and Climate Commitment

- *“The preservation of human rights requires respect for ethical rules by everyone. Building strong responsible supply chains is an important focus for us. This approach helps develop opportunities within the supplier organizations while minimizing risk and potential reputational damage to Stellantis. We monitor our Code of Conduct compliance and the respect for human rights by our partners, requiring contractual commitments and ongoing evaluations.”*
- *“We act in compliance with social, environmental and ethical principles such as those identified in the ILO Conventions, the OECD Guiding Principles, the 2030 UN Sustainable Development Goals (SDGs) and the UN Global Compact among others.”*
- *“Stellantis expects suppliers to respect human rights in all countries in which they operate, including in geographical areas where human rights may not yet be sufficiently protected.”*

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Due Diligence

- *“Stellantis’ policy is to establish transparency with suppliers on the origin of minerals used in particular from conflict affected and high-risk areas (CAHRA), including but not limited to tungsten, tantalum, tin and gold known as “3TG” and cobalt”.*
- *“At Stellantis we actively practice due diligence to comply with social standards throughout the supply chain and more specifically on **risks connected with new***

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low-emission mobility (electric and hybrid vehicles). We choose external partners to execute our projects on raw material transparency. We have joined global initiatives as we deeply believe that combined efforts of all members of the ecosystem are required to support the implementation of best responsible purchasing practices in complex supply chains. For example, we have partnered with RCS Global and are an active member of the Responsible Minerals Initiative (RMI). Both of these organizations are recognized providers that conduct onsite audits throughout the supply chain including Tier 1 suppliers as well as mine sites". These initiatives are aimed at expanding the network of companies to create a responsible and sustainable supply chain with regards to the environment and human rights, which, however, does not appear to have led to any concrete results.

Notwithstanding the above-mentioned declaration, there is currently little information available on the companies' suppliers and procurement system. There's no records of the outcome of risk assessment valuation nor shared data about suppliers' due diligence and generic raw material traceability. Whilst the duty of diligence is a progressive duty, to be fulfilled through a gradual process, it in any case entails obligations regarding the documentation of the initiatives undertaken and the concrete progress achieved, in such a way as to ensure access to information on the results obtained for all consumers, investors and civil society as a whole.

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b. Stellantis' Code of Conduct

- How Is the Code Enforced? *"We expect our workforce to do the right thing and comply with the Code. Where we confirm a violation of the Code, we will take steps to apply the appropriate disciplinary measures that could include termination of employment or business relationships"*.

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- Conducting Business – Engaging in Sustainable Practices: *“Stellantis is firmly committed to act in a socially responsible manner and in line with sustainable practices that include ensuring the health and safety of its workforce, prohibiting child labour and forced labour, and complying with conflict minerals and environmental protection regulations”*
- Customers, Suppliers and Business Partners: *“Stellantis also encourages the adoption and sharing of sustainable practices among our business partners, suppliers and dealers. Stellantis is committed to sustainable practices in its procurement activity. The selection of suppliers is based not only on the quality and on competitiveness of their products and services, but also on their adherence to social, ethical and environmental principles, maintaining the highest standards of quality, and taking care of the communities in which we do business”.*

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With regards to FCA Italy, its latest report was published in 2020. It contains the company’s commitment to improve cobalt’s supply chain sustainability and indicates initiatives to which it has contributed and taken part. However, other than acknowledging the risks of child labour, forced labour or other human rights violations involved within the cobalt supply chain, this report does not provide real access to relevant information that would allow verifying the concreteness of the actions undertaken by the company in relation to its duty of diligence.

VIII. STELLANTIS’ OBLIGATIONS UNDER THE OECD GUIDELINES

The 2011 [OECD Guidelines for Multinational Enterprises](#) (‘The Guidelines’) establish a plurality of principles and standards of conduct, in compliance with the principles and

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standards recognized at international level. Multinational enterprises in OECD countries are required to comply with the Guidelines, regardless of their sectors of intervention, ownership, structure and size. They are required to comply with specific obligations on transparency of information, respect for human rights, environmental impacts, and consumer rights.

In this regard, the OECD Guidelines invest due diligence mechanism of specific power as the basic criterion for identifying and assessing the risks of negative impacts. The duty of diligence takes the form of a process, to be integrated into the decision-making and risk management systems of companies, aimed at *“identify, prevent and mitigate actual and potential adverse impacts, and account for how these impacts are addressed”*.

The measures to be adopted must be ascertained on a case-by-case basis, considering the risks and the context in which such activities are carried out. However, when negative impacts occur, the Guidelines require companies to take remedial measures for the damage caused, in particular when it comes to risks related to human rights violations. In these cases, an independent duty of diligence is imposed. These obligations extend, when applicable, also to the potential and concrete negative impacts caused by suppliers in the context of their activities within the supply chain. Therefore, if the company becomes aware of the existence of a risk of negative impact in the wider context of the supply chain, it shall take the necessary steps to interrupt or prevent it, not only by using its influence on suppliers, but also by actively engaging with concrete initiatives in cooperation with other stakeholders.

The [OECD Due Diligence Guidance For Responsible Business Conduct](#) (‘The Guidance’) in providing guidance on the implementation of the Guidelines, defines the due diligence process through the following measures:

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“1. Embedding responsible business conduct (RBC) into the enterprise’s policies and management systems; 2. to undertake due diligence by identifying actual or potential adverse impacts on RBC issues; 3. ceasing, preventing or mitigating them; 4. tracking implementation and results; 5. communicating how impacts are addressed; and 6. to enable remediation when appropriate”

Particularly important is the management of due diligence within commercial relations and suppliers’ relations. In this regard, the Guidance mentions the so called ‘control points enterprises’ as those enterprises that will have greater control or leverage over their suppliers because dealing more closely with them rather than directly with customers/users. It specifies that *“Conducting due diligence on control point enterprises to determine whether they are in turn conducting due diligence in line with this Guidance provides some comfort that risks of adverse impact directly linked to suppliers have been identified, prevented and mitigated”*.

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A further specification of the duty of diligence is contained in the [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#) (‘Mining Guidance’). The purpose of the Mining Guidance is to *“help companies respect human rights and avoid contributing to conflict through their mineral sourcing practices. The Guidance is also intended to cultivate transparent mineral supply chains and sustainable corporate engagement in the mineral sector with a view to enabling countries to benefit from their mineral resources and preventing the extraction and trade of minerals from becoming a source of conflict, human rights abuses, and insecurity.”* For the purpose of this Guidance, conflict and high-risk areas are identified as those where we can witness *“armed conflict, widespread violence or other risks of harm to people”*, including areas characterized by *“widespread human rights abuses and violations of national or international law”*, among which we may include the DRC.

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In particular, the obligations contained in the “Supplement concerning tin, tantalum and tungsten” shall be applicable also to the cobalt supply chain. The Supplement provides a 5 steps due diligence process, as follows.

STEP 1: ESTABLISH STRONG COMPANY MANAGEMENT SYSTEMS. This phase implies that companies have the duty to:

- A. *“Adopt and commit to a supply chain policy for minerals originating from conflict-affected and high-risk areas”*
- B. *“Structure internal management systems to support supply chain due diligence”*
- C. *“Establish a system of controls and transparency over the mineral supply chain”*. In particular, downstream firms should:
 1. *“Introduce a supply chain transparency system that allows the identification of the smelters/refiners in the company’s mineral supply chain through which the following information on the supply chain of minerals from “red flag locations of mineral origin and transit” should be obtained: the identification of all countries of origin, transport and transit for the minerals in the supply chains of each smelter/refinery. Companies which, due to their size or other factors, may find it difficult to identify actors upstream from their direct suppliers may engage and actively cooperate with industry members with whom they share suppliers or downstream companies with whom they have a business relationship to identify which smelters are in the supply chain”*.
 2. *“Maintain related records for a minimum of five years, preferably on a computerised database”*.

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3. *“Support extending digital information-sharing systems on suppliers¹¹ to include smelters/refiners, and adapt systems to assess supplier due diligence in the supply chain of minerals from conflict-affected and high-risk areas”*
- D. *“Strengthen company engagement with suppliers”*
- E. *“Establish a company level grievance mechanism”*

STEP 2: IDENTIFY AND ASSESS RISKS IN THE SUPPLY CHAIN. This phase implies, for downstream companies, the obligation to:

- A. *“Identify, to the best of their efforts, the smelters/refiners in their supply chain”*
- B. *Identify the scope of the risk assessment of the mineral supply chain*
- C. *Assess whether the smelters/refiners have carried out all elements of due diligence for responsible supply chains of minerals from conflict-affected and high-risk areas*
- D. *Where necessary, carry out, including through participation in industry-driven programs, joint spot checks at the mineral smelter/refiner’s own facilities”*

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STEP 3: DESIGN AND IMPLEMENT A STRATEGY TO RESPOND TO IDENTIFIED RISKS – which implies:

- A. *“Report findings to designated senior management*
- B. *Devise and adopt a risk management plan*
- C. *Implement the risk management plan, monitor and track performance of risk mitigation, report back to designated senior management and consider suspending or discontinuing engagement with a supplier after failed attempts at mitigation*

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D. *Undertake additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances”*

STEP 4: CARRY OUT INDEPENDENT THIRD-PARTY AUDIT OF SMELTER/REFINER’S DUE DILIGENCE PRACTICES

STEP 5: REPORT ANNUALLY ON SUPPLY CHAIN DUE DILIGENCE

Specifically, in relation to the last two stages, a pivotal action to comply with the due diligence obligations is to public the results and data obtained, as well as the list of qualified foundries / refineries operating according to standards compliant with those set out in the Guidelines.

That said, with regards to today’s specific instance, we argue that Stellantis NV, as well as FCA Italy, is yet to comply with internationally recognized due diligence standards. It is clear evidence that, although it has control mechanisms (internal and external) in place and has taken part in several initiatives, formally aimed at improving its supply chain sustainability, Stellantis NV has nevertheless failed to publish accessible data to verify the effectiveness of the steps taken. Therefore, the transparency of information has not been guaranteed, nor is it possible to ascertain and assess the negative impacts that occur along the company's supply chain.

Therefore, despite its public declaration mentioned above, Stellantis group has in any case failed to fulfil its duties of transparency of information (part III Guidelines), preventing the verification of the existence of violations of other duties contemplated in the Guidelines.

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IX. ALLEGED VIOLATIONS OF THE GUIDELINES

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We argue that Stellantis NV and FCA Italy have breached their duties under the Guidelines as follows.

1. Part III of the Guidelines on Disclosure requires companies to “ensure that timely and accurate information is disclosed on all material matters regarding their activities, structure, financial situation, performance, ownership and governance”, having particular regards to “b) enterprise objectives; [...] f) foreseeable risk factors; [...] h) governance structures and policies, in particular, the content of any corporate governance code or policy and its implementation process”. It follows also that companies can decide and are “encouraged” to disclose information including: “a) value statements or statements of business conduct intended for public disclosure including, depending on its relevance for the enterprise’s activities, information on the enterprise’s policies relating to matters covered by the Guidelines; b) policies and other codes of conduct to which the enterprise subscribes, their date of adoption and the countries and entities to which such statements apply; c) its performance in relation to these statements and codes; d) information on internal audit, risk management and legal compliance systems; e) information on relationships with workers and other stakeholders”.

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Therefore, we would have expected to find publicly available information about Stellantis NV’s supply chain disclosing:

- the suppliers they turn to and the areas in which they operate;
- its internal management, control and transparency system along the supply chain to ensure the traceability of minerals;
- the results of the risk assessment carried out along the entire supply chain;
- its own risk management strategy, if it is ascertained its existence.

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Stellantis NV, operating downstream in the cobalt supply chain, has not provided any concrete information about its contribution to economic, social and environmental progress. To date, cobalt mining activities in the DRC continue to have a strong and extremely negative impact on internationally recognized human rights and on the communities residing in the provinces concerned. The company, while claiming to have complied with its duties of diligence, having put in place mechanisms to identify, prevent and mitigate its negative impact, has not provided access to the information necessary to verify that these mechanisms are effective. Also, there is little information about its relations with business partners and about the company's attempts to compel its suppliers towards greater transparency and sustainability.

2. Part IV of the Guidelines on Human Rights requires that multinational:

“1) Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

2) Within the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.

3) Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.

4) Have a policy commitment to respect human rights.

5) Carry out human rights' due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.

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6) Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts”.

As repeatedly mentioned above, the negative impact of the extraction of cobalt and other minerals on the human rights of the local communities in the DRC continues to be significant. Stellantis NV is perfectly aware of the critical issues and risks that accompany this supply chain, as shown above when mentioned its 2021 sustainability report. Faced with these unquestionable realities, adopting a code of conduct and binding oneself, through it, to a generic respect for human rights is not enough if such effort is not transported into effective practices that guarantee the fulfilment of the company’s duty of diligence on the ground.

3. Part V of the Guidelines on Employment and industrial relations expects that enterprises should, within other commitments: “*1(c) Contribute to the effective abolition of child labour, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. [...] 1(d) Contribute to the elimination of all forms of forced or compulsory labour and take adequate steps to ensure that forced or compulsory labour does not exist in their operations*”.

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There is no doubt that the extraction of cobalt and other minerals in the DRC also occurs through forms of child labour and forced labour. Stellantis NV has no concrete measures in place that can be considered immediate and effective, aimed at ensuring the prohibition and elimination of such forms of work within its cobalt supply chain.

X. PRECEDENTS FROM OTHER NCPs IN SIMILAR CASES

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Lastly, it is important to remember that a previous similar case has already been heard by other NCPs. We refer to the case brought by the Global Legal Action Network (GLAN) - a registered NGO whose members include legal professionals, investigative journalists and academics - against various multinationals belonging to the operations of the Cerrejón coal mine in Colombia. GLAN has filed 5 different applications with different NCPs: Australian, Swiss, English and Irish. In particular, the UK NCP was affected by the appeal against the company Anglo American, headquartered in England.

On 10.01.2022, the English NCP published an initial assessment of the case on its website and for now it is the only one that's been questioned.

As emerges from their own press release, the report concludes that the problems relating to the violation of human rights and the environment in the Cerrejón mine are substantial and justified. According to the British NCP, one cannot fail to consider the impact of such an activity, and the related negative consequences, including:

- The displacement of indigenous peoples, including Wayúu and Afro-Colombian communities, without free, prior and informed consent
- The eviction of communities in inadequate housing
- Negative health impacts affecting local communities
- The water and air pollution deriving from the mine's activity
- The damages to the local environment due to structural interventions in the hydrological system

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Importantly for today's instance, the UK NCP has ruled that the Guidelines are to be applied also to the foreign parent company, which has the resources and ability to adopt adequate policies to reduce potential damages.

In addition to the Guidelines, the complaint also includes references to various international instruments, including: the Convention on the Rights of the Child, the OECD Guide on the duty of care for responsible business conduct, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on Indigenous and Tribal Peoples of the International Labor Organization.

The UK NCP recognised the importance of granting the NGO's request to contribute to the purpose of the Guidelines, as its recommendations can act as an incentive to Anglo American to promote and positively contribute to the economic, environmental and social progress of Colombia.

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In light of this decision, we believe that allowing today's instance would contribute to bring significant benefits to the people and local communities of the Democratic Republic of Congo.

XI. COMPLAINANTS' REQUESTS

We request that Stellantis NV, in its capacity as a multinational enterprise, and FCA Italy as one of its controlled subsidiaries, agree to:

1. Issue the necessary documentation to verify that they have:

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- a. effective systems in place to identify potential human rights violations within the chain of suppliers of cobalt or other minerals sourced from the Democratic Republic of the Congo;
 - b. adopted adequate, specific and effective risk assessment measures to prevent potential human rights violation within their supply chain;
 - c. informed their suppliers about their commitment to stop purchasing untraced cobalt or other minerals from the Democratic Republic of Congo;
 - d. in the event that a supplier is unable to categorically exclude those violations of fundamental human rights have been committed in the process of extraction and processing of the minerals, adopted the necessary measures;
 - e. in case of human rights violation, compensated for the damages caused;
 - f. publicly shared in a transparent and detailed way any information on the potential risks of human rights violation within the chain of suppliers of cobalt or other minerals from the Democratic Republic of the Congo;
 - g. thoroughly investigated their DRC suppliers' compliance with human rights, in particular with regards to Huayou Cobalt;
2. adapt their risk assessment and due diligence policies in relation to their suppliers, so as to be able to ensure and guarantee effective controls on the entire production chain;
 3. strive to ensure the absence of human rights violations within their supply chain and their entire production chain;

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4. ensure immediate and transparent access to the results and progress of the initiatives undertaken for the management and elimination of risks within their cobalt supply chain;
5. undertake any remedy to potential violations attributable to their suppliers, through concrete initiatives in the area, in collaboration with the various stakeholders.

In conclusion, we hope the Dutch NCP can play an effective role in the definition of the issues raised in this specific instance. Procedural Guidelines on Implementation in specific instances requires National Contact Points to make an initial assessment of whether the issues raised merit further examination and respond to the party/parties raising them in an efficient and timely manner. We, therefore, request a response indicating how the Dutch National Contact Point intends to proceed on an expedited basis.

As is allowed by the Procedural Guidance regarding confidentiality, the Complainants have publicized the filing of this instance; however, it is the Complainants' understanding of the procedural guidance that neither party is to make public any new information learned after the NCP has decided on the acceptance of the specific instance

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Please note, the preferred method of communication is by way of email. The primary contacts for these submissions are the below signatures.

We look forward to hearing from the NCP at its earliest convenience.

Yours sincerely,

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ANNEXES

- 1) List and details of the Claimants
- 2) WEF white paper, "*Making Mining Safe and Fair: Artisanal cobalt extraction in the Democratic Republic of the Congo*", September 2020
- 3) OECD Report, "*Interconnected supply chains: a comprehensive look at due diligence challenges and opportunities sourcing cobalt and copper from the Democratic Republic of the Congo*", 2019
- 4) Amnesty International Report, "*This is what we die for: Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt*", 2016
- 5) Amnesty International Report, "*Time to Recharge: corporate action and inaction to tackle abuses in the cobalt supply chain*", 2017
- 6) Good Shepherd Sisters' Report, "*Violence and abuse against women, girls and children in artisanal mining communities of the DRC*"
- 7) UNICEF Report, "*Children's rights and the mining sector*"
- 8) Stellantis NV, *Sustainability Report*, 2021

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