



To whom it may concern

## **Merck KGaA's Due Diligence Obligations**

Merck KGaA, Darmstadt, Germany is required to comply with the due diligence obligations of [the EU Conflict Minerals Regulation \(EU\) 2017/821](#) ("the EU Regulation") which has been in force since 1 January 2021.

The EU Regulation lays out supply chain due diligence obligations for importers of tin, tantalum, tungsten, and gold ("3TG") into the European Union. The aim of the regulation is to prevent conflict financing and human rights violations in international supply chains.

### Independent Third-Party Assessment

In 2023, Merck KGaA, Darmstadt, Germany commissioned an external audit firm for the first time, in accordance with Article 6 (1) of the EU regulation, to conduct an independent evaluation of its due diligence processes and procedures in the supply chain.

Ernst & Young Gesellschaft mit beschränkter Haftung Wirtschaftsprüfungsgesellschaft ("Ernst & Young"), a recognized audit firm, conducted an initial assessment for the period 2021-2022 to verify compliance with the requirements set forth in the EU regulation. In January 2024, a follow-up assessment took place, focusing on the areas identified for improvement in the initial assessment. A set of 23 questions covering the categories of management system, risk assessment, risk management, third-party audits, and annual reporting was employed to thoroughly examine individual procedures and policies. In addition, import documents for tin chloride for the fiscal year 2023 were reviewed. Other procedures and policies not included in the subsequent evaluation remained unchanged.

The improvement areas identified in the initial assessment in 2023, regarding specific policies and procedures, were successfully and fully implemented in the fiscal year 2023 without the need for further recommendations. Merck KGaA, Darmstadt, Germany remains committed to continuous improvement and optimization of its processes, including the identification of further improvement opportunities.

The assessment report as stipulated in Article 6, is available and can be provided to the German Competent Authority for Due Diligence Obligations in Mineral Supply Chains ("DEKSOR").

*Sincerely, Group Procurement*

*Date: February 29, 2024*

*This document is produced electronically and is therefore valid without a signature. The report was prepared after careful research into the actual circumstances and reflects our current state of knowledge. Nevertheless, we cannot assume any liability for the topicality, completeness and correctness of all statements made therein.*

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