

# Conflict Minerals



Merck is committed to conducting its business worldwide with respect for human rights and in compliance with all applicable laws, as evidenced by Our Values and Standards, Our Statement on Human Rights and our Business Partner Code of Conduct. We are taking steps to determine the origin and status of any 3TG necessary to the functionality or production of our products.<sup>1</sup> Merck will work closely with our supply chain partners and will seek, over time, to identify and reduce the use in its products of conflict minerals that originate in the DRC Region and support armed conflict or violence.

## Our Expectations

Merck expects its suppliers to partner with it to comply with the reporting requirements in the SEC Conflict Minerals Reporting Rule. Specifically, Merck expects that its suppliers will:

- i. work with their own upstream suppliers to identify the chain of custody for any conflict minerals (including the smelter, country of origin, mine location and status of any conflict minerals that may be present);
- ii. cooperate with Merck in connection with any due diligence (or additional due diligence) that Merck chooses to perform with respect to its country of origin inquiries;
- iii. provide, upon request by Merck, reasonable proof of the due diligence performed by the supplier to support any country of origin/sourcing certification provided to Merck; and
- iv. assist Merck to identify opportunities to source DRC conflict mineral-free materials as needed.

## Background

Background Merck & Co., Inc. and its subsidiaries ("Merck") are concerned that proceeds from the mining, trade and sale of conflict minerals (tin, tantalum, tungsten and gold) are being used to directly or indirectly finance armed conflict and violence in the Democratic Republic of Congo and several adjoining countries (the "DRC Region").<sup>2</sup> In an effort to curb the violence, a portion of the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act (the

<sup>1</sup> The due diligence process being followed by Merck is in material conformance with the current edition of the Organization for Economic Cooperation and Development (OECD) Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and accompanying Supplements.

<sup>2</sup> "Conflict Minerals" or "3TG" are defined in Section 1502 of the Dodd-Frank Act as columbite-tantalite (the ore from which tantalum is derived), cassiterite (the ore from which tin is derived), wolframite (the ore from which tungsten is derived) and gold.

“Dodd-Frank Act”) required the Securities and Exchange Commission (“SEC”) to issue rules relating to the use of conflict minerals or “3TG” within manufactured products. In August 2012, the SEC issued a final rule (the “SEC Conflict Minerals Reporting Rule”) requiring an SEC registrant that manufactures (or contracts to manufacture) commercial products containing “3TG” that are necessary to the products’ functionality or production to determine the origin and status of those minerals.<sup>3</sup>

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<sup>3</sup> Specifically, companies must determine whether: (i) any “conflict minerals” that are necessary to the functionality or production of a product originated in the covered countries; and (ii) whether the minerals directly or indirectly finance or benefit armed groups in the covered countries.