

## Contracts

### 3.12

a) It is a requirement that the EITI Report documents the government's policy on disclosure of contracts and agreements that govern the exploration and exploitation of oil, gas and minerals. This should include relevant legal provisions, actual disclosure practices and any reforms that are planned or underway. Where applicable, the EITI Report should provide an overview of the contracts that are available, and include a reference (or link) to the location where the contracts are published.is required

Preference to drop the first 2 sentences, starting with "Where applicable..." . But in the interests of seeking to find a resolution, prepared to accept this paragraph as it stands.

Implementing countries are encouraged to publicly disclose any contracts, agreements, or other documents that provide the terms attached to the [[exploration and]] exploitation of oil, gas and minerals and that give rise to material revenues covered in the EITI Report.

Support the mining sub constituency in opposing the inclusion of "exploration" Otherwise accept the language on encourage -( despite this being contrary to the O/G preference that contract disclosure should *not* be encouraged). Strongly oppose any language relating to the option raised - but not agreed - in Oslo that MSGs should be tasked to consider the issue of contract disclosure

b)c) The term 'contract' meanscontract means:

- the full text of any contract, license, concession or agreement granted by or entered into by the government and which regulating regulate rights to [[explore or/and]] exploit oil gas and mineral resources;
- The full text of any annex, addendum or rider that establishes details relevant to the [[exploration and]] exploitation rights mentioned above or its execution; and
- the full text of any alteration to the terms of the original contract.

Where implementing countries address this issue, the MSG should agree an appropriate definition of contracts and include it in the EITI Report.

Not clear why a separate MSG definition is required.

## Licences

### 3.9a

The term 'license' in this context refers to any license, lease, title, permit, or concession by which the government confers to on a company(ies) or individual(s) rights to explore or exploit oil, gas and/or mineral resources. The MSG should agree an appropriate definition and include it in the EITI Report.

Again, not clear why a separate MSG definition is required.

## Audit

## 5.2c

**Agree on the assurances to be provided by reporting entities to the independent administrator/Independent Administrator.** It is required that the terms of reference agreed by the MSG and independent administrator/Independent Administrator outlines what information should be provided to the independent administrator/Independent Administrator by the participating companies and government entities to assure the credibility of the data. Where deemed necessary by the independent administrator/Independent Administrator and the MSG, this may include:

- i. That a senior company or government official from each reporting entity signs off on the completed reporting form as a complete and accurate record;
- ii. That the companies attach a confirmation letter from their external auditor that confirms that the information they have submitted is comprehensive and consistent with their audited financial statements. Where the company operates internationally, endorsement by the group external auditor is preferable. The MSG may wish to phase in this procedure so that the confirmation letter could be integrated in their auditor's usual work program. Where companies are not required by law to have an external auditor, this should be clearly documented, noting any reforms that are planned or underway

Whilst fully agreeing with the aim of this, strengthen the language that justification needs to be provided by an MSG to make this less open ended – with associated costs.

## Disaggregation / Projects

### 5.2e

As specific reference to the SEC rules and forthcoming EU requirements may not be appropriate for the revised rule book, modify the language agreed at Oslo as follows:-

“It is required that the data in the EITI Report is presented by individual company, government entity and revenue stream. Reporting at project level is required, provided that it is consistent with accepted international standards”.

Decide whether to add a footnote to the effect that the Board should issue guidance on the designs of templates / definitions to provide consistency.