

SEC Reporting & Compliance Alert

If you have any questions regarding the matters discussed in this memorandum, please contact the attorneys listed on the next page or call your regular Skadden contact.

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Conflict Minerals Disclosures Due May 31, 2023

Conflict minerals disclosures on Forms SD are required to be filed with the Securities and Exchange Commission (SEC) no later than May 31, 2023.

The conflict minerals disclosure rules and related guidance have remained at a practical standstill for the past few years following legal challenges to the rules and a remand to the SEC for further action. As a result, there have been no notable regulatory updates since the April 2017 no-action relief statement by the SEC's Division of Corporation Finance. In that statement, the division indicated it would not recommend enforcement action against companies for not complying with the requirements of Form SD to conduct due diligence and file a "conflict minerals report," although it would expect companies with conflict minerals in their supply chains to file a Form SD. (See our April 11, 2017, client alert "[SEC Staff Provides Relief From Conflict Minerals Rule](#).")

Even though the no-action relief remains in effect, many companies have continued to conduct due diligence and file full conflict minerals reports with the SEC, given already implemented diligence processes, existing contractual obligations and the expectations of interested stakeholders. In addition, as noted above, the April 2017 no-action relief statement does not relieve subject companies from their obligation to file a Form SD.

For additional information concerning the conflict minerals rules, please see our other client alerts:

- "[SEC Adopts Conflict Minerals Rules](#)," September 5, 2012.
- "[SEC Staff Issues Conflict Minerals & Resource Extraction Payments Disclosure Guidance](#)," June 3, 2013.
- "[SEC Staff Issues Statement on Conflict Minerals Ruling](#)," April 30, 2014.

Companies and their advisers with questions regarding conflict mineral reporting requirements should contact outside counsel.

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