

Axel Spinner, Nicolaus Spinner, Ulrich Spinner  
Managing Directors  
Spinner Werkzeugmaschinenfabrik GmbH  
Rudolf-Diesel-Ring 24,  
82054 Sauerlach,  
Germany

October 31, 2023

RE: Spinner Werkzeugmaschinenfabrik GmbH's business operations in Russia

Dear Mr. Spinner,

We are writing to follow up on our previous correspondence with Spinner. As a reminder, B4Ukraine sent a letter to Spinner on September 19, detailing the company's alleged business relations with Russia. We received a response to the letter on the same day denying the reports and pledging further investigation into the raised issues. In the responding letter, you extended an invitation to the representatives of the B4Ukraine Coalition to meet, a commitment you publicly confirmed on LinkedIn. However, when we pursued this invitation and reached out to schedule a meeting, Spinner responded by stating that the company is "in contact with Ukraine embassy and consulate in Germany" and requested to speak with the representatives first.

Considering the severity and urgency of Spinner's alleged contribution to the Russian war machine, we once again request a meeting with Spinner's relevant senior management and staff, irrespective of the parallel discussions with German diplomatic channels. The purpose of the meeting is to discuss how Spinner's equipment is finding its way into Russia and the urgent need to implement heightened risk management measures to prevent a recurrence of any such incidents.<sup>1</sup> The recommendations are attached with this email.

Furthermore, we are keen to understand the steps Spinner has taken to prevent the delivery of the universal numerical control machining centre, manufactured by Spinner, from leaving the Turkish customs zone en route to Russia, as initially raised in our first letter and reported in the media.<sup>2</sup> Can you provide an update on the current status of this delivery? Have you carried out an end-user verification process for this machinery?

Please contact the B4Ukraine Coalition at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call. We kindly ask for your response by 5:00pm CET, November 3<sup>rd</sup>, 2023.

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<sup>1</sup> Royal United Services Institute (RUSI), Open Society Justice Initiative (OSJI), NAKO, and Heartland Initiative, "Managing Risks Created by Russia's Invasion of Ukraine: Enhanced Due Diligence and Advanced Know-Your-Customer Policies," [https://b4ukraine.org/pdf/Recommendations\\_on\\_due\\_diligence.pdf](https://b4ukraine.org/pdf/Recommendations_on_due_diligence.pdf) (accessed October 30, 2023).

<sup>2</sup> Alberto Nardelli and Daryna Krasnolutska, "Ukraine Asks Germany to Halt Machinery Headed for Russia," *Bloomberg*, September 18, 2023, <https://www.bloomberg.com/news/articles/2023-09-18/ukraine-asks-germany-to-halt-ammunition-tool-headed-for-russia?leadSource=uverify%20wall&sref=XalkB7Wb> (accessed October 30, 2023).

Sincerely,

The B4Ukraine Coalition

To  
B4Ukraine Coalition  
[contact@b4ukraine.org](mailto:contact@b4ukraine.org)

Hannover 19.09.2023

Ref : Your email dated 19.09.2023

Dear Sir ,

we are very much surprised by your email and your information.

SPINNER Werkzeugmaschinenfabrik GmbH does fully support the international sanctions against Russia ! We strongly condemn the russian war against Ukraine !

We support the Ukraine in their fight against the russian aggressor and we do not allow that our CNC machines will be delivered to any russian enduser.

Your information that Spinner does continue business with Russia and has recently delivered a CNC milling machine via Turkey to a russian enduser is wrong ! Please stop to publish wrong accusation which does damage our reputation.

We will investigate your report as well as the Bloomberg article and hope to get a clear picture shortly.

We manufacture universal CNC machines and sell them to worldwide customers. Buyers as well as endusers , traders and resellers are checked carefully, so that sanctions will not be violated. In order to be able to investigate the case and your accusation, we would need to know the serial number of the CNC machine which you claim is now on the way from turkish seaport to Russia. With the serial number we can track the first buyer of the machine and when it has been delivered.

Kindly help us to clear this case as soon as possible.

We invite members of B4Ukraine to visit our factory in Sauerlach Germany to have a personal meeting and discuss the issue.

Best Regards  
Nicolaus Spinner

Axel Spinner, Nicolaus Spinner, Ulrich Spinner  
Managing Directors  
Spinner Werkzeugmaschinenfabrik GmbH  
Rudolf-Diesel-Ring 24,  
82054 Sauerlach,  
Germany

September 19, 2023

RE: SPINNER Werkzeugmaschinenfabrik GmbH's business operations in Russia

Dear Mr. Spinner,

We write to you as [B4Ukraine](#), a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. In the spirit of respect for the fundamental rights of all people, the rules-based international order, and a prosperous global economy, we expect companies to demonstrate public support for the people, democracy, and territorial integrity of Ukraine, opposition to Russia's war of aggression, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs).

We are deeply concerned by [yesterday's news](#) that Spinner-made CNC equipment appears to be reaching military-linked Russian companies, potentially in breach or circumvention of sanctions imposed by the European Union against Russia in response to its war of aggression against Ukraine.

**We are requesting that SPINNER urgently intervene, use its leverage, and stop the delivery in question to the Russian Federation before the cargo leaves the Turkish customs zone.**

We are also writing to formally notify SPINNER on the serious and increasing risks the company faces by continuing its operations in Russia that may amount to complicity in human rights abuses committed by the Russian Federation.

It has been over one year since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, forcible transfer of civilians). More than 26,000 Ukrainian civilians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times. In recognition of the severity of abuses, in March 2023 the International Criminal Court issued an arrest warrant for Vladimir Putin to answer war crimes charges.<sup>1</sup>

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<sup>1</sup> International Criminal Court, "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova," March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and> (accessed March 22, 2023).

According to the Kyiv School of Economics Institute's #LeaveRussia [company tracker](#), many companies have decided to leave the Russian market and stop business operations in response to this unprovoked and unjustified war.<sup>2</sup> SPINNER has decided to continue its operations and has increased the export of its supplies and equipment to the Russian Federation sixfold compared to the levels in 2021. The total value of SPINNER's supplies to Russia in 2023 amounts to \$10.5 million dollars.<sup>3</sup> Customs data available to B4Ukraine Coalition indicate that Spinner made several other direct shipments to Russian sanctioned entities, before ceasing direct supply to Russian military-industrial complex entities, and instead employing intermediary companies and countries like Turkey, UAE, China, and Kyrgyzstan to obfuscate the end-users and evade sanctions. We are writing to enquire if SPINNER can confirm, deny, or provide further details regarding this data.

A [Bloomberg article published yesterday](#), reports information about a universal numerical control machining centre, model U5-630 Advanced, manufactured by SPINNER (Germany), which was loaded onto a truck in Turkey on August 30, for transportation to a ferry crossing for delivery to the Serov Mechanical Plant JSC in Russia. The Russian plant urgently needs this machine to prevent disruption of the schedule for the delivery of 3OF26 high-explosive fragmentation projectiles for the Russian occupation forces in Ukraine. The shipment is expected to be received by the customer on September 21, 2023.

The Serov Mechanical Plant JSC, a Russian entity within the military-industrial complex and under the ownership of the state-controlled and sanctioned Rostekh corporation, is engaged in the production of artillery shells and casings. The plant manufactures casings for 152-mm shells used in the self-propelled howitzer Koalitsiya\_SV, a weapon used in the war against Ukraine. As of March 2023, Ukraine has imposed sanctions on this plant.

The importing entity, Yumak LLC, was recognized as a Russian company regularly providing supplies to multiple sanctioned organisations involved in manufacturing ammunition, projectiles, and various components utilised by tanks, as well as Russian Su and MiG fighter jets.<sup>4</sup>

As per the UNGP Guiding Principle 19: "Where a business enterprise causes or may cause an adverse human rights impact, it should take the necessary steps to cease or prevent the impact. Where a business enterprise contributes or may contribute to an adverse human rights impact, it should take the necessary steps to cease or prevent its contribution and use its leverage to mitigate any remaining impact to the greatest extent possible."<sup>5</sup>

Furthermore, SPINNER's continued operations and links to the Russian military complex indicate that the company is potentially not aligned with the internationally recognised standards on business and human rights. As per the UNDP: "If the use of force – the war – is deemed unlawful under international law, in addition to respecting human rights and international humanitarian law, *at a*

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<sup>2</sup> The UN General Assembly condemned Russia's "aggression against Ukraine" and demanded that Moscow "unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders."

<sup>3</sup> Source available to the B4Ukraine Coalition.

<sup>4</sup> Alberto Nardelli and Daryna Krasnolutska, "Ukraine Asks Germany to Halt Ammunition Tool Headed for Russia," *Bloomberg*, September 18, 2023, <https://www.bloomberg.com/news/articles/2023-09-18/ukraine-asks-germany-to-halt-ammunition-tool-headed-for-russia?leadSource=uverify%20wall> (accessed September 18, 2023).

<sup>5</sup> UN Guiding Principles, "Guiding Principle 19," <https://globalnaps.org/ungp/guiding-principle-19/> (accessed September 18, 2023).

*minimum*, business should assess, and avoid or mitigate its connection to the war efforts of the aggressor country to “ensure that they do not exacerbate the situation.”<sup>6</sup>

These activities risk enabling and financing Russia’s violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine.

With the above in mind, we seek to understand how SPINNER has conducted and continues to conduct heightened human rights due diligence and how the findings of such a process have resulted in these continued business activities and relationships. As noted by the UNGPs:

...the more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship. In any case, for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection.

We request an urgent dialogue with SPINNER’s relevant senior management and staff to discuss the company’s ongoing activities and relationships in Russia and associated risks to the people of Ukraine and the company. Please contact the B4Ukraine Coalition at [contact@b4ukraine.org](mailto:contact@b4ukraine.org) to schedule a call. We kindly ask for your response by 5:00pm CET, September 22<sup>nd</sup>, 2023.

Members of B4Ukraine will be in Berlin, Germany next week, on September 25<sup>th</sup> and 26<sup>th</sup>. Please confirm whether SPINNER representatives are willing to meet in person to discuss the issues raised in this letter.

Sincerely,

The B4Ukraine Coalition

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<sup>6</sup> UNDP, “Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts; A Guide,” June 16, 2022, <https://www.undp.org/publications/heightened-human-rights-due-diligence-business-conflict-affected-contexts-guide> (accessed September 18, 2023).