

RJC Code of Practices Review Comment Report on Round 1 Consultation

A summary of comments received on the Public Summary document of the COP review
19 October 2017



Comment, submissions and inquiries welcome: Please contact

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1. Purpose

The Responsible Jewellery Council (RJC) is reviewing its Code of Practices (COP) standard. In July 2017, RJC shared a [Public Summary](#) of the COP review which outlines the objectives, scope, process and timeline of the review and invited feedback from all interested stakeholders. This first round of consultation closed in September 2017. The purpose of this document is to share comments received during the first round of consultation.

2. Comments

Our consultation on the public summary was carried out through an email campaign using the full RJC stakeholder list (over 2,300 recipients) and posting of the revised proposed changes to our website. Recipients include RJC members, audit firms, NGOs, industry press, trade associations, and government representatives. In response, we received over 120 written submissions from 11 submitters.

A summary of key points raised by stakeholders during the first round of consultation is below:

- Labour rights and working conditions - alignment with UK Modern Slavery Act, increased emphasis on gender equality and women's rights
- Standards harmonisation - general support for increased harmonisation where possible
- Responsible supply chains and human rights – supporting the introduction of a specific due diligence provision (with guidance), further guidance and clarification on provenance claims
- Health, safety and environment - introducing requirements for measuring greenhouse gas emissions, measures to reduce off-site impacts from operations and to assess long-term post closure risks
- Responsible mining - a range of recommendations to strengthen mining provisions

- Diamond, Gold and PGM products - consider the impacts that increased requirements for the detection of synthetics will have on smaller businesses, updates to the SoW should be incorporated into the COP

Table 1 in the annex has each of the individual comments received from the first-round consultation, verbatim. We greatly appreciate the time and insightful contributions from the submitters.

3. Next steps

These comments, in conjunction with internal research are being used to propose changes to the COP standard. The RJC Standards Committee will be reviewing proposed changes in early February 2017 and, upon their approval, a draft of the updated COP standard will be publicly shared for a 60 day review as part of the second round of public comment.

Annex

Table 1 – Comments on the Code of Practices Standard from Round 1

These comments were received between July and September 2017 and are copied here as they were received.

No.	COP Provision/Topic	Name	Comment	Proposed change
1	18 – Forced Labour	Anonymous	I was wondering if the COP revision will consider the content of the “UK Modern Slavery Act” which overlaps with upcoming & compulsory DD in supply chains and Human Rights provisions formulated by RJC COP. Indeed, despite the fact that this is a local regulation, it calls for an overall business compliance and overreaches the geographical spectrum of a UK based branch of a multinational company based elsewhere (just as California Transparency in Supply Chains Act). So, in this context, my question is – wouldn’t it be logic to refer to this Act as one of the key regulations in the revised COP? Do you think any kind of cross-recognition or other kind of referral to it as being a “key regulation” can be foreseen in this regard?	
2	Standards harmonisation	Bauer-Walser AG	We really appreciate the "Standards harmonisation" points 21 and 22, i.e. updating the existing cross recognition with EICC-GeSi(smelter/refiner validation) and LBMA(Responsible Gold Guidance), as that cross recognition is very important for some of our customers and thus to us. However, to the best of my knowledge that cross recognition concerns the RJC CoC Standard only, not the COP. Are there plans to integrate it into the COP now as well?	

No.	COP Provision/Topic	Name	Comment	Proposed change
3	General comment	Tiffany & Co.	<p>"We recommend that during this phase (and all phases of the current review) RJC focuses on raising the bar of what it means to operate responsibly throughout the supply chain.</p> <p>Specifically:</p> <ul style="list-style-type: none"> - Consider if the current system of certifying Members only, rather than each separate facility, is meeting the overarching intent of promoting responsible practices throughout the supply chain. Additionally, examine if any of the current mechanisms are allowing for circumvention of the intent of the system. For example, if a trading company is certified, but none of its suppliers are certified, the intent of certification may be failing to promote better practices within the industry. - Consider a parallel track for reviewing the COP from an auditor's perspective, with a focus on ensuring that all requirements are objective, measurable, and written in a way that allows for robust review by the auditor. - Consider reviewing the overall membership structure to ensure that RJC maintains sufficient independence as a governing body to ensure it can hold Members accountable to the requirements in the COP. - Consider reviewing the COP in its entirety with an eye towards encouraging leading practices, rather than accepting legal/minimum requirements alone. - As the review process continues through December 2018, ensure that civil society and non-profit organizations are encouraged to review and comment on the revised COP." 	
4	5-12 – Responsible supply chains and human rights	Tiffany & Co.		<p>"Consider drawing on COP 11 (Security) to include security personnel (both employees and contracted security) as actors in the supply chain. Consider drawing from the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas in the development of this section. Consider the inclusion of specific requirements in relation to sourcing from ASM (e.g., if a company sources from the ASM sector) in the development of this section. This is especially relevant to the coloured gemstone supply chain, but is relevant to metals and diamonds as well.</p> <p>"</p>

No.	COP Provision/Topic	Name	Comment	Proposed change
5	New scope – coloured stones	Tiffany & Co.	"We commend the incorporation of coloured gemstones into the COP, as this is an important issue area for the jewellery sector overall."	"Consider COP 22 (Environmental Management) and COP 36 (Biodiversity) as material topics for review, given the impact of gem rushes on the environment and protected areas." "
6	37 – Tailings and waste rock	Tiffany & Co.	"We commend the review and incorporation of updated guidance on tailings and waste rock management in COP 37 (Tailings and Waste Rock)."	
7	37.4 – Tailings and waste rock	Tiffany & Co.		"While it is unclear if water management addresses both water quality and quantity, we would add that efforts to improve water management could be bolstered by more stringent requirements in COP 37.4 (Tailings and Waste Rock). Specifically, we recommend that tailings not be disposed of in rivers, lakes, streams or oceans."
8	12 – Provenance claims	Tiffany & Co.		"We agree that more detail is needed about the traceability systems used to support Members' provenance claims. Additionally, consider the potential to include sourcing requirements for recycled materials in the development and review of COP 12 (Provenance Claims)." "
9	24 – Waste and emissions	Tiffany & Co.		"Consider adding to COP 24 (Wastes and Emissions) that waste cannot be disposed of in rivers, lakes, streams or oceans."
10	20 – non-discrimination	Tiffany & Co.	"We agree that, overall, more language about gender equality and women's rights should be incorporated into the Code of Practices. In addition to drawing on guidance from BSR as planned, RJC might also consider drawing upon the UN Women's Empowerment Principles."	
11	Standards harmonisation	Tiffany & Co.	"Particularly in relation to COPs 29 – 40 (Responsible Mining), we recommend harmonization with, and recognition of, the Initiative for Responsible Mining Assurance (IRMA)."	"Consider recognition of equivalent provisions of IRMA in COPs 29 – 40 (Responsible Mining), as well as within other applicable COPs (e.g., Labour Rights as they relate to mining)."
12	7 – Sourcing from ASM	Tiffany & Co.		"7.1 Consider adding a requirement to COP 7 (Sourcing from Artisanal and Small-Scale Mining) to prohibit sourcing from artisanal miners that are not registered or otherwise operating outside of compliance with local laws."

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13	11 - Security	Tiffany & Co.		"11.3 Consider adding a requirement to COP 11 (Security) to obtain a contractual commitment from security providers to abide by the Voluntary Principles on Security and Human Rights."
14	15 - Remuneration	Tiffany & Co.		"15.1 Consider strengthening COP 15 (Remuneration) to encourage paying a living wage, rather than a minimum wage only. The Global Living Wage Coalition may serve as a resource in drafting a revised requirement."
15	24 – Wastes and emissions	Tiffany & Co.		"Consider adding a requirement for measuring and reducing greenhouse gas emissions and increasing energy efficiency to COP 24 (Wastes and Emissions)."
16	26 to 28 – Diamond, Gold and Platinum group metal products	Tiffany & Co.		"Consider adding a requirement to COPs 26-28 (Diamond, Gold and Platinum Group Metal Products) prohibiting infringements of intellectual property rights (e.g., cloning or copying industry specialist hardware, software etc.)."
17	29 - EITI	Tiffany & Co.		"29.1 Consider requiring companies to disclose all payments to governments, even in countries where EITI is not in place."
18	31 – Indigenous peoples	Tiffany & Co.		"31.2 Consider strengthening COP 31 (Indigenous Peoples and Free Prior Informed Consent), prohibiting companies from undertaking new or expanded activities that may impact Indigenous Peoples until FPIC has been obtained (not only documented as a process)."
19	33 - ASM	Tiffany & Co.		"33.1 Consider including the requirement for engagement with ASM when it is not under the control of the Member but occurs nearby their areas of operation (in addition to within the Member's areas of operation)."
20	34 - Resettlement	Tiffany & Co.		Consider adding a requirement to COP 34 (Resettlement) to require that companies develop a Livelihood Restoration Plan in cases where economic displacement occurs due to mining activities, even when physical displacement does not occur.
21	36 - Biodiversity	Tiffany & Co.		36.1 Consider adding IUCN Category I-III areas to COP 36 (Biodiversity), prohibiting exploration, mining or other activities in these areas.

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22	36 - Biodiversity	Tiffany & Co.		36.5 Consider prohibiting deep sea mining operations in COP 36 (Biodiversity) until broad scientific consensus is reached on the impact of such activities.
23	39 - Mercury	Tiffany & Co.		39.2 Consider stronger requirements (e.g., compliance with Minamata Convention) around mercury use and disposal, particularly for countries lacking robust legal requirements.
24	40 - Mine rehabilitation and closure	Tiffany & Co.		40.3 Consider requiring more robust financial surety requirements in COP 40 (Mine Rehabilitation and Closure), including third-party evaluation of both cost estimates and provisions for availability of adequate resources to meet closure requirements.

No.	COP Provision/Topic	Name	Comment	Proposed change
25	General	Sean Clinton	<p>Given that The Responsible Jewellery Council (RJC) has been established to promote responsible ethical, social and environmental practices, which respect human rights, throughout the Diamond, Gold and Platinum Group Metals Jewellery supply chain, from mine to retail it is incumbent on the RJC to ensure the COP by which Members are accredited includes provisions that address all human rights violations directly or indirectly associated with the jewellery supply chain. To-date the RJC has failed to address many of the most serious human rights violations linked to the diamond industry. As a result, many people believe the RJC is part of a matrix of bogus standards, warranties and regulations designed to deceive the public and conceal the fact that diamonds which are a significant source of revenue for regimes guilty of gross human rights violations, including suspected war crimes and crimes against humanity, as well as the proliferation of unregulated nuclear weapons and for the enforcement of system of apartheid remain fully legal and account for a about one fifth of the market share in value terms.</p> <p>If, as stated, the RJC vision is a responsible world-wide supply chain that promotes trust in the global jewellery industry and to be the standards and certification organisation for supply chain integrity and sustainability for the jewellery industry it urgently needs to address the loopholes in its certification process arising from serious shortcomings in the Kimberley Process regulation which allow blood diamonds that fund government forces to freely and legally enter the market.</p> <p>If the RJC continues to turn a blind eye to diamonds that fund rogue regimes guilty of grievous human rights violations in Israel, Angola and Zimbabwe and refuses to address the serious shortcoming in its standards and certification process it will fail to provide the assurance that consumers demand and will ultimately have a very detrimental effect for everyone across all sectors of the jewellery supply chain.</p>	
26	6.1 - Human rights	Sean Clinton	<p>This Provision need to be expanded to make it clear that Members must ensure they are not aiding or abetting Human Rights violations or the proliferation of unregulated nuclear weapons by third parties upstream or downstream in the supply pipe.</p>	<p>6.1 a. A policy commitment to respect Human Rights and not to transact with other individuals, businesses or regimes that generate revenue used to fund Human Rights violations or the proliferation of unregulated nuclear weapons.</p> <p>6.1 b. A Human Rights due diligence process that seeks to identify, prevent, mitigate and account for how they address their impacts and that of their Business Partners on Human Rights</p>

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27	6.2 - Human rights	Sean Clinton	This Provision need to be expanded and clarified to remove any ambiguity arising from the use of the term "sourcing" which could imply that the Provision only refers to rough Diamonds and to eliminate the loophole created by the inclusion of the term "directly".	Members, if operating in, or purchasing Diamonds, Gold or Platinum Group Metals from, a Conflict-Affected Area, shall use the Human Rights due diligence process to assess the heightened Risks of adverse Human Rights impacts.
28	12 - Provenance claims	Sean Clinton	This Provision needs to be expanded so that Provenance Claims in relation to practices in the supply chain are meaningful and do not give rise to ambiguity.	12.1 a Documented criteria or requirements, including a clear definition of the term "conflict-free", which are compatible with the Provenance Claim(s).
29	20 - Non-discrimination	Sean Clinton	This Provision needs to be expanded to include Non-Discrimination by Business Partners	20.1 Members and their Business Partners shall not practice or condone any form of discrimination in the workplace in terms of hiring, remuneration, overtime, access to training, promotion, termination or retirement based on race, ethnicity, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, marital status, pregnancy status, physical appearance, HIV status, or age, or any other applicable prohibited basis, such that all individuals who are "Fit for Work" are accorded equal opportunities and are not discriminated against on the basis of factors unrelated to their ability to perform their job.

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30	27 – Kimberley Process and system of warranties	Sean Clinton	This Provision need to be overhauled in order to ensure Members are not facilitating the trade in diamonds that fund Human Rights violations that are not banned by the Kimberley Process Certification Scheme and to eliminate reliance on the bogus System of Warranties introduced by the World Diamond Council which purports to certify diamonds as “conflict-free” a claim “so vague as to have no real meaning” according to Cecelia Gardner, former General Counsel of the World Diamond Council.	<p>27.1 Member shall not knowingly buy or sell Conflict Diamonds or any other diamonds that generate revenue used to fund Human Rights violations by any actors including government forces or militia.</p> <p>27.3 Members, where involved in buying and selling Diamonds, whether rough, polished or set in Jewellery, shall not adopt the discredited World Diamond Council System of Warranties and to the best of their ability refrain from purchasing diamonds known to have been sourced or processed in States where there is credible evidence of systematic human rights violations.</p> <p>27.4 Members shall keep records of all Kimberley Process certificates received and issued, and have them audited and reconciled on an annual basis either as part of an RJC Audit, or by an RJC Accredited Auditor during the Certification Period, or by a separate independent auditor, as suits the circumstances of the business. If asked for by a duly authorised government agency, these records must be able to prove compliance with the Kimberley Process.</p> <p>27.6 Members shall inform all Employees that buy or sell Diamonds about government restrictions on the trade in Diamonds, Conflict Diamonds, the Kimberley Process Certification Scheme</p>
31	31 - Indigenous peoples	Sean Clinton	This Provision need to be amended so that it applies to all Sectors of the industry and not just the Mining Sector. Diamond processing facilities downstream of the Mining Sector can have direct and indirect negative impacts on Indigenous Peoples and this should be addressed in the Codes of Practices.	<p>31.1 Members in all Sector shall respect the rights of Indigenous Peoples as articulated and defined in applicable provincial, national and international laws and their social, cultural, environmental and economic interests, including their connection with lands and waters.</p> <p>31.2 Where business activities have a direct or indirect negative impact on Indigenous People Members shall seek to obtain broad-based support of affected populations and to have this support formally documented, including partnerships and/or programs to provide benefits and mitigate impacts.</p>

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32	Responsible Supply Chains Section / Due Diligence	UBS	Regarding responsible supply chains notes and references, no covenants on environmental impacts on sensitive areas were mentioned.	
33	New (Water management))	UBS	Members in the Mining Sector (particularly gold) shall develop an integrated management system (measure, monitor, remediation and contingency plans, etc.) to avoid overuse and contamination of natural water resources. Of particular relevance, is the management and disposal of waste water with heavy metals.	
34	1 - Legal compliance	UBS	ASM initial Gap Analysis	Provide guidelines to perform 'gap analysis' of ASM operations
35	2 - Policy and implementation	UBS	ASM Biodiversity	Extend operational restrictions to areas of high ecological value, including natural World Heritage Sites and key Biodiversity Areas
36	3 - Reporting	UBS	ASM Monitoring	Provide the framework for a time-bound continuous improvement plan for ASM
37	6.1 - Human rights	UBS	"in ways appropriate to their size and circumstances" is very unspecific	Suggest to drop "in ways appropriate to their size and circumstances"
38	17.1 - Child labour	UBS	This section does not account for children undertaking apprenticeships (combination of work and schooling) where, in certain circumstances, children may be 14 years of age	
39	29.1 - EITI	UBS	it would be useful to include hyperlinks to the relevant standard/initiative (in this case EITI)	
40	30 - Community engagement	UBS	Members in the Mining Sector shall ensure that affected communities have access to adequate compensation according to the level of impact mining activities have on their social, cultural, environmental and economic interests.	
41	37 - Tailings and waste rock	UBS	Design, operation and maintenance of tailing structures should be reviewed and approved by appropriate independent parties. Ongoing monitoring of the physical structure of the tailing ponds and water quality should also be implemented.	
42	36 - Biodiversity	UBS	Ramsar Sites (List of Wetlands of International Importance) should be considered among sensitive areas. Covenants regarding environmental risk management of deep-sea mining should be further developed and strengthened. If applicable, best practices standards and guidelines should be referenced.	

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43	General comment	Harriet Kelsall Bespoke Jewellery	<p>We have looked at the proposed changes and additional provisions you would like to include as part of the RJC membership certification. In summary we have found the language used in your proposal too technical and corporate, therefore making future certifications a daunting process if all those new requirements were put in place.</p> <p>We believe that several of the proposed changes would be too onerous and complicated for small businesses like us to comply with and would oblige us to require the assistance from external professionals to understand the new requirements.</p> <p>We have always fed back to the RJC that the language used in the COP was too technical and a lot of efforts were put in place to simplify this. Guidance and example of compliance were added to each section, thus, allowing more small businesses to embark in their journey to become RJC certified.</p> <p>With this in mind, I think the proposed requirements would refrain small businesses to undertake the audit, making the RJC a professional body only accessible to big companies.</p>	
44	26 - Disclosure	Harriet Kelsall Bespoke Jewellery	We believe this is unrealistic for small businesses – Without affordable detection equipment, any requirement may put unfair burden on business at any level of the diamond pipeline.	<p>Consider that diamond supplier have detection machines routinely used on every stone.</p> <p>Consider insisting upon that diamonds of e.g. 0.25cts and over which are lab grown have to be laser inscribed “lab grown”.</p> <p>Consider a recognised process of detection procedures at each level of the pipeline</p>
45	5 to 12 - Responsible supply chains and human rights	Harriet Kelsall Bespoke Jewellery	We have found this section difficult to comment on as not well understood.	More details and simplified language could be used.
46	New scope - coloured stones	Harriet Kelsall Bespoke Jewellery	This is astonishingly complex and possibly unrealistic to go from where we are to this especially for small businesses.	<p>Our recommendation would be to take one gemstone at a time.</p> <p>The RJC need to find a system to break it down and go one step at a time.</p>
47	26 - Disclosure	SGS	Presumably the inclusion of this provision will then remove the acceptability of provision in relation to synthetics from the provisions Claims – this is the be welcomed as it is one of the areas where greatest confusion occurs. How will this impact the Signet SRSP provision claims?	
48	5-12 Responsible supply chains and human rights	SGS	Suggest also including relevant text from the OECD Due Diligence approach into the section with a requirement for companies to implement a risk assessment and relevant formal systems, depending on outcomes and commensurate to size of company	

No.	COP Provision/Topic	Name	Comment	Proposed change
49	New scope - coloured stones	SGS	Assume that relevant training will be provided alongside the changes	
50	30 - Community engagement	SGS	Please also strengthen standards guidance and assessment manual with additional information on what good looks like and how to measure effectiveness	
51	12 - Provenance claims	SGS	Fully agree- if anything the guidance on provenance claims should be more prescriptive as this is one of the most confusing parts for members	
52	14 - Working hours	SGS	Countries to include would be much broader – including e.g. UK and others where there are no limits on hours. Should also consider having a broader acceptability on total hours even where this may be higher than local law when an averaging is applied or where this has been agreed with a workers’ committee or similar	
53	18 - Forced labour	SGS	Consider requiring a higher level of checks on business partners with reference to forced labour/trafficking – could take same approach as for Due Diligence to require a formal risk assessment and due diligence based on results	
54	General - Gender equality	SGS	Needs care – while this is very valid I have some concerns that in focussing on gender equality this could lead to unintended consequences – my discussions with BSR have indicated that there could be impacts as they seem to be wanting to focus on improving accessibility of jobs and benefits for women rather than ensuring equality	
55	Assessment Manual - SMETA	SGS	Bear in mind SMETA is not a certification – just a snapshot – it does not require management systems and gives no assurance of continuous compliance	
56	5 - Business Partners	SGS	Would recommend strengthening the requirement for working with Business Partners and undertaking due diligence in this regard. At the very least there should be a requirement to verify performance – even if they can only then use BE to drive change	
57	9 - Bribery and facilitation payments	SGS	Emphasise that where a member has operations in a country that does not allow facilitation payments this overrides 9.3	
58	15.2 - Remuneration	SGS	Consider requiring a minimum overtime premium in line with ILO recommendation	
59	15.4 - Remuneration	SGS	Re-order to have point c first – so above all must be allowed by law	
60	26.2f - Product disclosure	SGS	Consider including requirements for product to comply with consumer safety requirements where sold (I thought this was in there previously) this would include e.g. compliance with nickel regulations in Europe, California regs on jewellery etc.	

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61	Assessment Manual	SGS	Would recommend making completion of the self-assessment (or equivalent) a mandatory requirement – too many audits are difficult because members are not fully prepared	
62	Assessment Manual	SGS	Strengthen requirement and perhaps have specific model for covering all companies in scope	
63	Assessment Manual	SGS	Simplify and clarify man-day requirements for audits and sampling requirements for multi-site audits	
64	Assessment Manual	SGS	Would be useful if this was split into different sections with separate guidance for members and auditors – currently very long and therefore may not be used as much as it should	
65	26 - Disclosure	Rapport	the members are required to disclose the source of their diamonds – rough / polish to the best of their knowledge based on the information available to them.	Information on the Source of Diamond – rough / polish shall be disclosed to the best of the members knowledge. The requirement is to disclose the source of any diamonds sold by members to end consumers
66	General comment	Antwerp World Diamond Centre (AWDC)	Adhering to the CoP means a lot of paperwork and administrative burden for a company. One of the key principles of this CoP review should be to reduce complexity and paperwork.	
67	General comment	Antwerp World Diamond Centre (AWDC)	Another basic principle should be that every provision should be able to be audited in an unambiguous way.	
68	AML & KYC	Antwerp World Diamond Centre (AWDC)	The proposed review of financial thresholds is not relevant to the Antwerp diamond industry, as cash payments are limited to 3.000 euro according to Belgian law. Cash payments are one of the largest threats related to money laundering and terrorism financing, which makes it a very important issue for the RJC.	
69	AML & KYC	Antwerp World Diamond Centre (AWDC)	We encourage the obligation of checking against sanctions lists when performing KYC. AWDC would be happy to engage with RJC on this, to see if/how we could cooperate, to explain how we currently work, to discuss initiatives going on in the diamond industry etc.	
70	AML & KYC	Antwerp World Diamond Centre (AWDC)	We would propose to align AML practices to what is mandatory in Belgium (e.g. identification and verification of the information, risk assessment, obligation to have and use a client acceptance policy, report suspicious transactions, nominate a compliance officer ...).	
71	AML & KYC	Antwerp World Diamond Centre (AWDC)	Although not mentioned in the Public Summary, the presentation given by the RJC in Antwerp in June mentions changing the abbreviation of KYC from Know Your Customer to Know Your Counterparty. What does “counterparty” mean exactly in this context?	

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72	26 - Product disclosure	Antwerp World Diamond Centre (AWDC)	We would suggest aligning the definitions in provision 26 to the definitions of ISO 18232:2015. As for the guidance, we want to inform you that an International Diamond Monitoring Committee has been set up to develop clear guidance for diamond traders on how to deal with synthetic diamonds, disclosure etc.	
73	26 - Product disclosure	Antwerp World Diamond Centre (AWDC)	The proposal of the RJC on “minimum requirements on detecting undisclosed synthetic diamonds” and “disclosure requirements linked to the detection approach” needs to be elaborated in detail. This is a very important and sensitive issue. The RJC should be clear about the intention of its proposal, and the scope of it. Imposing minimum requirements will trigger other questions such as “should the CoP define procedures for testing?”, “should the CoP define tolerance percentages?”, “which devices are allowed to perform checks on synthetics, and what about calibration?”, “should there be standard circumstances for testing?”, “can multiple testing guidances/standards co-exist?” and “how will auditors check compliance with this provision?”. These questions are very important, especially if a breach on this new provision would constitute a major non-conformance.	
74	26 - Product disclosure	Antwerp World Diamond Centre (AWDC)	We would suggest the RJC to work on this issue, and discuss it with relevant stakeholders at a separate meeting or e-presentation.	
75	Due diligence and conflict free sourcing	Antwerp World Diamond Centre (AWDC)	We understand the importance of this issue, and the necessity for a clear provision on this in the CoP. Such a new provision should however fully be in line with the “basic principles” set out in the general section of these comments.	
76	Due diligence and conflict free sourcing	Antwerp World Diamond Centre (AWDC)	We would encourage RJC to be clear about the purpose of this new provision. The Public Summary mentions alignment with the current KYC provision. Does this mean that “due diligence on conflict-free sourcing” will be one element of the (KYC)-checks that certified companies will have to perform on all suppliers and customers? Merging both and expanding the scope of the KYC-checks to include due diligence on conflict-free sourcing, would definitely be a more clear-cut solution than having two separate (and probably partially overlapping) provisions.	

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77	Due diligence and conflict free sourcing	Antwerp World Diamond Centre (AWDC)	<p>The scope of this new provision should be very clear:</p> <ul style="list-style-type: none"> • Fundamental human rights, conflict-free and high risk areas are very important. The presentation RJC gave in Antwerp also mentions “bribery and fraudulent misrepresentation of the origin of minerals, money laundering and non-payment of taxes”. Non-payment of taxes and the like is obviously a lot harder to check, if not impossible. We understand the origin of this provision (e.g. OECD Due Diligence Guidance), but the context should be taken into account: this provision is part of a model supply chain policy (e.g. an example), and is focused on sourcing from conflict-free and high-risk areas. Such provisions can’t simply be transposed to the entire diamond and jewellery supply chain. We therefore recommend to focus on the core risks such as fundamental human rights, conflict and such. • This provision should be accompanied by very clear guidance. The obligations and responsibilities of companies, as well as how they will be audited on this provision, should be very clear. • We suggest focusing on the company’s direct supplier, on a best endeavour approach, a risk-based approach and on continuous improvement. 	
78	Due diligence and conflict free sourcing	Antwerp World Diamond Centre (AWDC)	This provision should by no means contain obligations regarding the material itself, and the source thereof. These kinds of issues are part of the Chain of Custody. The CoP should focus on business practices, not on the material.	
79	Due diligence and conflict free sourcing	Antwerp World Diamond Centre (AWDC)	We recommend engaging with the WDC and the WFDB to share experiences and align standards, guidance and practices (if applicable).	
80	Kimberley Process and WDC System of Warranties	Antwerp World Diamond Centre (AWDC)	The SoW is under revision. Any change to the SoW should be incorporated in the CoP. We would recommend the RJC to discuss this with the WDC.	
81		Antwerp World Diamond Centre (AWDC)	<p>Some specific comments related to the current provision 27:</p> <ul style="list-style-type: none"> • 27.2: The KPCS contains obligations for member states. In order to avoid ambiguity, we suggest to modify this provision saying that certified members have to comply with the requirements under the “industry self-regulation” chapter of the KP and KPCS documents, and relevant national legislation. • 27.3: “or equivalent wording” should be removed. There’s only one WDC SoW statement, and the RJC shouldn’t allow variations. • 27.5: will this be moved to the new KYC provision? 	
82	New Scope - Silver	WWF	Review the need to incorporate silver	

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83	1 - Legal compliance	WWF	Would recommend adding 1.2 to include documentation of permits for legal water use & discharges	
84	3.2 - Reporting	WWF	Would encourage that CDP Water also gets noted and/or the ICMM Practical guide to consistent water reporting	
85	6 - Human rights	WWF	I'd encourage alignment with the Ruggie Framework (protect, respect, remedy), and be explicit around the areas (e.g., ILO, human right to water, indigenous peoples, etc.)	
86	7 - Sourcing from ASM	WWF	Review need for time-bound plans to exclude the risks from ASM (such as forced labour, child labour, unsafe working conditions, uncontrolled use of mercury, other significant environmental impacts, etc.). Review need to include a new passage that where ASM gold is sourced, the member shall make sure that the responsible government is implementing the Minamata Protocol on mercury.	
87	22- Environmental management	WWF	<p>as 22.1, we would suggest that any institution applying this COP shall be implementing an Integrated Management System or an ISO 14001 (EMS) to 14040 (SLA of product and services aligned to their supply chain) certification associated to their production and transformation sites showing determination in mitigating the overall environmental impacts of their activity.</p> <p>Furthermore, review the need to integrate provisions 23 "Hazardous substances", 24 "Wastes and Emissions" and 25 "Use of natural resources"; under "Health, safety and environment" (provisions 21 - 25) umbrella, as sub-provisions of point 22 "Environmental Management" so that the topic would be clearer and broader.</p>	
88	24 - Waste and emissions	WWF	Review the need of measures to reduce off-site impacts from operations and to assess long-term post closure risks.	
89	25 - Use of natural resources	WWF	Review the need of measures to reduce fossil fuels and associated GHG emissions. Review the need to include wording on not creation or aggravating situation of water scarcity.	
90	30 - Community engagement	WWF	Would suggest including requirements tied to collective action and developing capacity to respond to shared (water) challenges. This soft form of governance is a critical aspect that mining companies can help with. In addition, we'd recommend that there be explicit noting of engagement with basin water authorities to align efforts & support water policy implementation.	

No.	COP Provision/Topic	Name	Comment	Proposed change
91	32 - Impact Assessment	WWF	Suggest that in addition to impacts, this section also require members in the mining sector to engage in a dependency & opportunity assessment that looks at the mines reliance upon the surrounding areas. In particular, there are aspects of this related to water: reliance upon headwaters for water provision, consideration of other users who dictate availability, opportunity identification around treatment for surrounding users, etc. Assessing (e.g., basin water) risks should not only be about impact, but about opportunities and dependencies as well. Review the need to include wording on the requirement for assessing HCVs.	
92	33 - ASM	WWF	Review the need to integrate wording that the partners agreeing to the COP shall apply a certification system such as the Fairmined from the Alliance for Responsible Mining (ARM) which permit compliance to the ILO among other important aspects.	
93	35 - Emergency response	WWF	Suggest additional measures on assessing, planning and implementing actions to ensure climate change resilience (notably droughts and floods) be included as 35.2	
94	36 - Biodiversity	WWF	Mandatory to include key biodiversity areas respectively HCVAs, including guidance from IUCN and BBOP. Review need for additional guidance on land impacts. And review the need for additional guidance on deep sea areas to protect undersea ecosystems from adverse impacts. Furthermore, review the need of measures to minimize the environmental impacts of infrastructure created to support mining operations (roads, power stations, harbours, employee housing, etc.) and in-migration made possible through the new infrastructure.	
95	36.1 - Biodiversity	WWF	Suggest including Ramsar sites as well	
96	36.3 - Biodiversity	WWF	May want to consider shifting from KBAs to HCVAs	
97	37 - Tailings and waste rock	WWF	Review need to integrate a passage that in the absence of the mentioned conditions or lack of relevant data to conduct such analysis, the precautionary principle shall apply, and commercial activity proscribed. Review need to disclose the nature of discharge and waste disposal and any remediation measure. Install a permanent monitoring system to measure release of contaminants into the environment. Review need to implement risk-based tailing management during operation and post closure (based on a geochemical risk assessment), and to implement appropriate treatment of contaminated groundwater, and to segregate and/or isolate acid-generation material in waste facilities.	

No.	COP Provision/Topic	Name	Comment	Proposed change
98	39 - Mercury	WWF	Review the need to introduce a strict minimum application of the Minamata Convention. In complement to 39.2, the Members using mercury or having partners using mercury shall define an "free-mercury" action plan according to the national action plan where they do have a mining activity themselves or in their supply chain, in order to reduce and finally abandon mercury within xxx years period.	
99	40 - Mine rehabilitation and closure	WWF	Review need to consider risks and residual impacts from infrastructure, subsidence, or acid-generation material in the rehabilitation and closure planning.	
100	General comment	WWF	Suggest looking at best practice language from other standards to assist with the various elements noted above.	
101	26 - Disclosure	Richemont International SA	Agreed on the principle of detection and disclosure requirements providing that: - detection requirements are based on a robust and relevant supply chain analysis; - disclosure requirements do not include the obligation to add "natural" diamonds when selling or describing our collections made of diamonds.	
102	5 to 12 - Responsible supply chains and human rights	Richemont International SA	"Develop a specific provision on due diligence for managing risks to human rights and sourcing from conflict and high-risk areas. Identify requirements for different types of companies in the supply chain. Re-organise this section particularly drawing on COP 6 (Human Rights), COP 27 (Kimberley Process and System of Warranties), COP 7 (sourcing from artisanal and small-scale mining), and COP 5 (business partners)." Agreed	
103	Responsible supply chains section	Richemont International SA	"Review relevant provisions from Chain of Custody Standard" Requirement to "check of relevant government sanctions lists" should go with explanations and tools since there is no consolidated information available today, and this requirement may be difficult to apply for smaller members. Define the reference where to find sanctions list (UN, EU, USA, CH...)	
104	10 - Money laundering and finance of terrorism	Richemont International SA	"Review financial thresholds for maintaining records of cash transactions" Agreed	
105	New scope – coloured stones	Richemont International SA	"Health and safety (COP 21)" Community engagement (COP 30) could be included	
106	New scope – coloured stones	Richemont International SA	"Whether to include more than emeralds, rubies and sapphires in scope" Ok to limit in a first step to emeralds, rubies and sapphires but the target scope should be all coloured gemstones in future	

No.	COP Provision/Topic	Name	Comment	Proposed change
107	New – mining sector water management	Richemont International SA	"Review need for specific requirements on water management for mining companies beyond the general provision on water management in COP 25" Agreed	
108	30 - Community engagement	Richemont International SA	"Review requirements for inclusion of in-migration, and for measuring impacts on communities" Agreed	
109	22 - Environmental management	Richemont International SA	Reinforce the provision on EM by adding requirements to include a broad policy, targets and mitigation measures.	
110	27.4 – Kimberley process and system of warranties	Richemont International SA	Should be added in order to clarify the current provision on SoW reconciliation which is not clear neither for us nor for the RJC auditor. 27 – Kimberley Process Certification Scheme and World Diamond Council System of Warranties - The full annual reconciliation is extremely time consuming. Moreover, we consider that it is not relevant due to the stringent check (internal control) at diamonds’ reception and in the whole manufacturing system. - We suggest to consider the member compliant if: -- he has an internal control focused on the reconciliation of the System of Warranties and -- he has this specific internal control process verified externally (ex: by the Member’s external financial auditor).	
111	32.1 - Impact assessment	Richemont International SA	Mention at the beginning of the provision that impact assessments have to be carried out by an independent expert.	
112	12 - Provenance claims	Richemont International SA		Within the Certification Scope: illustrative examples of Provenance Claims include: (...) COC gold
113	26 - Disclosure	Richemont International SA	The disclosure requirement of treated diamonds should be further specified, e.g. with a definition of treatments that are subject to a specific or general information. After the inclusion of coloured precious stones, this requirement should be detailed as well.	
114	36 - Biodiversity	Richemont International SA	Biodiversity: What is the verification process? Is the RJC audit process sufficient to ensure companies’ good faith and to verify that the required documentation is respected?	
115	6 - Human rights	Richemont International SA	- “Observe” should be replaced by “implement” - A specific citation of the United Nations Guiding Principles (UNGP) within the CoP	

No.	COP Provision/Topic	Name	Comment	Proposed change
116	22 - Environmental management	Richemont International SA	Should be added in order to specify the expectations in terms of environmental management.	Be more specific on environmental management by asking to, e.g.: "Plan to take actions to address the significant environmental impacts and establish objectives at relevant functions and levels, taking into account the organization's environmental footprint. "
117	23.3 – Hazardous substances	Richemont International SA	Consider adding examples of alternatives to Hazardous Substances.	
118	25.2 – Use of natural resources	Richemont International SA	25.2 – Use of Natural Resources - In the Guidance, provide a clear definition of smaller/larger workplaces. Explain the different sizes of workplaces and the related applicability of the provision.	
119	31 - Indigenous peoples	Richemont International SA	Indigenous People and Free Prior Informed Consent: What is the verification process? Is the RJC audit process sufficient to ensure companies' good faith and to verify that the required documentation is respected?	
120	35 - Emergency response	Richemont International SA	Emergency Response - In the event the UNEP APELL Guidance for Mining is not consulted by companies, it is worth mentioning that environmental and social hazards have to be taken into account in the emergency response plans. - Include a compensation payment in case of significant environmental or social damages caused by an industrial accident or a natural disaster. An action plan should be put in place to restore and compensate the negative impacts caused by such events. This should be included either in this provision or in another provision.	
121	39 - Mercury	Richemont International SA	Mercury: Considered as a high risk. RJC auditors should draw particular attention on this provision.	
122	Assessment manual	Richemont International SA	ISO 14001: 2015 - Update existing recognition based on review of latest version. ISO 50001 should be also included	
123	Assessment manual	Richemont International SA	ISO 45001 - Occupational health and safety - Consider recognition of equivalent provisions. Should be added once standard is available in 2018	
124	Self-assessment questionnaire	Richemont International SA	in the tab "Define the certification scope", the type of business does not always match the fora. It was not so easy for us to find the exact types of business.	