

RJC Code of Practices Review Comment Report on Round 2 Consultation

A summary of comments received on the proposed changes to the Code of Practices

14 August 2018

Comment, submissions and inquiries welcome: Please contact

Email: consultation@responsiblejewellery.com

Post: Responsible Jewellery Council

9 Whitehall, London SW1A 2DD, United Kingdom

Telephone: +44 (0)20 7321 0992

1. Purpose

The Responsible Jewellery Council (RJC) is reviewing its Code of Practices (COP) standard. From April to July 2018, RJC shared [Round 2 - proposed changes to the COP](#) as part of the public consultation. The purpose of this document is to share the comments which were received.

2. Summary of consultation

Our consultation on the proposed changes was carried out through an email campaign using the full RJC stakeholder list (over 2,300 recipients) and posting of the proposed changes to our website. Recipients include RJC members, audit firms, NGOs, trade associations, industry press and government representatives. We received over 200 written submissions from 34 submitters.

During the public consultation period, we also held nine workshops and three webinars where we spoke with over 220 people.

Comments were received on all of the COP sections. In some cases there is clear consensus on proposed changes and in others there are divergent views. A summary of the key points is below, with the full list of comments and RJC responses in the annexe.

We would like to sincerely thank everyone who has provided input to the COP review. We deeply appreciate the time and effort that was put into the comments. The public consultation is a fundamental step in the review process and is actively shaping the evolution of the COP.

3. Summary of key comments

- Reporting: clarifications to the guidance and addition of new references
- Human rights: review for clearer alignment with UN Guiding Principles on Business and Human Rights and include additional human rights instruments and guidelines
- Due diligence: provide more explicit clarification that due diligence requirements apply to all in-scope materials, including diamonds. Divergent views were expressed during the workshop on implementation challenges.
- Sourcing from ASM: reference additional tools and initiatives
- Sourcing industrial recycled precious metals: clarify definitions
- Provenance claims: clearer guidance on traceability claims
- Working hours: various recommendations to clarify and strengthen language
- Use of natural resources: various recommendation to strengthen these provisions with respect to multi-stakeholder water-catchment management, carbon offsets, use of targets.
- Product disclosure: introduce clear guidance on the determination of 'place of origin' for coloured gemstones

- Indigenous peoples and free prior informed consent: various recommendations on strengthening the consent seeking process
- Artisanal and small-scale mining (ASM) and large-scale mining: recommendations to strengthen language on engagement process with ASM
- Biodiversity: suggestions to expand the references to protected areas
- Mercury: recommendations to update the guidance
- Coloured stones: written comments on the need for COP scope to include all coloured stones from the start. Workshop feedback diverged from this view, with strong support expressed on the proposed phased approach.
- Various comments on the special interests of children in relation to several COP provisions (eg, for community engagement, environmental management, security)
- Various comments on inclusion of intellectual property rights in the COP

4. Next steps

All the feedback is now being consolidated for review by the Standards Committee. If the Committee decides to trigger a full third round of public consultation, this will be announced to the RJC stakeholder list.

Please see the updated COP review timeline in the Annexe of the [Round 2 – proposed changes to the COP](#) for further details on next steps and timing.

Annex

Table 1 – Round 2 COP review written comments received

These comments were received between April and July 2018 and are copied here as they were received.

Prov #	Name	Comment	Proposed change	RJC response
COP 1: Legal compliance				
1	WWF	We would recommend adding 1.2 to include documentation of permits for legal water use and discharges.		The need to document permits is already in the Guidance. Noted for additional mention under COP 24 (wastes) and 25 (use natural resources).
1	Mehul Sidhpuria	Very open ended question and even with this question neither RJC can fix the compliance responsibility of member nor the responsibility of auditors	1.1.Members shall have all required and valid legal registration to carry out their business activity 1.2Members are penalized by any of the legal authority for any non-compliance with the applicable law	The Guidance already covers types of registration that a member should have. The RJC has no mandate to ensure that members are penalised by legal authorities for non-compliance.
COP 2: Policy and implementation				
2	Mehul Sidhpuria		Title change: Policy and implementation Management Control System	The proposed title change does not accurately reflect the key requirement of this provision, which is to adopt a policy/ies.
2.2	Mehul Sidhpuria		2.2 member shall review it's policy and procedure once within year or as and when changes in the nature of activity.	The suggested wording is essentially the same requirement already in place. Noted for review of Guidance to incorporate suggestion that reviews should be carried out whenever there is a change in the nature of activity of the business.
COP 3: Reporting				
3	WWF	We would encourage that CDP Water also gets noted and/or the ICMM Practical guide to consistent water reporting. This would help to align efforts. CDP Water is the de-facto industry standard for reporting across sectors. ICMM is the industry's reporting – and again, probably is best practice within the sector, but isn't publicly available like CDP.		Reference to CDP noted for addition to Guidance.

Prov #	Name	Comment	Proposed change	RJC response
3.2	Enough Project	Reinforce that reporting should be public	"Members with mining facilities shall publicly report annually on..."	Noted for COP.
3.2	MKS PAMP GROUP		"Members with mining facilities shall report annually on their sustainability performance using the Global Reporting Initiative (GRI) Guidelines and GRI Mining and Metals Sector Supplement or comparable reporting guidelines. The reports shall have external assurance"	GRI Guidelines and GRI Mining and Metals Sector Supplement are not suitable for all types of companies.
3.1	Mehul Sidhuria	It is almost covered under section 5 of COP	Members shall communicate to stakeholders at least annually on their business practices relevant to the COP.	The intent behind the two provisions are distinct.
COP 4: Financial accounts				
4	Mehul Sidhuria		Add: 4.3 Members are penalized for any financial non-compliance? 4.4. Members have qualified financial audit report?	Procedures for member non-conformance are already in place as outlined in the RJC Assessment Manual. The suggested language for COP 4.4 is already met by COP 4.2.
COP 5: Business partners				
5.1	Richemont	For suppliers not committed to responsible practices through various certifications, audit is not mentioned in the guidance as a means for raising awareness about responsible business practices	Guidance: audit should be added as a means of promotion	See Guidance section, RJC does not require that member's business partners adhere to the COP – the specific approach to performance of business partners is a matter for each member to determine.
5.1	Enough Project	Include reference to OECD, rather than 'best endeavours'	"Members shall use the risk identification and mitigation steps outlined in the OECD Due Diligence Guidance to promote responsible business practices among their significant business partners"	Due diligence is covered under a separate section of the COP. This is a broader requirement to influence the full scope of COP risks (eg, labour, product disclosure).
5.1	Mehul Sidhuria		Add: Members have to communicate to all business partners for the compliance of RJC code of Practice and obtain declaration form business partners for the compliance	Communication is already a part of 'best endeavours'.
5.2	Mehul Sidhuria	Visitors will never agree to this	Contractors working on members' facilities and visitors to these facilities shall be required to comply with the member's policies, systems and procedures relevant to the COP.	This is an existing requirement with which all RJC certified members are already in compliance. See Guidance for further information on implementation.
COP 6: Human rights				

Prov #	Name	Comment	Proposed change	RJC response
6.1	Anonymous	The SoW from WDC uses softer language than this. Can RJC work with WDC to use "commit" and include in their requirements a policy and DD implementation? (right now their SoW draft only says a policy is recommended and implementation is even softer.		Harmonisation is part of our dialogue with the WDC , but this is outside the scope of the COP review and within WDC decision-making scope.
6.1d	Anonymous	Is this public or private communication?		Guidance on COP 3 outlines the approach. This will be reviewed for alignment with UNGPs.
6.1	UNICEF NL & IRBC Gold	Add reference to "all internationally recognized" human rights.	"Members shall respect all internationally recognized human rights and commit to (...)."	COP and Guidance will be reviewed for opportunities to broaden the scope of referenced human rights instruments.
6	UNICEF NL & IRBC Gold	In their human rights policies and processes, Members should take the specific challenges of vulnerable groups, such as women and children, into account, in line with Principle 3 of the UN Guiding Principles on Business and Human Rights.	"In their human rights policies and processes, Members should consider issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by children, women, indigenous peoples, minorities, persons with disabilities, and migrant workers and their families."	To be reviewed for addition to COP and Guidance.
6.1c	Enough Project	Include reference to the IOM remediation guidelines for victims of human trafficking in mineral supply chains and accountability efforts	"Where members identify that they have cause or contributed to adverse human rights impacts, they shall provide for or cooperate in legitimate processes to enable the remediation of those impacts, using the IOM remediation guidelines for victims of human trafficking in mineral supply chains as reference, and support and/or cooperate with litigation and accountability efforts."	To be reviewed for addition to COP and Guidance.
6.1e	Enough Project	Add section on adherence to international law	Add part (e) under 6.1: "Adherence with other relevant international law instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child, and the Declaration on the Rights of Indigenous Peoples. [While the foregoing only bind states, they serve as important frameworks with which members should adhere in carrying out their operations and due diligence]."	Frameworks to be reviewed for inclusion and reference in the Guidance.
6.1	Human Rights Watch	The draft Code of Practices should make clear how the UN Guiding Principles on Business and Human	Section 6.1: Strengthen the language, i.e. members should be required to "adhere to" the UN Guiding	COP and Guidance to be reviewed for opportunities to strengthen language.

Prov #	Name	Comment	Proposed change	RJC response
		Rights relate to the OECD Minerals Guidance. They should state that the UN Guiding Principles apply to minerals from all areas, not just conflict-affected and high-risk areas, and that they spell out a due diligence process for the respect of all human rights issues, not only those listed in the OECD Minerals Guidance's Annex II. The 2018 draft Code of Practices does not make a link between the two norms and requires companies only to "commit" to the UNGPs.	Principles on Business and Human Rights, not simply "commit to." An alternative would be "fully implement". Section 6.1.b: The language should match the UNGPs, e.g. "human rights due diligence process to identify, prevent, etc." (not "that seeks" to identify...)	
6.1	MKS PAMP GROUP		6.d. Communicating annually to stakeholders on human rights in accordance with COP 3 (reporting) and reporting on any salient human rights issues. Add: Members shall train where required their employees on Human Rights due diligence to provide clarity on the elements of the process, the authority and the escalation mechanism	Need for employee training, authority and escalation to be covered in the Guidance as part of the requirement to have "procedures for implementing" (COP 6.1a).
6.1d	Mehul Sidhpuria		Add: Members have to investigate and report any human right related violation to RJC. Immediately reporting to RJC in case of any event of Human right violation at member premises	Members are already required to investigate identified human rights impacts via implementation of COP 6.1b and 6.1c. Compliance with the provision will be verified by an RJC accredited auditor.
COP X (previously 6.2): Due diligence for responsible sourcing				
<i>Note that a panel of experts has been asked to review the proposed due diligence provision for the diamonds sector. The conclusions of the experts will further inform the drafting of this provision and Guidance section</i>				
X.1	Enough Project	Reinforce that communication of the policy should be public as well	"Members shall adopt and communicate publicly and to their suppliers a supply chain policy...."	Agreed.
X.1	Anonymous	Should this [the policy] be public or private?		The policy should be public. Noted for clarification.
X.2	Anonymous	WDC language is softer. Can we encourage WDC to align fully with this language? Afterall, their proposal is still only a recommendation.		Harmonisation is part of our dialogue with the WDC, but this is within WDC decision-making.

Prov #	Name	Comment	Proposed change	RJC response
X.2b	Anonymous	This is confusing-- Why would a company communicate a policy that is aligned with OECD due diligence, but the due diligence you perform is only so far as the KP and SoW (neither of which mention OECD)?		X.2 sets out the requirement for exercising due diligence <i>in accordance with</i> the OECD Guidance. X.2b notes that this should <i>also</i> be in alignment with the KP. X.2b is not intended to supplant X.2 COP wording to be reviewed to clarify.
X	Anonymous	The proposed changes seem to imply that diamonds only have to implement the KP but doesn't say due diligence... but here it seems to indicate OECD dd. Can RJC clarify?		As above.
X.2b	Enough Project	Include reference to OECD, given the KP limitation on state armed groups.	"Members in the diamond supply chain shall exercise due diligence in ways consistent with the Kimberley Process Certification Scheme, World Diamond Council System of Warranties, and the OECD Guidance."	As above.
X	Human Rights Watch	The Code of Practices should make clear that all members must comply with the OECD Guidance, including its annexes and supplements, and that the Guidance applies to all mineral supply chains, including the diamond supply chain. Confusing and potentially contradictory language regarding the OECD Guidance vs. Kimberley Process should be clarified. The current draft Code of Practices does not state clearly that all members should adhere to the OECD Due Diligence Guidance. It states that members shall exercise due diligence over their supply chains in accordance with the OECD Minerals Guidance "or other due diligence frameworks as identified by RJC, in ways appropriate to their size and circumstances" (X.2). The reference to "other due diligence frameworks" implies that the OECD guidance is optional, and that other, potentially weaker frameworks can be used instead. The current draft does not make clear that the OECD Guidance also applies to the diamond supply chain, e.g. by including references to the Kimberley Process and the World Diamond Council System of Warranties" (e.g. X.2.). The explanatory notes (Part 2) states that members of the diamond supply chain will carry out	Replace X.1 and X.2 with the following: X.1" Members shall adopt, implement, and communicate to their suppliers a supply chain policy in compliance with the OCED Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High- Risk Areas (OECD Guidance), including its annexes and supplements." X.2 "Members shall exercise due diligence over their supply chains in accordance with the OECD Guidance, recognizing that the OECD Guidance is global in scope and applies to all minerals, including diamonds, whether sourced from large-scale or artisanal or small-scale mines." Delete X.2.b Current X.2.a should become X.3: "Members in the gold value chain shall implement the recommendations of the OECD Guidance Supplement on Gold as applicable to their operations." Current X.3 should become X.4 ("Refiner members shall....")	As above. Also note that all the provisions in the COP are mandatory for all the materials in scope (and all members) unless otherwise stated. The supplements of the OECD Guidance have specific material scopes and are not all applicable to RJC.

Prov #	Name	Comment	Proposed change	RJC response
		their due diligence in accordance with the KPCS and SoW, but does not reference the OECD Guidance. These provisions are contradictory and weaken provisions from the OECD Due Diligence Guidance.		
X.2	Richemont	Since due diligence should be applicable to “all minerals, not only 3Ts and gold”, scope should be defined clearly in the standard	x.2 Members shall exercise due diligence over their <u>gold, platinum group metals, silver, diamonds and coloured gemstones</u> supply chains in accordance with the OECD Guidance, or other due diligence frameworks as identified by RJC, as appropriate to their size and circumstance.	All provisions in the COP are mandatory for all the materials in scope (and all members) unless otherwise stated.
X.1	Richemont	Since due diligence may be exercised in accordance with OECD Guidance or other DD frameworks as identified by RJC, those other frameworks should clearly be listed in the guidance. Particularly, CGWG framework should be mentioned as an example in the guidance	List the “ other DD frameworks as identified by RJC” in the guidance, included the Coloured Gemstones Working Group (CGWG) Due Diligence framework as an acceptable tool for coloured gemstones	Frameworks will be listed either in the Guidance or on the RJC website. The CGWG tool is not yet publicly available for review, but our understanding is that it is a tool for carrying out due diligence in accordance with the OECD Guidelines, rather than an equivalent framework.
X.2	Richemont	It could be more efficient to define the key points to be investigated in the Due Diligence process. Maybe it could even be the opportunity to develop a specific template for due diligence for refiners or downstream members. Especially for members who are not refiners, this could speed up the process of implementing due diligence in the supply chain and strengthen it.	Include templates in the guidance	Agreed, templates/ tools to be developed either in the Guidance or in COP supporting material.
X.2	Richemont	Since due diligence may be exercised in ways appropriate to the member’s size and circumstances, guidance should define more precisely efforts to be provided by downstream companies when refiners are known, RJC COC certified and providing COC gold to the downstream company. This should be consistent with OECD Guidance – Supplement on gold – Introduction and scope – p64/122: “The nature and extent of due diligence that is appropriate will depend on individual circumstances and be affected by factors such as the size of the enterprise, the location of the activities, the situation in a particular country, the sector and nature of the products or services involved. These	Guidance: <ul style="list-style-type: none"> For downstream companies, producing gold parts with COC gold from COC certified refiners: no further due diligence efforts should be required for the member, only the refiners names should be communicated to its customers For downstream companies, producing gold parts with gold components provided by external suppliers: if the external suppliers are getting COC gold from COC certified refiners, only the name of those refiners should be required to be known by the member, and communicated to its customers. 	The OECD Guidance is clear that implementation of the due diligence process remains the responsibility of each company. We would therefore be unable to adopt the language exactly as suggested here. Guidance to be updated to clarify that due diligence effort by a downstream company will be much lower if material is RJC CoC certified.

Prov #	Name	Comment	Proposed change	RJC response
		challenges may be met in a variety of ways, including but not limited to:... Participation in initiatives on responsible supply chain management, such as ...Chain-of-Custody Certification, Responsible Jewellery Council (2012)...” [2012 to be updated to 2017 by OECD editors	For the downstream companies as described above, reporting should be limited to statement such as “COC gold provided by COC certified refiners”	
X.3c	Enough Project	Refiner members should also undergo third-party audits	Add part (c) under X.3: “Undergo an independent third-party supply chain audit compliant with the OECD guidance, and make public the results of those audits”	RJC refiner members must already undergo third-party audits as a membership requirement.
X.3b & 6	WWF	We would recommend that gold refiners introduce a physical-chemical traceability system for their gold suppliers to prevent any association with illegal activities.		Provenance claim guidance on traceability claims will be developed and cross referenced to this section in the Guidance. Traceability schemes are not a mandatory part of the COP at this time.
X	Tiffany & Co.	The description of changes for COP X indicates the guidance for companies dealing with silver will be taken from the 2017 RJC Chain-of-Custody Guidance. However, the scope of the 2017 Chain-of-Custody Guidance does not include silver.	Provide specific expectations in the guidance for how to undertake due diligence for silver in compliance with COP X.	The guidance for silver will be the same as for gold.
X	Tiffany & Co.	The Colored Gemstones Working Group (CGWG) has developed forthcoming due diligence tools that are consistent with the OECD Guidance, and could be referenced within the text of COP X as a resource.	Reference the forthcoming due diligence tools developed by the CGWG as a sector-specific framework for OECD- aligned due diligence in the colored gemstone supply chain.	Agreed. CGWG tools will be reviewed for reference in the COP Guidance once they are publicly available.
X	Coloured Gemstone Working Group (CGWG)	<ul style="list-style-type: none"> •The CGWG has developed due diligence that is consistent with the OECD DDG, and a number of accompanying papers and resources on the coloured gemstone industry. We would like to discuss with the RJC how this DD approach can be acknowledged by and be referenced by the RJC in the COP. •In particular, we would like to explore how we can combine with the RJC to develop and issue a de-facto supplement that could be used for DD in the coloured gemstone industry. 		As above.
X.2a	Alliance for Responsible Mining (ARM)	We suggest including in the point 2 the CRAFT Code as a tool to facilitate the application of the OECD Due Diligence Guidance when the RJC members sources from the ASM.	Members in the gold value chain shall implement the recommendations of the OECD Guidance Supplement on Gold as applicable to their operations. <u>The CRAFT Code is a tool to facilitate the application of the OECD</u>	Noted for addition to Guidance.

Prov #	Name	Comment	Proposed change	RJC response
			<u>Guidance where the members source gold from the ASM.</u>	
X	Sarine Technologies Ltd	Various companies are involved in the manufacturing process of turning rough diamonds into polished stones. Innovators in the industry have provided [diamond] manufacturers with hi-tech tools and processes which have increased the yield, flexibility and profitability of rough diamonds. [...] Yet such innovators are at risk as a result of unscrupulous individuals who violate their intellectual property rights by copying technology, infringing patents, and hacking software [...]. In jurisdictions such as the United States, polished diamonds that are manufactured anywhere in the world by those using technology that infringes a U.S. patent can be considered to be infringing goods and can be prohibited from being imported into the U.S. [...] it is incumbent on the RJC to take the lead in establishing effective guidelines and best practices to be used to prevent piracy of technology in the industry and for the responsible sourcing of non-infringing diamonds. See full comment here	X.1. Members shall adopt and communicate to their suppliers a supply chain policy with respect to: <u>a. sourcing from conflict-affected and high-risk areas, and such policy shall be consistent with Annex II of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the “ OECD Guidance”) or other due diligence frameworks as identified by RJC.</u> <u>b. sourcing goods that were manufactured with equipment and/or processes that infringe patents, copyrights or other intellectual property rights of third parties.</u>	This risk is noted as one that is not currently covered under the COP and which will be reviewed for inclusion. This is likely to be under a different section as X is about due diligence on risks related to conflict-affected and high-risk areas. This will also be noted for consideration in RJC’s overall programme.
X	Human Rights Watch	The Code of Practices should spell out more clearly the OECD's Five-Step Framework for Risk-Based Due Diligence and what is expected of companies. 1 The five steps help guide companies and spell out useful details, for example what information and actions member companies should require from their suppliers; how to conduct human rights assessments; how to conduct third-party audits; and how to report on human rights due diligence. Details should be provided in the CoP Guidance. The current draft Code of Practices does not spell out clearly what steps companies should take in relation to high-risk and conflict-affected areas to comply with the OECD Guidance. Given its importance for responsible sourcing, additional information on the five-step framework should be included in the CoP itself, not just the CoP Guidance. (For example, we	Add a new Section Y entitled "Implementing the OECD Due Diligence Five- Step Framework" (or alternatively, include the Five-Step Framework in its entirety): X.1: "Members shall establish strong company management systems for due diligence, including: A.a system of controls and transparency over the mineral supply chain, including chain of custody or a traceability system, or the identification of upstream actors in the supply chain; B.engagement with suppliers, including by incorporating their supply chain policy into contracts and agreements with suppliers; Y.2: "Members shall identify and assess risk in their supply chain, including their adverse impacts, by implementing the recommendations of the OECD annexes and supplements;	The added value of spelling out the 5 steps in COP itself is unclear. It is in the COP Guidance document that the detail on how to implement the provisions is contained. This is consistent with the approach throughout the COP – when compliance with a clearly defined framework is required, the framework is referenced without repeating the detail of what it entails in the COP itself (eg, GRI, Voluntary Principles). Please also note that the length of a COP provision is not in any way an indication of its relative importance.

Prov #	Name	Comment	Proposed change	RJC response
		believe this section deserves at least as much attention as the section on product disclosure, which is currently longer and more detailed than this proposed text.) The CoP Guidance should still provide additional detail, beyond what is proposed here, based on the OECD Annexes and Supplements.	<p>Y.3: "Members shall design and implement a strategy to respond to identified risks, by:</p> <p>A. Reporting the findings of their risk assessment to senior management;</p> <p>B. Devising and adopting a risk management plan, in accordance with the OECD's model supply chain policy, including strategies to mitigate risks and/or disengaging with suppliers after failed attempts at mitigation;</p> <p>C. Implement the risk management plan, and monitor and track performance of risk mitigation efforts;</p> <p>D. Undertake additional assessments for risks requiring mitigation, or after a change of circumstances.</p> <p>Y.4: Carry out independent third -party audits of supply chain due diligence at identified points in the supply chain.</p> <p>Y.5: Report publicly on supply chain due diligence, including through sustainability, corporate social responsibility, or annual reports."</p>	
X.1	MKS PAMP GROUP		X.1. Members shall adopt and communicate to their suppliers a supply chain policy with respect to sourcing from conflict-affected and high-risk areas. The policy shall be consistent with Annex II of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the "OECD Guidance") or other due diligence frameworks as identified by RJC <u>and deemed equivalent by the OECD.</u>	The RJC will maintain the responsibility for assessing and accepting equivalent frameworks for the purpose of COP certification. Formal recognition of other frameworks by the OECD will of course be taken into account as part of RJC's assessment.
X.2	MKS PAMP GROUP		X.2. Members shall exercise due diligence over their supply chains in accordance with the OECD Guidance, or other due diligence frameworks as identified by RJC, in ways appropriate to their size and circumstances <u>and deemed equivalent by the OECD.</u>	As above.
X.3b	MKS PAMP GROUP		X.3b Gold refiners shall additionally collect and, with due regard to business confidentiality, share information on the country mine of origin of mined gold received with the RJC on an annual basis <u>and on a confidential basis.</u>	The original wording already includes a reference to confidentiality. It will be reviewed for clarity.

Prov #	Name	Comment	Proposed change	RJC response
X.3	MKS PAMP GROUP		Add X.3c Members shall have a formal risk assessment process	The OECD 5-Step framework already includes a risk assessment process (Step 2).
X	Anonymous	Due Diligence is essential. The OECD Guide is very important. Isn't there a need for a specific guidance for some actors in the sector of jewellery like ASM, traders or sales force which do not pursue jewellery and mining as a core business?	Addition: Develop a specific guidance on Due Diligence for small businesses	Noted for development of supporting Guidance and tools.
X	Anonymous	Can we specify "conflict minerals"? Can the RJC office address questions on country risks and hotspots?	Addition: Business partners shall clear conflict risks and hotspots for sourcing with a designated competent point'	'Conflict minerals' is not a term used in the OECD Guidance and we will not use it in the COP or Guidance. Information related to the country level risks to be covered in the COP Guidance.
X	Anonymous	Could it be possible to address education on Due Diligence and its integration in curricula of business partners and stakeholders?	Addition: Business partners shall develop in cooperation with the RJC compatible accounting standards & software (ethics, due diligence and Know Your Customer oriented)	Noted for development of supporting Guidance and tools.
X	Jewelex India Pvt. Ltd.	As discussed during the consultation meeting the traceability of mines is challenging because the diamonds change hands many times and are mixed and re-assorted several times and thus they lose the traceability.		We recognise this challenge, traceability will not be a requirement for COP certification.
X.2b	Mehul Sidhuria		Add: Member should have to do reconciliation of In-coming and out-going rough and polished diamonds. Member should have to declare list of countries from where they have procured rough and polished diamond thought the year.	Reconciliation of KP certificates and SoW invoices is covered under 27.4
COP 7: Sourcing from Artisanal and Small-Scale Mining (ASM)				
7.1	Anonymous	Could colored gems review of ASM risks and benefits be part of this release as well? Not just the claims around origin?		This is covered in the Guidance and will be reviewed for further strengthening.
7	WWF	We would recommend adding 7.1.c. to include 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 for inclusion in the COP and Guidance.

Prov #	Name	Comment	Proposed change	RJC response
7.2	WWF	Furthermore, we would recommend adding 7.2 to include a physical-chemical traceability system over their gold suppliers to avoid any association with illegal activities or the use of mercury.		Provenance claim guidance on traceability claims will be developed and cross referenced to this section in the Guidance. Traceability schemes are not a mandatory part of the COP at this time.
7.1a	Enough Project	Include reference to sexual violence/slavery and illegal taxation/extortion.	“ Regularly assess risks of forced labour, worst forms of child labour, sexual violence and sexual slavery, illegal taxation/extortion, unsafe working conditions, uncontrolled mercury use, and other significant environmental impacts”	Agreed.
7.1b	Enough Project	Include reference to OECD, rather than ‘best endeavours,’ up to and including termination of contracts	“Use the steps outlined under the OECD guidance to positively influence practices and reduce or avoid the risks – up to and including termination of business relationships as a result of non-cooperation or non-compliance by suppliers – and provide for or cooperate in remediation of adverse human rights and environmental impacts	COP 7 is for members sourcing directly from ASM only and has certain requirements in addition to the general due diligence requirements which will already be covered under COP X.
7	Tiffany & Co.	The description of changes for COP 7 notes that the background section in the guidance will be updated to include a reference to the CRAFT tool as a framework for assessing risks and positively influencing ASM practices. The guidance should make it clear that the CRAFT is not an independent, third-party certification system.	Note in the guidance that CRAFT is not an independent, third-party certification system in order to differentiate it from other systems such as Fairmined and Fairtrade.	Agreed.
7.1	Tiffany & Co.		7.1—Consider adding a requirement to 7.1 to prohibit sourcing from artisanal miners that are not registered with the government or are otherwise operating outside of compliance with local laws.	A section will be added to the Guidance on formal/ informal ASM vs legal/ illegal. It is not our intention to prohibit sourcing from informal ASM as many countries have inadequate frameworks for formalisation.
7	Tiffany & Co.	For many members—and especially for members sourcing colored gemstones—sourcing may be indirect.	Consider addressing indirect sourcing through a requirement that members “use best endeavours” to work towards traceability beyond their immediate suppliers.	COP 7 is specifically for sourcing directly from ASM and has additional requirements to due diligence which applies to indirect ASM sourcing (COP X).
7	Tiffany & Co.	The CGWG has developed due diligence and a set of ASM criteria that has been cross-referenced with a number of industry ASM and small-producer standards (including Fairtrade, Fairmined, Maendeleo Diamond Standards, Better Steel, etc.).	Consider referencing the forthcoming due diligence tools developed by the CGWG in COP 7 as a sector-specific framework for sourcing from ASM in the gemstone supply chain.	Noted for review and potential reference in the Guidance (under COP 7 and COP X) when the tool becomes publicly available.

Prov #	Name	Comment	Proposed change	RJC response
		The tool has been and continues to be tested in the field and in the supply chains of CGWG (also RJC) members, and could be referenced in the COP as sector-specific guidance on ASM.		
7	CGWG	<ul style="list-style-type: none"> •The CGWG notes the acknowledgement by the RJC of the importance of ASM in the coloured gemstones sector and that this will be reflected in the guidance. •The CGWG has developed due diligence and a set of ASM criteria that has been cross-referenced with a number of industry ASM and small-producer standards (including Fairtrade, Fairmined, DDI, BS, etc.). The CGWG ASM DD tool has been and continues to be tested in the field and ASM gemstones sites and in the supply chains of CGWG (also RJC) members. We would like to discuss with the RJC how this ASM DD tool can be acknowledged by and reference by the RJC in the COP. •In particular, we believe that the COP 7.1 might reference the CGWG ASM due diligence tool to the benefit of its members. Especially as the CGWG DD tool is the only tool specifically designed for and tested in the coloured gemstone sector. •The CGWG recognise that for this inclusion to be considered the RJC will need to review and comment on the DD instruments it has developed. This is currently the subject of an exchange between the RJC and the CGWG. 		As above.
7.1a	ARM	We recommend considering the Fairmined Certification as a way to annually assess the risks mentioned in the 7.1 a provision.	The members who are also Fairmined members may use the annual audit controls of the certified artisanal and small-scale mining organizations as part of the regular assessment of the risks.	Agreed. Noted for inclusion in the Guidance.
7	ARM	Include a reference to the open source and international Code of Risk mitigation for Artisanal and small-scale mining engaging in Formal Trade (CRAFT- Standard maintainer ARM).		Agreed. Noted for inclusion in the Guidance.
7	Human Rights Watch	Section 7 on sourcing from artisanal and small-scale mining: Add an additional point to make clear that sourcing from ASM is also covered by the OECD Due Diligence Guidance. This separate section on	Add 7.c: "Implement the OECD Due Diligence Guidance to all ASM minerals, as outlined in Section Y."	Due diligence is covered separately under COP X. All parts of the COP are mandatory for all members unless otherwise stated.

Prov #	Name	Comment	Proposed change	RJC response
		artisanal and small-scale mining may suggest that due diligence should be conducted differently for such mines than for other mines; this is not the case. The added text makes clear that the OECD Due Diligence Guidance also applies to the ASM sector		COP 7 covers additional requirements for members sourcing directly from ASM.
7.2	Anonymous	In the frame of enquiries with partners like sales force in jewellery or stakeholders like financial institutions, it was observed that there is a lack of information about the specific challenges of ASM. ASM has a specific position in economics with business forms like cooperatives and plays a key role in poverty alleviation. ASM can benefit from labels like "Fair trade" etc. Business actors in ASM need entrepreneurial education and services (accounting, finance, data management)	Addition: Support labelling of ASM products and services and a country or region label register as well as funding for the business partners	This is outside the scope of the COP review. RJC works with partners such as ARM to support access to markets for responsible ASM.
7	Mehul Sidhpuria	We cannot identify Artisanal or Small Scale mining company but we can surely prepare list of registred mining companies for Diamonds and metals. This will help even auditor and RJC member for effective compliance		It is not our intention to limit ASM sourcing to 'registered' or formal operations as many countries still have inadequate frameworks for formalisation.
COP Y: Sourcing recycled industrial precious metals				
Y	Anonymous	This title is a bit confusing. Can we get closer to the language FTC uses around post-consumer and/or post-industrial uses?		To be reviewed.
Y	Anonymous	I believe the higher risks with recyclers is typically the AML and anti-corruption risks... Is there more that should be discussed?		Agreed, AML risks are covered under COP 10, which applies to all members in all cases.
Y	Anonymous	What about "refiners" that are not actually refining primary material and are just sourcing recycled content? should they be audited or could they? What about re-refiners in the jewlery industry that are sourcing scrap and melting down, but may or may create a proper chain of custody for that material?		This provision is specifically for refiners that source precious metals from informal recyclers (post-consumer) that are not under the control of the member. All other COP requirements apply to refiners that source recycled content of any sort.
Y	Anonymous	Are you meaning Post-Industrial Precious Metal?		See above.
Y.1	Anonymous	Can you define more specifically what constitutes an "informal recycler"		'Informal' means outside the formal economy. Noted for review in the Guidance.

Prov #	Name	Comment	Proposed change	RJC response
Y	Tiffany & Co.	Ensure a clear definition of "informal recyclers" is included in the guidance for COP Y.		Agreed.
Y	MKS PAMP GROUP	Please clarify definition of informal recyclers		Agreed.
Y.1b	Enough Project	Include reference to OECD, rather than 'best endeavours'	"Use the steps outlined under the OECD guidance to positively influence...."	Due diligence is covered separately under COP X. This proposed provision covers additional requirements for members sourcing from informal recyclers and covers a broader scope of risks than those covered through due diligence.
Y.1c	Enough Project	Recycled refiners are still at risk for having conflict material enter their supply chain, especially smuggled conflict gold. Should require they at least undergo a 'low risk' audit, if not a full audit	Add part (c) under Y.1: "Undergo an ['low-risk'] independent third-party supply chain audit compliant with the OECD guidance, and make public the results of those audits"	Refiner members where this provision applies, will automatically undergo an RJC audit as a condition of becoming certified. Conflict -related risks for recycled material will be covered under the due diligence & KYC provisions.
Y	Anonymous	The question is whether brokers and qualified dealers with material including on financial markets are involved in the CoP process	Addition: Work with brokers and dealers on the CoP approach	RJC seeks to promote the COP as the key framework for responsible practices with all those involved in the jewellery supply chain.
Y.1	Mehul Sidhpuria	Repurchase or return jewellery material shall be treated as recycled?		This is indeed recycled material but is not covered in this provision which addresses recycled <i>industrial</i> precious metals (eg e-waste). Sourcing of recycle material is subject to all other COP provisions (such COP 10 on KYC).
Y.1b	Berker Bros Ltd.	My take, would be as follows and I'd appreciate your confirmation that I got it right: "b) do their best, to ensure that neither human rights or the environment are adversely affected or impacted, either by bad business practice or the inherent risks involved, in this type of sourcing"		Agreed that current wording of Y.1b is potentially confusing. Noted for review of COP.
COP 8: Community development				
8.1	Anonymous	Is this consistent with UNGP or SDG language? I'm not sure I'm accustomed to seeing or defining scope around "institutional"		Noted for review.

Prov #	Name	Comment	Proposed change	RJC response
8.1	UNICEF NL & IRBC Gold	Members/companies should ensure their investments and activities catalyse sustained socio-economic development within producing countries – beyond the immediate vicinity of their mine sites. Add reference to local/national procurement and investment. Community investment/development should be done in a way that promotes and protects children’s rights. Investing in children’s safety, education and health leads to more resilient and peaceful societies in the long term, and is therefore the best foundation for a sustainable future for communities near major mining operations. Investing in children also provides companies with a qualified workforce pool and improves relations with communities, helping to secure the social licence to operate. See Tool 10 in the Mining Toolkit.	“Members in the mining sector shall seek to support the social, economic and institutional development of the communities in which they operate through the support of community initiatives as well as programmes to support procurement, capacity building and skills development at a national level. Members in the mining sector shall insert child rights considerations into their social investment planning process in order to move towards a better protection of child rights and contribute to the development of child-friendly communities.”	Noted for review in COP and Guidance.
8.1	Enough Project	Add language that further describes the types of acceptable support, as well as relevant risk mitigation steps that must be taken	For livelihoods, see the language/recommendations in Enough’s 2017 company rankings: www.enoughproject.org/demandthesupply	This is covered in the Guidance and we will review the link for further additions.
8.1	Mehul Sidhuria	This should not be a code of practice and it should be consider as while offering RJC commercial membership.		This is an important part of the COP that is already being implemented.
COP 9: Bribery and facilitation payments				
9.1d	Enough Project	Include reference to establishing a whistleblower/grievance mechanism for the company policy	Add part (d) under 9.1: “Establish a whistleblower and/or grievance mechanism, or make reference to an appropriate existing mechanism, that allows employees throughout the supply chain to raise concerns about noncompliance with the company policy/ies”	To be reviewed for addition to the COP and Guidance.
9.3	Mehul Sidhuria		Add: Member shall have to maintain cash register along with payment records and verification parameter should be based on Incident/Occasion/Value/Motive and to whom.	This is already covered under 9.3c.
COP 10: Know Your Counterparty (KYC)				
10.1e	Anonymous	SoW says 3 years, doesn't it? If there are inconsistencies, can RJC and WDC discuss and align?		Our requirements have been aligned with the 4 th EU Anti-Money Laundering Directive which stipulates 5 years.

Prov #	Name	Comment	Proposed change	RJC response
10.1	Richemont	KYC should be adapted according to the member's size, position, activity and power relationship in the supply chain, in order to avoid non-value adding paperwork for small members	Add in the standard "KYC policy and procedures shall be adapted to the member's size and circumstances" or flexibility to be mentioned in the guidance. If the counterpart is RJC COP certified, consider the KYC as done.	The core requirements of KYC are applicable to all members and cannot be delegated to RJC certification. Guidance will be reviewed to reference applicability to smaller companies.
10.1	Richemont	KYC should not be applicable for final customers	As currently mentioned in the CoC Guidance, the following definition of KYC should be mentioned in the COP guidance: "Know Your Counterparty (KYC) principles require businesses to identify every organisation that they deal with, to understand their business relationships and, within reason, to identify and react to unusual or suspicious transaction patterns. Established to combat money laundering and terrorism financing, KYC principles apply to both suppliers and customers (<u>but not end consumers</u>)".	Agreed. The definition used in the 2017 CoC standard will be adopted in the updated COP.
10.1a	Tiffany & Co.	COP 10 would be strengthened by going beyond the first point of contact (the counterparty/customer can often be a subsidiary or branch office) in determining beneficial ownership. Companies often have complex structures and it is important to follow the initial company branch to determine the parent company or true ultimate beneficiary.	10.a—Revise the terminology used in 10.a from "beneficial ownership" to "ultimate beneficial ownership."	Noted for review. Beneficial owner is defined in the CoC as : "the natural person(s) who ultimately owns or controls a counterparty and/or the person on whose behalf a transaction is being done. It also incorporates those persons who exercise ultimate effective control over a legal person or arrangement"
10	Mehul Sidhpuria	Can we make some policy where invoice should carry name of all promoters of the company, because it is difficult for the individual company to trace out name of all promoters of the company and its ultimate beneficiary.		See above.

Prov #	Name	Comment	Proposed change	RJC response
10	Sarine Technologies Ltd.	Part of knowing one's counterparty with whom one does business should include an element of due diligence when one has adequate reason to suspect that a member of the diamond manufacturing or distribution chain is violating the intellectual property rights of others in the manufacturing process.	10. KYC — money laundering, finance of terrorism, <u>and infringement</u> . 10.1 Members shall [...] b. Verifying that the counterparty and, if applicable, their beneficial owners, are not named on relevant government lists <u>and court records</u> for [...], <u>or against whom allegations have been made or adverse rulings have been issued for being involved in the infringement of intellectual property rights</u> . c. Maintaining an understanding of the nature and legitimacy of their business <u>and their manufacturing processes</u> ;	This risk is noted as one that is not currently covered under the COP and which will be reviewed for inclusion. This is likely to be under a different section as COP 10 is primarily about money laundering and finance of terrorism. This will also be noted for consideration in RJC's overall programme.
10.4	MKS PAMP GROUP		Add to 10.4: "Members are encouraged not use cash whenever practically feasible."	The principle of using cash is acceptable as such, so it would be challenging to adopt this suggestion.
10.4	Anonymous	Is the limit of 10,000 universally applicable? What is the practice in the regions?	Divergence from financial cash limits shall be explained and involvement of organisations like Western Union, Post offices or other payment services shall be mentioned	This threshold is now commonly used and is in alignment with the 4th EU Anti-Money Laundering Directive.
10	Mehul Sidhuria		Add: Member shall carry out their Diamond and Jewellery related transaction (Sales and Purchase) carried out via bank transaction except local law permit	Cash transactions are permissible and acceptable subject to implementation of COP 10.4 and local law.
10.1b	Mehul Sidhuria	RJC member shall not deal with the list of US treasury and to verify list of blocked person or organization, verify on following link; https://www.treasury.gov/ofac/downloads/sdnlist.pdf		This will be reviewed for addition to the list of resources in the Guidance.
COP 11: Security				
11.2	UNICEF NL & IRBC Gold	Security personnel should 'respect the human rights and dignity of all people'. In doing this they should also pay special attention to children's rights. Children should not be engaged for military purposes nor be used by the security provider for any other tasks, including food procurement, logistics, administration or espionage. Security personnel encounter youth and children in a variety of ways: as employee's family members, community members,	11.2 Add: "Members (in the mining sector) should ensure that: (a) no children are recruited or used in security arrangements, either directly or indirectly through security providers; (b) child abuse, including physical punishment, is prohibited in any situation where security personnel come into contact with children."	Review for additions to Guidance. The COP currently requires that members' security personnel respect the human rights and dignity of all people, which would include children. Child labour is also covered under COP 17.

Prov #	Name	Comment	Proposed change	RJC response
		and victims, perpetrators or witnesses of alleged crimes on company property. Because of their young age and physical weakness, children are at a greater risk of experiencing abuse, intimidation and harassment – and therefore it is crucial for a company to have security arrangements that take into account children’s rights. There are tools to help companies ensure their security frameworks are attentive to and protective of children’s rights: Child Rights and Security Checklist as well as a Child Rights and Security Handbook . See also Tool 6 of the Mining Toolkit.		
11.3	Tiffany & Co.	While recognizing that governments have the primary responsibility to ensure the protection of human rights in the context of public security, companies should ensure that actions taken by public security providers as they relate to companies’ operations do not violate human rights. This expectation is consistent with the corporate responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights.	11.3—Add the following language to the end of 11.3 or as a new clause: “Members that contract, engage with or otherwise interact with public security, whether formally or informally, shall take measures to assess the risk of and prevent human rights abuses by public security forces in line with the guidance set out in the Voluntary Principles on Security and Human Rights regarding interactions between companies and public security.”	Review for additions to COP and Guidance.
11.2	Mehul Sidhuria		11.2 Members shall ensure that all security personnel respect the human rights and dignity of all people and use force only when strictly necessary <u>human life is at risk</u> and the minimum proportionate to the threat.	This suggested text is too restrictive given that, for example, security personnel may need to use force to prevent serious injury even if human life is not at risk.
COP 12: Provenance claims				
12	Anonymous	We are concerned with the inconsistency in evaluating provenance claims and scope by auditors. Additional concerns given the vast majority of the industry have various claims and are RJC members, but have not gone through the audit for provenance claims of those on their website or those that are stated to their customers.		To be reviewed as part of RJC outreach and training with both members and auditors.
12	Anonymous	Will the guidance and auditor training be made public? We see some significant inconsistency and are concerned about understanding and implementation capability.		Both will be made public.

Prov #	Name	Comment	Proposed change	RJC response
12	Anonymous	When will this [audit report template] be completed? Can we comment on that more directly? Can we discuss the scoping process?		Offer to provide input to template noted with thanks.
12	Tiffany & Co.	Overall, more transparency is needed to demonstrate robust actions are taking place behind provenance claims. For example, if gold is claimed to be recycled, it should be confirmed that due diligence was conducted on all suppliers in order to confirm that the gold originates only from recycled materials. If a “conflict-free” claim is made on gold, it should be ensured that a due diligence framework aligned with the OECD framework has been implemented.	More detail is needed in COP 12 about the traceability systems used and required to support members' provenance claims. More transparency is needed to demonstrate robust actions are taking place behind the claim. Consider including specific provenance requirements for recycled materials in COP 12.	Noted for additions to Guidance.
12	Sarine Technologies Ltd.	With the prevalence of scientific innovations ubiquitous in the design and manufacturing processes of polished diamonds and jewellery, the provenance claims relating to a diamond or jewellery should also reflect that the goods are non-infringing under the laws relating to intellectual property rights and are free from such third party claims.	12.1 Members that make a provenance claim(s) shall have systems in place to ensure that the provenance claim(s) is valid and supported by evidence. <u>Provenance claims shall also include statements that the goods do not infringe the intellectual property of third parties.</u>	The risk of infringements on intellectual property is at odds with the purpose of this voluntary provision.
12.1	Gübelin Gem Lab		Members that make a provenance claim(s) shall have systems <u>and technologies</u> in place to ensure that the provenance claim(s) is valid and supported by evidence. The systems shall include: <u>Add: technologies enabling a verifiable traceability and/or trackability of materials, based for example on physical tracers or on digital, decentralized and cryptographically secured ledgers (using blockchain technology).</u>	We intend to develop provenance claim guidance on traceability claims, but the COP will not require the use of traceability and specific technologies.
12.1	Mehul Sidhpuria		Add: 12.1f. Member shall make clear declaration on Invoice and any further warranty passed on by the seller should be supported by warranty received and implemented system of tracking and traceability.	Noted for review of Guidance.
COP 13: General employment terms				

Prov #	Name	Comment	Proposed change	RJC response
13.1	Meridian Group International Inc.	Members shall ensure that employment terms with regards to wages, working hours and other employment conditions are communicated to employees in writing prior to employment commencing, in a language that is understood by them.	Include: •New worker orientation and training programs include introductions to health services and related policies • Health educational materials appropriate for the literacy level and in the language of workers are available and regularly distributed	This is a better fit for COP 21 – Health and Safety. Review for additions to Guidance.
13.3	Meridian Group International Inc.	Members shall ensure that such data is collated in a gender- disaggregated way	Include: •Health data, disaggregated by sex and age, is reviewed at least twice a year by the management team and the appropriate worker committees.	This is a better fit for COP 21 – Health and Safety. Review for additions to Guidance.
13.1	Tiffany & Co.		13.1—Add the following language to the end of 13.1: “Where providing advance written notice of employment terms is not viable, verbal notice will be provided in a language understood by the candidate and the terms and conditions of employment will be provided in writing at time of hire.”	The conclusion from our research is that it is best practice for workers to receive a copy of their employment terms in writing prior to commencing employment.
13.3	Tiffany & Co.	In some jurisdictions, companies are required to collect gender-specific data to comply with gender pay gap reporting. In these cases, an exception should be added for the avoidance of additional administrative burden where the intent of COP 13.3 is already being met.	13.3—Add “except where already required by law or as part of legally required reporting, so long as the legal requirements are above and beyond the RJC’s requirements” to the final sentence of 13.3. In addition, more detail and explanation is needed to clarify how members are expected to collate information in a gender-disaggregated way	It’s not clear why this exception would be necessary if the member is already required to collect this data by law. Noted for review of Guidance.
COP 14: Working hours				
14.2a	Richemont	Since the provision is applicable to all employees, there is no need to specify “women or men”.	Standard: “The imposition of overtime where women or men employees are unable to leave the work premises or are in any way forced to accept it (through abuse, threats of dismissal, or other) is not allowed. Refusal to work overtime shall not be punished ² , retaliated against, or penalized in any way.	Noted for Review of COP provision and Guidance.
14.3b	Richemont	Prevailing industry standards should be considered as well	Standard: “During peak production periods if it is rare, voluntarily performed, and compensated at the appropriate premium level established by law <u>or prevailing industry standards.</u> ”	Agreed.
14.4	Richemont	“should” doesn’t make it a requirement	Standard: “Special leave or working time... <u>shall</u> apply to both men and women employees”.	Agreed.

Prov #	Name	Comment	Proposed change	RJC response
14.2a	Tiffany & Co.	In the jewelry industry, businesses often become busier around holidays and mandatory overtime becomes necessary.	14.2.a—Revise 14.2.a to the following: “a. Overtime work is requested by the member under a voluntary overtime system. Required overtime is permitted only where it is within the limits allowed under applicable law or collective bargaining agreements. The imposition of overtime where employees are unable to leave the work premises is not allowed.”	The proposed change to remove the wording on ‘forcing or punishing workers’ removes a key part of the intent of this provision.
14.2b	Tiffany & Co.	For the protection of workers’ health and safety, exceedance of 60 hours in a week of overtime or normal work week hours should not be permitted beyond exceptions permitted under applicable law or a collective bargaining agreement. Allowing more than 60 hours in a week under “exceptional circumstances” is too subjective and risks being abused.	14.2.b—Consider revising 14.2.b to the following: “The sum of the normal work week and overtime hours shall not exceed 60 hours in a week unless defined otherwise by applicable law or permitted under a collective bargaining agreement. In all cases, appropriate safeguards shall be taken to protect the workers’ health and safety.”	The definition of ‘exceptional circumstances’ is clearly defined in the Guidance. COP provision to be reviewed to limit the risk of subjectivity.
14.3a/ 14.3b	Tiffany & Co.	In most cases, at least one rest day in seven consecutive working days is important for guaranteeing worker safety. Recognizing this, it should be noted that given the unique nature of mining, the mining sector’s use of fly-in, fly-out roster cycles should also be taken into account. Outside of this mining-specific context, exceptions such as those contained in 14.3.a and 14.3.b should not be permitted.	14.3—Consider replacing 14.3.a and 14.3.b with a single, mining-specific exception: “Fly-in, fly-out mining roster cycles where work is voluntarily performed and compensated at the appropriate premium level established by law.”	This exception criteria are carefully defined, in line with the approach to overtime, for all types of businesses (not just mining FIFO scenarios).
14.4	Tiffany & Co.		14.4—Update the language of the final line of 14.4, changing “both men and women employees” to “all employees regardless of gender.”	Agreed.
14	Mehul Sidhpuria	Normally, overtime permission is not possible to get from the government authority and therefore if overtime worked within permissible limit and compensated according to law, permission procedure can be avoided and shall not be treated as non-compliance. Overtime done at the shift starting time or morning hours are forced-free but during evening hours possibility of forced overtime so specific requirement should be included.		The exceptional circumstances for overtime have been clearly defined in the Guidance, with non-conformity assessment ratings developed to reflect this.

Prov #	Name	Comment	Proposed change	RJC response
COP 15: Remuneration				
15.1	Richemont	Members shall <u>ensure</u> that comparable wages are provided to all employees: “ensure” might be too strong and we propose to use the wording “commit to provide”	Standard: “Members shall <u>commit to provide</u> comparable wages to all employees”	Noted for review of COP provision.
15.3d	Richemont	“ensure equality of compensation” might be too ambitious and difficult to verify	Remove “equality of compensation” in the standard text	Noted for additional clarification in the Guidance.
15.1	Tiffany & Co.	It is best practice for members to pay a living wage and the RJC should encourage best practice.	15.1—Strengthen 15.1 to encourage paying a living wage by adding the following language: “Members shall strive to pay a living wage.” The Global Living Wage Coalition may serve as a resource in drafting guidance.	Noted for review in COP and Guidance.
15.1	Tiffany & Co.	In certain cases, employees performing the same duties may in fact possess characteristics such as skills, knowledge, tenure or other features which impact the value of their work, and employees should be rewarded for their merit. The focus of COP 15 should be on “work of equal value” Tiffany & Co. rather than the “same work.”	15.1—Replace the new language in 15.1 with the following: “Members shall ensure that comparable wages are provided to all employees for carrying out work of equal value and that processes exist to assess and remediate any gender wage gaps.” Clarify, in the guidance, whether the integration of a gender lens in periodic compensation reviews meets the obligations of 15.1.	The removal of ‘same work’ will be reviewed. Noted for review in the Guidance.
15.3d	Tiffany & Co.	Feasibility may be a challenge when it comes to complying with 15.3.d. There may be reasons beyond the member’s control as to why payment might not be received (e.g., a banking error).	15.3.d—Revise 15.3.d to ensure wages are “effectively paid” rather than “effectively received.”	The intention of this is to prevent unfair deductions from wages by employment agencies. Language to be reviewed.
15.3d	Tiffany & Co.	Ensuring “equality of compensation” would make the provision of merit-based pay impossible.	15.3.d—Revise 15.3.d to ensure “equitable compensation” rather than “equality of compensation.”	Noted for review in COP.
15	Mehul Sidhuria		Add: Member shall pay wages through bank transfer	COP 15.3b already covers suitable methods of payment. We would not look to restrict this to bank transfers only, as this may not be convenient for the employee.

Prov #	Name	Comment	Proposed change	RJC response
COP 16: Harassment, discipline, grievance procedures and non-retaliation				
16.2	Richemont	While all doctors and nurses need to be regularly trained, this may not be the case for all security staff or managers	<u>“Doctors, nurses, and other key personnel amongst security staff, managers or other, shall be regularly trained to recognize signs of gender-based violence and understand relevant laws and organisational policies”</u>	Noted for review of COP provision and Guidance.
16.2	Tiffany & Co.		16.2—Clarify whether all security staff and managers are required to receive the training in 16.2, or whether relevant key staff can be targeted for this training, as appropriate. This should be clarified in the guidance.	Noted for review of COP provision and Guidance.
16.4	Enough Project	This is the only place where the process of required communication is described as needing to be ‘active	Suggest changing all references to communicating policies/procedures throughout the COP to ‘actively communicate’ as it is stronger than simply ‘communicate’	Agreed, COP to be reviewed to emphasise active communication everywhere relevant.
16.4d	Tiffany & Co.	While the intent of 16.4.d is appreciated, it may not be feasible for companies to guarantee gender balance in the selection of those who assess grievances while also maintaining confidentiality, particularly in a workforce where one gender group may be a significant minority.	16.4.d—Remove the language proposed in 16.4.d.	Noted for possible review of COP provision, with additions to Guidance.
16.5	Tiffany & Co.	It is important to consider that members may have location- specific policies and management systems in place, which still effectively meet the intent of 16.5	16.5—Consider whether 16.5 is already covered by 16.1 and 16.4. Alternatively, consider revising 16.5 to reflect the fact that policies and procedures may vary across regions, while still effectively meeting the intent of 16.5.	COP 16.5 is distinct from 16.1 and 16.4 since it specifically requires the implementation of a policy. Agree that 16.5 can be met with location-specific policies, to be noted in the Guidance.
16.3	Mehul Sidhpuria		16.3 Members shall clearly communicate <u>conduct training to relevant employees twice in year to communicate</u> the business’ disciplinary process, and related standards on appropriate disciplinary procedures and employee treatment and apply these	Training is already covered in the Guidance. There are also other required forms of communication, such as policies.
COP 17: Child labour				
17.3	Richemont	“COP” is missing in front of “17.1”	<u>“Notwithstanding COP 17.1, where child labour...”</u>	Noted.
17.1	Enough Project	Include reference to suppliers	<u>“Members and their suppliers shall not engage in...”</u>	COP 17 is focussed on the members operations. Child labour risks in terms of suppliers is addressed under COP 6, COP 7 and the COP X.

Prov #	Name	Comment	Proposed change	RJC response
17	Mehul Sidhpuria		Add: Member shall implement policy and procedure for the abolition of child labour and shall not recruit any child labour in their operation. Adolescents are strictly prohibited in Mining activity	The provision already includes clear language and requirements in relation to child labour, which are based on relevant and appropriate International Labour Organisation (ILO) Conventions.
COP 18: Forced labour				
18.2	Tiffany & Co.	Assessing whether a worker “feels compelled to work on a non-voluntary basis” is a subjective experience, internal to the worker, and difficult to measure.	18.2—To keep this requirement clear, concise and objective, remove the newly proposed language from the first line of 18.2.	Noted for review of COP provision and Guidance.
18	Human Rights Watch	Labor rights provisions need to be firmly based in and explicitly reference ILO core labor standards (also sometimes described as fundamental labor standards). The current draft Code of Practices mentions ILO Conventions 138 and 182 relating to child labor, but fails to mention other core labor standards	Section 18 (forced labor) should reference ILO Convention 105 in addition to ILO 29	ILO Convention 105 is referenced in the Guidance already. COP 18.1 specifically mentions ILO Convention 29 in relation to its definition of forced labour.
COP 19: Freedom of association and collective bargaining				
19.1	Richemont	“COP” is missing in front of “16.1”	“... harassment as outlined in <u>COP 16.1</u> ”	Noted.
19	Human Rights Watch		Section 19 (freedom of association and collective bargaining) should reference Conventions 87 and 98	The ILO Conventions are already referenced in the Guidance.
19	Mehul Sidhpuria		Member shall provide Suggestion/complaint box in their premises and separate official mail id should be created for the workers complaint/suggestion.	This is already covered under COP 16.
COP 20: Non-discrimination				
20	Human Rights Watch		Section 20 (non-discrimination) should reference ILO Conventions 100 and 111.	The ILO Conventions are already referenced in the Guidance.

Prov #	Name	Comment	Proposed change	RJC response
COP 21: Health & safety				
21.4	Meridian Group International Inc.	Members shall provide employees and on-site contractors with a mechanism, such as a joint health and safety committee, by which they can raise and discuss health and safety issues with management	<p>Include:</p> <ul style="list-style-type: none"> •Establishment of a health and safety committee. •The health staff participates in all worker committees and, as appropriate, management committees to engage on health issues and activities. •Management seeks the formal input of women and men workers and their representatives in developing an annual health plan each year. 	Details regarding H&S committees are already covered in the Guidance, these additions are noted for further review of the Guidance.
21.7	Meridian Group International Inc.	Members shall provide access to adequate on-site health and medical facilities, including clearly marked first-aid provisions and trained first-aid personnel, and have appropriate procedures in place for transportation to local medical facilities in the case of a medical emergency	<p>Include:</p> <ul style="list-style-type: none"> •accurate referral information is available for public/private health providers, including exact location, hours of operation, sex of providers, types of services, costs (if not free), availability of health products, and general quality of care. •Maternal and reproductive counseling and health services should be offered as part of general health care services and incorporated into all health-related activities. •Medicines and immunizations are available based on illnesses specific to the workplace/community. 	Noted for review of Guidance.
21.2g	MKS PAMP GROUP		Remove: Childcare and breastfeeding facilities in accordance with applicable law	This is linked to compliance with applicable law.
21.5	Mehul Sidhpuria		21.5 Members shall provide training and information about health and safety to employees and on- site contractors in an form and language they can <u>understand upon joining of the employment and schedule training should be minimum twice in a year.</u> This will include:	Review Guidance for additions related to the new worker orientation and frequency of training.

Prov #	Name	Comment	Proposed change	RJC response
COP 22: Environmental management				
22.1	WWF	As 22.1, we would recommend 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 including SOPs (Standard Operating Procedures) associated to their production and transformation sites showing determination in mitigating the overall environmental impacts of their activity.		This provision is meant to apply to all types of companies across the supply chain, for smaller companies in particular these tools aren't always suitable. Guidance to be reviewed.
22	UNICEF NL & IRBC Gold	Add a paragraph on the vulnerability of children. Children are more vulnerable to the localized environmental impacts of mining activity than adults – particularly water, air and soil pollution – due to their progressive and incomplete physical development; the fact that they spend more time playing than adults and hand-to-mouth behaviour that makes children more likely to ingest pollutants; and their varying stages of mental development, for example, inability to read hazard and warning signs. Escalating environmental degradation and contamination can compromise household food security and health, especially for children. Water shortages can affect health and development; the lack of access to safe and clean water in communities is a serious threat to young children, as waterborne diseases are a primary cause of death among those under age 5. See also Tool 5 of the Mining Toolkit.	Add a new paragraph 22.2: "Members in the mining sector shall take into account that children are far more vulnerable to health risks from pollution and toxins than the same exposure by adults, and shall have in place policies and processes to identify, assess and monitor environmental risks to and impacts on children and pregnant women."	The is a better fit with COP 32 – Impact assessment. Noted for addition to Guidance.
22	Mehul Sidhpuria		Add: Member shall ensure that non-of their activity should pollute Air/Water/Land. All the disposal should be made in accordance with the applicable law	The COP is aligned with internationally accepted best practice in relation to minimising and mitigating environmental impacts. Disposal of waste in alignment with applicable law is covered under COP 24.
22	Mehul Sidhpuria		Add: Member involved in manufacturing activity shall have to do plantation of 25 trees every year.	This is overly prescriptive.

Prov #	Name	Comment	Proposed change	RJC response
COP 23: Hazardous substances				
23	WWF	We would recommend that on hazard mitigation measures, the member shall ensure each of the municipalities/state through which are passing hazardous material (cyanide, explosives, chemical, fuel, etc.) have their own risk and emergency plan active in case of accident with prior information of the concerned population.		This is more relevant to COP 35 on emergency preparedness and is covered in the Guidance.
23.2	Tiffany & Co.	Members should formally assess their use of identified materials/chemicals and respond based on local regulatory requirements and international guidance.	23.2—Strengthen 23.2 by replacing the newly proposed language with the following: “Members shall take steps to identify substances/chemicals that are legally or voluntarily restricted or recommended for restriction due to their hazards and/or or have been identified by a jurisdiction of authority based on potential concerns of a similar nature. Identified substances/chemicals shall be substituted or eliminated as required by the applicable jurisdiction of authority.”	The suggested revision is less clear and prescriptive than the current proposed requirement.
COP 24: Wastes and emissions				
24	WWF	We would recommend including measures to reduce off-site impacts from operations and to assess long-term post closure risks.		Long-term post closure risks are relevant to mining operations and covered under COP 40.
24.2	WWF	24.2 - We would recommend including the Paris agreement on climate change. The objective should be to generate zero carbon dioxide emissions on any new project of any member, applying the “avoid, reduce and compensate” sequence for carbon emissions.		The Paris agreement is a government framework and challenging to apply to companies. Approaches for minimising CO2 emissions will be added to the Guidance, including reference to appropriate tools and the concept of carbon offsets.
24	Tiffany & Co.	As currently written, energy and emissions are separated across two categories. This causes a division between concepts of energy efficiency, clean energy, and emissions reductions.	Consider reorganizing COP 24 (Wastes and emissions) and 25 (Use of natural resources) into three distinct provisions: 1) Waste; 2) Water; and 3) Energy and Emissions. If there are general items applicable to all three “natural resources,” consider placing those common items in COP 22 (Environmental management).	Reorganisation for further clarity to be considered.
24.2	Tiffany & Co.	Carbon offsets are an additional option for members to manage emissions.	24.2—Include the concept of carbon offsets as part of the mitigation hierarchy for carbon emissions.	Carbon offsets are covered in the Guidance.

Prov #	Name	Comment	Proposed change	RJC response
24.2a	Tiffany & Co.	24.2.a could be strengthened in positioning—without adding requirements or burden—by removing “alongside cost considerations.” The present framing implies that addressing environmental impacts has inherent negative financial impacts and that companies need not act if responsible management is deemed too costly.	24.2.a—Remove “alongside cost considerations” from 24.2.a to strengthen the requirement. Removing the clause does not require companies to take action where it is prohibitive, yet it provides space for companies to assess the full business case—including costs and benefits.	Agreed. The current wording can indeed lead to misinterpretation. Noted for review of the COP provision.
24.2b/ 24.2e	Tiffany & Co.	24.2.b and 24.2.e address similar concepts (quantification and monitoring).	24.2—Combine 24.2.b and 24.2.e.	Agreed. Noted for changes to the COP.
24	Tiffany & Co.	Waste and water impacts may not be material or significant for all actors along the jewelry value chain (i.e., mining vs. manufacturing vs. retail).	Clarify COP 24 and COP 25 as to whether all members must identify their largest waste and water impacts regardless of significance of waste and water in their operations broadly, or if a filter applies for operations where waste and water impacts are not significant.	Identifying <i>significant</i> waste and emissions is a part of COP 24. The Guidance also covers the approach for small companies for whom waste emissions and water use may not be significant.
24.1	Human Rights Watch	"Identifying" significant waste and emissions is an important step. But the commitment is not one that occurs at a single point in time. Rather, the language should reflect a commitment to "identify and monitor the extent of..."	Section 24.1. should emphasize that the obligation to track waste and emissions is ongoing and includes the obligation to quantify the extent of significant waste and emissions	Ongoing monitoring of waste and emissions is covered in 24.2b and 24.2e.
24	Human Rights Watch	National laws often establish the right of the public to access existing environmental information. Best practice in this area requires that affected people have the right to be informed, even without a specific request, of any matter having a negative or potentially negative impact on the environment and/or their health	<ul style="list-style-type: none"> •The draft Code of Practices should include a provision to make publicly available the information that has been collected regarding waste and emissions. •The draft Code should ensure that environmental monitoring reports are easily available and accessible to the public. This is to enable people living in the immediate vicinity of waste discharges to be informed about the extent of any environmental contamination and any possible health consequences of contamination. 	The requirement to comply with national laws on environmental disclosure is covered in the Guidance under COP 3 (reporting). The potential for negative impacts from wastes and emissions is more of a risk for mining activities. The COP requires mining companies to annually report using the GRI mining supplement which includes reporting on environmental impacts and emissions.
24	Human Rights Watch	The right to health encompasses the right to healthy natural environments. This includes a responsibility to "prevent threats to health from unsafe and toxic water conditions	Where waste discharges cause significant environmental damage and/or present a risk to human health of nearby communities, companies should commit to implementing a comprehensive, time-bound environmental clean-up strategy.	The need to identify and manage significant environmental risks (including those related to discharges) is addressed in COP 22.2. Clean-up strategies / remediation needs to be the last step in the process.

Prov #	Name	Comment	Proposed change	RJC response
24	Anonymous	Clarification on quantification of emissions: is there a step by step approach, starting with quantification of waste, water and CO2 and how? Aren't there best practices needed for resource balances and accounting in conflict and high-risk areas? Is there a simplified method to value forests as a sink and obtain quick financing for compensation of CO2 emissions? Are there reference standards or organisations (IUCN, etc..)		Relevant tools and resources will be added in the Guidance.
COP 25: Use of natural resources				
25.2b	WWF	25.2.b - We would recommend including wording on any project affecting the water balance (quality and quantity) of a water basin should be decided through a public debate involving the stakeholders concerned. During the mining project, the data should be regularly updated at the scale of the mining site and the sub-river basin according to the Aarhus convention on environmental- related information access. Furthermore, water volume and quality should be separated out.		COP 25.2 c is intended to address the need for catchment-scale management and collaboration.
25.2c	WWF	25.2.c - We would recommend including wording on the resource use that needs to respect environmental thresholds and account for social equity issues in trms of allocation. While "cumulative impacts" (25.2.b) does get at this, it's not entirely one and the same. There's also an aspect of evaluation dependencies that is missing from the approach right now.		Noted for review in the Guidance.

Prov #	Name	Comment	Proposed change	RJC response
25.4	Tiffany & Co.	24.2.c and 24.2.d require differing levels of action: 24.2.c requires voluntarily going beyond compliance, while 24.2.d requires compliance with law, where applicable. Linking clean energy targets to “national targets or legislation” may add complexity without significant benefit, as national targets do not always provide clear guidance across sectors on such specific issue areas. National targets are also often politically driven (rather than based on science or industry best-practice) creating different RJC requirements across geographies.	Best practice would encourage or require science-based emissions targets and waste/water efficiency measures beyond compliance with laws, which is currently specified in COP 24 and COP 25. 25.4—Revise 25.4 from “cleaner energy in alignment with national targets or legislation” to “cleaner, renewable energy.”	Agree that national targets do not always provide clear guidance on company targets but can be a useful reference. The use of company targets will be covered in the Guidance.
25.4	Richemont	If the member is located in a country with very poor local legislation or targets, he may not improve the situation	Members shall work towards using cleaner energy in <u>and be aligned</u> with national targets or legislation	Noted for possible revision of COP and additions to Guidance.
25.4	Richemont	“cleaner” energy needs to be more explained in the guidance, with renewable energy to be considered	Guidance: renewable energy to be promoted as well	Agreed, and noted for inclusion in Guidance.
25.2b	Anonymous	What is a “water balance” and how has it to be managed?		Noted for inclusion in Guidance.
COP 26: Product disclosure				
26.2g	Anonymous	Is this also the same requirement for diamonds? If not, why would this same disclosure not be included? Colored Gems origins should be called "Opinion"		Our understanding is that ‘place of origin’ is not used as a product descriptor in the sale of diamonds in the same way it is for coloured stones. This provision therefore applies for coloured stones only. Determination of place of origin as a matter of opinion will be well-noted in the Guidance.
26.2	Human Rights Watch	Place of origin is relevant for diamonds as well as colored gemstones. Section 26.2.g regarding the provision on place of origin should reference diamonds as well as colored gem stones. Similarly, Section 28.2 should also reference diamonds in addition to colored gemstones.		As above.
26.2h	Richemont	“COP” is missing in front of “26.1”	“...the materials listed in <u>COP</u> 26.1...”	Noted.

Prov #	Name	Comment	Proposed change	RJC response
26.2d	Richemont	Guidance mentioned that “abbreviations such as “lab grown”, “lab created”, “lab diamond” <u>or</u> “synthetic diamond” shall not be used” while “synthetic diamond” is not an abbreviation and is the right wording.	Guidance: delete “synthetic diamond” from the list of abbreviations not to be used => “abbreviations such as “lab grown”, “lab created” <u>or</u> “lab diamond” or “synthetic diamond” shall not be used” while “synthetic diamond” is not an abbreviation and is the right wording.	Text can’t be found.
26.2g	Richemont	Place of origin for coloured gemstones: proposal is agreed, as the place of origin of the stone relates to the mining zone and not to the country of cutting/ polishing, but may be difficult to implement as the same study regarding mining area done by several labs may result in different conclusions and labs do not commit on their conclusion. In addition, we would recommend to use “zone” as it seems to be more current for laboratories to specify a “zone” where the gemstone has been mined. If the word “area” shall be used then we recommend that it shall be clarified that “area” shall not be misinterpreted as “administrative region”.	Standard: “The place of origin shall only be used when it denotes a zone where gemstones have been mined” Guidance (if “area” shall be used): “area” shall not be misinterpreted as “administrative region”	Guidance will include clear definitions on place of origin. This is noted for review of the Guidance.
26.3d	Richemont	The testing protocol should not be disclosed to final customers	Standard or guidance: “The testing protocol must be disclosed to buyers (<u>but not end customers</u>), including the procedure for managing test referrals”	Agreed. Noted for revision in COP.
26.2g	Tiffany & Co.	Acknowledging the complexity of traceability and transparency in the colored gemstones supply chain, and the difficulty in prescribing an approach or standard to describe place of origin, 26.2.g leaves considerable latitude to the interpretations of individual members and auditors. This may result in a corresponding variance in the practices of members and customer expectations for RJC-certified companies.	26.2.g—Provide additional guidance in 26.2.g on how to make reasonable judgments on the origin of colored gemstones that are largely consistent across all certified members.	Guidance will be developed on providing information on whichever determination method/approach has been used for identifying place of origin. However, it’s beyond RJC’s remit to develop guidance on determination methodologies for place of origin.

Prov #	Name	Comment	Proposed change	RJC response
26.2g	CGWG	<ul style="list-style-type: none"> •The CGWG acknowledges the complexity of tracking and transparency in the coloured gemstone supply chain, as well as its importance to jewellery consumers. •While we acknowledge the difficulty in prescribing an approach or standard for describing place of origin for coloured gemstones, we are concerned that the looseness of this COP can leave considerable latitude in its interpretation by members and auditors and a corresponding variance in the practices of the members and what can be expected by their customers by virtue of being RJC certified. •We hope/expect that the RJC COP guidance will add considerably more context, examples of good practice and instruction to auditors on how to make reasonable judgements that can be seen as being consistent across certified members. •The RJC guidance should aim at clearly listing (examples of) acceptable proofs of origin (mining) in the COP Guidance: scientific test methodology, audited documented traceability...etc. Although there are different systems the RJC should take a position on which are acceptable or moving towards being acceptable as reasonable and legal in provenance claims. 		Noted for addition to Guidance.
26.2	Gübelin Gem Lab	Suggestion for a possible formulation to be added to the COP text	c. Place of origin for coloured gemstones: When describing the place of origin of a stone, information on how this was determined shall be disclosed. The place of origin shall only be used when it denotes an area where gemstones have been mined. <u>Technologies enabling the independent and auditable traceability of materials, based for example on physical tracers or on digital tracking systems (such as blockchain technology), shall be applied for those materials for which such technologies are tested and available.</u>	We will further develop our provenance claim guidance on traceability claims and will cross reference this to the Guidance for COP 26, however the COP will not include the use of such technologies as a mandatory requirement.

Prov #	Name	Comment	Proposed change	RJC response
26.3d	Jewelex India Pvt. Ltd.	As discussed during the consultation meeting in Mumbai and opposed by the participants this would have been removed. In case you have any query we can explain this further	The recommended requirement that “the outcome of testing and the inclusion of referrals in sale of diamond parcels will be disclosed to the buyers”.	Agreed. COP provision has been revised.
26	Mehul Sidhpuria	There should not be terms like undisclosed Synthetic diamonds. Broadly there are two categories of Minerals 1. Precious (Includes Natural Diamonds/Treated Diamonds/Natural pearls) 2. Semi-Precious (Includes Cultured Pearls/Natural Stones includes coloured Stones) 3. Non-Precious (Includes Synthetic/Simulants)		Suggested revisions are not in line with internationally accepted nomenclature.
26.3a	Mehul Sidhpuria		a. Obtain a written warranty from their suppliers to confirm that the parcels supplied to them do not contain undisclosed synthetic diamonds.	As above.
26.3b	Mehul Sidhpuria		b. Have effective policies, procedures, training, and monitoring systems in place to avoid the possibility of undisclosed synthetic diamonds being switched for natural diamonds at their facilities.	As above.
26.3c	Mehul Sidhpuria		c. Employ a documented due diligence process to identify and mitigate risks related to undisclosed synthetic diamonds entering their supply chain. Possible contamination points will be classified as low, medium or high risk.	As above.
COP 27: Kimberley Process Certification Scheme and World Diamond Council System of Warranties				
27.4	Anonymous	Do all indian manufacturers go through this? If so, why isn't this reported on their website or on their page on the RJC website to show regular reviews/monitoring? Note: We have seen many candidate suppliers that are RJC certified that don't consistently have systems of warranties on their invoices.		Noted for potential action through member outreach and training programme.
27.4	Anonymous	“if asked for by a duly authorised government agency...”	Typo. Should be capitalised.	Noted.
27.5	Anonymous	Can RJC provide a guidance for different national international sanctions lists? We find many companies in the supply chain are confused by these options.		Noted for addition to Guidance.

Prov #	Name	Comment	Proposed change	RJC response
27	Richemont	Reconciliation is not clear neither for us nor for the RJC auditor. 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.	To be reviewed.
27.1	Human Rights Watch	Section 27 should be amended to make clear that compliance with the Kimberley Process is in addition to implementing the OECD guidance. The suggested wording clarifies that adherence to the Kimberley Process and World Diamond Council System of Warranties is not a substitute for broader due diligence under the OECD Guidance.	Section 27.1: Add as follows: "In addition to conducting due diligence in compliance with the OECD Guidance, members involved in the diamond trade will adhere to the Kimberley Process Certification Scheme and the World Diamond Council System of Warranties, as appropriate."	All provisions in the COP are mandatory for members unless otherwise stated. This is to avoid unnecessary duplication and to keep the COP concise.
27	Mehul Sidhuria		Add: Member shall mention KP number on their rough diamond sales invoices if sales executed within country. In case of Polished diamonds above size of 18 Cents should also contain KP certificate number on the sales of Polished Invoices. Member should not execute sale of below 18 cents and above 18 cents in same invoice.	To be reviewed.
COP 28: Grading, analysis and appraisal				
28	Richemont	Place of origin: see 26.2.g.	We suggest to mention that, except in case of full traceability of the stone back to the mine, the origin may always be an assumption and specified as such on the origin report.	Agreed for addition in Guidance.
28.3	Tiffany & Co.		28.3—Provide further clarity on the definition of "members that generate independent appraisal reports" in 28.3.	This is laboratories, and other organisations that generate reports. Noted for addition to Guidance.
28.4	Tiffany & Co.		28.4—For clarity, revise 28.4 to the following: "28.4 Members that offer diamond grading reports, coloured gemstone analysis and/or place of origin reports, or appraisal reports—which might reasonably be construed to be independent—to end consumers shall disclose any relevant vested interests held by the grader, analyst or appraiser in the sale of the jewellery product."	We are unclear on the need for this minor change.
COP 29: Extractive Industrial Transparency Initiative				

Prov #	Name	Comment	Proposed change	RJC response
29.1	MKS PAMP GROUP		"Members in the mining Sector shall <u>encouraged to</u> commit to and support implementation of the Extractive Industries Transparency Initiative (EITI)"	The suggested change weakens the requirement. The Guidance specifies that the commitment applies <i>in EITI implementing countries</i> .
COP 30: Community engagement				
30	WWF	We would recommend including requirements tied to collective action and developing capacity to respond to share (water) challenges. This soft form of governance is a critical aspect that mining companies can help with.		This fits better under COP 25 on water use. Noted for addition to Guidance.
30	WWF	In addition, we would recommend that there be explicit noting of engagement with basin water authorities to align efforts and support water policy implementation. If there is no governance on water resources, the member shall support the coordination of this governance through an independent third party together with the local government, communities and any stakeholders to be associated to such governance tool in this region.		This fits better under COP 25 on water use. Noted for addition to Guidance.
30.1c	UNICEF NL & IRBC Gold	Identify women and children as specific vulnerable groups that require consultation.	"Identify affected communities and the full diversity of relevant stakeholders including vulnerable groups, such as women and children, in relation to project risks, impacts, and phase of development and ensure they are effectively and meaningfully represented throughout the project lifecycle."	Noted for addition to COP and Guidance.
30.1d	Enough Project	Note that communities have the right to refuse projects under FPIC. Also change "rights compatible" to "rights-respecting"	"Establish effective communication measures to disseminate relevant project information and receive feedback – including, where applicable, communities' rights to refuse projects in whole or in part – in an inclusive, equitable, culturally appropriate and rights-respecting manner"	Noted for addition to Guidance.
30	ARM	We recommend exploring if the community engagement of the members might also mention that the members in the mining sector shall consider as part of the CSR the development of the community: creation of jobs opportunities, the dialogue with the communities, etc.		Noted for addition to Guidance and cross-reference to COP 8 on Community Development.
30	Mehul Sidhpuria		Add: Member of the mining sector shall plant tree at least in 1 Acre once in every three year.	This is overly prescriptive.

Prov #	Name	Comment	Proposed change	RJC response
COP 31: Indigenous peoples and free prior informed consent				
31.2c	Enough Project	Add reference to right of refusal	Add part (c) under 31.2: "Consistent with the FPIC guidance, companies shall inform communities that they can accept, reject, partially accept, or choose not to give an opinion on a proposal, and can request as much time as they need to decide what is best for them."	This provision will be reviewed for alignment with IFC PS7.
31.3	Enough Project	Highlight the consent must be ongoing throughout the life of the project	"Members in the mining sector shall seek to obtain and maintain throughout the life of the project broad-based support of affected indigenous peoples..."	Agreed.
31.3	Tiffany & Co.		31.3—At the end of the current requirement, add "before the commencement of mining activity," so that 31.3 reads as follows: "Members in the mining sector shall seek to obtain broad-based support of affected indigenous peoples and to have this support formally documented, including partnerships and/or programs to provide benefits and mitigate impacts before the commencement of mining activity."	Agreed. This was specified in the Guidance but can be further emphasised by inclusion in the COP itself.

Prov #	Name	Comment	Proposed change	RJC response
31	Human Rights Watch	Section 31 on indigenous peoples and free, prior and informed consent should explicitly be based on the UN Declaration on Rights of Indigenous Peoples. The UN Declaration stipulates that indigenous peoples have rights over the land, territories, and resources they have traditionally owned, occupied, or otherwise used or acquired. The Code of Practices falls short of the UN Declaration on Rights of Indigenous Peoples as well as IFC Performance Standard 7 when it requires that members "work to obtain" (rather than "obtain" the free, prior and informed consent of affected indigenous peoples in the context of relocation and actions with significant impact on the lives of indigenous peoples. Under the Convention, indigenous peoples can only be relocated once they have given their free, prior, and informed consent, after agreement on just and fair compensation of land, property, and livelihood. IFC Performance Standard 7 explicitly requires clients to obtain free, prior and informed consent in certain cases	Section 31.1: Revise as follows: "Members in the mining sector that are active in regions where indigenous peoples are present shall respect the rights of indigenous people and their social, cultural, environmental and economic interests, including their connection with lands and waters, and comply with applicable provincial, national and international laws, including the UN Declaration on the Rights of Indigenous Peoples." Section 31.2 a: Delete "Work to" at the beginning of the sentence. Section 31.2 b: at the end of the first sentence, add "including compensation, if applicable." Section 31.3: Revise as follows: "Members in the mining sector shall obtain the broad-based support of affected indigenous people and have this support formally documented, including any compensation, partnerships and/or programs to provide benefits and mitigate impacts." [delete "work to" obtain...addition of compensation]	This provision will be reviewed for alignment with IFC PS7.
31	MKS PAMP GROUP	Will these strict guidelines go against the goal to have substantially more mines CoP certified?		These requirements have been benchmarked against international frameworks.
COP 32: Impact assessment				
32	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. 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.		Noted for addition to Guidance.
32	WWF	Review the need to include wording on the requirement for assessing HCVs.		This is covered under COP 36 on biodiversity. Noted for addition to Guidance.

Prov #	Name	Comment	Proposed change	RJC response
32.3	UNICEF NL & IRBC Gold	<p>Identify children as an important stakeholder group, for example in paragraph 32.3. The stakeholder analysis should adequately identify and enable the participation of all the potential stakeholders, particularly the most vulnerable, and therefore requires considering which individual children or groups of children may require extra attention and assistance to participate in baseline data collection, including groups and individuals that are unlikely to be well represented through formal structures, such as street children, orphans or child-headed households. This step is crucial for ensuring that all impacts on people will be properly considered. This may require a particular attention to the differing needs, interests, values and aspirations of above mentioned subgroups. Members should ensure children's representation and participation in baseline studies. See Tool 2 of the Mining Toolkit.</p> <p>(New) mining facilities can have significant impacts on children, for example due to loss of land/livelihoods and in-migration of labourers and their families. See Tool 3 (resettlement), Tool 4 (in-migration) and Tool 5 (environment) of the Mining Toolkit.</p> <p>Land access, use and acquisition: land acquisition for mining activity can lead to the loss of livelihoods and homes, and reduced access to social infrastructure such as health-care.</p>	<p>"Impact assessments shall involve engagement with affected communities and stakeholders, including women and children, and appropriate subject matter experts."</p>	<p>Noted for addition to COP and Guidance.</p>
32.2	Human Rights Watch	<p>Section 32 should anticipate potential remedies. Where risks of negative human rights impacts are identified in an assessment, the assessment should outline how members will provide for or cooperate in remedying the impacts they have caused, contributed or been directly linked to (Section 32.2)</p>		<p>This is noted for coverage in the Guidance.</p>
COP 33: Artisanal and small-scale mining and large-scale mining				

Prov #	Name	Comment	Proposed change	RJC response
33	WWF	We would recommend integrating wording that members with mining facilities with ASM in their territory promote a certification system such as Fairmined or Fairtrade.		Noted for addition to COP and Guidance.
33	Richemont	Title should be simplified	Title: Artisanal, small-scale and large-scale mining	Title will be reviewed.
33.1a	Richemont	"COP" is missing in front of "30" and "32"	"...approaches (COP 30) and social and environmental impact assessments (COP 32)..."	Noted.
33.1	ARM	We recommend an active participation of the members in those initiatives and also see the dialogue as a great opportunity to engage with the ASM. Include an item d regarding the possibility to have responsible LSM and ASM.	<u>a. Engage directly and try to maintain a continuous dialogue</u> with the ASM as part of the member's community engagement approaches (30) and social and environmental impact assessments (32); <u>c. Actively participate in initiatives, including multi-stakeholder initiatives, that enable the professionalisation and formalisation of the ASM, as appropriate to the situation.</u> <u>d. Promote and facilitate the participation of the ASM miners who works in the concessions of the LSM projects with responsible sourcing standards: Fairmined, Fairtrade with the intention to have responsible clusters with LSM and ASM.</u>	Noted for additions to COP and Guidance.
33	ARM	We provide additional inputs in the changes (underlined sentences) that you might include (second bullet point in the table)	<u>•Emphasis on the need for LSM operations to understand the structure and interrelationships of ASM activities (mining, hauling, rock breaking, milling, panning, amalgamation, buyers, suppliers etc) understanding their needs and challenges under direct dialogue.</u>	Noted for addition to the Guidance.
33	Human Rights Watch	Section 33 on Artisanal and Small-Scale Mining should be expanded to address all members in the supply chain, not only members in the mining sector. All companies in the supply chain, not only those in the mining sector, may participate in efforts to support the artisanal and small-scale mining sector.	Section 33: Title: revert to original "Artisanal and small-scale mining" Add Section 33.2: "All members shall consider opportunities to create economic and development opportunities for artisanal and small-scale miners, in line with the suggested measures outlined in the OECD Guidance."	This provision is specifically about the responsibilities of large mining operations with ASM near or on their operations. The responsibilities of other supply chain actors w/r to ASM is covered in COP 7 and COP X (on due diligence).
COP 34: Resettlement				

Prov #	Name	Comment	Proposed change	RJC response
34	UNICEF NL & IRBC Gold	<p>Mining changes the patterns of land use and can result in involuntary resettlement of people. This, in turn, can cause a loss of livelihoods and resources, affect access to social services, and impact communities' social cohesion. As stated in a case study of the International Development Association on resettlement, "Poor and vulnerable groups, including children, are particularly at risk when development activities result in displacement. Research has shown that children are more severely affected and may be less able than others to rebuild their lives after resettlement." Children are listed as a vulnerable group under <i>IFC Performance Standard 5: Land Acquisition and Involuntary Settlement</i>. See also Tool 3 of the Mining Toolkit</p>	<p>Add 34.2: "Mining companies shall identify and address child rights issues during resettlement planning, implementation and monitoring, in line with international standards and guidance."</p>	<p>Noted for additions to COP and Guidance.</p>

Prov #	Name	Comment	Proposed change	RJC response
34	Human Rights Watch	While the proposed Code recognizes that members have to avoid or otherwise minimize involuntary resettlement, it misses key principles on resettlement, as highlighted in the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement. The Code of Practices should explicitly commit to adhering to [these UN Guidelines], and elaborate on some key elements in its text	In particular, community participation is integral to every phase of a resettlement- during design, implementation, and after the move. The full and informed consent of affected persons, groups, and communities should be sought as regards the relocation site prior to the resettlement. Affected persons should also have a meaningful opportunity to challenge the eviction through accessible complaints or grievance mechanisms and redress. All persons, groups and communities have the right to suitable resettlement, which includes the right to alternative land of better or equal quality and housing that satisfies the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education. A resettlement policy, consistent with international standards, should be in place prior to any resettlements. Local government officials and independent observers, properly identified, should be present during the resettlement to ensure that no force, violence or intimidation is involved. Adequate compensation, social infrastructure, and all relevant conditions for resettlement should be prepared and ready by the time of resettlement to minimize disruption to affected persons, groups, and communities.	Most of these points are already included in the COP Guidance. UN Guidelines to be reviewed for further updating of COP Guidance.

Prov #	Name	Comment	Proposed change	RJC response
COP 35: Emergency response				
		No comments received		
COP 36: Biodiversity				
36.1	WWF	36.1 – We would request adding the wording “no mining in legally designated protected areas that do not explicitly permit mining”.		The RJC approach vis-à-vis legally protected areas is captured under 36.2 and is consistent with other international frameworks.
36.3	WWF	36.3 – We would recommend including following sentence to the COP/Guidance “Only after applying the earlier steps in the mitigation hierarchy should biodiversity offsets be employed to address the residual impact in order to achieve at least No Net Loss and preferably a Net Gain at the project level.” (IUCN Policy on Biodiversity Offsets https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2016_RES_059_EN.pdf)		The priority of steps within the mitigation hierarchy is already articulated in the Guidance but the wording in the COP itself will be reviewed to clarify that offsets are the last resort.

Prov #	Name	Comment	Proposed change	RJC response
36.5	WWF	36.5 – We would recommend including stronger guidance on deep sea areas to protect undersea ecosystems from adverse impacts.	Such guidance could include that any operation related to mining should not be conducted until: a. Responsible states and the International Seabed Authority, in bioregions being considered for seabed exploration or mining, have established an equitable governance system; b. Strategic Environmental Assessments including likely impacts of deep-sea exploration or exploitation of minerals on the marine environment, local communities, and including the potential cumulative effects in conjunction with other human activities are conducted. Such analysis must include adequate baseline information on the marine environment where mining or diamond collection is planned and be based on scientifically valid and relevant data; c. Environmental Impact Assessments for each potential project are conducted, that include full identification, assessment and treatment of risks (including those with low probability, but high consequence); d. A comprehensive and adequately-funded mechanism is established to cover clean-up costs, damages to affected parties, and the restoration of the environment associated with unauthorised discharges of materials and/or waste where the responsible party is unknown, unable or refuses to pay. In the absence of the above conditions, or lack of relevant data to conduct such analysis, the precautionary principle must apply, and commercial activity proscribed.	The requirement for environmental assessments (including baseline info, cumulative impacts, etc) and closure planning all apply under the relevant COP provisions. The Guidance cross-references these.
36.6	WWF	As 36.6 we would recommend including wording on HCVAs (High Conservation Value Areas).		Noted for potential addition to COP (36.3) and/or Guidance.

Prov #	Name	Comment	Proposed change	RJC response
36	WWF	Furthermore, we would recommend adding 36.7 to include wording on 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. Here, the no net loss principle should be considered for biodiversity. In addition, we would recommend adding 36.8 to include wording around invasive species (including aquatic invasives).		The need to consider impacts from infrastructure and also potential risk of invasive species is included in 36.3 and 36.4 and covered in the Guidance. The Guidance will be reviewed for further emphasis of these points.
36	Tiffany & Co.		36—Add IUCN Category I-IV areas and Alliance for Zero Extinction sites to COP 36, prohibiting exploration, mining or other activities in these areas. In the guidance, consider referencing the World Database of Key Biodiversity Areas and the Guidelines on Businesses and KBAs published in 2018 by IUCN in collaboration with KBA partners to guide businesses in effectively managing biodiversity risks to KBAs that may arise from their business activities.	The RJC approach vis-à-vis ‘no-go’ areas is consistent with other international frameworks. References noted for inclusion in the Guidance.
COP 37: Tailings and waste rock				

Prov #	Name	Comment	Proposed change	RJC response
37	WWF	<p>We would recommend reviewing (related to the COP and not just to the Guidance):</p> <p>a. the 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;</p> <p>b. the need to disclose the nature of discharge and waste disposal and any remediation measure; the need to install a permanent monitoring system to measure release of contaminants into the environment;</p> <p>c. the 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.</p> <p>A comment to the following statement in the Guidance: "Processes are in place to recognize and respond to impending failure of tailings facilities." This should include complete information on local communities potentially affected.</p>		<p>These points are covered under 37.2, the case to change the overarching provisions is not clear.</p> <p>Points noted for review of the Guidance.</p>
37.2	Richemont	Guidance: "TSF" risks are mentioned. Definition of those risks is necessary	Guidance: add definition of "TSF" risks in the text + meaning of the acronym.	TSF is 'tailings storage facilities'.
37.5	Human Rights Watch	Section 37 on tailings and waste should be harmonized with section 25.2. As recognized in section 25.2, mining waste can have particularly negative impacts on nearby water catchments.	"Members of the mining sector shall actively monitor water throughout watersheds under the influence of mining to identify potential contamination, including monitoring waste water discharges, ground and surface water sources, and drinking water in nearby communities on an ongoing basis. The need to ensure that results are easily available and accessible to the public."	The importance of monitoring is already included in the Guidance, cross-reference to use of water (COP 25) and community engagement (30) noted for addition to Guidance.

Prov #	Name	Comment	Proposed change	RJC response
COP 38: Cyanide				
38		Wish for further work on cyanide has been expressed in the frame of the consultation	RJC shall support further work on cyanide/mercury free processes, especially for ASM	This is not within the remit of the COP review. Noted for consideration as part of RJC's partnerships with ASM organisations.
COP 39: Mercury				
39.2	WWF	We would recommend adding that members using mercury or having partners using mercury shall define a "mercury-free" action plan to reduce and finally abandon mercury within xx years period.		Noted for addition to COP and Guidance.
39.1	Tiffany & Co.		39.1—Add a provision within 39.1 prohibiting members in the mining sector from storing mercury on site, disposing of mercury in tailings or selling mercury for any use other than those listed in Annex A or Annex B of the Minamata Convention on Mercury.	This will be reviewed with reference to other international mining frameworks.
39.2	ARM	We don't understand well the beginning of the sentence: Members in the mining sector using mercury in the ASM. Are you referring to RJC members who have ASM miners in their concessions?	<u>Members in the mining sector using mercury in artisanal and small-scale mining</u> and processing activities shall take steps to control, reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing.	The provision is meant to apply to any ASM RJC members. Need for clarification in the COP noted.
39	ARM	We recommend to include ARM as one of the organisations working to reduce and eliminate mercury use in the ASM.	Inclusion of organisations working to reduce or eliminate mercury use such as the Artisanal Gold Council, Mercury Free Challenge and <u>Alliance for Responsible Mining</u> .	Agreed. ARM and AGC are prominently featured in the Guidance. MFC will be added.
39	Human Rights Watch	Section 39 on mercury should explicitly endorse the UN Minamata Convention on Mercury. The Minamata Convention on Mercury and its provisions need to be explicitly referenced.	Insert a new point 39.1.: "Members in the mining sector shall implement the UN Minamata Convention on Mercury". Cut "where feasible" in point 39.2. and add at the end:"..., in line with the provisions of the UN Minamata Convention on Mercury." Add to the end of 31.2.: "Members shall take steps to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury."	Noted for changes to the COP and Guidance.

Prov #	Name	Comment	Proposed change	RJC response
39	Mercury Free Mining	Various marked-up comments with COP Guidance, section 39		Noted for addition to the Guidance.
COP 40: Mine rehabilitation and closure				
40	WWF	We would recommend reviewing the need to consider risks and residual impacts from infrastructure, subsidence, or acid- generation material in the rehabilitation and closure planning.		This is already covered in the Guidance.
Material scope comments				
	Richemont	We should consider including all gemstones from the start with no restriction to sapphires, emeralds and rubies. This will provide the opportunity - for suppliers who deal with several stones (both sapphires, emeralds and rubies and others) to have their whole scope of activities certified. - the suppliers dealing only with these additional stones may wish to become certified (even if they would be exceptions considering the current supply chain).		Feedback from workshop consultation involving companies in the gemstones supply chain suggest support for a phased approach. It is RJC's intention to include all stones within the COP scope within a 2 year period. COP certification does indeed focus on a company's management systems rather than the material in scope. COP provisions should be applied similarly across the whole company regardless of which stones are in scope. But, the phased-approach allows for companies to undergo RJC audits with scrutiny on a limited scope of stones in the first 2 years, making it more accessible and enabling learning through certification. The rationale for 'testing' the application of COP certification is to allow RJC to learn from certification and improve the COP standard, and member and auditor guidance accordingly before expanding to all stones. The 'testing' is of the RJC suite of requirements and tools rather than of
	Tiffany & Co.	It is a positive step that colored gemstones have been added to the COP, however all colored gemstones should be added to the scope at this stage—not just rubies, emeralds, and sapphires. Given that members and their management systems are the subjects of certification, rather than specific raw materials, limiting the scope to the rubies, emeralds and sapphires may generate confusion that the RJC certifies specific materials and products. Also, the addition of colored gemstones to the COP should not be viewed as a test. Characterizing the addition of colored gemstones as a test indicates that the RJC could ultimately exclude colored gemstones from the system. Colored gemstones are key materials for RJC members, and the sector should be encouraged to adopt responsible practices.	Consider the addition of all colored gemstones in the scope of the COP now, rather than taking a stepwise approach to ultimately integrating all colored gemstones.	

Prov #	Name	Comment	Proposed change	RJC response
	CGWG	<ul style="list-style-type: none"> •The CGWG is very happy to see that coloured gemstones are to be included in the COP. •That gemstones are varied is a truism that seems to be an odd rationale for excluding some gemstones from the coverage of the COP, given that it is the members and their management systems that are the subject of the certification, not the stones themselves. •Articulating this as the reason for the limited scope of gemstones might also add to the confusion that the RJC certifies 'stones' or 'products', rather than management systems and entities. •As explained here, the possible outcome of the 'testing' of the rubies, sapphires and emeralds is unclear. If the testing is 'unsuccessful' would gemstones cease to be included in the RJC COP? •We suggest, as we have before, that all gemstones are included in the scope of the COP, and that any potential confusion that might be caused by the rationale given for the limited scope and 'testing' phase is clarified. •For gemstones, given the existing of trading hubs/countries (Thailand, Sri Lanka, Hong Kong, etc.) and the predominance of some producing countries for some stones (Madagascar, Myanmar, Brazil, etc) it would seem more appropriate to organize RJC's efforts by country, rather than by stone. This might be done through more detail in the guidance of the due diligence provision in the COP; again, our work in the CGWG might help in this regard. 		the willingness to include a broader scope of stones.
General comments				
	Richemont	Diamond, gold and platinum group metal products (Prov 26-28)	Title: "Diamond, gold, silver, coloured gemstones and platinum group metal products"	Noted for change to COP.

Prov #	Name	Comment	Proposed change	RJC response
	Enough Project	"members in the mining sector" is used throughout – what about members with mining in their supply chain?	Suggest "members in the mining sector" be changed throughout to also reference members with mining in their supply chains, establishing an analogous level of due diligence responsibility	The terms are distinct and used accordingly in the COP.
29-40	Tiffany & Co.		Recognize 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. Allow IRMA-certified members to use IRMA certification to demonstrate compliance with the RJC.	Harmonisation with other standards is a key part of RJC's approach. The newly released IRMA standard will be reviewed for harmonisation. Note that equivalency / cross-recognition is only assessed for systems with active certification in place.
	Tiffany & Co.		With regard to environmental and occupational health and safety requirements, consider direct alignment with ISO 14001 and ISO 45001 to more closely reflect best practice.	Noted for review in the COP and Guidance.
	Tiffany & Co.	The section title on page 14 preceding COP 26 does not include colored gemstones; however the content of COP 26 has been revised to include colored gemstones.	Revise the section title preceding COP 26 to "Diamond, coloured gemstone, gold and platinum group products."	Noted for change to COP.
	Tiffany & Co.		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 related parties (e.g., manufacturing sites) are certified, the intent of certification may be failing to promote better practices within the industry.	This is outside the scope of the COP review and is noted for review as part of RJC's membership approach.
	CGWG	<ul style="list-style-type: none"> •The CGWG thanks the RJC for acknowledging previous comments. •We assume that many of the technical inputs will be considered for incorporation into the RJC COP Guidance. 		Comments on Guidance noted.

Prov #	Name	Comment	Proposed change	RJC response
	CGWG	<ul style="list-style-type: none"> •The CGWG thanks RJC for acknowledging the contribution of the group to the re-draft of the COP. •The group would be grateful that in the future reference is made to the Coloured Gemstone Working Group, rather than TDI. •The website link in the future will be : [URL to follow] 		Noted.

Comments and actions from COP review round 2 consultation workshops

Consultation with the Coloured Gemstone Working Group (CGWG), 20th March 2018, London

- On country of origin determination (proposed COP requirement: *when describing the country of origin of a stone, information on how this was determined shall be disclosed*), the spectrum of types of claims made about determination of country of origin should be described in relation to their relative strength (eg, 'based on my own assessment of the colour of the stone' vs 'I was told by my dealer' vs 'via GIA lab determination')
- On the above point, RJC should consult with brand purchasing teams and labs
- The CGWG Assessment tool was discussed, with one participant suggesting that the use of this tool could help demonstrate compliance with RJC requirements on due diligence for coloured stones.
- There was an expression of interest from the group to find more concrete synergies between the CGWG and RJC.

COP review consultation workshop, 16th April 2018, Paris

Due diligence

- The new requirements on due diligence, aligned with OECD Due Diligence Guidance, was supported. One participant asked whether this requirement will mean that RJC companies will need to ask all their sub-contractor, some of whom are specialised niche manufacturers (eg, making gold chains) to become RJC certified.

Know Your Counterparty (KYC)

- In France, there is not a national sanctions list and there is a specific definition of 'beneficial owner'. How far you go in terms of identifying the beneficial owner needs to be based on the level or risk.

Diamond detection and disclosure

- How would this provision apply to a sub-contractor (eg, a diamond setter), who provides a service to clients without buying or owning the diamonds?

Other

- Participants noted that some companies in the coloured stones supply chain will be able to meet COP requirements quickly, but others will take much longer to move.
- There was a suggestion to include in the Guidance examples of how to apply provisions for different size companies, with one specific suggestion to include a sample policy covering all the COP requirements for small companies.

COP review coloured stones consultation workshop, 16th April 2018, Paris

Scope

- The group agreed that rubies, emeralds and sapphires are the right three to start with.

Artisanal and Small-Scale Mining (ASM)

- There was a recommendation to include in the Guidance examples of responsible sourcing of coloured stones from large-scale mining as well as from ASM.

Place of origin

- There was a question on what to do if a company has more than one 'place of origin' lab conclusion for a stone and how a company should disclose the potential changing of place of origin for a same stone over time.
- There was agreement on the need for labs to carry out detection of treatments and synthetics as part of the determination of place of origin.

Treatments

- French law stipulates that traditional treatments (such as heating of stones) do not need to be disclosed. There followed a discussion on the need to refer to 'heating' separately to 'treatments' and the potential to refer to 'modification' (to be checked with CIBJO).

SMEs

- Concerns were raised that only large size companies will be able to comply (cost, human resources) and that SME's will be left out. There was a discussion on the need to adapt the communication and the tools for SME's.

COP review diamonds consultation workshop, 20th April 2018, Antwerp

Due Diligence

- Challenges related to full traceability, particularly of melee, were discussed. Participants noted the complexity of the diamond supply chain, and the fast-paced, dynamic nature of the supplier base. This presents difficulties understanding the upstream supply chain.
- The disclosure of commercially sensitive information along the supply chain could be problematic for some companies.

Know Your Counterparty (KYC)

- One workshop participant noted that the only major difference is that the legislation in Belgium applies to customers not suppliers.

Diamond detection and disclosure

- Workshop participants overall welcomed the new requirements but noted the need to avoid being overly prescriptive in the guidance on the sampling approach.
- There was agreement to only reference 'high risk' and remove the reference to low and medium risks since testing is not required under these lower risk levels.
- The size of the company should not determine the testing protocol. The suggestion is to remove this wording from the draft provision text.
- The requirement does also apply to diamonds already set in jewellery. This should be more explicit, either within the standard provision or as part of the guidance.
- There should be some guidance on how to deal with referrals after screening.
- External testing usually means gemmological laboratories but can involve alternatives such as use of common equipment at diamond bourses. This should be noted in the Guidance.
- As a general comment, another participant recommended that the RJC continue to research this topic given its importance for the industry, and the challenges involved.

World Diamonds Council System of Warranties (SoW)

- Provision 27.4 (which requires an annual 3rd party audit of KP certificates and SoW invoices received and issued) was discussed. Participants considered that this requirement should not be changed for rough diamonds and that if a change is proposed to the annual 3rd party audit, it should only apply to polished diamonds (and SoW invoices).

COP review consultation workshop, 12th & 13th June 2018, Mumbai and Surat, India (3 sessions)

- **Due diligence:** There were questions about challenges gathering information on risks in the supply chain for mid-stream diamond supply chain companies and a request to outline how compliance would be audited.
- **COP 26 product disclosure (testing for synthetics):** There was support for introducing testing requirements and the suggested provision.
- **KP certificates and SoW reconciliation (COP 27.4):** There was agreement that under some circumstances, the annual 3rd party audit of reconciliation of certificates/ invoices could be relaxed to every 3 years: eg, when very low volume of diamonds being used, and if you are a retailer who is not emitting SoW invoices.
- **Discipline and grievance procedures (COP 16):** There was support for the new language on sexual harassment and non-retaliations and a suggestion to separate out sexual harassment into its own provision
- **Internships:** There was a question on remuneration for internships. The COP allows for internships under conditions (including remuneration) defined by local law.

COP review consultation, 16th July 2018, New York (2 sessions)

- The RJC should clarify the terminology it will use for coloured stones in the COP, eg, corundum vs ruby, and refer to already well-developed nomenclature on this such as the CIJBO Blue Book.
- Clarify what sort of information/evidence will be acceptable for determining place of origin for coloured gemstones (see COP provision 26.2g product disclosure). Provide examples in the guidance.
- Consider using the word 'condition' rather than 'quality' for describing gemstones (see COP provision 26.2f product disclosure).
- Clarify if any coloured stones treatments could be exempted from disclosure requirements (see COP provision 26.2c disclosure), e.g. certain heat treatments. Participants highlighted the importance of disclosure when the treatment has a potential impact on the value of a stone.
- Members that generate independent appraisal reports, or valuation reports, for end consumers shall include the name of the consumer to whom the report is given and a statement of the purpose of the appraisal or valuation. Members that generate independent analysis reports, or gemmological laboratory reports, should not be required to disclose the name of the client (see COP provision 28.3 grading, analysis and appraisal).
- COP provision 15.7 on remuneration should be extended to cover parental benefits.
- Consider strengthening the wording in COP provision 26.3 on undisclosed synthetic diamonds to ensure a 'level playing field' e.g. clarify what is 'an appropriate approach for testing loose and polished diamonds'? Also, adjust wording to incorporate the term 'transparency' rather than 'disclosure' for requirements related to sharing the testing protocol with buyers.
- Align COP 26 requirements for disclosure of synthetic diamonds with the US Federal Trade Commission (FTC) Jewelry Guides.
- Check US Customs requirements on declaring country of origin of stones (origin is place stone was last manufactured) compared to accepted practice in the international jewellery industry (origin is place stone was mined) and develop text in COP guidance for RJC members to manage this difference.

- On anti-money laundering, align the RJC definition of government issued identification (which is part of COP 10.1a 'Know Your Counterparty' (KYC) practices) with the definition of the Securities and Exchange Commission (SEC).
- Confirm how listing with the Jewelers Board of Trade (JBT) can be used for carrying out 'Know Your Counterparty' practices.
- Consider how to ensure that COP 12 on provenance claims is applied more consistently by members. Specifically, the use of 'synthetic-free' claims should be reviewed.
- Some participants made a strong call for ensuring that due diligence requirements in the COP align with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, and that the requirements apply to all materials within the scope of the COP.

Letters submitted

A number of high-level letters were received in addition to the detailed comments above. Please follow the links below to see these letters in full:

- [High level input from Duth Gold IRBC Agreement](#)
- [Joint letter from non-governmental organisations and trade unions](#)
- [Letter from Gübelin Gem Lab Ltd](#)
- [Letter from Human Rights Watch](#) (includes detailed comments also listed in the table above)
- [Anonymised letter](#)