

RJC Code of Practices 2019 Update - Comment Report with response on Round 2 Consultation

A summary of comments received and the proposed responses on the Public Summary document of the COP 2019 update.

Table 1 – Comments and responses on the Code of Practices Standard from Round 2 Consultation

No	COP Provision / Topic	Name	Comment	Response
1.	General comments	Jean-Francois Jenni	Companies looking for RJC often already have ISO type certifications. A certain number of points of the RJC standard are linkable to their systems in place. For example, the management system, management review, risk analysis, improvement actions by monitoring non-conformities and other complaints. It would be useful to take this into account and create a comparison that is useful when setting up the COP and the CoC.	Section 6 of the RJC Assessment Manual contains the recognised external standards with technical equivalence with the RJC COP.
2.	General comments	/	As mentioned in earlier comments, COP 7 (provision 7.1) is far too complex for a midstream company, dealing with hundreds of suppliers. This makes RJC certification unbearable for the midstream. If RJC loses the midstream, the RJC will not be able to represent the whole supply chain.	Guidance is noted for small to medium size organisations. The nature of the due diligence needs to be appropriate to the size and circumstances of each Member. This is consistent with the OECD guidelines. Additional support on 7.1 for small members is provided in the COP Guidance and the due diligence toolkits.
3.	General comments	/	Could you please make clearer what are the Do and Don't when consultant are used by members because the actual guidelines in the assessment manual are very brief. For example is he allowed to organize the audits and select the CB? Is it possible to make him or her not participate to the	A Member can access resources such as an external consultant or a technical expert to assist with compliance with the RJC Code of Practices. This may include designing, implementing, operating or maintaining management systems, products or services as they relate



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			audits to avoid any contact with auditors to better avoid any conflict of interest?	to a Member's Certification Scope, and may also include participating in RJC audits as an auditee. Use of an external consultant or a technical expert is not mandated and not an RJC requirement. Disclosure of a member using a consultant is not a requirement but always suggested for transparency. Note that a consultant used by a member cannot participate as a member of the RJC Certification Audit Team.
4.	General comments	Alice Rochester Tounkara	The planned scope expansion looks very interesting, and we are sure that it will increase trust in the jewellery industry as it widens. We feel fortunate that we have been involved with the RJC from the beginning and have been able to expand our scope as the RJC requirements change - it will be a big project for people who are now looking for initial RJC registration to do everything in one go!	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
5.	General comments	David Block, CEO, Sarine Technologies Ltd.	<p>In the Introduction to the RJC Code of Practices–2019 it states as follows:</p> <p>"The RJC COP defines the requirements for establishing responsible business practices throughout the jewellery supply chain, from mine to retail. The COP provides a common standard for ethical, social human rights and environmental practices, and COP certification is mandatory for all RJC commercial members. COP certification provides a strong system for assuring stakeholders, shareholders, customers and business partners that a company conducts its business responsibly. This can add value to a company's products and help protect and enhance its brands."</p> <p>Every aspect of the diamond industry has been changed</p>	<p>Thank you for your feedback and ongoing support for the RJC initiative. The RJC standards are set to promote responsible production and sourcing of jewellery products throughout the value chain. The RJC COP and the RJC Chain of Custody Standards are design to support this principle and through independent third-party assurance, differentiate good operators from those that do not meet the in the RJC Standards. performance requirements</p> <p>The revised COP strengthens the expectations for the industry especially for the end consumer and all responsible operators in the value chain.</p>

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			<p>as a result of the hi-tech revolution. Rough diamond analysis, mapping, planning, manufacturing, tracking, grading, trading, marketing and sales of polished diamonds — and profitability — have all benefitted deeply from the influences that hi tech solutions have brought to the industry, with Sarine, of course, leading the way.</p> <p>Large amounts of funding, resources and innovative talent have been devoted to fuel this revolution, and important and valuable patents and software copyrights have been issued in these scientific fields. Yet the innovators of this progress are at risk as a result of unscrupulous parties who violate their intellectual property rights by copying technology, infringing patents, and hacking software in order to gain personal profit at the expense of those who spent years and vast sums to create these benefits for the industry.</p> <p>In the United States, polished diamonds that are manufactured (anywhere in the world) by parties using technology that infringes a US patent can be considered to be infringing goods and can be prohibited from being imported into the US. Each year, millions of infringing diamonds that are sourced from India enter the supply chains of dealers and retailers in the US. Now that the industry innovators have introduced verifiable diamond traceability through the entire diamond manufacturing process, these stones are no longer anonymous goods coming from unknown or unverifiable sources. Now they are all at risk of having their provenance tainted due to the</p>	



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			<p>infringing methods used by unscrupulous manufacturers in the market. The only way to ensure that a diamond's provenance is not thusly tainted is to prevent and stop such infringing practices at the source when the diamonds are being processed.</p> <p>The issues discussed herein are not exclusive to Sarine. Other prominent members of the diamond community have initiated legal actions for intellectual property misappropriation such as Tiffany v. Costco and Yurman v. Mejuri, just to name two. This clearly is a topic that touches many parts of the multifaceted diamond industry that can no longer be ignored because, if for no other reason, the end consumer now demands honest and ethical behavior from the producers of goods it purchases.</p> <p>Consequently, it is imperative that the industry as a whole adopt a unified stance against the sourcing and sale of infringing diamonds regardless of where they are manufactured and sold, and implement procedures that will curtail, if not entirely eliminate, the sourcing of such goods. Various retailers and dealers, such as Signet and Tiffany, have already modified and implemented their sourcing guidelines and requirements down their supply chains, but 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.</p> <p>The RJC has a responsibility to its members, and to the</p>	




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			industry as a whole, to take the lead in correcting this situation and to (i) add into the COP clauses that specifically recognize this problem, (ii) bring the issue to the forefront of discussion, and (iii) confront those parties who simply turn a blind eye to a potentially destructive force in the industry.	
6.	General comments	Simon Houghton -Dodd	7.4 The public disclosure of the list of mines, collectors, recyclers is a real concern since this is by definition a very sensitive commercial information, even with the caveat "with due regard to business confidentiality". Moreover, disclosure of quantities and number of suppliers (customers in fact) by level of compliance with ESG imposes a real burden on refiners with very little pay back if any. Such requirements should be dropped we had extensive discussions with LBMA last year when they were drafting RGG V9 and this was dropped from their update. To ensure alignment with LBMA data on metal sources should remain confidential or just shared between refiner and RJC.	The COP requirement 7.4 does not require list of mines to be published by names. Only the supporting information and this can be aggregated to de-identify source of origin. The requirement brings the COP in line with the IRMA Responsible Mining Standard and the Responsible Mineral Processing Standard.
7.	General comments	Olivier Demierre	The revised COP will not be conducive of RJC having more mines in its membership. Rather the opposite. The revised COP will not help more engagement of ASM. We are not clear why mining operations are subject to such tight and wide requirements when a number of those that would potentially be applicable to other industrial operations are not. The fact that requirements 33.1 to 44.4 are not applicable to refiners that are not part of a mining operation should be made clear for all such requirements. Refiners' publications requirements for quantities are incompatible with our confidentiality requirements and for	Thank-you for your feedback. The intent is to legitimise ASM activities and improve risks and issues for workers and the environment associated with ASM activities. Modifications have for been made to the provisions and additional guidance added to assist members in this regard, especially based on the Members size and circumstances. Clarification regarding applicability of the provision has also been noted, as well in regard to ESG related information.

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			ESG not compatible with the information we can reasonably obtain.	
8.	General comments	Association suisse des fabricants et commerçants de métaux précieux (ASFCMP)	The revised COP will not help more engagement of ASM and will not tend to have more mine as member. The publication by refiners of mine origin, weight and others required data in section 7.4 are incompatible with refiners' confidentiality requirements.	Thank-you for your feedback. The intent is to legitimise ASM activities and improve risks and issues for workers and the environment associated with ASM activities. Modifications have for been made to the provisions and additional guidance added to assist members in this regard, especially based on the Members size and circumstances.
9.	General comments	Minera Yanaquihua	It's good to see that the RJC is taking into account the feedback offered by its members during Round 1, we hope that any insight offered during this round is noted as well.	Thanks for the feedback and your ongoing support.
10.	Scope expansion	Jean-Francois Jenni	The CoC approach to traceability should be incorporated into the COP.	This is included.
11.	Scope expansion	/	<p>Including more products is a welcome step, however the blanket inclusion of all coloured gemstones will be counterproductive, and it will adversely affect the genuine traders and small miners in the supply chain.</p> <p>The low value gemstones are not sold by manufacturers and miners directly, instead they are sold by many macro traders and brokers. The intermediary traders are the lifeline of the semi-precious trade and most of the time</p>	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.



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			<p>these individuals are not that organised as Ruby, Emerald, and Sapphire traders/miners. The proposed COP guidelines may drive these people out of job.</p> <p>Therefore, we strongly suggest a deeper study of semi-precious trade before expanding the scope of COP 2019 to all coloured gemstones.</p>	
12.	Scope expansion	/	<p>Including more product is a welcome step, however the blanket inclusion of all Coloured gemstone will be counterproductive, and it will adversely affect the genuine traders and small miners in the supply chain. The low value gemstones are not sold by manufacturers and miners directly, instead they are sold by many micro traders and brokers. The intermediary traders are the lifeline of the semi-precious trade and most of the time these individuals are not that organized as Ruby, Emerald and Sapphire traders/miners. The proposed COP guidelines may drive these people out of the job. Therefore, we strongly suggest to do more deeper study of semi-precious trade before expanding the scope of COP 2019 to all Coloured gemstone.</p>	<p>The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.</p>
13.	Scope expansion	/	<p>It came to our knowledge that RJC is expanding the scope of COP 2019 to all coloured gemstones. We envisage the coverage as adversely affecting the small traders and genuine suppliers of gemstones. In fact, they themselves are not aware of the origin source because the supply chain may be too long. Further, value wise cost of the gemstones are not very high and are routed through many channels and in that case it would difficult to trace the manufacturer/miner. Supply chain of coloured gemstones</p>	<p>The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.</p>

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			are not as organized as of precious gemstones. May be this could result in shutdown of business for micro/ small semi-precious traders. Would humbly request you to adopt a more viable approach and find a way out in the interest of the coloured gemstone industry.	
14.	Scope expansion		Supply chain DD for materials including all coloured gemstones is impossible for SME, especially in the midstream.	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
15.	Scope expansion	Olivier Demierre	While this is not our field of activity, we support a broad application of the COP, this to improve market practices across materials.	Thanks for the feedback and support. The expanded scope is a natural progression to support responsible practices in the jewellery supply chain.
16.	Inclusion of pearls	Jean-Francois Jenni	The field of pearls is as vast as that of diamonds. Cultured pearls have their own path; natural pearls also have their production and path axes. It would be illusory to want to precisely integrate the 2 into one. The issue of pearls should be settled in a dedicated COP chapter.	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
17.	Inclusion of pearls	Alice Rochester Tounkara	If sourced carefully, pearls can be a very interesting ethical choice for customers, so we feel that it is well worth including them in the scope expansion.	Thanks for the feedback.
18.	Disclosure requirements - pearls	Jean-Francois Jenni	Stakeholders or interested parties are dealt with in ISO standards. It would be useful to take this approach and complete it with the expectations of each party.	Section 6 of the RJC Assessment Manual contains the recognised external standards with technical equivalence with the RJC COP.
19.	Disclosure requirements - pearls	Alice Rochester Tounkara	Section 28.2 j. refers to the description of pearls which seems to go over and above the advice set by CIBJO - we feel that size could be described as weight and / or	Thank you for your feedback, your comment has been noted. RJC aims to align its scope expansion with industry best practice and existing standards where possible.

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			millimetre size rather than both as CIBJO do not suggest weight as a descriptor in the Pearl Book.	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
20.	Inclusion of coral	Jean-Francois Jenni	See the answer regarding pearls and replace the term pearl with coral. “The field of pearls is as vast as that of diamonds. Cultured pearls have their own path; natural pearls also have their production and path axes. It would be illusory to want to precisely integrate the 2 into one. The issue of pearls should be settled in a dedicated COP chapter”	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
21.	Inclusion of coral	Alice Rochester Tounkara	Agreed that specific guidance needs to be included - we won't handle coral because we feel like it is too difficult to trace. Identification of corals is incredibly difficult, and we do not want to have any chance of inadvertently dealing with rare or endangered corals. If there was a way of being 100% sure that the coral we purchased had not been mixed in with other materials then this is something we might reconsider.	The expanded scope is a natural progression to support responsible practices in the jewellery supply chain. RJC will be looking to develop a workplan to expand the RJC scope in a way that addresses the necessary risks of each additional material. This will be taking place after the release of the revised COP.
22.	Inclusion of coral	Olivier Demierre	While this is not our field of activity, we support a broad application of the COP, this to improve market practices across materials.	Thanks for the feedback and support. The expanded scope is important to support responsible practices in the jewellery supply chain.
23.	Online trading platforms and tracking/traceability	Jean-Francois Jenni	Good solution, but the risk of hacking and falsification of information is great.	The use of online trading platforms is not mandated by the RJC COP. However, members that source materials using online trading platforms must apply best endeavours as part of their due diligence (in accordance with COP 7) still adhere to the requirements of RJC provisions including COP 6, 7 and 12. Member must ensure that they

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	software solutions			are not contributing to any Annex II risks, human rights abuses or any other applicable risks.
24.	Online trading platforms and tracking/traceability software solutions	Alice Rochester Tounkara	Anything that can enhance traceability must be seen to be progress – it is what we are all striving towards. They must work hand-in-hand with KYC. There is nothing that can beat personal relationships when it comes to traceability, but online tracking solutions provide reassurance to the general public as well as to people within the jewellery industry.	Thanks for the feedback. The use of online trading platforms is not mandated by the RJC COP. However, members that source materials using online trading platforms must apply best endeavours as part of their due diligence (in accordance with COP 7) still adhere to the requirements of RJC provisions including COP 6, 7 and 12. Member must ensure that they are not contributing to any Annex II risks, human rights abuses or any other applicable risks.
25.	Online trading platforms and tracking/traceability software solutions	Simon Houghton-Dodd	Ensure alignment with WGC/LBMA	RJC seeks to harmonise and align with existing industry standards and initiatives where possible. RJC will take these into account when developing new requirements such as online trading platforms.
26.	Online trading platforms and tracking/traceability software solutions	Minera Yanaquihua	Extended use of online platforms should take into account that artisanal miners in South America are not technologically literate and work in areas with poor internet coverage. Making use of said tools mandatory in the near future will put them at a distinct disadvantage.	The use of online trading platforms is not mandated by the RJC COP. However, members that source materials using online trading platforms must apply best endeavours as part of their due diligence (in accordance with COP 7) still adhere to the requirements of RJC provisions including COP 6, 7 and 12. Member must ensure that they are not contributing to any Annex II risks, human rights abuses or any other applicable risks.
27.	Precious metal aggregators	Jean-Francois Jenni	The standard would benefit from guiding users on these points. But in any case, it is necessary to leave a margin of interpretation to the organism.	Guidance for precious metal aggregators and collectors to be established including for SMEs and ASMs

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	rs and collectors			
28.	Precious metal aggregators and collectors	Alice Rochester Tounkara	Agree that suppliers must be wholly engaged with due diligence when aggregating materials. It is only too easy for dirty gold to be turned into coins and traded to be re-sold as 'recycled'. Provenance of things like this is key to trust building.	Thank you for your feedback. Aggregators and collectors are an important part of the supply chain.
29.	Precious metal aggregators and collectors	Olivier Demierre	Aggregators are key for smaller ASM to have access to international markets. We look forward to such guidance and its inclusion in the certification of aggregators.	Guidance for precious metal aggregators and collectors to be established including for SMEs and ASMs.
30.	Precious metal aggregators and collectors	/	Definition of recycled when it comes to precious metals, are RJC looking at changing their definition of recycled? Can the member themselves determine what their definition of recycled is under the COP for a provenance claim?	RJC definition of recycled materials is part of the Chain of Custody, for the COP you should be doing due diligence over all your supply chains regardless of the type of material. Unless they are making a provenance claim, then it would be up to the member to set their definition of recycled. Under the CoC the RJC definition aligns with industry and other initiatives, the only exception is that RJC excludes investment products. We will be looking at this definition under the CoC consultation later this year but not under COP. Yes, this is acceptable under the COP.
31.	Incorporation of specific Green	Jean-Francois Jenni	Tracing green-house gases is still a very imprecise activity. The result is sometimes 50% compared to reality. It would be more appropriate to suggest that the company	Thank you for your feedback.

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	House Gas tracking, reporting and reduction within the COP		do so, while leaving them the freedom to choose the method.	
32.	Incorporation of specific Green House Gas tracking, reporting and reduction within the COP	/	Green House Gas tracking throughout the supply chain is an impossible task for SME working with hundreds of suppliers. Green House Gas tracking should be limited to scope 1.	Emissions tracking and reporting is becoming increasingly necessary and is in many cases required by law. We want to make sure our standards are feasible for all members to implement.
33.	Incorporation of specific Green House Gas tracking, reporting and reduction within the COP	Alice Rochester Tounkara	We can't comment on greenhouse gas tracking as this is not something that we have experience with, however we know that identifying the company's carbon footprint and working to reduce it can be tricky. Guidance, frameworks and methodologies will be needed to be clear and easy to implement in a staged way so that people can get involved and commit to continuous improvement rather than being expected to have everything 'right' in one go. The other areas of the RJC scope are much less complex to implement than this as much of it is based on the relationships that have already been built between different areas of the supply chain. A commitment to	We want to make sure our standards are feasible for all members to implement. Any requirements around green house gas emissions will be supported with guidance and supporting material, with specific guidance for SMEs.

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			continuous improvement rather than an expectation of Net Zero is much more realistic and less off-putting.	
34.	Incorporation of specific Green House Gas tracking, reporting and reduction within the COP	Simon Houghton-Dodd	This should remain out of scope until a standard industry methodology is agreed	Thank you for your feedback. Emissions tracking and reporting is becoming increasingly necessary and is in many cases required by law. We want to make sure our standards are feasible for all members and they also align where possible with other industry standards.
35.	Incorporation of specific Green House Gas tracking, reporting and reduction within the COP	Olivier Demierre	We support the idea to have COP set requirements to conduct those steps according to established standards. Not sure it is the role of the COP to be prescriptive as to GHG tracking, reporting and reduction.	Thank you for your feedback.
36.	Provision 1 – Legal compliance	Jean-Francois Jenni	Legal requirements must be followed by agencies. The monitoring methodology depends on the complexity of the laws and their implementation. It would be useful to define what laws must at least be put in place if the legislation of the country does not take this into account.	The COP requires that applicable laws be followed. Where there is an absence of applicable law for a topic covered by the COP, then the requirements of the COP must be met. It is not possible for the RJC to define laws other than the requirements of the COP.

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37.	Provision 1 – Legal compliance	Mar'yana Cheterbok	1.1 Provision ".....members should implement their best endeavours to comply with the intent of the COP provisions, in a way which is appropriate to their size and circumstances." is not clear and is too generic. The proposal is to maintain the provision as per Column "Round 2" lett. b: "b. Meet the most stringent requirement between the applicable law and the RJC Code of Practices, without violating the applicable law".	Guidance has been changed.
38.	Provision 2 – Policy and implementation	Jean-Francois Jenni	Companies certified to ISO standards have policies, these are often modified to reflect RJC requirements. It would be useful to define the minimum that an RJC policy must contain and leave the organizations free to build theirs accordingly.	Additional guidance is added to the Guidance for Provision 2. <i>Members can either have a stand alone policy/ies or integrate the RJC policy commitments into its existing policies. As a minimum, a member must commit to:</i> <ul style="list-style-type: none"> • <i>operate its business in accordance with the RJC Code of Practices</i> • <i>integrate ethical, human rights, social and environmental considerations into its day-to-day operations, business planning activities and decision-making processes.</i> • <i>uphold the principles and intent included in the RJC cover of practices, as relevant to the scope of the business.</i>
39.	Provision 2 – Policy and implementation	/	Sentence in 2.1 that says "and procedures into their ways of working"..... Proposed change: ..in writing with signature confirmation.	Additional guidance is added to the Guidance for Provision 2. <i>Further, confirmation of receipt and understanding the policies and procedures should be established to ensure effective implementation.</i>
40.	Provision 3 - reporting	Jean-Francois Jenni	The national requirements of each country are defined. Where there are none, RJC should set minimum requirements for this.	Examples of reporting structures and content is noted in the Guidance.
41.	Provision 3 - reporting	/	3.2 that says "that is publicly available"..... Proposed change: ..with a link to the public location	Not all members will have an established website. Members can select how the information is made publicly available as noted in the Guidance.

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42.	Provision 3 – reporting	Jose Camino	3.1. The scope of the lawsuits to be reported is really broad and vague. Such obligation must be limited to such legal proceedings directly linked with the COP matters.	<p>The requirement is as stated only about business practices relevant to the COP. This has been clarified in the Guidance.</p> <p><i>Members are required to communicate on legal proceedings relevant to the COP only once they are concluded, finalised and within legal requirements to business or individual confidentiality. upon finalisation and not wait until the next reporting cycle. Include information that is publicly available.</i></p>
43.	Provision 3 – reporting	Mar'yana Cheterbok	3.1 Wording ".....legal proceedings only once they are concluded, finalised...." refers also archived/dismissed proceedings which do not reach a trial? Proposal is to specify	<p>Information about finalised and concluded legal proceedings include fines, judgments, penalties and non-monetary sanctions for failure to comply with applicable law, assigned to a member by a government authority, court or independent tribunal, in relation to a members business conduct relevant to the COP.</p> <p>This has been added to the Guidance.</p>
44.	Provision 3 – reporting	Olivier Demierre	3.1 is too broad to make sense. It should be restricted to information that is (a) material to the operation (b) in relationship to the activities covered by the COP.	<p>Materiality varies and depends on the size and nature of the organisation.</p> <p>However, the requirement is as stated only about business practices relevant to the COP. This has been clarified in the Guidance.</p>
45.	Provision 3 – reporting	/	3.1 Provision is too broad. It should be restricted to information that is (a) material to the operation (b) in relationship to the activities covered by the COP	<p>Materiality varies and depends on the size and nature of the organisation.</p> <p>However, the requirement is as stated only about business practices relevant to the COP. This has been clarified in the Guidance.</p>
46.	Provision 3 – reporting	Minera Yanaquihua	We appreciate that modifications were made taking into account MYSAC's recommendations during the last round. It was indispensable the clarification that fines or sanctions must come from firm and final resolutions, in proceedings of last administrative or judicial instance, i.e. no longer disputed by the RJC member.	<p>The following has been added to the Guidance:</p> <p><i>Information about fines, judgements, penalties and non-monetary sanctions that are disputed by the Member must still be reported. However, the Member may also choose to report that the matter is disputed and pending final conclusion of the legal proceedings.</i></p>



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47.	Provision 4 – Financial accounts	Jean-Francois Jenni	The national requirements of each country are defined. Where there are none, RJC should set minimum requirements for this.	<p>The following will be added to the Guidance:</p> <p><i>Where national statutory requirements are not prescribed, national or international accounting standards such as those published by the International Accounting Standards Board should be adopted. See references provided in section E Further Information.</i></p>
48.	Provision 4 – Financial accounts	/	It can be expensive for a small business to arrange formal independent financial audits and reviews. Please provide guidance for small business that is not cost prohibitive.	<p>The following will be added to the Guidance:</p> <p><i>Small Business</i> <i>COP Provision 4 requires all members to ensure finances are compliant with applicable laws and that there is no mis-reporting or financial fraud. For a small business, an independent account is often commissioned to support the organisation with the preparation and submission of annual financial reports for tax purposes. In these cases, a small business member can meet the requirements of this provision if they are able to:</i></p> <ul style="list-style-type: none">- <i>Justify to the RJC secretariat and/or the RJC auditor in writing the prohibitive expense for an independent financial audit or review (e.g based on the material cost to the organisation)</i>- <i>Demonstrate that their finances meet local applicable law as per COP Provision 1.1.</i>- <i>Provide an attestation from the accountant commissioned to prepare the annual financial report that they are:</i><ul style="list-style-type: none">o <i>suitably qualified to prepare the annual financial report in accordance with applicable law and/or accounting standards</i>o <i>independent and free from conflict of interest in the member's business.</i>

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49.	Provision 5 – business partners	Jean-Francois Jenni	The requirements for this are defined in ISO 26000, it would be useful to specify this minimum level for RJC.	ISO 26000 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.
50.	Provision 6 – Human rights	Jean-Francois Jenni	The requirements for this are defined in ISO 26000, it would be useful to specify this minimum level for RJC.	ISO 26000 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.
51.	Provision 6 – Human rights	Jose Camino	6.1. to have such a process is not realistic for small mines / small companies (committing to the UN GP and all the implementation steps) . They should be encouraged to have it but this should not be a requirements. 6.2 the order is incorrect: first step should be c) and then if it does not work it should be a) and b).	All members need to demonstrate through due diligence that human rights are respected and any abuses rectified. The extent to which this can be done is dependent on the nature and scale of the members business, as per the existing guidance. The order is consistent with other standards including OECD.
52.	Provision 6 – Human rights	Olivier Demierre	6.1 seems to penalize entities that know the origin of their materials. This is unfortunately set.	The guidance has been modified to clarify the requirements. <i>Members who have identified possible human rights abuse risks through the due diligence processes (see Provision 7 Due diligence), need to confirm that the identified risks are occurring, by collecting authoritative data from a variety of sources such as NGO reports, UN reports, government reports, reach out to civil society organisations who operate or are based on the ground in/around the mine site, check the status of the mine site assessed or mapped through various government, industry or multi-stakeholder initiatives. The due diligence process should extend to the origins of the material (i.e origin to the mine or other relevant entity).</i>
53.	Provision 6 –	Mar'vana Cheterbok	6.1 "Members shall respect human rights by considering all potential and actual impacts in their operations and business relationships." The proposal is to replace "all"	The word all has been removed and replaced with relevant



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	Human rights		<p>with "relevant"</p> <p>6.1 For wording " Members who are able to trace their materials back to mine of origin and have....." the proposal is to make it a recommendation to all the Members and not requirement limited to those to have a traceability process</p> <p>6.1 "Note that your grievance mechanism for external stakeholders is not the same as your internal procedures ". The proposal is to replace "is not the same" with "may differ", since the same grievance procedure can be used by employees and external stakeholders</p>	<p><i>Members shall respect human rights by considering relevant potential and actual impacts in their operations and business relationships.</i></p> <p>The guidance has also been modified:</p> <p><i>Members who have identified possible human rights abuse risks through the due diligence processes (see Provision 7 Due diligence), need to confirm that the identified risks are occurring, by collecting authoritative data from a variety of sources such as NGO reports, UN reports, government reports, reach out to civil society organisations who operate or are based on the ground in/around the mine site, check the status of the mine site assessed or mapped through various government, industry or multi-stakeholder initiatives.</i></p> <p><i>The due diligence process should extend to the origins of the material (i.e origin to the mine or other relevant entity.</i></p> <p><i>The due diligence process needs to be appropriate to the nature of the business and also consider the relationship with their business partners.</i></p>
54.	Provision 6 – Human rights	/	6.1 We should encourage members to apply UN GP, and not make it as a requirement (at least for small members)	<p>All members need to demonstrate through due diligence that human rights are respected and any abuses rectified. The extent to which this can be done is dependent on the nature and scale of the members business, as per the existing guidance.</p> <p>Additional guidance provided for small businesses.</p>
55.	Provision 6 – Human rights	DeBeers	<p>Guidance Paragraph 1:</p> <p>Is it worth clarifying that this is not instead of COP 7. Conscious some members may think this means if they can't track materials back to mine origin that they don't need to consider undertaking DD etc.</p>	<p>The guidance has also been modified:</p> <p><i>Members who have identified possible human rights abuse risks through the due diligence processes (see Provision 7 Due diligence), need to confirm that the identified risks are occurring, by collecting authoritative data from a variety of sources such as NGO reports, UN reports, government reports, reach out to civil society organisations who operate or are based on the ground in/around the mine site, check</i></p>



No	COP Provision / Topic	Name	Comment	Response
			<p>Can they also add in corporate origin as well as mine origin?</p> <p>If on the ground risk assessment is not possible (very unlikely for SMEs), can they provide guidance on what they should do in this instance? (e.g. consider disengaging etc)</p>	<p><i>the status of the mine site assessed or mapped through various government, industry or multi-stakeholder initiatives.</i></p> <p><i>The due diligence process should extend to the origins of the material (i.e origin to the mine or other relevant entity.</i></p> <p><i>The due diligence process needs to be appropriate to the nature of the business and also consider the relationship with their business partners. For small businesses with limited resources, it may not be possible to confirm human rights abuse risks. Alternative mitigation measures such as decision whether to disengage with the suppliers or business partners with these risks should be considered by the member.</i></p>
56.	Provision 6 – Human rights	DeBeers	<p>Guidance Paragraph 2:</p> <p>What is meant by historical human rights abuses? Can we add in what the reasonable timeframe is given it has been defined for the context of implementing remediation/mitigation? Timeframe should be given for “historical human rights abuses”</p>	<p>Historical human rights abuses are legacy impacts relating to human rights abuses in the past.</p> <p>A definition of legacy impacts is now included (based on the definition adopted by the Aluminium Stewardship Initiative):</p> <p><i>Legacy Impacts: Events that occurred in the past that resulted in significant impacts that have not been remediated and are still impacting affected people or populations. These may be impacts that occurred:</i></p> <ul style="list-style-type: none"> • <i>prior to Certification, and/or</i> • <i>prior to the Member purchasing the facilities, and/or</i> • <i>in the establishment of the sites.</i> <p><i>Legacy Impacts may have occurred many years prior; there is no ‘cut-off’ at which Legacy Impacts meeting the above requirements are not to be considered.</i></p>
57.	Provision 6 – Human rights	DeBeers	<p>For the Guidance B: <u>Which at a Minimum</u></p> <p>In terms of the minimum requirements (6.1.e), are these “as applicable” to the size/circumstances of the organisation?</p>	<p>Correct. The complaints and grievance mechanism must be appropriate to the Member’s size and circumstances. Minor change to the guidance added..</p>

No	COP Provision / Topic	Name	Comment	Response
58.	Provision 6 – Human rights	DeBeers	6.1e. Can we clarify with some examples? E.g. Would a “contact us” or email address on a website be suitable? Do you need to make the process/governance for the grievance mechanism publicly available, or just access to one public?	<p>The complaints and grievance mechanism must be accessible by all affected parties. A contact us or email address may be appropriate depending on the location of the member. If in an area with different cultures, alternative contact means may be required.</p> <p>Additional guidance will be provided and cover a complaints and grievance mechanism that is legitimate, accessible and rights-compatible.</p> <p>The UN Human Rights Council provides general guidance for design. Additional guidance on developing Complaints Resolution Mechanisms can be found at:</p> <ol style="list-style-type: none"> 1. The Harvard University’s Rights Compatible Grievance Mechanisms; 2. ICMM’s Handling and Resolving Local-Level Concerns and Grievances: Human rights in the mining and metals sector; 3. The CAO’s Grievance Mechanism Toolkit; 4. The UNDP Supplemental Guidance on Grievance Redress Mechanisms.
59.	Provision 7 – Due diligence	DeBeers	7.1 Suggest, in line with the OECD Due Diligence Guidance, that if the supplier isn't legally registered to operate (which is difficult and sometimes impossible for artisanal miners, often through no fault of their own) that evidence of good faith efforts are furnished by the supplier. Immediate disengagement from an ASM supplier for this reason is not encouraged by the OECD DDG. See the Definitions section of the Gold Supplement, p69 of the	<p>Thank you for the information. This will be added to the guidance. Point (a) is consistent with COP 5 Business Partners.</p>



No	COP Provision / Topic	Name	Comment	Response
			Guidance: https://www.oecd.org/corporate/mne/GuidanceEdition2.pdf . Also, please consider how the new point (a) overlaps or is distinct from KYC requirements so that members are clear on differences/overlaps.	
60.	Provision 7 – Due diligence	DeBeers	<p>For Guidance paragraph “<i>Members sourcing any RJC scope materials using online trading platforms must still adhere to the requirements of RJC provisions including COP 6 and 12. Member must ensure that they are not contributing to any Annex II risks, human rights abuses or any other applicable risk</i>”</p> <p>It might be useful to provide some examples of the type of information they should ask for, or what they do if it is not available. E.g. what if there is no origin information available/goods sold in mixed bags. What should a member do then? Appreciate COP 6 applies but wonder if examples useful here as it is a new and rapidly growing area.</p>	Guidance with examples to be included by RJC
61.	Provision 7 – Due diligence	/	7.4 The public disclosure of the list of mines, collectors, recyclers (all of them are customers of refiners) is a real concern since this is by definition a very sensitive commercial information, even with the caveat “with due regards to business confidentiality”. Moreover, disclosure of quantities and number of suppliers (customers in fact) by level of compliance with ESG imposes a real burden on refiners with very little pay back if any. In addition, such statistics do not exist today and would need to be built ad hoc. It is not clear what is the purpose of such huge effort	<p>The COP requirement 7.4 does not require list of mines to be published by names. Only the supporting information and this can be aggregated to de-identify source of origin.</p> <p>The requirement brings the COP in line with the IRMA Responsible Mining Standard and the Responsible Mineral Processing Standard.</p>

No	COP Provision / Topic	Name	Comment	Response
			other than transparency for the sake of transparency. Such requirements should be drop.	
62.	Provision 7 – Due diligence	Jean-Francois Jenni	The requirements for this are defined in RJC CoC, it would be useful to implement these requirements in COP.	Thank you. The guidance can cross reference to the Chain of Custody noting that implementation of and certification to the RJC Chain of Custody Standard is voluntary. Further the RJC Chain of Custody Standard currently only covers precious metals.
63.	Provision 7 – Due diligence	Olivier Demierre	7.4 quantities : - publication is incompatible with our confidentiality requirements. We are however open to communicate those to RJC (ideally this should be harmonized with what we do for LBMA) - ESG ranking based information : we do not rank our counterparties on the basis of ESG alone (we do it overall considering ESG) so this information is not available.	The COP requirement 7.4 does not require list of mines to be published by names. Only the supporting information and this can be aggregated to de-identify source of origin. Guidance added to note that information about a suppliers ESG performance can be published where this is known.



No	COP Provision / Topic	Name	Comment	Response
64.	Provision 7 – Due diligence	Mar'yana Cheterbok	<p>7.1 "....serious human rights abuses, and are otherwise sanctioned individuals, the member shall immediately suspend business relations with the supplier unless this puts workers or other affected communities' health and safety at risk or give rise to environmental and/or social impacts that cannot be effectively managed until an alternative supplier has been identified and contracted". With reference to sanctioned persons, this provision could be in conflict with the applicable Swiss legislation, where companies are obliged to immediately block the supplier in case of sanctioned persons</p> <p>!!! 7.4 b. Collect and publicly report, with due regard to business confidentiality, annually information on the quantity, source and characteristics of the materials handled.</p> <p>c. Refiners shall additionally collect and publicly report, with due regard to business confidentiality, annually information on the mine of origin of mined materials received." What is intended with "Source" and "Origin"? These data represent a sensitive information , even if with both terms it should be intended the disclosure of the country (e.g. in countries where only 1 o a few mines are based).</p> <p>Proposal is to delete this from public reporting , providing these data to RJC on confidential basis only</p> <p>7.4. List of all the statistics</p> <p>"• Quantity of critical input materials (by weight) from mines that have submitted results of self-assessment to the Members supply chain policy</p>	<p>Applicable Law must be prioritised as per COP 1.1 Provision. Guidance notes added.</p> <p>The COP requirement 7.4 does not require list of mines to be published by names. Only the supporting information and this can be aggregated to de-identify source of origin.</p>



No	COP Provision / Topic	Name	Comment	Response
			<ul style="list-style-type: none">• Quantity of critical input materials (by weight) from mines that have undergone an independent third-party COP audit;• Quantity of critical input materials (by weight) from recycled/scrap suppliers that have been evaluated on ESG performance;• Quantity of critical input materials (by weight) from ASM sources that has been evaluated using a credible third-party verification system;" These data, even if for internal use only, would require an establishment of an ad hoc procedures or adaptation of internal ones and respective implementations. This could be very time consuming.	
65.	Provision 7 – Due diligence	/	I looked at several websites of RJC COP certified members especially those trading diamonds and even when they have a website and are certified against COP 2019 it is hard to find a report with regards to COP7. And when a report is available on the website I could not find any report in line with annual reporting requirement in the frame of OECD 5 step framework (as for example mentioned on the COP guidance page 65). Should the RJC not request to have a complete report and be more prescriptive and also ask members with a website to make it available (and not on request)? With more prescriptive I mean also to have a clear provision (and not only in the	The varied nature and range of RJC members makes it difficult to prescribe reporting content. The Guidance provides reference to types of reports that can be published in line with OECD reporting requirements.

No	COP Provision / Topic	Name	Comment	Response
			guidance) on what is expected to see in those reports required in COP 7.	
66.	Provision 7 – Due diligence	/	As mentioned in earlier comments, COP 7 (provision 7.1) is far too complex for a midstream company, dealing with hundreds of suppliers. This makes RJC certification unbearable for the midstream. If RJC loses the midstream, the RJC will not be able to represent the whole supply chain.	Guidance is noted for small to medium size organisations. The nature of the due diligence needs to be appropriate to the size and circumstances of each Member. This is consistent with the OECD guidelines. Additional support for small members is provided in the Guidance.
67.	Provision 7 – Due diligence	/	It would be good to consider asking RJC members to answer queries about their due diligence system in place when other RJC members and clients ask them information about their due diligence system in place? It would be good as well to make precise which information they should at least give. The reports done in the frame of the provision COP7 are consolidated information and not precise enough to enable members to collect information needed in the frame of their due diligence system.	Thank you for your feedback. This information can be commercially sensitive and not all members would be able to provide additional detail, and may compromise The RJC's anti-trust compliance requirements.
68.	Provision 7 – Due diligence	Jose Camino	7.4 The public disclosure of the list of mines, collectors, recyclers (all of them are customers of refiners) is a real concern since this is by definition a very sensitive commercial information, even with the caveat "with due regard to business confidentiality". Moreover, disclosure of quantities and number of suppliers (customers in fact) by level of compliance with ESG imposes a real burden on refiners with very little pay back if any. In addition, such statistics do not exist today and would need to be built ad hoc. it is not clear what is the purpose of such huge effort other than transparency for the sake of transparency.	The COP requirement 7.4 does not require list of mines to be published by names. Only the supporting information and this can be aggregated to de-identify source of origin.
69.	Provision 8 -	Jose Camino	8.1 a & b are unrealistic and highly impractical	Thank you. The requirements have been included to ensure the RJC COP is aligned with the IRMA Responsible Mining Standard and the

No	COP Provision / Topic	Name	Comment	Response
	Sourcing directly from artisanal and small-scale mining			Responsible Mineral Processing Standard, and to be consistent with the OECD Due Diligence requirements. The COP and guidance have been altered to adopt approaches that are appropriate to their size and circumstances.
70.	Provision 8 - Sourcing directly from artisanal and small-scale mining	Mar' yana Cheterbok	8.1 "a. Regularly assess risks outlined in COP 7 (Due diligence for responsible sourcing from conflict-affected and high-risk areas) and also risks of unsafe working conditions, uncontrolled mercury use and significant environmental impacts (including impacts to biodiversity), and other risks where applicable. " Proposal here is to replace "assessing" of environmental risks with "understanding" or "considering"	Thank you. The language has been written to align the RJC COP with the IRMA Responsible Mining Standard and the Responsible Mineral Processing Standard, and to be consistent with the OECD Due Diligence requirements. Risk assessments can be subjective and additional information will be added to the Guidance.
71.	Provision 8 - Sourcing directly from artisanal and small-scale mining	Olivier Demierre	8.1 Assessment by an independent 3rd party: this is highly impractical and will make engagement very difficult in the absence of an "initiative". 8.1 Asking us to "seek opportunities for ASM community development" and "support development opportunities" is unrealistic. Refiners or end buyers are thousand kilometres away 8.1 "Seek to understand fair commercial terms and offer these to all ASM suppliers". This too vague to be applied. Also, is the role of RJC to influence commercial relationships ? This should be dropped.	The approach taken to conduct the risk assessment is at the discretion of the Member as appropriate to their size and circumstances. A member may conduct the risk assessment internally or commission a third-party assessment. Opportunities for ASM community development should use best endeavours and be appropriate to their size and circumstances. Guidance noted and also see guidance for COP Provision 10 Community development. Guidance for fair commercial terms provided.
72.	Provision 8 - Sourcing	/	8.1 Assessment requirement by an independent third party is highly impractical and will make engagement very difficult	The approach taken to conduct the risk assessment is at the discretion of the Member as appropriate to their size and circumstances. A

No	COP Provision / Topic	Name	Comment	Response
	directly from artisanal and small-scale mining		8.1 Asking refiners to "seek opportunities for ASM community" and "support development opportunities" is unrealistic. 8.1 " seek to understand fair commercial terms and offer these to all ASM suppliers" is too vague to be applied.	member may conduct the risk assessment internally or commission a third-party assessment. Opportunities for ASM community development should use best endeavours and be appropriate to their size and circumstances. Guidance noted and also see guidance for COP Provision 10 Community development. Guidance for fair commercial terms provided.
73.	Provision 8 - Sourcing directly from artisanal and small-scale mining	Minera Yanaquihua	We understand that what has been added in the implementation guide for item 8.1 (a) is just a suggestion and not an obligation, since it is not part of what can be read in the amendment to the provision itself. Is our interpretation correct?	Correct. The Guidance is provided to support the implementation and the auditing of the requirement. The Member is responsible for the approach taken to implement and demonstrate compliance with the requirement.
74.	Provision 9 - Sourcing post-consumer industrial precious metals directly from informal recyclers	Jean-Francois Jenni	Better specify perhaps the sources less well followed, such as the recovery of gold by the small collectors of the cities.	A member should include all informal recyclers that supply post-consumer gold, silver and/or PGM. It is noted that some small business members rely on a large number of small-scale recyclers. In these cases, a small member may initially prioritise the larger suppliers and then progressively include the smaller collectors.
75.	Provision 9 -	Olivier Demierre	9.1 Support development opportunities for informal recycling communities. See 8.1 above.	Members shall use best endeavours and ways appropriate to their size and circumstances to assess and mitigate risks associated with

No	COP Provision / Topic	Name	Comment	Response
	Sourcing post-consumer industrial precious metals directly from informal recyclers			sourcing post-consumer gold, silver and/or PGM directly from informal recyclers. Guidance for fair commercial terms provided.
76.	Provision 10 - Community development	Jean-Francois Jenni	The requirements for this are defined in ISO 26000, it would be useful to specify this minimum level for RJC	ISO 26000 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.
77.	Provision 13 – security	Jean-Francois Jenni	Many companies are ISO 45001 certified, that should be enough. Minimum requirements should be better specified for non-certified companies.	Currently the RJC COP is harmonised with OHSAS 18001. ISO 45001 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.
78.	Provision 13 – Security	Olivier Demierre	13.3 "Respect the human rights of individuals engaged in artisanal and small-scale mining (ASM) not under their control occurs within or in close proximity to their areas of operation and members of ASM affected communities." - This does not address the key issue, especially in the context of intrusion by ASM on a concession. 13.3 "Only use firearms for the purpose of self-defence or the defence of others if there is an imminent threat of death or serious injury" - What about the case of defending	Guidance expanded to note: <i>Where ASMs operate on a Members concession, the member shall use best endeavours to cooperate and work with the ASM including to resolve issues arising from the ASM on the members mining concession as per the requirements in COP Provision 35 Artisanal and small-scale mining and large-scale mining.</i> Guidance also altered regarding use of firearms to protect property as follows:



No	COP Provision / Topic	Name	Comment	Response
			property in the case of overwhelming and possibly armed intrusions ?	<i>Security measures can be used to manage risks associated with possible armed intrusions.</i>
79.	Provision 13 – Security	/	13.3 "Respect the human rights of individuals engaged in ASM not under their control occurs within or in close proximity to their areas of operation and members of ASM affected communities" : This does not address the key issue, especially in the context of intrusion by ASM on a concession. 13.3 " only use firearms for the purpose of self-defence or the defence of others if there is an imminent threat of death of serious injury". What about the case of defending property in the case of overwhelming and possibly armed intrusion?	Guidance expanded to note: <i>Where ASMs operate on a member's concession, the member shall use best endeavours to cooperate and work with the ASM including to resolve issues arising from the ASM on the members mining concession as per the requirements in COP Provision 35 Artisanal and small-scale mining and large-scale mining.</i> Guidance also altered regarding use of firearms to protect property as follows: <i>Security measures can be used to manage risks associated with possible armed intrusions.</i>
80.	Provision 15 – General employment terms	Jean-Francois Jenni	Legal aspects of the countries must be in place. Minimum requirements should be better specified for companies without legal exigences.	Thanks, you for the feedback. The varied nature and range of RJC members makes it difficult to prescribe reporting content. The guidance references ILO and other practices which should be used.
81.	Provision 16 – working hours	Jean-Francois Jenni	Legal aspects of the countries must be in place. Minimum requirements should be better specified for companies without legal exigences.	Thanks, you for the feedback. The varied nature and range of RJC members makes it difficult to prescribe reporting content. The guidance references ILO and other practices which should be used.



No	COP Provision / Topic	Name	Comment	Response
82.	Provision 16 – working hours	Minera Yanaquihua	<p>16.1 Please clarify the following inquiries:</p> <p>1.- What do you mean by "shifts": do you mean also atypical work systems which are accumulation of work days followed by accumulation of compensated rest days?</p> <p>2.- In the round 2 amendment you say: "When workers are on shifts, the 48-hour week may be exceeded provided that the average number of regular hours worked during a 3-week period does not exceed 48 hours per week." Can the 03 weeks period be of 21 days of continuous work? What about the cases of shifts with 20 consecutive days of work followed by 10 consecutive days of rest, in which the weekly average of 48 hours is respected?</p> <p>16.3 Within the provision itself the COP should explicitly consider the rest granted to employees who work in atypical systems consisting of consecutive days of work followed by consecutive days of rest, as allowed by national legislation. This should be in accordance with the clarification requested for the COP provision 16.1</p>	<ol style="list-style-type: none">1. Correct. According to the ILO (1990), working in shifts is "a method of organization of working time in which workers succeed one another at the workplace so that the establishment can operate longer than the hours of work of individual workers" at different daily and night hours.2. The language is consistent with ILO guidance. This includes continuous works period and maximum hours for a normal week.3. Where shift rosters mean that employees work a number of weeks of consecutive days followed by a number of weeks of leave, they must still be provided with an average of at least one day rest day in seven consecutive working days.
83.	Provision 16 – working hours	DeBeers	<p>16.1 Will there be leeway against the 3 week period during seasonal highs?</p>	<p>The ILO notes that there is some variation required from time to time. The Guidance has been updated to references the ILO guidance on this.</p>

No	COP Provision / Topic	Name	Comment	Response
84.	Provision 16 – working hours	DeBeers	<p>16.2 Did this mean to say 12 hours per week may be exceeded provided that the average number of overtime hours worked over a 3-week period does not exceed 12 hours per week? Worth clarifying because regular hours = normal hours, presumably?</p> <p>What is the rationale for a 3-week period? How does this accommodate for seasonal highs and lows?</p>	<p>Thanks for the correction.</p> <p>The 3 week rationale is based on ILO conventions which also accommodates variations (such as season or extraordinary circumstances from time to time). The Guidance has been updated to references the ILO guidance on this.</p>
85.	Provision 17 - remuneration	Jean-Francois Jenni	Legal aspects of the countries must be in place. Minimum requirements should be better specified for companies without legal exigences.	Thanks, you for the feedback. The varied nature and range of RJC members makes it difficult to prescribe reporting content. The guidance references ILO and other practices which should be used.
86.	Provision 18 - Harassment, discipline, grievance procedures and non-retaliation	Minera Yanaquihua	There is an observation on the proposed change in the Implementation Guide for provision 18.1. Requiring members to include in their non-harassment and non-violence policies an explicit enumerative list such as the one listed in the proposal for the implementation guide suggests that for the RJC there are criteria above others that do not deserve to be made explicit even though they are just as important as those listed in your additions to the guidance documents, such as neurodivergence (ADHD, speech problems, dyslexia, etc.)	Thankyou for the feedback. The list is not meant to be exhaustive but illustrative of the matters that must not be used to prohibit forms of discrimination, violence and harassment.
87.	Provision 19 – Child labour (no amendments)	DeBeers	<p>19.1b</p> <p>This mentions RJC certification, does this include members re-certifying? Think clarification is needed.</p>	Thank-you. This has been modified to read “... achieve <i>or maintain</i> RJC certification...”



No	COP Provision / Topic	Name	Comment	Response
88.	Provision 19 – Child labour (no amendments)	DeBeers	19.2a As a note the BPPS state 18 years old as the minimum age for hazardous work.	<p>We have removed the second sentence in 19.2a and insert this condition in the guidance.</p> <p><i>The minimum age for hazardous work⁵ shall not be less than 18 years of age (an exception may be permissible as from 16 years under strict conditions). It is noted that in some countries the age for hazardous child labour is less than 18 year old. Where allowed by applicable law and supported by risk assessment and controls under COP 23 (Health and safety), a minimum age of 16 is allowed on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity. However, best endeavours must be used to ensure no person under the age of 18 years is engaged in hazardous child labour. As noted by ILO:</i></p> <ul style="list-style-type: none">• <i>Even having reached the minimum age, children below the age of 18 years must be protected from hazardous work or other worst forms of child labour (e.g., forced labour, use in commercial sexual exploitation or illicit activities). If a child above the general minimum age is found in hazardous work, it may be possible to change the task he or she is carrying out, or the conditions of work, so that it is no longer hazardous, thereby allowing the young person to keep working. If the work is inherently hazardous, such as in underground mining, and reassignment to a non-hazardous job is impossible, the young person needs to be removed from the work.</i>• <i>Hazardous work lists are crucial especially for this latter group of children, who are old enough to work, but who still need to be protected as children, including from hazardous work.</i>



No	COP Provision / Topic	Name	Comment	Response
89.	Provision 19 – Child labour (no amendments)	DeBeers	19.3b What does adequate support mean? Some more detail in guidance would help. As an FYI the BPPs require policies and programmes of action to be developed to provide for the transition of any child found to be performing child labour to enable him or her to attend and remain in quality education or vocational training until no longer a child rather than until completion of school. Could offer further protection if RJC considers adopting BPP standard?	Thank-you. This support is noted in the guidance but additional text is proposed: <i>A member should develop a program for the transition of any child found to be performing child labour that enables the child to attend and remain in quality education or vocational training until no longer a child. Adequate support may include time to attend schooling or in some cases arrangement to provide education services directly, appropriate to the Members size and circumstances.</i>
90.	Provision 23 – occupational health and safety	Jean-Francois Jenni	Many companies are ISO 45001 certified, that should be enough. Minimum requirements should be better specified for non-certified companies.	Currently the RJC COP is harmonised with OHSAS 18001. ISO 45001 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.
91.	Provision 24 – environmental management	Jean-Francois Jenni	Many companies are ISO 14001 certified, that should be enough. Minimum requirements should be better specified for non-certified companies.	ISO 14001 is a recognised external standard as per the RJC Assessment Manual in section 6. The guidance covers the requirements for an environmental management system. Amended COP 24.1 as follows: <i>Members shall establish an environmental management system appropriate to the size and circumstances, for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.</i>
92.	Provision 24 – environmental	DeBeers	Suggest that this should be expanded: Members shall establish an environmental management system for the protection of the environment. The system must address environmental aspects, risks and	Amended COP 24.1 as follows: <i>Members shall establish an environmental management system appropriate to the size and circumstances, for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.</i>

No	COP Provision / Topic	Name	Comment	Response
	management (No amendments)		opportunities, fulfilment of compliance obligations, and enhancement of environmental performance.	
93.	Provision 24 – environmental management (No amendments)	DeBeers	<p>Suggest that this should be expanded:</p> <p>Members shall</p> <ol style="list-style-type: none"> 1. Identify and assess the environmental aspects which it can control or influence. 2. identify significant environmental aspects in order to determine the potential risks and possible opportunities for improvement. 3. Implement controls to manage the consequences of the identified risks and opportunities, significant environmental aspects and compliance obligations 4. Provide training and information about significant environmental aspects, risks and controls to all relevant employees. These shall be given in a format and language that workers can easily understand. 	<p>Amended COP 24.1 as follows:</p> <p><i>Members shall establish an environmental management system appropriate to the size and circumstances, for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.</i></p>
94.	Provision 25 – hazardous substances	Jean-Francois Jenni	<p>Many companies are ISO 45001 certified, that should be enough.</p> <p>Minimum requirements should be better specified for non-certified companies.</p>	<p>Currently the RJC COP is harmonised with OHSAS 18001. ISO 45001 can be reviewed for inclusion as a recognised external standard as per the RJC Assessment Manual in section 6.</p>
95.	Provision 25 – hazardous substances	Olivier Demierre	<p>25.2 It is a bit odd to hold members to international rules and not national/local ones. The case of conflicting rules should be addressed.</p>	<p>Thank-you. The provision and the guidance have been amended.</p> <p><i>Members shall not manufacture, trade or use chemicals and hazardous substances prohibited by applicable laws or subject to international bans. Any hazardous substances prohibited by applicable laws or</i></p>



No	COP Provision / Topic	Name	Comment	Response
				<i>subject to international phase-outs shall not be manufactured or traded and their use shall be phased out in accordance with the regulation.</i>
96.	Provision 26 – Wastes and emissions	Jean-Francois Jenni	Many companies are ISO 14001 certified, that should be enough. Minimum requirements should be better specified for non-certified companies.	ISO 14001 is a recognised external standard as per the RJC Assessment Manual in section 6. The guidance covers the requirements for an environmental management system. Amended COP 24.1 as follows: <i>Members shall establish an environmental management system appropriate to the size and circumstances, for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.</i>
97.	Provision 27 – Use of natural resources	Jean-Francois Jenni	Many companies are ISO 14001 certified, that should be enough. Minimum requirements should be better specified for non-certified companies.	ISO 14001 is a recognised external standard as per the RJC Assessment Manual in section 6. The guidance covers the requirements for an environmental management system. Amended COP 24.1 as follows: <i>Members shall establish an environmental management system appropriate to the size and circumstances, for the protection of the environment, fulfilment of environmental obligations and enhancement of environmental performance.</i>
98.	Provision 28 – Product disclosure	DeBeers	Guidance for 28.3 Could a testing methodology also be appropriate to the size of the organisation and size of diamonds, and not just the contamination risk? For Sightholders who are following the De Beers Disclosure Practice Note, is it worth clarifying that they do not need to create their own and can rely on existing well-recognised methodologies?.	Thank-you. The guidance has been modified.

No	COP Provision / Topic	Name	Comment	Response
99.	Provision 31 - Extractive Industries Transparency Initiative	Jose Camino	31.2.g it is hard to understand what it does really mean....	Thank-you for the feedback. COP requirement 31.2g has been revised as follows: <i>g. Establish appropriate accountability checks to ensure the accuracy and quality of the disclosed information.</i>
100.	Provision 31 - Extractive Industries Transparency Initiative	Olivier Demierre	31.2 "g. Ensure that company processes are appropriate to deliver the data required for high standards of accountability" - this is too vague to be applied	Thank-you for the feedback. COP requirement 31.2g has been revised as follows: <i>g. Establish appropriate accountability checks to ensure the accuracy and quality of the disclosed information.</i>
101.	Provision 33 - Indigenous peoples and free, prior and informed consent	/	It should be clarified that the requirements are not applicable to refiners, that do not own mining activities	Some requirements from RJC COP Provision 33 apply to members with mining and/or related refinery facilities (e.g COP requirement 33.2). Other COP requirements (e.g. 33.1 and 33.3) only apply to mining member with refining facilities. Clarification has been noted.
102.	Provision 33 - Indigenous peoples and free, prior and informed consent	DeBeers	33.2d For point d, please amend to: "Obtain the free, prior and informed consent of affected indigenous peoples during the project planning and approval stages or demonstrate an operating manner that supports positive relationships with affected indigenous peoples."	Amended wording is as below. D. has been adjusted as well as g to reflect the comment. 34.2d Work in good faith to obtain the free, prior and informed consent of affected indigenous peoples during the planning and approval stages.

No	COP Provision / Topic	Name	Comment	Response
				<p>34.2g Where the affected or their representatives clearly communicate, at any point during engagement, that they do not wish to proceed with FPIC-related discussions or consent is not given, the Member shall</p> <ul style="list-style-type: none"> i. publish this outcome in a manner that is respectful to the affected Indigenous Peoples ii. implement good faith actions to supports positive relationships with affected Indigenous Peoples, iii. mitigate significant adverse impacts with the new project or major expansion to existing operations, in line with COP 35 Impact Assessment.
103.	Provision 34 - Impact assessment	/	It should be clarified that the requirements are not applicable to refiners, that do not own mining activities.	All requirements in COP Provision 34 apply to members with mining and/or related refinery facilities.
104.	Provision 35 - Artisanal and small-scale mining and large-scale mining	Jose Camino	35.1 this has to be applicable on a best effort basis and necessarily "shall".	Thank-you. Minor change to the wording of the COP provision 35.1 to acknowledge he size and circumstances of the Member.
105.	Provision 35 - Artisanal and small-scale	Olivier Demierre	While the intent is good, not sure this will be practically feasible in many contexts.	Thank-you. Minor change to the wording of the COP provision 35.1 to acknowledge he size and circumstances of the Member.

No	COP Provision / Topic	Name	Comment	Response
	mining and large-scale mining			
106.	Provision 35 - Artisanal and small-scale mining and large-scale mining	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities. While the intent is good, not sure this will be practically feasible in many contexts.	All requirements in COP Provision 35 apply to members with mining or mining facilities with related refinery facilities.
107.	Provision 35 - Artisanal and small-scale mining and large-scale mining	Minera Yanaquihua	Specify what it means, or what are the situations "not under the control" of the member.	Not under their control means they are not part of the members operation or legal entity. See also definition of "control" in the glossary.
108.	Provision 36 – Resettlement	/	It should be clarified that the requirements are not applicable to refiners, that do not own mining activities.	COP Provision 36.1 applies to members with mining facilities including those with refining activities). It does not apply to refiners that do not have mining facilities. However, COP Provisions 36.2 and 36.3 apply to members planning new mining and/or related refinery projects.
109.	Provision 36 –	DeBeers	36.3 Why the date of 30 April 2006? And why should	30 April 2006 was selected to align with the IRMA RMS and RMPS. IRMA selected 30 April 2006 as this was the year that IFC adopted the



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	Resettlement		monitoring take place into perpetuity? It should be until the close out report that demonstrates that the resettlement process has been completed appropriately in alignment with IFC PS5	<p>Sustainability Framework, which articulated IFC's strategic commitment to sustainable development. http://www.ifc.org/wps/wcm/connect/9fb7150048855c138af4da6a6515bb18/2007%2BUpdated%2BGuidance%2BNotes_full.pdf?MOD=AJPERES&attachment=true&id=1322804281925)</p> <p>Minor change to 36.3a:</p> <p><i>a. At least every year, evaluate and confirm that displaced persons and affected communities have been compensated and their livelihoods improved, that there are no lingering human rights impacts associated with historic resettlement activities, until the Member can demonstrate that the resettlement process has been completed appropriately in alignment with IFC Performance Standard 5.</i></p>
110.	Provision 37 – Emergency response	/	It should be clarified that the requirements are not applicable to refiners, that do not own mining activities.	COP Provision 37.1 applies to members with mining facilities including those with refining activities). It does not apply to refiners that do not have mining facilities.
111.	Provision 38 – Biodiversity	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities.	COP Provision 38.1 and 38.2 apply to members with mining facilities including those with refining activities). It does not apply to refiners that do not have mining facilities. However, COP Provisions 38.3, 38.4, 38.5, 38.6, 38.7 and 36.8 apply to members in the mining and/or refinery sector.
112.	Provision 38 – Biodiversity	/	<p>38.1 Please can you amend as follows with deletion of the clause proposed below:</p> <p>COP 38.1: Members with mining facilities (including those with refining activities) shall not explore, mine or refine in World Heritage sites and areas on any official list (both</p>	Your comment has been noted. This was amended to reflect the below change.

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			tentative and nominated) for World Heritage Site Inscription, IUCN protected area management categories I-III; Core areas of UNESCO biosphere reserves and shall ensure that their activities do not negatively impact directly on adjacent World Heritage sites, areas on any official list for World Heritage Site Inscription; IUCN protected area management categories I-III; Core areas of UNESCO biosphere reserves.	
113.	Provision 38 – Biodiversity	/	<p>38.3 Please can you amend as follows:</p> <p>For new exploration, development of a new mine and/or refinery, or for changes to existing exploration or mining and/or refining facilities:</p> <p>a) Members shall not explore, mine or refine in or adjacent to:</p> <p>i. World Heritage Sites areas on a government official list, whether tentative or nominated, for World Heritage Site Inscription or</p> <p>ii. IUCN protected area management categories I-III or</p> <p>iii. Core areas of UNESCO biosphere reserves.</p> <p>b) Members shall not explore, mine or refine in or adjacent to any other legally protected or internationally recognised area unless the Member:</p> <p>i. Carries out a biodiversity and ecosystem services impact assessment and management requirements in line with COP 34 (Impact Assessment and Management) and if the legally designated area is either an IUCN category IV, a Ramsar site not included in the IUCN category I-III or a buffer zone of UNESCO biosphere reserves, commission an additional assessment that is carried out or</p>	Your comment has been noted. This change has been made but with further changes to later provisions to ensure the risks and impacts are sufficiently covered.

No	COP Provision / Topic	Name	Comment	Response
			independently peer-reviewed by a reputable conservation organisation and/or academic institution to demonstrate that activities will not damage the integrity of the special values for which the area was designated for protection.	
114.	Provision 39 – tailings and waste rock	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities.	COP provision 39.1 only applies to members in the mining sector. However, COP provisions 39.2, 39.3 and 39.4 apply to Members in the mining and/or refinery sector.
115.	Provision 42 – site rehabilitation and closure	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities.	COP provision 42.1 only applies to members in the mining sector. However, COP provisions 42.2, 42.3 and 42.4 apply to Members in the mining and/or refinery sector
116.	Provision 42 – site rehabilitation and closure	DeBeers	42.2 Propose you separate out exploration as a separate provision. Coupling with closure is not logical.	The wording for COP provision 42.2 has been amended. Exploration activities is included as mine operators conducting exploration activities must have closure and rehabilitation plans in place. <i>42.2 Members in the mining and/or refinery sector, including those planning or conducting mine exploration activities, shall engage regularly with local stakeholders, including indigenous peoples, communities, artisanal and small-scale miners, employees and regulators, about site closure and rehabilitation plans.</i>
117.	Provision 43 – Community health and safety	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities.	All COP provision 43 requirements apply to Members in the mining and/or refinery sector
118.	Provision 44 –	/	It should be clarified that the requirements are not applicable to refiners that do not own mining activities.	All COP provision 44 requirements apply to Members in the mining and/or refinery sector

No	COP Provision / Topic	Name	Comment	Response
	Cultural heritage			