

République Démocratique du Congo



MINISTÈRE DES MINES

Certification Handbook
« CERTIFIED TRADING CHAINS » (CTC)
for gold, copper-cobalt, tin, tantalum, tungsten and coloured
gemstones from artisanal and small scale mining operations
in the Democratic Republic of Congo

Version 01 – October 2019 modifying Version 00 of the Certification Manual for 3T ores of February 22, 2011 and Version 00 of the Certification Manual for Gold of February 23, 2011

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Foreword

The Certified Trading Chains (CTC) certification system for designated minerals was one of the results that emerged from the G8 conference in 2007. Developed by the German Federal Institute for Geosciences and Natural Resources (BGR) in 2007, it was adopted by the DRC Ministry of Mines in 2011 and implemented in the Democratic Republic of Congo with the financial support of the Ministry for Economic Cooperation and Development (BMZ) of the Federal Republic of Germany.

As part of the programme to strengthen control and transparency in the mining sector, the CTC system was developed as a certification scheme for artisanal and small-scale mining practices at selected mining sites.

The conformity assessment process is based on regular independent third party audits to assess the conformity with respect to the CTC standard.. This process was focused on the compliance of mining operations with the five (5) principles and twenty-one (21) requirements of the CTC standard. The CTC certificates for compliant mining sites were issued by the Minister of Mines, based on the recommendations of the Certification Working Group (GTC "groupe de travail de certification"), a group of experts composed of representatives of various departments and technical services of the Ministry of Mines. This working group was created for the development, implementation and oversight of this system.

A significant number of artisanal mining sites has been audited and several mines were certified as compliant under the CTC system since 2011.

Given the latest developments in terms of both international regulations and mining practices, it was important to update this instrument in order to adapt it to the new context.

These developments included, among others, the following:

- the ratification of various international treaties by the DRC;
- the introduction of the OECD Due Diligence Guidance for responsible supply chains for minerals from conflict-affected and high-risk areas and its latest version(2016);
- the adoption of the ICGLR RCM by the DRC (2011);
- the enactment of the revised Mining Code and Regulations (2018);
- the publication of the "Manuel de Procédures de Traçabilité des produits minières marchands de l'extraction à l'exportation" (2014);
- the enactment of Ministerial Order 0919 establishing procedures for the inspection, qualification and validation of mining sites in the artisanal gold and 3T sectors in the Democratic Republic of Congo (2015);
- the rising importance of artisanal mining supply chains other than those for designated minerals, including those of the copper-cobalt and coloured gemstone sectors.

The present Handbook is the result of the revision of the first version of the CTC Certification Manual. It was developed by a multi-stakeholder Review Committee composed of delegates from Government, Civil Society and Industry under the patronage of the DRC Ministry of Mines.

This new standard has the merit of being more detailed, precise and rigorous, with principles and requirements covering all essential areas of artisanal and small-scale mining.

List of Acronyms

- CAMI : *Cadastre Minier*, DRC Mining Cadastre;
- CEDAW : Convention on the Elimination of All Forms of Discrimination against Children and Women;
- CPS : *Comité Provincial de Suivi des activités minières* ; Provincial Mining Monitoring Committee;
- CEEC : *Centre d'Expertise, d'Evaluation et de Certification des substances Minérales précieuses et semi-précieuses* ; Centre for Expertise, Evaluation and Certification of Precious and Semi-precious Mineral Substances;
- CTC : Certified Trading Chains ;
- DRC : Democratic Republic of Congo;
- EITI : Extractive Industries Transparency Initiative;
- ESIA : Environmental and Social Impact Study;
- ESMP: Environmental and Social Management Plan;
- GTC : *Groupe de Travail de Certification* ; National Certification Working Group;
- ICGLR International Conference on the Great Lakes Region;
- ICGR: Internal Corporate Governance Rules ;
- ILO : International Labour Organisation ;
- ISO : International Standard Organisation;
- RCM :Regional Certification Mechanism of the ICGLR ;
- OECD : Organisation for Economic Co-operation and Development;
- OHADA : *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* ; Organisation for the Harmonization of Business Law in Africa;
- OHS : Occupational Health and Safety;
- PEPM : *Permis d'Exploitation de Petite Mine* ; Small Scale Mining Permit;
- SDG : Sustainable Development Goal of the United Nations' 2030 agenda;
- SAEMAPE : *Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et à Petite Echelle* ; Assistance and Supervision Service for Artisanal and Small-scale Mining Exploitation- Congolese ASM authority;
- ZEA : *Zone d'Exploitation Artisanale* ; artisanal mining area;
- ZRG : *Zone de Recherche Géologique* ; Geological research area;

Chapter I : Background

The Principles and requirements of this standard are aligned with national legislation, the OECD Due Diligence Guidelines and are based on good artisanal and small-scale mining practices.

1.1 Definitions

For the present Handbook, the following definitions apply:

- **Affiliate:** An individual who, through free and voluntary membership, is a member of an organisation such as an artisanal mining cooperative.
- **Express and written authorization of the license holder:** Written agreement, by which the holder of a mining right, cedes and renounces part of his perimeter to a mining cooperative for artisanal exploitation in accordance with the provisions of article 30 e of law 18/001 of March 9, 2018 modifying and supplementing law 007 of July 11, 2002 establishing the Mining Code.
- **Administrative document:** any written proof, attesting to an activity report, an administrative authorisation to carry out an activity (approval), minutes or records of a meeting, a directive or instruction, proof of membership of an organisation, (membership card, service card, artisanal miner's card).
- **Informative document:** any physical or electronic medium that contains information concerning either a given concept, an incident that has occurred, a recorded occurrence, a known event or an observed phenomenon that is available to the organisation.
- **Drainage:** The extraction or dewatering, by drawing or pumping, of seepage or runoff water in open-pit or underground mines.
- **Leasing of the area to be exploited:** the illegal practice of leasing a plot of land to artisanal miners by the mining cooperative, or by customary authorities (uncultivated exploitation of minerals) or by holders of a mining right (encroachment) or by a state agent in order to extract minerals in violation of the Law.
- **Local workforce:** A worker who is not necessarily a native, but simply resides in the area where the mining activity takes place.
- **Improvement Indicator Tracking Mechanism:** a process for assessing, using measurable metrics, the results of risk mitigation within a cooperative or small-scale mining company in accordance with the requirements of the OECD Guide on Due Diligence.
- **Organisation:** any moral person under Congolese law authorised to carry out artisanal or small-scale mining activities. It is the approved mining cooperative operating in an ASM-zone allocated to it or having a Memorandum of Understanding signed with the holder of the mining permit or the holder of the valid small-scale mining permit.

I. 2 Legal basis, standards and reference documents

The following legal, regulatory, conventional and normative texts provide the legal basis for the CTC certification system:

I. 2.1 Legal basis

- The Constitution, as reviewed and supplemented by Law No. 11/002 from January 20, 2011, especially in its Articles 9, 93 and 202 point 36 shall read f ;
- Law n°18/001 of March 9, 2018 modifying and completing Law 007/2002 of July 11, 2002 bearing the Mining Code ;
- Law n°18/003 of March 13, 2018 fixing the nomenclature of rights, taxes and fees of the central government;
- Law n°18/004 of March 13, 2018 fixing the nomenclature of taxes, duties, fees and royalties of the Decentralized Territorial Entity as well as their modalities of distribution;
- Law n°08/012 of July 31, 2008 on the fundamental principles relating to the free administration of the provinces as amended and supplemented by Law n°13/008 of January 22, 2013 ;
- Law n°08/016 of October 7, 2008 on the composition, organisation and functioning of Decentralized Territorial Entities (DTEs) and their relations with the State and the provinces;
- Law n°015/2002 of October 16, 2002 bearing the Labour Code ;
- Act 04/016 of July 19 , 2004 on the fight against money laundering and terrorist financing ;
- Act No. 09/001 of January 10 , 2009 for the protection of children;
- Law n°11/009 of July 9, 2011 on the fundamental principles of environmental protection;
- Decree n°18/024 of June 08 , 2018 modifying and supplementing decree n° 038/2003 of March 26, 2003 on mining regulations;
- Interministerial Order n° 0149/CAB.MIN/MINES/01/2014 and n° 116/CAB.MIN/FINANCES/2014 of July 05th, 2014 referring to the Manual of procedures for Traceability of mining products, from extraction to export ;
- Interministerial Order n° 0719/CAB.MIN/MINES/01/2010 and n° 140/CAB.MIN/INT.SEC/2010 of October 20, 2010 on the creation, organisation and functioning of the National Commission for the Fight against Mining Fraud ;
- Ministerial Order n° 214/CAB.MINES-HYDRO/01/2003 of June 19, 2003 regulating the exploitation and marketing of artisanal gold;
- Ministerial Order n° 215/CAB.MINES-HYDRO/01/2003 of June 19, 2003 regulating the exploitation and commercialisation of artisanal columbite-tantalite "coltan";
 - Ministerial Order n° 216/CAB.MINES-HYDRO/01/2003 of June 19, 2003 regulating the exploitation and commercialisation of copper ore from artisanal production;

- Ministerial Order n° 217/CAB.MINES-HYDRO/01/2003 of June 19, 2003 regulating the exploitation and commercialisation of Heterogenite from artisanal production;
- Ministerial Order n° 218/CAB.MINES-HYDRO/01/2003 of June 19, 2003 regulating the exploitation and commercialisation of cassiterite of artisanal production;
- Ministerial Order n° 0138/CAB.MIN/MINES/01/2010 of April 14, 2010 regulating the exploitation and commercialization of coloured gemstones of artisanal production;
- Order n° 0138/CAB.MIN/MINES/01/2019 of February 26, 2019 modifying and supplementing Ministerial Order n° 3163/CAB.MIN/MINES/01/2007 of August 11, 2007 regulating the activities of the Mineral Substances Treatment Entity and the Mineral Substances Processing Entity ;
- Ministerial Order n° 392/CAB.MINES/01/2000 of November 08, 2000 regulating artisanal mining, purchase, sale and processing of copper ores;
- Ministerial Order n° 393/CAB.MINES/01/2000 of November 08, 2000 regulating artisanal mining, purchase, sale and processing of Heterogenite;
- Ministerial Order n°3157/CAB.MIN/MINES/01/2007 of August 6, 2007 establishing models of logs, registers and other documents of mining or quarrying activities;
- Ministerial Order n°0186/CAB.MIN/MINES/01/2012 of March 23, 2012 on the obligation of all mining companies to declare the payments made to the State within the framework of the Extractive Industries Transparency Initiative "EITI";
- Circular Note n°0002/CAB.MIN/MINES/01/2011 of September 06, 2011 relating to the compulsory application of the directives and recommendations of the OECD Guide to Due Diligence and United Nations Security Council Resolution 1952 (2010) in the Congolese Mining Sector;
- Circular Note n°007/CAB.MIN/MINES/01/2017 of August 07, 2017 to the attention of all those involved in the artisanal mineral supply chains of all mining sectors in DRC (Concerns: Reminder of the legal and regulatory provisions prohibiting child labour in the artisanal sector of the DRC's mining sector);

I. 2.2 Standards and reference documents

- United Nations, 1948, The Universal Declaration of Human Rights;
- United Nations, 1978, Convention on the Elimination of All Forms of Discrimination Against Women;
- United Nations, 1989, Convention on the Rights of the Child;
- United Nations, 2015, Sustainable Development Goals;
- International Labour Organisation, various years of publication, ILO International Standards;
- International Organisation for Standardization 2010, ISO 26000 - Guidelines on social responsibility;
- International Organisation for Standardization, 2015a, ISO 14001 Environmental Management System;
- International Organisation for Standardization, 2015b, ISO 9001 - Quality Management System - Requirements;
- International Organisation for Standardization, 2018, ISO 45001 Occupational Health and Safety;
- OHADA, 2010, Uniform Act on the Law of Cooperative Societies;
- OHADA, 2014, Revised Uniform Act on the Law of Commercial Companies and Economic Interest Groupings;
- Organisation for Economic Co-operation and Development, 2006, OECD Risk Awareness Tool for Businesses Operating in Weak Governance Zones;
- Organisation for Economic Co-operation and Development, 2011, The OECD Guidelines for Multinational Enterprises;
- Organisation for Economic Co-operation and Development, 2016, OECD Guide on Due Diligence for Responsible Supply Chains of Minerals from Conflict or High-Risk Zones, Third Edition;
- EITI, 2019, The EITI Global Standard for Good Oil, Gas and Mining Management;
- ARM, 2014, Fairmined Standards for Artisanal and Small-scale Gold Mining and Associated Precious Metals, version 2.0;
- ARM & Resolve 2018, Code for Risk Mitigation in Artisanal and Small-scale Mining, Engaging in Formal and Transparent Trade (CRAFT) ;
- World Bank, 2007, EHS Guidelines, Environmental, Health and Safety Guidelines, Mining, IFC (World Bank) ;
- World Bank, 2008, Standard of the 8th annual conference of the World Bank's initiative Communities and Small-Scale Mining in Brasilia, Brazil,
- ICMC, 2011: International Cyanide Management Code ;
- International Tin Association, 2018, International Tin Code of Conduct.

I. 3 Objectives

The main objective of the CTC Certification Scheme is to encourage a progressive performance improvement in artisanal and small-scale mining guided by sustainable and responsible social and environmental standards, while ensuring respect for human rights, transparency and traceability of minerals. In order to achieve this, the CTC system will have to:

- Align with the basic principles of responsible mineral sourcing, including regional and international initiatives;
- Bring production operations into compliance with national legislation;
- Protect human rights by prohibiting child labour, forced labour in all its forms, torture and inhuman treatment;
- Promote gender equality;
- Improve the working conditions of artisanal miners and workers, in terms of Occupational Health and Safety as well as their social conditions;
- Promote sustainable development in favour of local communities;
- To protect the environment throughout the life cycle of the mine (exploration, mine development, mine operation and mine closure);
- Promote clean and responsible supply chains.

Through its defined requirements for artisanal and small-scale mining, the CTC system contributes to the achievement of the following Sustainable Development Goals (SDGs) established by the United Nations in 2015:

- SDG 1 No poverty ;
- SDG 8 Decent work and economic growth ;
- SDG12 Responsible consumption and production ;
- SDG 15 Life on Land.

I. 4 Scope of CTC

The scope of this standard is circumscribed by the following elements:

- Geographic extent;
- The type of production;
- The mineral substances concerned;
- The actors concerned.

I. 4.1 Geographic extent

The CTC system covers the entire national territory.

I.4.2 Production Type

The CTC system applies to artisanal and small-scale mining as defined in the national legislation.

I.4.3 Mineral substances concerned

The CTC system applies to:

- the 3T sector (tin, tantalum and tungsten)
- the gold sector;
- the copper and cobalt sector
- the coloured gemstones sector.

I.4.4 Actors concerned

The CTC system applies to registered mining cooperatives and semi-industrial mining companies.

I.5 CTC governance mechanism

The governance mechanism of the CTC Certification Scheme is based on the following guiding principles:

- Legality: by the strict respect of legal, regulatory, conventional and normative texts as well as the provisions of internal procedure policies in the organisation, the functioning, the decision making process as well as the modalities of their execution;
- Transparency: in a concerted management of the organisational structure, of the relations between stakeholders and third parties, of the decision-making process and the practical procedures for their implementation on the one hand, and the communication of activities, incidents, risks, results and perspectives on the other hand;
- Credibility: is based on the multi-stakeholder nature of the CTC system's governance structure, which guarantees the reliability of the results of the work produced by the group;
- Fairness of practices: is based on the respect of ethical and deontological principles, the prevention of actions in contradiction with these principles and the commitment of all parties to the adoption of good practices;
- Multi-stakeholder dialogue: is a structured and interactive process that brings stakeholders together to create mutual understanding and joint action to improve governance performance;
- Professionalism: encompasses a set of attitudes, skills, behavioural standards of quality and value to be respected in the operation and management of the CTC system;

- Continuous improvement: through the critical and introspective analysis of the actions taken and of the mode of operation of CTC governance based on the PDCA method (plan, develop, control and act); this method is also called the Deming wheel and aims at optimum operation and attainment of general and specific objectives;
- Communication: within the framework of the CTC system governance, this principle reinforces transparency and accountability and constitutes a strategic framework that organizes and manages the communication of the structure;
- Equity: natural justice on the recognition of the rights of each individual and equal opportunities for the benefit of disadvantaged individuals or groups;
- Accountability: is based on the obligation to respond and repair in the case of prejudice. It aims at the responsiveness of the institutions in charge of the mining sector, the performance of the processes undertaken for the sustainable management of mining resources in order to achieve effectiveness and efficiency in the various actions undertaken by the different actors.

All CTC institutions and their incorporated governance and implementation mechanisms will be guided by the above principles.

1.6 Added value through CTC

The CTC Certification Handbook provides an overview of the DRC legislation relating to artisanal and small-scale mining and the requirements for achieving the certification. In addition, it also ensures compliance with international guidelines for responsible mineral procurement in direct relation to national legislation. Furthermore, legal compliance, transparency and credibility are demonstrated through the multi-stakeholder nature of the Steering Committee responsible for the implementation of the CTC.

The certificate of CTC compliance generally confers benefits to the communities affected by the activities of the certified organisation, to mineral sellers and buyers both in the DRC and internationally.

For end users, the award of the CTC Certificate is a guarantee that national and international requirements have been met by the organisation.

CTC is not only a control scheme, but also an educational and advisory system. Thus, participation in CTC gives an organisation the opportunity to gain insight into its level of compliance with legal provisions and international requirements in order to take corrective actions for improved performance. In addition, obtaining the certificate provides proof of performance and credibility both nationally and internationally.

The communities surrounding the mines participating in CTC benefit from the principles of social dialogue embedded in the CTC system and the positive impact that mining can have on local and sustainable socio-economic development and the environment.

1.7 Relevant changes achieved during the revision of CTC Version 0

The main innovations of the new system of reference are:

- the multi-stakeholder approach in its management in accordance with the practice required by various globally recognised regulatory frameworks such as the Kimberley Process, EITI and the OECD forum;
- the broadening of its scope in terms of geographical coverage and relevant sectors;
- the specification of the requirements for artisanal versus small-scale mining;
- The possibility of launching an appeal challenging the result of the audit;
- The establishment of a grievance mechanism;
- The uniqueness of the certification audit;
- The qualitative nature of the compliance mechanism assessment.

Chapter II : STANDARD

II.1 Structure and requirements classification

The standard set consists of 6 principles with 38 requirements. The requirements are divided into two categories:

1. **Basic Category:** consisting of requirements whose compliance is required for certification ;
2. **Progress Category:** consisting of requirements whose implementation is to be encouraged and promoted in the artisanal and small-scale mining sector.

Table 1 Structure and classification of requirements

Principles	Requirements from basic category	Requirements from progress category
Principle 1: Good Governance, Transparency, Traceability and Due Diligence in accordance with the OECD Guidance	1.1: Prohibition to directly or indirectly support armed groups, undisciplined elements of public and/or private security forces	
	1.2: The organisation fights corruption and tax evasion	
	1.3 The organisation fights fraud and mineral smuggling	
	1.4: The organisation fights money laundering	
	1.5: The organisation respects payment transparency in accordance with the EITI standard	
	1.6: The organisation complies with the provisions of the current Mineral Traceability Procedures Manual	
	1.7: Plausible declaration of production	
	1.8: Prohibition of the worst forms of child labour	
	1.9: Abolition of all forms of forced or compulsory labour	
	1.10: Abolition of all forms of torture, cruel, inhuman and degrading treatment	
	1.11: Prohibition of harassment and sexual violence	
		1.12: The organisation complies with the five steps of risk management of the OECD Due Diligence Guidance
Principle 2: Rights and benefits of workers/ affiliates	2.1: Promotion of decent working conditions	
	2.2: The organisation respects the principle of freedom of association	
	2.3: The organisation applies the principle of fair and equal compensation	
	2.4: The organisation follows legal procedures in the event of disciplinary measures	
	2.5: Promotion of the fight against discrimination	2.6. Gender advocacy

Principle 3: Legal status, right of use and response- bilities	3.1: The organisation operates within a legal mining framework	
		3.2 Existence of a mine plan and an inventory of available equipment
		3.3 Existence of a business plan
Principle 4: Occupational Health, Safety (OHS) and Hygiene	4.1: Compliance with occupational health and safety measures	
	4.2 : OHS and hygiene risk management in place	
	4.3: Prevention of risks and occupational diseases	
	4.4: Mine site and facility security in place	
	4.5 : Distribution and effective use of Personal Protective Equipment (PPE) by the Organisation	
		4.6: Existence of a security plan
Principle 5: Community Development	5.1 : Organisation of stakeholder consultations	
	5.2 : Promotion of local labour force and national subcontracting	
	5.3:Implementation of the social engagement as specified in the terms of reference.	
		5.4: Harmonization of the organisations' interventions in the implementation of the community development plan
		5.5 : Participation in community development
Principle 6 : Environment	6.1 : Existence of an Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP)	
	6.2: The organisation has a Mine Waste Management Plan in place	
	6.3: Existence of the Rehabilitation and Mine Closure Plan	
	6.4: The organisation has a toxic materials management plan in place.	
	6.5: The organisation has a water management plan in place.	
		6.6 : Reporting of environmental performance

II.2 Principles and Requirements

Principle 1 : Good Governance, Transparency, Traceability and Due Diligence in accordance with the OECD Guidance

Requirement 1.1 Prohibition to directly or indirectly support armed groups, uncontrolled elements of public and/or private security forces.	<i>Basic category</i>	<i>Scope</i>
No support of any kind (logistical, financial, human resources and contributory work) to armed groups, uncontrolled elements of the public and/or private armed forces is reported from the management, workers and/or affiliates, suppliers, subcontractors of the organisation.		Artisanal and Small Scale Mining
Requirement 1.2 The organisation fights corruption and tax evasion.	<i>Basic category</i>	<i>Scope</i>
<p>The organisation commits, in writing, to actively combat corruption and tax evasion and has provisions in its Internal Governance Rules that sanction them.</p> <p>The organisation regularly carries out awareness-raising measures on corruption and tax evasion.</p> <p>The organisation keeps all reports and accounting documents in a transparent manner. No evidence of corruption and tax evasion is reported. No existence of parallel administration/accounting, no illicit/illegal payments.</p>		Artisanal and Small Scale Mining
Requirement 1.3 The organisation fights mining fraud and smuggling.	<i>Basic category</i>	<i>Scope</i>
<p>The organisation commits, in writing, to actively combat mining fraud and smuggling and has made provisions in its Internal Governance Rules to penalize them.</p> <p>The organisation regularly carries out awareness-raising measures to combat mining fraud and smuggling targeting its workers/affiliates and business partners.</p> <p>There is no evidence of the organisation's involvement in mining fraud and smuggling.</p>		Artisanal and Small Scale Mining
Requirement 1.4 The organisation fights money laundering.	<i>Basic category</i>	<i>Scope</i>
<p>The organisation commits, in writing, to actively combat money laundering and has provisions in its Internal Governance Rules, which sanction them.</p> <p>The organisation regularly carries out awareness-raising measures on money laundering. The organisation keeps all reports on financial flows in a transparent manner. No indications of money laundering are reported.</p>		Artisanal and Small Scale Mining
Requirement 1.5 The organisation respects payment transparency in accordance with the EITI standard.	<i>Basic category</i>	<i>Scope</i>
The organisation pays all duties, taxes, fees and charges with a lawful basis. The organisation allows access to proof of payment. The organisation publishes all payments made to the Public Treasury,		Artisanal and Small Scale Mining

<i>Provinces, Decentralised Territorial Entities and utilities in accordance with the EITI standard.</i>		
<i>The organisation discloses welfare payments and subsidies to third parties in accordance with its social commitments.</i>		
Requirement 1.6 The organisation complies with the provisions of the current Mineral Traceability Procedures Manual.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of proof that the organisation complies with the different steps and procedures outlined in the Manual of Traceability Procedures in force in the DRC. Absence of proof on false declarations of origin of minerals, extortion of minerals and contamination (in the supply chain) with minerals from other mining sites.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 1.7 Plausible declaration of Production.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of a plan estimating production, updated on a continuous basis, allowing the mining operator to report on its production statistics and mineral flow. Existence of a register of workers involved in production. Existence of an inventory of materials and equipment.</i>		<i>Small Scale Mining</i>
<i>Existence of a production register, updated on a continuous basis, enabling the cooperative to report on its production statistics and mineral flow. Existence of a register of members involved in production.</i>		<i>Artisanal Mining</i>
Requirement 1.8 Prohibition of the worst forms of child labour.	<i>Basic category</i>	<i>Scope</i>
<i>No children under the age of 18 work at the mine site. Their identity card, service/membership card, register, proves this and membership form. Wearing a badge (service/member card, artisanal miner's card) is compulsory.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 1.9 Abolition of all forms of forced or compulsory labour.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of proof of free consent for workers/affiliates (Contract of employment/Adherence agreement). No occurrence of any forms of labour considered as forced labour. Regular sensitization by the organisation against all forms of work considered as forced labour. Existence of panels prohibiting all forms of work considered as forced labour.</i> <i>Declaration of the fight against all forms of work considered as forced labour in the statutes of the organisation.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 1.10 Abolition of all forms of torture, cruel, inhuman and degrading treatment.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of a written commitment in which the organisation decrees the fight against all forms of torture, cruel, inhuman and degrading treatment in its supply chain.</i> <i>Existence of a code of conduct and internal governance rules sanctioning such acts. Internal mechanism for receiving and handling complaints. Absence of any evidence of torture, cruel, inhuman and degrading treatment.</i>		<i>Artisanal and Small Scale Mining</i>

Requirement 1.11 Prohibition of harassment and sexual violence.	Basic category	Scope
<i>The organisation commits in writing (in its internal governance rules and/or declaration) to combat all forms of sexual violence and gender-based harassment. The Organisation shall raise awareness among its workers/affiliates on all forms of gender-based violence and harassment, including sexual violence. Existence of an internal mechanism for receiving and processing complaints. Absence of evidence of any form of sexual harassment and violence.</i>		Artisanal and Small Scale Mining
Requirement 1.12 The organisation complies with the five steps of risk management of the OECD Due Diligence Guidance.	Progress category	Scope
<i>In accordance with the OECD Guide to Due Diligence and its supplement: The organisation has a robust risk management system in place. The organisation has a contextualized internal policy. The organisation identifies and assesses risks from the mine site to the first sale of its production. The organisation has designed and implements a strategy to mitigate risks and has a mechanism to track indicators of improvement on the ground. The organisation publishes its annual due diligence implementation report.</i>		Artisanal and Small Scale Mining

Principle 2 : Rights and benefits of workers/affiliates

Requirement 2.1 Promotion of decent working conditions.	Basic category	Scope
<i>All workers have a duly signed employment contract. Any employment is justified by an administrative document (employment contract, service card, etc.) issued by the company. Any recruitment is made after a call for job offers.</i>		Small Scale Mining
<i>All affiliates have a valid artisanal miner's card and the mining cooperative membership card. Any membership is justified by an administrative document held by the mining cooperative. The conditions of membership set by the cooperative must be in accordance with the national legislation in force.</i>		Artisanal Mining
Requirement 2.2 The organisation respects the principle of freedom of association.	Basic category	Scope
<i>Existence of a union. Delegates regularly elected by the workers. Negotiation of working conditions with employers. Regular holding of meetings and existence of meeting minutes duly signed by the participants.</i>		Small Scale Mining
<i>Existence of Advocacy Groups. Delegates regularly elected by affiliates. Negotiation of working conditions with the leaders of the mining cooperative. Regular holding of meetings and existence of meeting minutes duly signed by the participants.</i>		Artisanal Mining
Requirement 2.3 The organisation applies the principle of fair and equal compensation.	Basic category	Scope

<i>Workers' wages are at or above the minimum wage or are at or above the sector's comparable wages in the DRC and are regular. Salary is commensurate with the level of responsibility. The organisation compensates for overtime.</i>		<i>Small Scale Mining</i>
<i>Members receive their payments in proportion to their contributions in accordance with the cooperative principle.</i>		<i>Artisanal Mining</i>
Requirement 2.4 The organisation follows the legal procedures in the event of disciplinary measures.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of internal governance rules duly approved by the labour inspector in charge.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 2.5 Promotion of the fight against discrimination.	<i>Basic category</i>	<i>Scope</i>
<i>The organisation has a policy against all forms of discrimination. Evidence of awareness-raising campaigns or meetings against all forms of discrimination. Evidence of proactive measures to promote diversity.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 2.6 Gender advocacy.	<i>Progress category</i>	<i>Scope</i>
<i>The organisation practices a policy on the promotion of equality between men and women in employment.</i>		<i>Artisanal and Small Scale Mining</i>

Principle 3 : Legal status, right of use and responsibilities

Requirement 3.1 The organisation operates within a legal mining framework.	<i>Basic category</i>	<i>Scope</i>
<i>In the case of the small scale miner, a valid mining title (PEPM) must be held.</i>		<i>Small Scale Mining</i>
<i>In the case of the registered mining cooperative, all operations must be within a ZEA instituted by ministerial order and assigned to the cooperative. In the case of a licence's perimeter conceded for artisanal mining, the organisation must provide evidence of the existence of a written authorization from the license holder and, where applicable, the holder's request for renunciation duly filed with the Mining Cadastre.</i>		<i>Artisanal Mining</i>
Requirement 3.2 Existence of a mine plan and an inventory of available equipment.	<i>Progress category</i>	<i>Scope</i>
<i>The organisation has an extraction plan depending on the type of operation proposed. All equipment and materials available on site are registered,</i>		<i>Small Scale Mining</i>
<i>The organisation has a site plan and has mapped all mineshafts (operational, under construction or abandoned). All production equipment and materials are registered.</i>		<i>Artisanal Mining</i>
Requirement 3.3 Existence of a business plan.	<i>Progress category</i>	<i>Scope</i>
<i>The organisation conducted exploration and evaluated the deposit. It has developed a feasibility study and has a bankable business plan.</i>		<i>Artisanal and Small Scale Mining</i>

Principle 4 : Occupational Health, Safety (OHS) and Hygiene

Requirement 4.1 Compliance with occupational health and safety measures.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of ventilation shafts for underground mines, adequate lighting, tunnels and galleries with standard dimensions and good ground support. Existence of an efficient drainage system for underground mines. The establishment of a plan for the sustainable use of mining material.</i>		<i>Small Scale Mining</i>
<i>The mining facilities are built according to best available ASM practice in compliance with the legal and regulatory provisions in force. Mining is limited to above 30m depth; the prohibition of digging tunnels (galleries) in pursuit of veins is respected. Existence of a plan for the sustainable use of mining resources.</i>		<i>Artisanal Mining</i>
Requirement 4.2 OHS and hygiene risk management in place.	<i>Basic category</i>	<i>Scope</i>
<i>The organisation has an OHS policy. The organisation identifies lists and documents dangerous incidents, risks related to exposure to toxic and/or radioactive substances and general risks in the workplace. The organisation has appropriate gender-sensitive sanitary and medical facilities. The organisation requires routine medical and health inspections for its staff and facilities in accordance with legal provisions. The organisation regularly raises awareness of and communicates its OHS policy. The organisation has a register of recorded accidents and illnesses (type, cause, action taken). The organisation has defined emergency procedures and evacuation plans in place. There is a committee in place that deals with OHS issues.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 4.3 Prevention of risks and occupational diseases.	<i>Basic category</i>	<i>Scope</i>
<i>The organisation carries out a risk analysis and defines a policy on the prevention of risks and occupational diseases. Information material on the prevention of risks, accidents and occupational illnesses at the work place is made available. Workers or members have access to good information on the prevention of occupational risks, accidents and diseases in the mine. The organisation regularly carries out awareness raising and training on the prevention of occupational risks, accidents and diseases in the mine.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 4.4 Mine site and facility security in place.	<i>Basic category</i>	<i>Scope</i>
<i>The organisation has a sufficient number of security personnel (private or public) trained to protect and secure the mine site. Access to the site is controlled. Mining facilities that have been denied access to by the state services or the organisation itself are guarded at all times.</i>		<i>Artisanal and Small Scale Mining</i>

Requirement 4.5 Distribution and effective use of Personal Protective Equipment (PPE) by the Organisation.	Basic category	Scope
Personal protective equipment (PPE) is available and appropriate. It is available in sufficient quantity. Wearing PPE is a requirement of the organisation and is included in its ICGR.		Artisanal and Small Scale Mining
Requirement 4.6 Existence of a safety plan.	Progress category	Scope
The organisation has a safety plan that includes contingency measures in the event of an accident.		Artisanal and Small Scale Mining

Principle 5 : Community Development

Requirement 5.1 Organisation of stakeholder consultations.	Basic category	Scope
Existence of terms of reference and evidence that the organisation conducts regular consultation with all duly mandated stakeholders.		Small Scale Mining
Existence of a written commitment to community engagement and evidence that the organisation regularly consults with all duly mandated stakeholders.		Artisanal Mining
Requirement 5.2 Promotion of local labour force and national subcontracting.	Basic category	Scope
Existence of a training programme and prioritized recruitment of local and national employees in accordance with the provisions of the Labour Code. The majority of employees and subcontracting companies are recruited in accordance with the relevant provisions of Law 17/001 of February 8, 2017 establishing the rules applicable to subcontracting in the private sector.		Artisanal and Small Scale Mining
Requirement 5.3 Implementation of the social engagement as specified in the terms of reference.	Basic category	Scope
The organisation holds terms of reference for social development projects, drawn up in a participatory and inclusive manner and implemented in accordance with the road map established.		Small Scale Mining
The organisation is committed to community development. This commitment is reflected in social development projects, drawn up in a participatory and inclusive manner and carried out in accordance with the roadmap as established.		Artisanal Mining
Requirement 5.4 Harmonization of the organisations' interventions in the implementation of the community development plan	Progress category	Scope
Existence of a coordinating committee responsible for ensuring the alignment, at the local development level, of the interventions of all organisations working in the same area.		Artisanal and Small Scale Mining

Requirement 5.5 Participation in community development.	<i>Progress category</i>	<i>Scope</i>
<i>The organisation participates in initiatives that are not included in its terms of reference or that require contributions of multiple organisations.</i>		<i>Small Scale Mining</i>
<i>The organisation participates in initiatives not included in its commitment to the community or requiring the contribution of multiple organisations.</i>		<i>Artisanal Mining</i>

Principle 6 : Environment

Requirement 6.1 Existence of an Environmental and Social Impact Assessment (ESIA) and Environmental and Social Management Plan (ESMP).	<i>Basic category</i>	<i>Scope</i>
<i>The organisation has carried out an Environmental and Social Impact Assessment (ESIA) and developed an Environmental and Social Management Plan (ESMP) including regular updates (every 5 years and upon renewal of the mining title) in order to continuously improve its environmental performance.</i>		<i>Small Scale Mining</i>
<i>The organisation holds a written commitment to comply with the requirements of Annex IV of the Mining Regulations as amended and supplemented to date (2019).</i>		<i>Artisanal Mining</i>
Requirement 6.2 The organisation has a Mine Waste Management Plan in place.	<i>Basic category</i>	<i>Scope</i>
<i>Existence of a management plan for mining discharges and waste, which includes their optimal treatment, storage and/or recycling. Discharges as well as chemicals and hazardous products are properly recycled, treated and stored.</i>		<i>Artisanal and Small Scale Mining</i>
Requirement 6.3 Existence of the Rehabilitation and Mine Closure Plan.	<i>Basic category</i>	<i>Scope</i>
<i>The organisation makes provisions to cover rehabilitation costs after closure in accordance with the relevant provisions of Article 258 paragraph 1 of the revised Mining Code. It regularly updates the Environmental and Social Management Plan (ESMP). It implements the ESMP as planned.</i>		<i>Small Scale Mining</i>
<i>The mining cooperative contributes to the rehabilitation funds set up to finance the implementation of mitigation and rehabilitation measures in the ZEAs with up to 5% of its annual revenues in accordance with Article 417 of the Mining Regulations in force. The mining cooperative commits to rehabilitate any part of the artisanal mining zone as soon as it has stopped working there rather than when finally ceasing all mining activities across the whole ZEA. The mining cooperative rehabilitates the contours of the relief and landscape to avoid accidents and minimize erosion, aerates soil where it is too compact and incorporate organic material into the top soils at the sites where mining operations have ceased.</i>		<i>Artisanal Mining</i>

Requirement 6.4 The organisation has a toxic materials management plan in place.	Basic category	Scope
<i>The organisation has a plan for the responsible management of toxic materials including mercury and cyanide.</i>		Small Scale Mining
<i>The organisation has a plan for the responsible management of toxic materials and complies with the ban on the use of mercury in accordance with Art. 2 of Annex IV of the Mining Regulations in force.</i>		Artisanal Mining
Requirement 6.5 The organisation has a water management plan in place.	Basic category	Scope
<i>The organisation has a water management plan and has implemented measures to rationalize its water consumption. It has established measures for the regular monitoring of water quality. It treats wastewater and drainage water before it is discharged into the natural environment. Water treatment is carried out in a separate circuit isolated from run-off water. The quantity of uncontaminated runoff water entering the treatment circuit is rationalized.</i>		Small Scale Mining
<i>The organisation has a water management plan and has implemented measures to rationalize its water consumption. Water treatment is carried out in a separate circuit and isolated from run-off water. The organisation avoids polluting water sources used for agricultural purposes, livestock watering or feeding. Ore washing operations shall be carried out more than 500 metres upstream of any point of capture or habitual use by the local human and animal populations and more than 20 metres from any water source.</i>		Artisanal Mining
Requirement 6.6 Reporting of environmental performance.	Progress category	Scope
<i>The organisation publishes an annual report on the implementation of the ESMP.</i>		Small Scale Mining
<i>The cooperative publishes an annual report describing the environmental impact of its mining activities and the impact's management. The cooperative focuses on the impact of surface and groundwater or aquifers flowing through or stagnating in the ZEA, and more specifically on the presence of springs, wells and boreholes and the likely use of these structures by the local population for consumption or other needs. The impact on vegetation caused by the development is described in this report.</i>		Artisanal Mining

Chapter III : Compliance Assessment Procedure

III.1 Methodology

In accordance with the categorization of requirements in **Chapter II** of this Handbook, the basic category takes precedence over the progress category and will be decisive for the decision on the certification decision on the organisation.

The initial assessment of an organisation's eligibility for CTC certification is carried out:

- a) on the basis of the inspection report of artisanal mining sites in the DRC ;
- b) on the basis of an assessment carried out by the provincial mining monitoring committee ("comité provincial de suivi"; CPS) with reference to the mining inspection sheet;
- c) on the decision of a team deployed by the Steering Committee responding to a request from an organisation.

In all cases, eligibility for CTC certification is conditional upon the organisation to be audited fulfilling the requirements of the mining site inspection form.

Within six (06) months from the submission of the inspection report, the publication of the decision of the CPS or the Steering Committee, an audit must be carried out on the mining site concerned.

A CTC compliance certificate will be issued to the organisation after the CTC audit if and only if it complies with all the requirements of the basic category.

III.2 CTC audit frequency

CTC audits are carried out once every 3 years. In case the audit results are challenged, the appeal will be addressed to the multi-stakeholder structure, the Steering Committee, responsible for the implementation of the CTC certification.

III.3 CTC audit responsible

CTC audits are carried out by a duly recruited Independent Auditor who will be accompanied by two observers. The Auditor is responsible for the audit.

III.4 CTC audit reporting

The Auditor ensures that the audit report is objective and strictly confidential.

The granting or refusal of the CTC Certificate of Compliance will depend on the outcome of the audit report.

Appeal procedures:

Within fifteen (15) working days from the date of submission of the audit report to the audited organisation, the latter has the right to formally contest this result and to lodge an appeal with the Steering Committee.

The Steering Committee shall refer the matter to the Auditor to inform him/her of the appeal. The Certification Sub-Committee works jointly with the Auditor to analyse the appeal and draw conclusions.

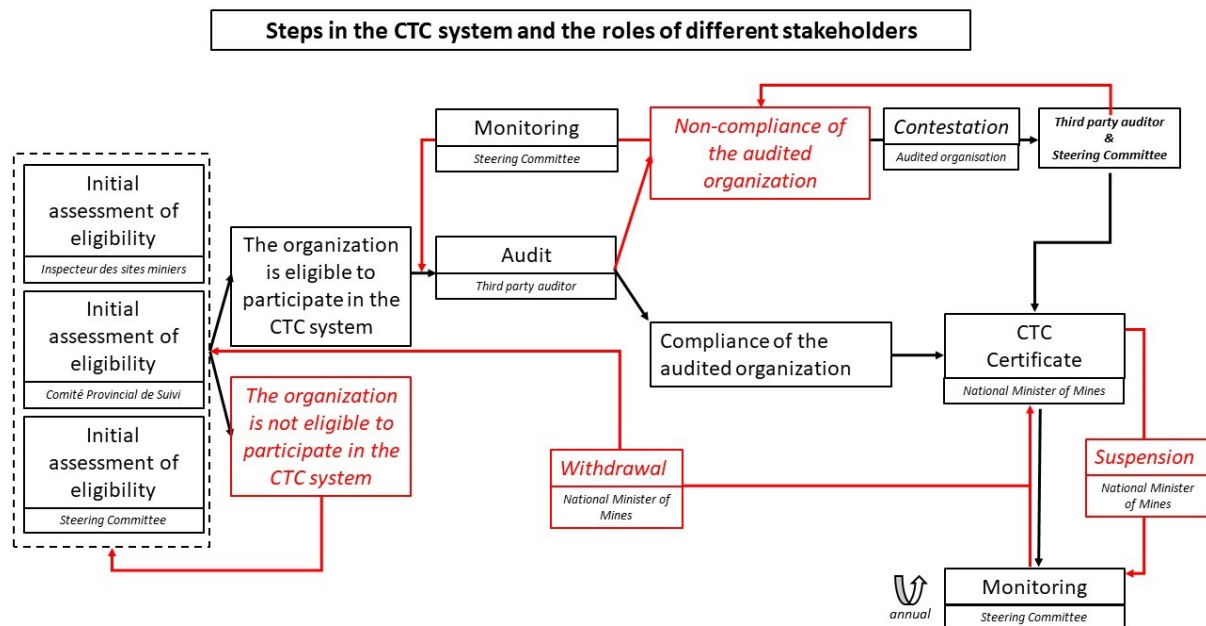


Fig. 1 : Diagram showing the process and responsibilities of the different stakeholders in the CTC certification system.

III.5 Evaluation and monitoring process

The organisation's performance is assessed based on its level of compliance with the CTC requirements. The description of each requirement enables the auditor to assess compliance with that requirement.

Compliance with all requirements of the basic category leads to CTC certification (Table 8).

Non-compliance with any of the requirements for the basic category results in failed CTC certification procedure of the audited organisation. In this case, the organisation is given a period of one year to comply with the Auditor's recommendations, which will be recalled by the monitoring team at mid-term, directed by the Steering Committee or by the CPS in order to prepare a new audit mission at the end of that period.

Tableau 1 CTC certificate types and levels of compliance

CTC certificate type	Conformity level
CTC certificate	Compliance with all base category requirements
CTC certificate with social recognition	Compliance with all base category requirements + compliance with requirements 5.4 et 5.5
CTC certificate with environmental recognition	Compliance with all base category requirements + compliance with requirements 6.6
CTC certificate with social and environmental recognition	Compliance with all base category requirements + compliance with requirements es 5.4, 5.5 et 6.6

III.6 Validity of the CTC Certificate of Compliance

The CTC Certificate of Compliance is valid for a period of three (03) years. A periodic monitoring mission is carried out once a year. It provides a critical assessment of the effectiveness of the corrective actions planned and measures in progress.

After three (03) years, an audit is mandatory for the renewal of the CTC Certificate of Compliance.

The CTC Certificate of Compliance can be withdrawn by the Regulatory Authority:

1. after the monitoring team has established that the organisation does not comply with the audit recommendations;
2. in the event of a serious incident attributable to the organisation in accordance with the classification and mitigation procedure set out in Annex II of the OECD Guide.

The CTC Certificate of Compliance may be suspended by a decision of the Regulatory Authority following an incident requiring precautionary measures in accordance with the classification and mitigation procedure set out in Annex II of the OECD Guide.

When a CTC Certificate of Compliance has been withdrawn, the organisation may reapply for certification.

III.7 CTC Certification Authority

The Minister of Mines is the competent supervisory authority that issues the CTC Certificate of Compliance certificate.

III.8 Transitional provisions

All new organisations and those that were not certified under the CTC Version 00 system will be evaluated against the revised standard as of the date of its coming into force. Organisations that were certified to CTC version 00 will not be re-assessed with the revised standard until their current certificate expires.

ANNEX

The documents attached to this handbook represent either Congolese legal texts in their entirety or extracts from the official mining regulations. As official translations of these documents are not available, these documents are attached in original language.

ANNEXE I DES PROCEDURES DE TRACABILITE DES PRODUITS MINIERS

I.1. Des préalables à l'exercice de l'activité minière

Les exploitants miniers artisanaux, les négociants, les comptoirs d'achat agréés, les entités de traitement ou de transformation agréées, les titulaires de droits miniers exercent leurs activités à condition d'être en règle avec les dispositions pertinentes définies dans le Code Minier et ses mesures d'application.

I.2. Des différentes étapes liées à la traçabilité des produits miniers marchands

Les procédures dont question dans ce chapitre se rapportent au suivi du flux matières depuis le chantier d'exploitation en passant par les opérations de production, d'achat, de transport, de transfert, de réception jusqu'à la prise en charge des produits miniers marchands par la douane qui constitue le début des opérations d'exportation.

a) Opérations de production (ou d'extraction au puits) :

• Services intervenants :

1. Administration des Mines ;
2. SAEMAPE.

• Documents à remplir :

1. Le Bordereau de constat de production artisanale (annexe n°1) émis par l'Administration des Mines et contresigné par le SAEMAPE.
2. Le Bon d'achat des substances minérales délivré par le SAEMAPE et contresigné par l'Administration des Mines (Annexe n° 02).

Ces documents accompagnent le produit extrait jusqu'au centre de négoce ou au bureau d'achat.

• Impôts, droits, taxes et redevances à payer :

Frais en rémunération des services rendus payés auprès de SAEMAPE par l'exploitant artisanal et le négociant, conformément à l'Arrêté du Gouvernement de la Province concernée.

b) Opérations d'achat au Centre de Négoce ou bureau d'achat

• Services intervenants :

1. L'Administration des Mines ;
2. Le SAEMAPE ;
3. Le CEEC.

Les produits miniers acheminés au Centre de Négocie ou au bureau d'achat sont réceptionnés par l'Administration des Mines, le SAEMAPE et le CEEC pour la conformité de l'emballage, étiquetage, bordereau de constat et attestation de transport, selon la filière.

Les produits miniers considérés conformes sont soumis à une analyse par le CEEC.

Après analyse, le produit minier peut être vendu aux négociants présents dans le Centre de Négocie, en présence du délégué du CEEC qui délivre un bon d'achat contresigné par l'Agent de l'Administration des Mines. Les exploitants artisanaux et les négociants ont la possibilité de consulter les valeurs de base des substances minérales précieuses et semi-précieuses, les valeurs de base des métaux et leurs cours communiqués par la Cellule Technique de Coordination et de Planification Minière en sigle CTCPM et le CEEC, suivant le cas. Les négociants sont tenus de mettre leurs produits marchands achetés dans un emballage fournis et étiqueté par le CEEC.

• *Documents à remplir :*

1. Le Bon d'achat des substances minérales délivré par le CEEC et contresigné par l'Administration des Mines. (Annexe n° 03) ;
2. Le Bon d'achat des substances minérales délivré par le SAEMAPE et contresigné par l'Administration des Mines (Annexe n° 02) dans les points d'achat et de vente des minerais bien identifiés et créés par des édits provinciaux, sur proposition du SAEMAPE.

• *Impôts, droits, taxes et redevances à payer :*

Frais en rémunération des services rendus payés auprès de SAEMAPE par l'exploitant artisanal et le négociant, conformément à l'Arrêté du Gouverneur de la Province concernée (Facultatif) au centre de Négocie si le paiement a été effectué au niveau des sites et obligatoire au niveau des point d'achat et de vente agréés par la Province.

c) Opérations de transport

• *Services intervenants :*

1. Administration des Mines ;
2. CEEC ;
3. SAEMAPE.

• *Documents émis :*

1. Formulaire de demande de l'attestation de transport des produits miniers d'exploitation artisanale délivré par l'Administration des Mines et signé par le requérant ou son mandataire (Annexe n°5) ;
2. Attestation de transport des produits miniers d'exploitation artisanale délivrée et signée par l'Administration des Mines (Annexe n°7).

• *Impôts, droits, taxes et redevances à payer :*

1. Néant au niveau de l'Administration des Mines, du CEEC et du SAEMAPE ;
2. Vérification du paiement d'une taxe EAD pour le compte de la Province, soit 1% de la valeur d'achat.

d) Opérations de transfert :

Transport des produits miniers de la Province d'extraction à la province d'exportation.

• *Services intervenants :*

1. Administration des Mines ;
2. SAEMAPE ;
3. CEEC.

• *Document émis par la Division Provinciale des Mines :*

1. Formulaire de demande de fiche de transfert des produits miniers marchands d'exploitation artisanale du dépôt de la province d'extraction au dépôt de la province d'exportation (Annexe n°8) ;

• *Document émis par le CEEC :*

1. Le formulaire de transfert des produits miniers marchands d'exploitation artisanale du dépôt de la Province d'extraction au dépôt de la province d'exportation (Annexe n°9);

• *Impôts, droits, taxes et redevances à payer :*

1. Paiement d'une taxe EAD pour le compte de la province, soit 1% de la valeur d'achat qui reste le même qu'au point annexe 6 ;
2. Paiement contre-valeur de la fiche de transfert au CEEC et ce, pour la filière stannifère uniquement.

• *Opérations de transfert :* Ces opérations de transfert doivent être autorisées par le Ministre des Mines car chaque Province compte ses Centres d'exportation.

e) Opérations de réception

• *Services intervenants :*

1. Administration des Mines ;
2. CEEC ;
3. SAEMAPE.

• *Documents émis par l'Administration des Mines :*

1. Procès-verbal de constat de réception des produits d'exploitation artisanale transférés du dépôt de la province d'extraction au dépôt de celle d'exportation (Annexe n°10).

Le produit minier devra être mis à disposition de service des douanes et autres.

- *Impôts, droits, taxes et redevances à payer :*

Néant au niveau de l'Administration des Mines, du CEEC et du SAEMAPE

f) Opération de prise en charge par les Services des douanes

- *Services intervenants :*

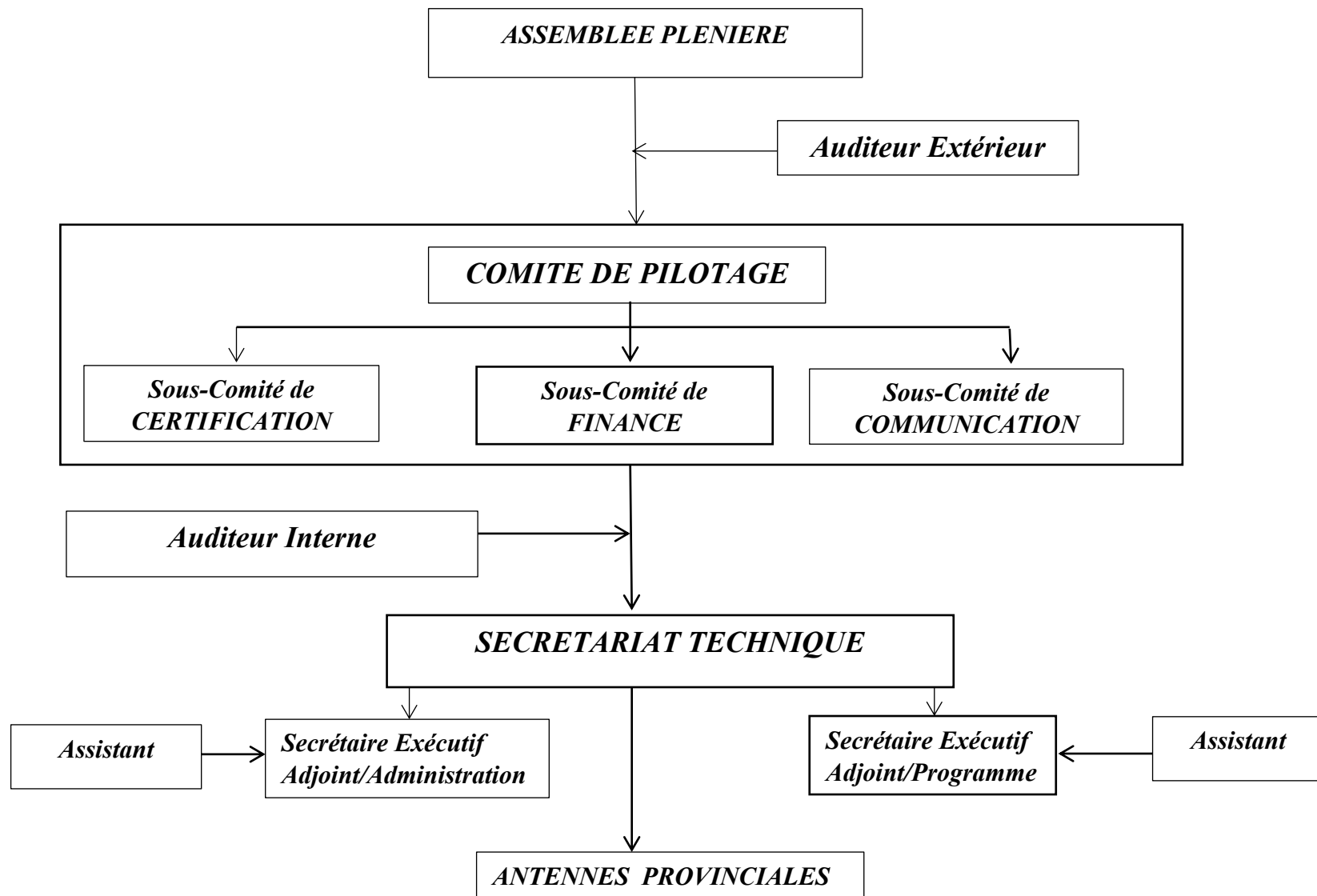
1. DGDA ;
2. OCC ;
3. Administration des Mines ;
4. CEEC ;
5. Commissariat Général à l'Energie Atomique (CGEA).

- *Documents requis :*

1. Procès-verbal de pointage des produits miniers marchands (Annexe n°11) émis par la DGDA et contresigné par l'Administration des Mines, l'OCC, le CEEC et le CGEA ;
2. Bordereau en douane (Annexe n°12) : Registre de la Prise en charge de la DGDA.

- *Impôts, droits, taxes et redevances à payer :* Néant

ANNEXE II : ORGANIGRAMME DU COMITÉ DE PILOTAGE



ANNEXE III : ENGAGEMENT DE LA COOPERATIVE MINIERE

CODE DE CONDUITE DE LA COOPERATIVE MINIERE AGREEE ET DE L'EXPLOITANT ARTISANAL

Article 1 : De l'engagement de la coopérative minière vis-à-vis des concessionnaires fonciers ou occupants du sol et des autorités locales

La coopérative minière agréée s'engage à :

- a) conserver les aménagements apportés par les concessionnaires fonciers ou occupants du sol ou les Autorités locales sur la surface de la zone d'exploitation artisanale ;
- b) se conformer aux règlements pertinents du territoire et aux législations applicables, ainsi qu'aux mesures coutumières locales du lieu d'implantation de son projet ;
- c) atténuer l'impact de ses activités sur la faune et la flore, ainsi que les cours et points d'eau ;
- d) rejoindre la zone d'exploitation artisanale par des routes dont l'impact sur l'environnement est réduit ;
- e) établir la déclaration de l'exploitant artisanal sur le formulaire ci-joint dûment rempli et signé en deux exemplaires dont un est déposé à la Division Provinciale des Mines qui lui a délivré la carte d'exploitant artisanal et l'autre est déposé au bureau de l'autorité locale de l'administration du territoire où se trouve le site de ses opérations.
- f) se conformer aux normes nationales, régionales et internationales de transparence, de traçabilité et de certification pour un approvisionnement responsable en minerais.

Article 2 : Des opérations interdites

L'agrément de la *coopérative minière* autorise uniquement les opérations utilisant des méthodes artisanales à l'intérieur de la zone d'exploitation artisanale précisée. En particulier, l'utilisation des produits suivants est strictement interdite.

Il y est strictement interdit l'utilisation de :

- (a) des explosifs ;
- (b) du mercure.

Par ailleurs, toute opération de transformation des minéraux par la *coopérative minière* est interdite à moins qu'ils n'aient obtenus l'autorisation préalable prévue à l'article 113 du Code Minier.

Article 3 : Du défrichement et de l'aménagement de la zone d'exploitation artisanale

La *coopérative minière* est tenu de ne pas défricher par le feu. La *coopérative minière* doit réaliser le défrichement et l'aménagement de la zone d'exploitation artisanale de façon à ce que les racines des plantes ou arbustes soient conservées plutôt que déterrées ou coupées et que les branches ou plantes soient écartées plutôt que taillées.

La *coopérative minière* est tenue de ne pas couper d'arbres qui ne se trouvent pas directement sur le site d'extraction et à les contourner s'ils présentent un obstacle. La *coopérative minière* s'engage à réhabiliter chaque portion de la zone d'exploitation artisanale dès lors qu'il a cessé d'y travailler et non pas lorsque l'ensemble de ses activités minières est terminé. A cet effet, il est tenu de réaliser ces travaux de réhabilitation suivant l'une ou l'autre des étapes ci-après :

- a) restaurer les contours du relief du paysage afin d'éviter les accidents de ce relief et de minimiser l'érosion ;
- b) aérer la terre aux endroits où elle est trop compacte ;
- c) remettre l'humus sur la surface des sites où les opérations ont été achevées.

Article 4 : Des procédés de rassemblement du sol et humus extraits et d'ensevelissement des ordures

La *coopérative minière* est tenue de :

- a) rassembler en tas, à une distance minimale de dix (10) mètres de l'endroit où il creuse, le sol et l'humus extraits et de le recouvrir d'une bâche en plastique afin qu'il soit à l'abri du vent et de la pluie.
- b) ensevelir les ordures produites lors de ses opérations à une profondeur de 1,5 à 2 mètres, tout en veillant à ce que l'ensevelissement n'affecte pas les eaux souterraines et qu'il soit réalisé à une distance d' au moins 100 mètres des cours d'eau.

Article 5 : De la protection des vestiges préhistoriques ou historiques

La *coopérative minière* est tenue de suspendre les activités minières en cas de découverte de vestiges préhistoriques ou historiques dans la zone d'exploitation artisanale et d'en aviser immédiatement l'autorité compétente.

Article 6 : Du maintien de campement

La *coopérative minière* est tenue de maintenir le campement en ordre et à enlever toutes les structures et infrastructures installées par lui lorsque le campement est abandonné.

Article 7 : De l'interdiction des constructions permanentes

La *coopérative minière* est tenue de ne pas construire de structures permanentes.

Article 8 : De la réalisation des opérations minières bruyantes

La *coopérative minière* est tenue de réaliser les opérations minières bruyantes seulement pendant la journée afin de ne pas gêner les habitants des localités voisines.

Article 9 : Des tunnels et de la traversée des cours d'eau

La *coopérative minière* est tenue de ne pas creuser de tunnels et à ne pas réaliser d'excavations de plus de 30 mètres de profondeur. Il est tenu en outre de maintenir un degré d'inclinaison de 15 % et de laisser des bancs horizontaux d'au moins un mètre de largeur tous les 2 mètres de profondeur.

La *coopérative minière* s'engage à limiter les traversées des cours d'eau.

Article 10 : Des opérations de plongée dans des cours d'eaux et de l'interdiction de la pollution des ressources d'eau

S'il veut réaliser des opérations de plongée dans un cours d'eau, la *coopérative minière* est tenue de se munir d'équipements appropriés.

Avant toute plongée, il est tenu de se renseigner ou d'observer l'existence d'espèces animales ou végétales dangereuses pour l'être humain.

La *coopérative minière* est tenue d'éviter la pollution des ressources en eaux utilisées aux fins agricoles, d'abreuvement du cheptel ou d'alimentation.

La *coopérative minière* est tenue de ne pas effectuer des opérations de plongée, de ramassage ou de lavage des pierres ou des métaux précieux dans les cours d'eau à moins de 500 mètres en amont de tout point de captage ou d'emploi habituel de l'eau de cette source par les populations humaine et animale locales.

La *coopérative minière* est tenue de ne pas faire des excavations et de ne pas laver des pierres ou des métaux précieux à une distance de moins de 20 mètres de toute source d'eau.

Article 11 : De la signalisation de l'existence de mine et de tout accident ou maladie survenu dans la mine

La *coopérative minière* est tenue de signaler, avec une barrière en bois, l'existence d'une mine. Cette structure devra être présente constamment à l'emplacement de la mine pour empêcher les êtres humains ou les animaux d'y tomber accidentellement.

La *coopérative minière* est tenue d'informer immédiatement les autorités locales de tout accident survenu dans la mine ou de toute maladie ou épidémie.

Article 12 : De la formation des exploitants artisanaux

La *coopérative minière* s'engage à participer au stage de formation en techniques d'exploitation artisanale organisé par les services spécialisés du Ministère des Mines.