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# **Emirates Bullion Market Committee Rules**

for

**Risk Based Due Diligence**

in the

**Gold Supply Chain**

**Version 1/2021**

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# Emirates Bullion Market Committee Rules

for Risk Based Due Diligence in the Gold  
Supply Chain

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## PART A - INTRODUCTION AND GUIDANCE TO INTERPRETATION

1. These Emirates Bullion Market Committee (**EBC**) Rules for Risk Based Due Diligence in the Gold Supply Chain (the **Rules for RBDG**) are issued by the EBC. The Rules for RBDG follow the 5-step framework for risk-based due diligence of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from conflict-affected and high-risk areas and consist of:

Part A – Introduction and Guidance to Interpretation;  
Part B – Articles;  
Part C – Rules;  
Part D – Schedule; and  
Part E – Annexes.

2. These Rules for RBDG have been established to ensure responsible global supply chain management of gold, in order to assist Accredited Members (as defined below) and other market participants:

- (a) comply with best practice and standards in Anti-Money Laundering (**AML**) and Combatting Terrorism Financing (**CTF**), avoid contributing to conflict, prevent abuses of Human Rights and prevent abuses of environment;
- (b) where possible, build constructive engagement with suppliers to source responsibly from Conflict-Affected and High-Risk Areas; and
- (c) act in good faith, demonstrate significant and measurable efforts to improve the ongoing due diligence, including monitoring emerging risks in the supply chain.
- (d) These rules do not identify all of the risks that might arise from the abuse of human rights or the environment or failures of AML/CFT controls or any other regulatory requirement that a refiner might have to comply with. Adherence to these rules does not, therefore, guarantee that the refiner is free of such risks, as the information provided in this document is not intended to constitute legal or other professional advice on legal or regulatory compliance and refiners are required to satisfy themselves as to their compliance with such laws or regulations.

3. For the purposes of these Rules for RBDG, each of the following terms shall have the meaning set out below:

**Accreditation Standards** means the following UAEGD accreditation standards issued and regulated by the EBC (as amended from time to time);

**Accredited Member** means any person or entity that is subject to the Accreditation Standards and refinery who are required to follow these Rules for RBDG;

**Applicable Laws and Regulations** means all applicable laws, regulations, orders, injunctions, judgments, decrees, rulings or other similar requirement enacted, adopted, promulgated or applied by a relevant governmental authority that is binding upon or applicable to such Accredited Member, as amended unless expressly specified otherwise.

**Article** means an article set out in Part B of these Rules for RBDG;

**ASM** means Artisanal and Small-scale Mining formal or informal mining operations with

predominantly simplified forms of exploration, extraction, processing, and transportation. ASM normally low capital intensive and uses high labour-intensive technology. ASM can include people working on an individual basis as well as those working in family groups, in partnerships, or as members of cooperatives or other types of legal associations and enterprises involving hundreds or even thousands of miners. For example, it is common for work groups of 4-10 individuals, sometimes in family units, to share tasks at one single point of mineral extraction (e.g. excavating one tunnel). At the organisational level, groups of 30-300 miners are common, extracting jointly one mineral deposit (e.g. working in different tunnels), and sometimes sharing processing facilities;<sup>1</sup>

**Conflict-Affected and High-Risk Areas** means areas identified by the presence of armed conflict, widespread violence, including violence generated by criminal networks, or other risks of serious and widespread harm to people and the environment. Armed conflict may take a variety of forms, such as a conflict of international or non-international character, which may involve two or more states, or may consist of wars of liberation, insurgencies or civil wars. High-risk areas are those where there is a high risk of conflict or of widespread or serious abuses as defined in Annex II of the OECD Due Diligence Guidance for Responsible for Responsible Supply Chains of Minerals from Conflict-Affected and/or High-Risk Areas. Such areas are often characterised by political instability or repression, institutional weakness, insecurity, collapse of civil infrastructure, widespread violence and violations of national or international law;<sup>2</sup>

**EBC Review Protocol** means the 'Review Protocol on Responsible Sourcing of Gold as amended and restated pursuant to Article 6 of the Rules for RBDG and set out at Annex 2 of Part E to the Rules for RBDG;

**EDD** means Enhanced Due-Diligence carried out to broaden the risk assessment scope beyond the prescribed minimum;

**Executive Office of the EBC** means the Executive Office of the EBC, whose composition and functions are set out in the Ministerial Decision No. (1-14) of 2021 Concerning the Establishment of the Executive Office of the Emirates Bullion Market Committee;

**FIU** means the Financial Intelligence Unit of the Central Bank of the UAE;

**Human Rights** mean the universal rights and freedoms regarded as belonging to every person, without discrimination, based on internationally recognised standards;

**IGC** means the Independent Governance Committee;

**LSM** means large scale gold mining operations that are not considered to be ASM;<sup>3</sup>

**Mined Gold** means gold that originates from mines and has never been previously refined. The origin of Mined Gold is the mine where it is extracted. Mined Gold subcategories are as follows: (a) Alluvial; (b) Ore; (c) Concentrate; (d) Dore; (e) Mining by-product; (f) LSM gold; (g) ASM gold;<sup>4</sup> and (h) Tailings.

**Money Laundering** means the process by which the financial proceeds of crime are disguised to conceal an illegal origin;

**OECD Guidance** means the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas;

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<sup>1</sup> As referred in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from conflict-affected and high-risk areas

<sup>2</sup> See footnote 1 above

<sup>3</sup> See footnote 1 above

<sup>4</sup> See footnote 1 above

**PEP** means a Politically Exposed Person as further detailed in Rule 1.8 ;

**Recycled Gold** means gold that has been previously refined, such as end-user, post-consumer and investment gold and gold and/or precious metals-bearing products, and scrap and waste metals and materials arising during refining and product manufacturing including recovered material from industrial recovery, which is returned to a refiner or another downstream intermediate processor to begin a new life cycle as 'recycled gold'. The origin of Recycled Gold is considered to be the point in the supply chain where the gold is returned to the refiner or other downstream intermediate processor or recycler; assay samples are excluded from this category and fall out of scope of the review provided the member is able to justify the quantity during the review period<sup>5</sup>;

**Resolution** means Cabinet Decision No. (10) of 2019 on the Executive Regulation of Federal Decree-Law No. 20 of 2018 on Anti-Money Laundering and Combatting the Financing of Terrorism and Financing of Illegal Organizations, as amended;

**Review** means an independent audit undertaken in accordance with these Rules for RBDG;

**Reviewer** has the meaning given to that term in Rule 4.2;

**Rules** means Part C of these Rules for RBDG;

**Schedule** means the schedule set out in Part D of these Rules for RBDG;

**STR** means a Suspicious Transaction Report, as further described in the Schedule;

**Terrorism Financing** means any kind of financial support to those who encourage, plan or engage in terrorism;

**UAE** means the United Arab Emirates; and

**UAEGD** means the UAE Good Delivery.

4. With regard to any matter of interpretation of these Rules for RBDG, these Rules for RBDG shall be read and interpreted in conjunction with the OECD Guidance.
5. For Accredited Members and Reviewers, these Rules for RBDG establish a mandatory framework which goes beyond the concept of guidance and implements strict compliance with the principles underpinning the OECD Guidance. Industry participants are encouraged to implement the Rules to the extent applicable to their business.
6. These Rules for RBDG are implemented to take into account regulatory requirements implemented in the UAE as further described in the Schedule.

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<sup>5</sup> See footnote 1 above

## PART B – ARTICLES

### Article 1. Date of entry into force

- 1.1 These Rules for RBDG shall apply for an audit period beginning on or after [1 February] 2022 (**Effective Date**).

### Article 2. Effect of entry into force

- 2.1 These Rules for RBDG shall have the status of “*rules and regulations*” in the sense of the direction given within the Applicable Laws and Regulations.

**Note 1** All Accredited Members and Industry participants are **strongly recommended** to ensure their own compliance with all laws and regulations relating to the prevention of money laundering, corruption, terrorism financing and the funding of unlawful organisations applicable to them, and are recommended to review (and satisfy themselves as to the contents of) the Schedule.

### Article 3. Scope of Application

- 3.1 Compliance with these Rules for RBDG is mandatory in respect to:
- (a) all Accredited Members; and
  - (b) all Reviewers.
- 3.2 Industry participants are encouraged to comply with these Rules for RBDG on a voluntary basis.

### Article 4. Changes to the Rules for RBDG

- 4.1 The Executive Office of the EBC may at any time revise or amend all or any part of the Rules for RBDG.

### Article 5. EBC Enforcement and Sanctions

- 5.1 These Rules for RBDG shall be included in, and form part of, EBC’s existing legal and regulatory framework.

## PART C – RULES

### RULE 1. SUPPLY CHAIN MANAGEMENT SYSTEMS

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#### Rule 1.1 Overriding Principle

Each Accredited Member conducting business in the supply chain relating to Mined Gold and Recycled Gold must implement and maintain systems and procedures which are sufficiently robust to conduct effective due diligence on the Accredited Member's supply chain. The complexity of the management system should depend on the volume of business, location, type of supplies processed, and complexity in the supply chain. Members should evaluate the objectives of their management system against performance to ensure attainment of the expected outcome in a periodic manner.

#### Rule 1.2 Supply Chain

Any reference to the “**supply chain**” or “**suppliers**” in these Rules shall include clients, suppliers, agents, intermediaries and any other relevant entities participating in supply of gold to the Accredited Member.

Any reference to an “**ultimate beneficial owner (UBO)**” shall mean any natural person holding 25% or more of the share capital in any corporate entity or in the case of a publicly listed company a notifiable ownership share under the rules of relevant exchange or holding a controlling ownership interest

#### Rule 1.3 Policy and Process Implementation

Each Accredited Member must implement and maintain a robust documented policy and detailed processes (**Policy**) to include common principles, standards and processes for responsible supply chain management. The Policy should be consistent with the standard set forth in the model supply chain policy in Annex II of the OECD Guidance and should, as a minimum, include the following:

- (a) scope;
- (b) responsibilities;
- (c) criteria for supply chain due diligence;
- (d) main elements of Know-Your-Customer (**KYC**) processes;
- (e) risk management
- (f) monitoring and surveillance; and
- (g) training.



#### **Rule 1.4 Minimum KYC Requirements**

For the purposes of these Rules for RBDG, the standards of KYC requirements set out in the Applicable Laws and Regulations shall be considered as the minimum KYC standards (**Minimum KYC Standards**) to be achieved by the Accredited Members.

**Note 2** Accredited Members should be aware that they may also be subject to other KYC requirements set out in other regulations and/or legislation applicable to them.

#### **Rule 1.5 Implementation of KYC Systems and Processes**

Each Accredited Member shall ensure that its Policy and the implementation of its Policy shall fully satisfy the Minimum KYC Standards and any other KYC requirements set out in these Rules for RBDG.

#### **Rule 1.6 Specific KYC Requirements**

Each Accredited Member shall ensure that its Policy and the implementation of its Policy shall be adequate and shall be completed before commencing the first transaction and identify:

- (a) each supplier's including
  - i. financial structures;
  - ii. legal and operating structure; and
  - iii. UBO(s)
- (b) each supplier's suppliers (where applicable)
  - iv. financial structures;
  - v. legal and operating structure; and
  - vi. UBO(s)

For gold sourced from ASM, each Accredited Member shall ensure that its Policy and the implementation of its Policy shall be adequate to identify:

- (a) ASM supplies originating from non-Conflict-Affected or High-Risk Areas identifying and the area from where the supply originated with, at least, the following information:
  - (i) KYC on the immediate counterparty;
  - (ii) the export license/permit for the aggregator who exports the supply;
  - (iii) proof of the supply being legally exported from the origin country with appropriate weight, purity and adequate tax/royalty being paid; and
  - (iv) the mine location.

- (b) the origin of each ASM's supply
  - (i) to the extent possible, each ASM's legal and operating structure conforming to the applicable legal framework (where it exists) as well as their engagement in opportunities for formalization as they become available; and
- (c) the origin of each ASM's supply from Conflict-Affected or High-Risk Areas
  - (i) each ASM's legal and operating structure conforming to the applicable legal framework as well as their engagement in opportunities for formalization as they become available; and
  - (ii) each ASM's third party service provider(s) (i.e. logistics, processors, transportation, intermediaries, security, etc.) UBO(s) for ASM located in Conflict Affected or High-Risk Areas.

#### **Rule 1.7 Record Keeping and Updating of Information**

Each Accredited Member shall keep records of, and continually on an ongoing basis update, the following information:

- (a) for every supplier or UBO that is a natural person, his/her:
  - (i) full name (as shown on a national identity card or passport);
  - (ii) nationality;
  - (iii) physical address (place of residence and original domicile);
  - (iv) employer details (if any); and
  - (v) a complete and accurate copy of a valid identity card or passport (any copy should be certified);
- (b) for every supplier or UBO of a supplier that is a corporate entity:
  - (i) its legal status and category of entity;
  - (ii) its full name;
  - (iii) its domicile or country of registration;
  - (iv) a description of its principal business activities;
  - (v) the address of its registered office and principal place of business (if different);
  - (vi) the KYC requirements of each legally authorised representative that is a natural person (in accordance with (a) above);
  - (vii) a copy of the instrument(s) authorising each of its legally authorised representatives;

- (viii) the KYC requirements of each UBO (in accordance with (a) above for natural persons and in accordance with this (b) for corporate entities), except for government entities and publicly listed companies for which such information is publicly available;
- (ix) a copy of its constitutional documents; and
- (x) a copy of its valid commercial or professional licence or registration.

#### **Rule 1.8 KYC Requirements for Politically Exposed Persons**

If a supplier or any UBO of a supplier is considered to be a politically exposed person (**PEP**), each Accredited Member must document and follow specific internal escalation procedures to ensure that the matter is addressed at the appropriate internal authority level and dealt with in accordance with the Minimum KYC Standards.

In addition to meeting the Minimum KYC Standards, each Accredited Member must establish the source of wealth of PEPs and their families and associated persons and are required to implement adequate transaction monitoring systems for the transactions of PEPs, as further described in the Applicable Laws and Regulations.

#### **Rule 1.9 Appointment of a Dedicated Supply Chain Officer**

Each Accredited Member must appoint a person to carry out the role of a dedicated compliance or risk officer (**Supply Chain Officer**). The Supply Chain Officer must:

- (a) be a senior member of staff of the Accredited Member;
- (b) have the necessary competence, knowledge, experience and training in supply chain due diligence and KYC processes;
- (c) be provided with all resources necessary to perform his/her functions and role in accordance with these Rules for RBDG; and
- (d) be able to communicate critical information to senior management, staff and suppliers.

#### **Rule 1.10 Functions and Duties of the Supply Chain Officer**

The Supply Chain Officer shall:

- (a) review and sign off on each gold supply chain due diligence exercise;
- (b) continually monitor and assess the Accredited Member's supply chain due diligence processes;
- (c) ensure that the Policy and each associated due diligence exercise carried out by an Accredited Member are adequate for the purposes of these Rules for RBDG;
- (d) train staff and promote awareness within the Accredited Member's organisation with respect to responsible supply chain due diligence, the Accredited Member's Policy, KYC requirements and applicable laws; and

(e) update the Policy and related processes as and when required.

**Rule 1.11 Appointment of a Compliance Officer**

Each Accredited Member may be required to appoint a “compliance officer” (**Compliance Officer**) to carry out the functions of such role as set out in the Applicable Laws and Regulations. For the purposes of these Rules, the Compliance Officer may be the same person as the Supply Chain Officer.

**Rule 1.12 Functions and Duties of the Compliance Officer**

Each Accredited Member shall ensure that its Compliance Officer is familiar with and carries out its role and function in accordance with the requirements of the applicable laws and regulations.

**Rule 1.13 Records of Internal Inventory and Transactional Documentation**

Each Accredited Member must develop and maintain internal documentation and records of supply chain due diligence to cover internal inventory and transactional documentation which shall include:

- (a) details of physical form, type (i.e. Mined Gold and/, or Recycled Gold) and physical description of gold including any imprints and/or hallmarks; and
- (b) details of weight and purity of gold after proper internal verification and/or third-party verification through assaying (X-Ray / Fire / Wet). It is encouraged that facilities used by third-parties be certified by international certification bodies/ standards (e.g., ISO, etc)
- (c) full KYC due diligence of all suppliers including their due diligence practices e.g. information on suppliers’ due diligence process and KYC requirements. Accredited Members shall encourage their suppliers to, adopt processes and policies similar to the Policy and the Minimum KYC Standards;
- (d) the unique reference number of each entry/input and exit/output;
- (e) the name, stamp and logo of the refiner/producer/manufacture (if applicable);
- (f) the year of refining/production (if applicable);
- (g) the dates of applicable purchases and sales including financial transaction information (such as payment amount, currency, mode of payment, etc.);
- (h) an inventory list classified as per supplier;
- (i) a “Track and Trace” mechanism for tracing products back to purchased material, which shall include (where applicable):
  - (i) shipping/transportation documents;
  - (ii) sales documents with specific lot numbers;

- (iii) mining licence(s) and dealing / trading licence(s)(for gold);
- (iv) proof of payment of all dues in the producing country (royalties/export taxes)
- (v) import/export licence(s) and form(s); and
- (vi) reconciliation of documentation.

Accredited Members shall avoid, where practicable, cash purchases and ensure that all unavoidable cash purchases of minerals are supported by verifiable documentation and preferably routed through official banking channels. Cash purchases shall, in any event, be made in compliance with Applicable Laws and Regulations.

**Note 3** In case of supplies of and the below categories the refiner should verify the origin of such supply and retain appropriate records and documentation in relation thereto:

- 1) bars from melted jewellery or scrap (should be treated as higher risk when compared to the original form of jewellery) - In case of jewellery melted bar and extractions from scrap including e-waste the refiner should make sure the impurity content (quantity and element relative to the total weight) of such supplies are within the justifiable range of market acceptable standard, if any deviation is observed EDD should be carried out on such cases;
- 2) bars from refineries which are not under the purview of any responsible programmes such as LBMA Responsible Gold Guidance, RMI Responsible Minerals Assurance Process Gold Standard, RJC Responsible Minerals Assurance Process Gold Standard and/or does not publish due diligence reports as specified in the OECD Guidance;
- 3) supply with mixed content i.e. supplies containing secondary source mixed with mined gold.

**Rule 1.14 Record Keeping**

Each Accredited Member must keep relevant records, files, documents, papers, communications and forms related to its compliance with these Rules for RBDG and its KYC obligations for at least five (5) years from the latest of:

- (a) the date of the most recent transaction in respect of the latest material intake from a supplier;
- (b) the date of conclusion of a complete inspection by an EBC approved reviewer;
- (c) the date of closing of the account of the supplier or termination of the relationship with the supplier; and
- (d) date of closing of an investigation on a particular transaction or supplier.

Each Accredited Member is advised to keep relevant records, files, documents, papers, communications and forms related to relations with potential suppliers that were not entered into or progressed due to a high-risk evaluation by the Accredited Member, for at least two (2) years from the date the decision was taken not to enter into or progress the relationship.

### **Rule 1.15 Enhanced Relationships with Suppliers**

Each Accredited Member must continually attempt to enhance communications and relationships with each of its suppliers and encourage each supplier to commit to a supply chain policy consistent with the Rules for RBDG and Annex II of the OECD Guidance. This can be achieved through the following means:

- (a) maintaining adequate KYC due diligence processes for suppliers in accordance with these Rules for RBDG, and reviewing suppliers' own due diligence practices
- (b) establishing long-term relationships with each supplier;
- (c) sharing with each supplier the Rules for RBDG and the Accredited Member's obligations under the Rules for RBDG;
- (d) communicating expectations that each supplier commits to the compliance and undertakes mineral supply chain due diligence and risk management consistent with the Rules for RBDG and Annex II of the OECD Guidance including managing environment and social risks in their operations;
- (e) incorporating the provisions of the Rules for RBDG and audit and monitoring rights into contracts and/or agreements and KYC forms with each supplier; and
- (f) considering ways to support and build capabilities of suppliers to ensure compliance with the Accredited Member's Policy and the Rules for RBDG.

### **Rule 1.16 Uncooperative Suppliers**

If any Accredited Member reasonably concludes that a supplier is not providing a sufficient degree of cooperation to enable it to carry out its obligations under the Rules for RBDG (**Uncooperative Supplier**), the Accredited Member is recommended to seek disengagement from such supplier and is required to:

- (a) document the Accredited Member's efforts in accordance with these Rules (including Rule 1.15);
- (b) report the matter to the Executive Office of the EBC, upon request by the Executive Office of the EBC; and
- (c) details of such disengagement of suppliers should be included in the management report by the EBC approved reviewer.

### **Rule 1.17 Security Requirements**

Each Policy must include adequate security requirements to ensure compliance with these Rules for RBDG, in particular, in relation to material sourced from LSM or ASM mining companies. These requirements must include the following:

- (a) using identifiable sealed security boxes for each shipment to avoid any tampering or removal of content;

- (b) physically segregating different shipments until verification is adequately completed and confirmed in accordance with Rule 1.13;
- (c) reporting any inconsistencies to senior management, the Supply Chain Officer and/or the Compliance Officer (as appropriate);

In addition to the above points, each policy may include any or all of the following:

- (a) regarding any supplier with whom problematic issues recur as an Uncooperative Supplier in accordance with these Rules for RBDG;
- (b) ensuring that any assessor of a shipment is independent from any conflict of interest; and
- (c) if applicable, verify a supplier's participation in the Extractive Industry Transparency Initiative (EITI).

**Note 4** For a guide on how business can support EITI, see <https://eiti.org/guide>.

#### **Rule 1.18 Cooperation with law enforcement agencies**

Each Accredited Member must cooperate fully and transparently at all times with law enforcement agencies and customs officials (**Officials**) regarding gold transactions. Each Accredited Member must provide any necessary access to information required by Officials, regarding shipments that cross international borders, or shipments to which an Official has jurisdiction, in compliance with applicable laws.

#### **Training of staff and KYC**

Each Accredited Member must perform a KYC check on its relevant staff for example the compliance/supply chain officer, members of operations directly involved in the intake of material etc. during the staff on-boarding process and thereafter an update, on an on-going basis, at least every twelve months. Such KYC checks shall include checking an employee's full name, date and place of birth, nationality, residence, contact details, previous activities and occupations, copy of identity document and searches on sanctions list.

Each Accredited Member must implement a training programme (**Training Programme**) for all persons involved in the responsible supply chain due diligence, which shall include regular training for new staff and refresher sessions for existing staff to be conducted based on the level of risks and job profiles in engaging with the supply chain participants. This training can be provided either internally or external professional bodies.

#### **Rule 1.19 Grievance Mechanism**

Each Accredited Member must establish a grievance mechanism for internal and external stakeholders who are impacted by the Accredited Member's operations to enable those stakeholders to voice concerns relating to an Accredited Member's risk management processes and supply chain policy to the senior management. The grievance lodging points should be accessible for internal and external stakeholders and must include the ability for anonymous reporting.

## **RULE 2. SUPPLY CHAIN RISK IDENTIFICATION AND ASSESSMENT**

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### **Rule 2.1 Overriding Principle**

Each Accredited Member conducting business in the gold supply chain is required and must be individually responsible for applying and implementing its Policy and management system and mapping its supply chain in order to identify and assess the risks of contributing to conflict, Money Laundering, Terrorism Financing serious Human Rights abuses or environmental and social issues associated with gold which they produce, distribute, transport, export, sell and/or purchase.

If the Accredited Member can reasonably determine on the basis of the information collected under Rule 1 that it does not deal in gold mined, transported or traded in a Conflict-Affected and High-Risk Area, no additional due diligence is required. The management systems established in Rule 1 should be maintained and regularly reviewed and the Member is expected to improve its due diligence practices and risk assessment process over time.

If the Accredited Member is not able to reasonably determine on the basis of the information collected under Rule 1 that it does not deal in gold mined, transported or traded any in a Conflict-Affected and High-Risk Area, it is mandatory to carry out an additional, more in-depth due diligence in accordance with Rule 2.

### **Rule 2.2 Risk-based Approach**

Each Accredited Member must conduct an internal risk assessment carried out on a risk-based approach (**Risk Assessment**) on each party, included or third parties involved in the supply chain for gold from the mine(s) to the Accredited Member including third party service providers (i.e. logistics, transporters, processors and intermediaries).

### **Rule 2.3 Considerations of Risk Assessments**

In carrying out any Risk Assessment, each Accredited Member shall consider the following considerations (as applicable to the circumstances of the Risk Assessment):

- (a) the geographical origin and location of gold, based on reasonable and good faith efforts, including consideration of:
  - (i) the origin, location and transportation;
  - (ii) the level of government regulation and supervision;
  - (iii) the extent of cash transactions used in the country;
  - (iv) the level of conflicts or Human Rights abuses in any location comprising part of the supply chain;



- (v) the progressive reduction and phasing out of mercury usage in line with the commitments of Minamata Convention
- (vi) payment systems used
- (vii) the level of involvement or potential involvement of any criminal organisation;
- (viii) the level of involvement or potential involvement of any high-risk businesses (such as gaming and casinos, etc.);
- (ix) the level of access from a location comprising part of the supply chain to nearby markets or processing operations that are termed as conflict and/or high-risk areas;
- (x) the level of enforcement of laws addressing significant criminal activity; and
- (xi) the existence of sanctions and/or embargoes that have been directed against the country and/or individuals/entities in that country.
- (xii) the level of environmental and social issues due to mining activities including loss of vegetation cover, mass destruction of water bodies, loss of biodiversity, land-use changes, food insecurity, air pollution, mercury pollution, child labour, gender-based violence, forced labour etc.

**Note 5**

In taking into account payment systems used under Rule 2.3(a)(v), Accredited Members should take into account the distinction between formal and informal banking methods (e.g. Hawalas).

(b) counterparties in the supply chain, including consideration of:

- (i) KYC information of the Accredited Member's suppliers as identified under Rule 1 (including information about the origin and transportation of the gold);
- (ii) any Red Flags (as defined in Rule 2.4 below) identified in any part of the entire supply chain;
- (iii) the number of participants in the supply chain (i.e. the greater the number, the higher the risk);
- (iv) the level of control that a counterparty has over its own suppliers;
- (v) the level and adequacy of the due diligence practices of a counterparty;

**Note:** The Minamata Convention on Mercury is the global agreement on environment and health, adopted in 2013 and entered into force on 16 August 2017 to control the mercury supply and trade, reduce the use, emission and release of mercury, raise public awareness, and build the necessary institutional capacity. For more information refer [Homepage | Minamata Convention on Mercury \(mercuryconvention.org\)](http://mercuryconvention.org).

[The International Cyanide Management Code for the Manufacture, Transport and Use of Cyanide in the Production of Gold, commonly referred to as the Cyanide Code, is a voluntary program designed to assist the global gold mining industry and the producers and transporters of cyanide used in gold mining in improving cyanide management practices and to publicly demonstrate their compliance with the Cyanide Code through an independent and transparent process. The Cyanide Code is intended to reduce the potential exposure of workers and communities to harmful concentrations of cyanide, limit releases of cyanide to the environment, and enhance response actions in the event of an exposure or release](#)

- (vi) whether a counterparty's due diligence practices have been audited by a qualified third-party auditor;
  - (vii) for how long the counterparty has been carrying out activities in the gold business;
  - (viii) a counterparty's willingness to disclose its beneficial owners;
  - (ix) a counterparty's attempts to be or remain anonymous (e.g. through the use of third -party intermediaries such as lawyers, accountants, etc.);
  - (x) the scale of mining operations of a supplier (ASM or LSM), if applicable; and
  - (xi) the involvement of any PEPs that have been entrusted with prominent public functions or individuals who are closely related to such persons;
- (c) applicable transactions, including consideration of:
- (i) the proportionality of the due diligence to the identified risks and severability and probability of adverse impacts of the applicable transaction;
  - (ii) gold that are transported and/or exported which are not reasonably reconciled with the declared location of the origin;
  - (iii) unexplained geographic distance in the supply chain;
  - (iv) the nature of the underlying assets (for example melted recyclable gold transactions may be higher in risk than unprocessed recyclable gold);
  - (v) the level of concentration of gold;
  - (vi) any unusual circumstances that are not consistent with the local or market practices (amount, quality, potential profit, etc.);
  - (vii) the use of cash in excess of government thresholds;
  - (viii) payment by cash and/or physical delivery to unrelated third parties; and
  - (ix) transaction structuring to make payments in smaller multiple transactions to avoid government thresholds.

#### **Rule 2.4 Red Flags**

For the purposes of these Rules, a Red Flag shall be any (including a combination or aggregate of more than one) of the following:

- (a) Location-based Red Flag, as further described below;
- (b) Supplier-based Red Flag, as further described below; or
- (c) Circumstances-based Red Flag, as further described below.

## **Rule 2.5 Location-based Red Flags**

A **Location-based Red Flag** shall be the occurrence of, or the reasonable suspicion of the occurrence of, any of the following circumstances:

- (a) the gold originates from or have been transported through a Conflict-Affected and High-Risk Area;
- (b) the gold is claimed to originate from a country that has limited known reserves or stocks, likely resources or expected production levels of gold (for example where the declared volumes of gold from that country are in excess of its known reserves and/or expected production levels);
- (c) the gold is claimed to originate from a country through which gold from Conflict-Affected and High-Risk Areas are known or reasonably suspected to transit;
- (d) the gold is claimed to originate from recyclable/scrap or mixed sources and has been refined in a country where gold from Conflict-Affected and High-Risk Area is known or reasonably suspected to transit; or
- (e) the gold originating from countries under sanction or embargos.

**Note 6** Accredited Members are reminded that when assessing the considerations for Location-based Red Flags set out in Rule 2.5, the risk is increased when anti-money laundering laws, anti-corruption laws, customs controls and other relevant government laws are weakly enforced, informal banking systems operate, and/or cash is extensively used.

## **Rule 2.6 Supplier-based Red Flags**

A **Supplier-based Red Flag** shall be the occurrence of, or the reasonable suspicion of the occurrence of, any of the following circumstances:

- (a) a supplier or other participant in the supply chain of gold operates in any location that could give rise to a Location-based Red Flag, or has a shareholder or other interests in any supplier of gold from one of the above-mentioned locations; or
- (b) a supplier or other participant in the supply chain of gold is known to have sourced gold from any location that could give rise to a Location-based Red Flag in the twelve (12) months previous to the applicable transaction.

## **Rule 2.7 Circumstances-based Red Flags**

A **Circumstances-based Red Flag** shall be the occurrence of any anomalies or unusual circumstances that are identified through the information collected under Rule 1 to give rise to reasonable suspicion that the gold applicable to any transaction of the Accredited Member may contribute to any conflict or serious abuses associated with the extraction, transportation of and/or trading in gold.

## **Rule 2.8 Procedures relating to Red Flags**

- (a) Accredited Members must review all Red Flags in an in-depth and detailed manner;
- (b) if an Accredited Member has reasonable grounds to suspect that a prospective transaction with a supplier may result in a Red Flag, it must conduct enhanced research prior to engaging in and concluding the transaction. Such enhanced research is aimed at obtaining evidence of any factual circumstances of the supply chain in order to determine any risks. Such research should include the research methods specified below taking into account the risk-based proportionalities to the level of the risks identified in Rule 2.3 to 2.7;
- (c) the research methods that shall comprise Desk Research, On-Site Visits and Random Sample Verification;
- (d) **Desk research** includes (where available):
  - (i) identifying each company in the supply chain;
  - (ii) identifying the UBO(s) of each company in the supply chain;
  - (iii) obtaining financial information (such as balance sheets, annual reports, rating agencies' reports, insolvency information) on each company in the supply chain;
  - (iv) ensuring that each company in the supply chain holds the necessary permits and licences;
  - (v) ensuring that each company in the supply chain is not listed on any sanctions and/or embargoes list; and
  - (vi) reviewing research reports including those from governments, international organisations, NGOs and media, maps, UN reports and UN Security Council sanctions, industry literature relating to mineral extraction and its impact on conflict, Human Rights or environmental harm in the country of potential origin, or other public statements (e.g. from ethical pension funds).

**Note 7**

In carrying out Desk Research, Accredited Members should be mindful of the Minimum KYC Standards and any other laws relating to the prevention of Money Laundering or corruption, terrorism financing or the funding of unlawful organisations that are applicable to the Accredited Member.

- (e) **On-Site Visits** includes individual visits to gold suppliers, or joint on-the-ground assessment teams, teaming up with industry or multi-stakeholder mechanisms or initiatives, or using suitably qualified, knowledgeable and independent assessors, to generate and maintain information on the circumstances and processes of the following activities listed in the OECD Guidance. Though the on-site assessment can be completed in reasonable timeframe (documented, reviewed and approved by management) the EDD process should commence immediately if any red flags are identified:
  - (i) gold extraction (for LSM whether mined by medium and large-scale mining in red flagged operations or LSM gold purchased from other sources), physical access to mines, mine capacity against recorded mine production and discrepancies);

- (ii) gold processing (consolidation, blending, crushing, milling, smelting, refining, etc. and recording any discrepancies in the processing and/or production and related capacity of the facility to perform relevant activities);
- (iii) handling of gold (inventory, trans-shipment, relabelling, etc.);
- (iv) transportation of gold;
- (v) trading of gold (including importing and exporting); and
- (vi) the weight and assayed quality characteristics of the gold that are used in the above-mentioned activities;
- (vii) taxes, fees, royalties, compensation or other payments to governments which relate to the extraction, trade, transport and export of gold;
- (viii) where applicable, request information from mining suppliers about their participation in the EITI, if the countries is a member of EITI;
- (ix) payments made to public or private security forces or other armed groups;
- (x) use or presence of security services, training of security personnel in accordance with the Voluntary Principles on Security and Human Rights, associated risks;
- (xi) evidence of serious abuses of Human Rights;
- (xii) relationships between LSM and ASM, information on ASM operating on the sites of, or selling through LSM;
- (xiii) for ASM gold only, identification of the suppliers of ASM gold , mine of origin, transportation, processing, taxes, royalties and other payments to governments, KYC information, evidence of serious abuses of Human Rights, information on any direct or indirect support to non-state armed groups or public or private security forces;
- (xiv) for recyclable gold, value and place of transaction, type of material, type and organisation of supplier, manufacturing facilities, and unusual circumstances; and
- (xv) review of environmental and social practices associated with extraction, processing and handling processes. **Random Sample Verification** involves the verification of transactional records.

## **Rule 2.9 Policy Updating and Suitability**

Each Accredited Member’s Policy should contain suitable systems, procedures and processes for risk identification and assessment (including suitably addressing Red Flags) and such systems, procedures and processes should be updated continually on an ongoing basis upon the occurrence of the change of any relevant circumstances.

## **RULE 3. RISK CONTROL PLAN**

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### **Rule 3.1 Overriding Principle – Development of Risk Control Plan**

Each Accredited Member must develop and implement a plan and policy to evaluate and control any identified risk(s), including emerging risks and incident reporting, and mitigate against any adverse implications of such risk(s) (**Risk Control Plan**). The Risk Control Plan is designed to assist Accredited Members in making informed decisions in respect of:

- a) continuing to trade but with measurable risk mitigation for low risk situations;
- b) temporarily suspending trade while mitigation is implemented for medium risk situations;  
or
- c) ceasing to trade with a concerned supplier for high risk situations in accordance with the OECD Guidance.

Members are encouraged to consider the potential social and economic impacts of risk mitigation. Members should engage and support relevant industry programmes while understanding the impact that this may have on developing countries and the relevance to other existing international recognized standards.

### **Rule 3.2 Alignment with International Standards**

Each Accredited Member must develop or adapt on a continuing basis its Risk Control Plan to include internationally accepted common principles, standards and processes for responsible supply chain management. In particular, Accredited Members should carry out at least one annual review of the Policy and management systems, and a further review when there is a major change in circumstances, their business, operations or supply base, risk nature, or a major change in applicable rules and regulations. In developing Risk Control Plans, each Accredited Member should engage in or support, where appropriate, industry or other programmes on responsible supply chain management. For instance, Refiners are encouraged to support legitimate ASM producers to build secure, transparent and verifiable gold supply chains (consistent with the OECD Guidance).

### **Rule 3.3 Content Requirements**

Each Risk Control Plan should include the following (**Content Requirements**):

- (a) reporting mechanisms for identified risks to the Accredited Member's senior management, Supply Chain Officer and Compliance Officer
- (b) enhanced engagement with the internal functions of the Accredited Member, in charge of transparency, information collection and control over the supply chain;
- (c) enhanced engagement with suppliers through establishing a chain of custody and/or traceability system where a Red Flag has been identified;
- (d) enhancement of the physical security practices as referred to in Rule 1.17;

- (e) physical segregation and security of shipments where a Red Flag has been identified;
- (f) incorporation of rights of the Accredited Member to conduct additional checks on any supplier or UBO where a Red Flag has been identified;
- (g) continuity of trading activities while developing risk mitigation controls (including measurable steps, monitoring, review of performance, and reporting to senior management), such as:
  - (i) building and/or exercising leverage over the participants in the supply chain who can most effectively mitigate the risks;
  - (ii) temporarily suspending trading activities with a specific supplier where a Red Flag has been identified; and
  - (iii) disengaging for at least 3 months, with a specific supplier who fails to comply with the mitigating controls within a period of 6 months, and/or disengaging entirely if such controls are not feasible and/or unacceptable in light of the cost-benefit analysis and the capabilities of the Accredited Member conducting the due diligence;
- (h) consulting with suppliers and affected stakeholders and agreeing on the risk mitigation controls which should be adapted to the Accredited Member's specific suppliers and the contexts of their operations, state clear performance objectives and provide for sufficient time for affected stakeholders to review and implement;
- (i) reviewing on a regular basis the results of the mitigation measures, undertaking additional fact and risk assessment for risks requiring mitigation or after a change of circumstances, as per Rule 2;
- (j) communicating to senior management.

**Note 8**

Where a Red Flag has been identified, the Accredited Member may consider the following as an indicative measure of an approach to activities with the relevant supplier:

<b>Risk Level</b>	<b>Control Mechanism</b>
<b>Low</b>	Start or continue trading activities
<b>Medium</b>	Start or continue trading activities whilst mitigating the identified risks
<b>High</b>	Suspend trading activities whilst mitigating the identified risks by obtaining additional information/data confirming or refuting the adverse risk assessments; <b>OR</b> disengage from the source(s) of the risk within a reasonable time frame (to be assessed on a case by case basis)

## **RULE 4. INDEPENDENT THIRD-PARTY AUDITS**

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### **Rule 4.1 Overriding Principle**

Each Accredited Member is required to ensure its own compliance with these Rules for RBDG and arranging at their own cost for this compliance to be reviewed by an independent third-party reviewer as stipulated in Rule 4.2.

### **Rule 4.2 EBC Review Protocol**

EBC Review Protocol (Annex 2) sets out the methodology EBC requires each auditor (when acting as a “reviewer” in the meaning given to that term in the EBC Review Protocol) (**Reviewer**) to comply with when conducting any independent third-party audit (if instructed to do so) of an Accredited Member (**Review**).

**Note 9** Each Reviewer or prospective auditor is recommended to verify any additional obligations that may apply to it under the Applicable Laws and Regulations.

### **Rule 4.3 Minimum Review Requirements**

In carrying out any Review, each Reviewer must verify the following:

- (a) the adequacy of the related policies and processes to implement these Rules for RBDG (as well as the obligations stemming from the Resolution);
- (b) the adequacy of external and internal controls to mitigate risks;
- (c) the conformity to and compliance with these Rules for RBDG in all communications with participants across the entire supply chain;
- (d) the establishment of the chain of custody and traceability of information for all activities; and
- (e) the implementation of on-going risk assessment using a risk-based approach including the adequacy (considering both timing and method) of the Accredited Member’s response to the outcome(s) of the risk assessments.

### **Rule 4.4 Minimum Requirements of Reviewers**

Each Reviewer must have the following characteristics:

- (a) independence from the Accredited Member subject to the relevant Review;
- (b) no conflict of interest between the Reviewer and the Accredited Member subject to the relevant Review;
- (c) no specific services being provided by the Reviewer to the Accredited Member in relation to any due diligence exercise (other than general related guidance); and



(d) the competence to carry out the relevant Review.

Each Reviewer must keep confidential the confidential information of the Accredited Member, subject to any legal requirements of disclosure or any other reasonable requirements of the Accredited Member, taking into account all circumstances (including the nature and ownership of the information and any previous dissemination of such information).

Any auditing entity that wishes to become a Reviewer must submit a completed EBC Approved Reviewer Application Form (Annex 1) and meet the minimum criteria for Reviewers as set out in EBC Review Protocol. Such application is subject to the terms and conditions of an EBC Approved Reviewer Application Form.

#### **Rule 4.5 Composition of the Review**

The following activities shall be included in each Review:

- (a) sufficient preparation of the Review, including the development of a detailed audit plan;
- (b) on-site investigations of the Accredited Member, including:
  - (i) review of the Accredited Member's facilities; and
  - (ii) review of a list of the Accredited Member's suppliers;
- (c) consultations with the Accredited Member's risk assessment team, Supply Chain Officer and Compliance Officer (as applicable);
- (d) audit conclusion, including the validation, reporting and recording of findings that determine the level of conformity of the Accredited Member's supply chain due diligence with the Rules for RBDG; and
- (e) provide recommendations to the Accredited Member to improve its due diligence practices.

#### **Rule 4.6 Annual Report on Supply Chain Due Diligence**

Each Accredited Member shall produce an annual report. This shall include a summary of the Review in accordance with Step 5 of the OECD Guidance and Sections 16 and Section 19 (as applicable) of EBC Review Protocol (Annex 2).

#### **Rule 4.7 Review Programmes of Accredited Members**

Each Accredited Member must demonstrate its compliance with these Rules for RBDG to the Executive Office of the EBC. In carrying out such obligation, each Accredited Member must implement an audit programme, which shall include:

- (a) ensure conformity with these Rules for RBDG;
- (b) selecting and engaging its Reviewer(s) in conformity with these Rules for RBDG;
- (c) observing and fully cooperating with each Reviewer;

- (d) implementing all recommendations provided by any Reviewer; and
- (e) upon request, providing a copy of any Review report to the Executive Office of the EBC or any authority that regulates or otherwise governs the Accredited Member.

## **RULE 5. ANNUAL REPORTING ON RESPONSIBLE SUPPLY CHAIN DUE DILIGENCE**

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### **Rule 5.1      Overriding Principle**

Each Accredited Member is required to publicly report annually on its supply chain due diligence in compliance with Step 5 of the OECD Guidance, in order to generate public confidence in the measures that it has implemented.

### **Rule 5.2      Minimum Requirements of Public Reporting**

At minimum, each Accredited Member shall:

- (a) publicly acknowledge its requirements under these Rules; and
- (b) comply with Rule 4.6.

## PART D - SCHEDULE

### Introduction and Purpose

This schedule (**Schedule**) contains background information to facilitate the understanding of the content of these Rules for RBDG, the legislative framework (and background to such framework) within which the Rules for RBDG operate and the meaning of certain terms within these Rules for RBDG.

### EBC Review Protocol

EBC developed its EBC Review Protocol to assist Accredited Members and other global market participants to ensure implementation of EBC approved auditors have been required to use EBC Review Protocol when conducting assessments on gold market participants' due diligence practices to determine compliance with the Rules for RBDG.

### The Resolution

These Rules for RBDG take into account the requirements of the Resolution and the Federal Law No. 20 of 2018 on Anti- Money Laundering and Combating the Financing of Terrorism and Illegal Organisations (as amended by Federal Law No.26 of 2021).

These Rules for RBDG have been designed to enable Accredited Members to not only maintain compliance with the relevant regulatory framework pursuant to Applicable Laws and Regulations but also to adhere to the OECD Guidance.

### Law No. 20 of 2018

Law No. 20 of 2018 sets out specific provisions relating to Designated Non-Financial Businesses and Professions (**DNFBPs**) who include institutions carrying out non-financial activities and professions, which includes specifically jewellery and stones traders. Any member company of EBC that deals with jewellery (**Relevant Member**) would be considered an DNFBP for the purposes of Law No. 20 of 2018.

A primary objective of the Resolution and Law No. 20 of 2018 (as amended by Law No. 21 of 2021) is to provide an effective tool aimed at avoiding Money Laundering, and to provide for a framework within which Suspicious Transactions are duly recognised and reported. These reports are known as Suspicious Transaction Reports, or STRs. "*Suspicious Transactions*" under Law No. 20 of 2018 are considered those transactions, where reasonable grounds arise to suspect that funds are the proceeds of a felony or a misdemeanour or are related to financing of terrorism or to the financing of unlawful organisations, whether these transactions are carried out or attempted to be carried out.

### Law No. 7 of 2014

Under Law No. 20 of 2018, the financing of terrorism is the provision and/or collection of funds, or ensuring obtaining or transporting the same by any means, directly or indirectly, to any association, entity, organisation, centre, group, gang or any persons against whom the provisions of Federal Law No. 7 of 2014 *on Combating Acts of Terrorism* apply (**Law No. 7 of 2014**).

Law No. 7 of 2014 defines a Terrorist Organisation as a group formed of two or more persons, which acquires legal personality *ipso jure* or which is created *ipso facto*, that commits a terrorist act, directly participates in, threatens of, aims at, plans, seeks, promotes or aids the commission of such act regardless of the name, form, place of establishment, location, nationality or place of existence of its members.

It is also noted that the UAE is a member state of the United Nations and hence, is bound to implement any applicable sanctions (which are assumed for the purposes of these Rules for RBDG to have direct effect in the UAE). In addition, it is noted that Law No. 7 of 2014 as well as Cabinet Decision No. 20 of 2019 Concerning the regulations on Terrorists' Lists sets forth that the Supreme National Security Council of the UAE shall establish one or more lists of terrorist persons and organisations which pose risk to the state or that the state is internationally bound to include in said lists.

Various other relevant sources of findings, recommendations, guidance, directives, resolutions, sanctions, notices or other conclusions (**Source Materials**) exist that have relevance in the context of AML/CFT, including Source Materials issued by the government of the UAE or any government departments in the UAE, the Central Bank of the UAE, the Financial Action Task Force and other UAE enforcement agencies. Irrespective of whether such other Source Materials may not have direct application in the UAE, the information in such other Source Materials may be a clear indicator on the possible (increased) risk of involvement with Money Laundering or Terrorism Financing.

### **Additional Guidance for Accredited Members**

Accredited Members are required to establish and maintain systems and controls to make appropriate use of all relevant Source Materials in determining if there is any risk of involvement with Money Laundering or Terrorism Financing. The mere fact that certain Source Materials do not apply directly in the UAE does not support any conclusion that such other Source Materials have no relevance to the business of an Accredited Member.

Accredited Members and any other persons implementing compliance with these Rules for RBDG are encouraged to be proactive in obtaining and appropriately using available national and international information, including suspect lists or databases from other credible public or private sources (for example lists maintained by the Office of Foreign Asset Control or OFAC in the United States) with regard to Money Laundering and Terrorism Financing.

All Accredited Members and Industry participants conduct regular checks of their supplier and business relationship databases and records for any names appearing on such lists and databases as well as monitoring transactions accordingly and to determine if an obligation has arisen to submit an STR with the FIU pursuant to the Resolution.

Accredited Members and Industry participants should note:

- (a) that these Rules for RBDG constitute sector-specific additions to the applicable regulatory framework relating to the subject matter of these Rules for RBDG and mere compliance with these Rules for RBDG shall not relieve any Accredited Members and Industry participants from any obligation to comply with the Resolution and/or Law No. 20 of 2018 (as amended by Law No. 26 of 2021) and/or any obligations arising under any other legislative or regulatory framework which may be applicable to them; and
- (b) where these Rules for RBDG and this Schedule make any reference to the UAE's legislative and regulatory framework (including the Resolution and Law No. 20 of 2018 as amended by Law No. 26 of 2021) underpinning the development of these Rules for RBDG, or any other legislation relating to AML/CFT, EBC does not accept any responsibility for such references and strongly advises and recommends all Accredited Members and Industry participants who are member companies of EBC (and for that matter, any other DNFBP) to sufficiently inform themselves of the scope and application of such legislative and regulatory framework (and any other legislative and regulatory framework

relevant to the subject matter of these Rules for RBDG which may be applicable to them) and if required to seek independent legal and/or professional advice for such purposes.

Irrespective of the scope of application of these Rules for RBDG, EBC encourages all participants across the supply chain of gold to implement these Rules for RBDG.



## PART E - ANNEXES

## ANNEX 1 – EBC APPROVED REVIEWER APPLICATION FORM

### Emirates Bullion Market Committee (EBC)

### EBC Approved Reviewer Application Form

This application form is to be completed and submitted to the Executive Office of the EBC with relevant supporting documentation by auditing entities that wish to become an EBC approved Reviewer in accordance with EBC's Review Protocol (Section 3 – Minimum Criteria for Selection of Reviewers). This application form may be updated from time to time and published on EBC's website.

**Please note that a separate and independent application form is required to be completed for each branch and/or subsidiary of the same auditing entity.**

#### Section 1 – Applicant Information

Applicant's Full Name <sup>1</sup>					
Applicant's Registered Address					
Applicant's Physical Office Address <sup>2</sup>					
Short description of Applicant's organisation					
Is the Applicant an approved and/or regulated auditing entity?		Yes		No	
If Yes, please provide details of approving authority and/or regulator					
Is the Applicant a member of any initiative(s) similar to the Rules for RBDG?		Yes		No	
If Yes, please provide details					
Please tick which of the following types of standards, the Applicants reviews are based upon <sup>3</sup>		ISAE 3000			
Details of Applicant's regulatory and/or licensing body(ies) <sup>4</sup>					
Does the Applicant have capacity and expertise in gold industry supply chain due diligence?		Yes		No	
If Yes, please provide details / examples of such experience					
Does the Applicant have capacity and expertise in due diligence and KYC?		Yes		No	



<b>If Yes, please provide details / examples of such experience</b>	
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- <sup>1</sup> As stated in the Applicant's licence to operate / company registration / certificate of incorporation.
- <sup>2</sup> If different from the Applicant's Registered Address.
- <sup>3</sup> Auditing entities that perform reviews based on other standards will not be eligible for application.
- <sup>4</sup> Please include the category of regulatory body (e.g. government, global standard setting entity, trade association, etc.) and its website address

## Section 2 – Application Contact Information

<b>Address for delivery of notices</b>		
<b>Contact Person</b>	<b>Title</b>	
	<b>First Name</b>	
	<b>Last Name</b>	
	<b>Position</b>	
	<b>Telephone</b>	
	<b>Email</b>	

## Section 3 – Supporting Documentation

Please ensure that this application is accompanied by the following information/documents and indicate such compliance by ticking the following boxes as appropriate:

<b>Copy of Applicant's licence to operate / company registration / certificate of incorporation</b>	
<b>Full details of the Applicant's ownership structure</b>	
<b>Organisation chart of the Applicant's full ownership structure<sup>1</sup></b>	
<b>Sample ISAE 3000 reasonable assurance reports including supporting document(s) of collation and review of objective evidence that formed the basis for the issuance of the final reports</b>	
<b>CV(s) of the persons conducting audits<sup>2</sup></b>	
<b>CV and details of the Applicant's nominated lead auditor</b>	
<b>Copy of the Applicant's authorised signatory list</b>	
<b>Passport copy for each person on the Applicant's authorised signatory list</b>	
<b>Statement of Integrity<sup>3</sup></b>	
<b>Statement of Competency<sup>4</sup></b>	

<sup>1</sup> Please ensure that full details are provided for each UBO (in the meaning set out in the Rules for RBDG).

<sup>2</sup> The CV(s) must demonstrate subject matter expertise as detailed in EBC Review Protocol (including such persons' qualification level and designation). It is the responsibility of the approved Reviewer to proactively provide to the Executive Office of the EBC CV(s) of new employees who are going to work on a Review for the Executive Office of the EBC's approval. Each new reviewer needs to be approved by the Executive Office of the EBC before the reviewer engages with a Member. the Executive Office of the EBC might require an interview or any such steps that it deems necessary to gage the qualification of such reviewer to do his job.

<sup>3</sup> The Statement of Integrity must demonstrate the Applicant's independence with regard to any parties audited by it.

<sup>4</sup> The Statement of Competency must set out details of the Applicant's: (a) quality control procedures (including appropriate follow-up systems, internal audit and management reviews; (b) relevant experience in performing supply chain due diligence; and (c) the necessary resources to perform reviews in accordance with EBC Review Protocol.

## Section 4 - Terms and Conditions

Upon being granted the status of an auditor approved by the Executive Office of the EBC (**Reviewer**), the Applicant (as identified in Section 1 of EBC's Approved Reviewer Application Form) unconditionally agrees to the following terms and conditions:

1. The Executive Office of the EBC shall keep pre-approval application information confidential, provided however, that the Executive Office of the EBC may at its sole discretion disclose relevant reports submitted pursuant to EBC Review Protocol and/or information received from any EBC approved Reviewer or Applicant to the IGC for any of the following reasons:
  - (a) to advise on the integrity of any review conducted for an Accredited Member (as defined in the Rules for RBDG);
  - (b) to review the accuracy and completeness of the content of any Review (as defined in the Rules for RBDG);
  - (c) in accordance with Section 21 of EBC Review Protocol;
  - (d) to provide clarification to the Reviewer on the interpretation of the Rules for RBDG, these terms & conditions or any other related document with regard to specific findings during any Review process;
  - (e) The Executive Office of the EBC being informed of any disagreement between the Reviewer and an Accredited Member (or any other member of EBC);
  - (f) to ensure the integrity of the Rules for RBDG or any document or process relating to EBC's responsible sourcing initiatives; or
  - (g) to ensure that reviews conducted by Reviewers are consistent irrespective of the location of any applicable Reviewer.
2. EBC will uphold any decisions and/or actions as advised by the IGC including without limitation:
  - (a) an appointment by the Executive Office of the EBC of a Reviewer to review another Reviewer's work, products or processes, upon which the Reviewer under review shall fully cooperate (including full access to all relevant information) with a EBC appointed Reviewer, failing which EBC shall be entitled at its sole discretion to revoke the status of the Reviewer under review as a EBC approved Reviewer;
  - (b) providing any written statement to any concerned person that the integrity, confidentiality and/or independence of the Reviewer and related review process has been compromised; and
  - (c) temporarily suspending and/or fully revoking EBC approval status of a Reviewer.
3. The Reviewer will have approved status for 3 years. Reviewers may re-apply for a new accreditation after this period. Re-applications should be submitted within the 6-month period prior to the expiry of the 3 year approved status period.

4. Upon the suspension or revocation of an EBC approval status of a Reviewer, such Reviewer shall be entitled to appeal in writing directly to the IGC. The IGC may invite such Reviewer to present and/or provide clarification in respect of the subject of appeal. The decision of the IGC will be final and binding on the Executive Office of the EBC and the Reviewer. The Executive Office of the EBC may consider a further application by the Reviewer if the Executive Office of the EBC is satisfied that the Reviewer has addressed the issues which gave rise to suspension or revocation.
5. A Reviewer may request an opinion or clarification from the Executive Office of the EBC either during a Review or following the issuance of any information or report (in partial, full or abridged, draft or final form). Following any opinion or clarification provided by the Executive Office of the EBC, any subsequent amendments by the Reviewer to the information or report previously issued by the Reviewer that the Reviewer elects to make shall be deemed to be at the Reviewer's sole discretion and made independently by the Reviewer and without any influence from the Executive Office of the EBC.
6. Any opinion, clarification, comment or absence thereof from the Executive Office of the EBC shall not relieve a Reviewer of its warranties, obligations or liabilities pursuant to the Rules for RBDG or any part of EBC's responsible sourcing initiatives.
7. EBC Reviewer Application Form and related documentation requirements shall be submitted to the Executive Office of the EBC at the following addresses:  
By email: wafa.abdullah@dedc.gov.ae  
  
By hard copy to: Deputy CEO Office – Dubai Industries and Exports  
P.O. Box 123336, Dubai, UAE
8. The Executive Office of the EBC reserves the right to approve or reject at its sole discretion any application by an applicant (including the right to approve or reject individual auditors) to become a Reviewer. The decision of the Executive Office of the EBC shall be communicated in writing to the applicant. In case of rejection to become a Reviewer, the Executive Office of the EBC is not obliged to provide any reason for the rejection. The Executive Office of the EBC's decision in relation to any application(s) for Reviewer status is final and not subject to appeal.
9. The Executive Office of the EBC may at any time determine and inform a Reviewer of the categories of EBC responsible sourcing initiatives for which the Reviewer may conduct reviews.
10. Prior to providing any approval and listing the applicant as a Reviewer on EBC's corporate website, the Applicant and all individual auditors employed by the Applicant must complete an induction programme (**Induction Programme**) administered by EBC to ensure that the Applicant has fully understood all aspects of the Rules for RBDG and EBC's requirements for responsible sourcing initiatives. The Executive Office of the EBC may waive this obligation at its sole discretion. The Induction Programme may take the form of one or more workshops or seminars with the relevant persons at EBC. If an Applicant or Reviewer has not completed an Induction Programme, the Reviewer may not (without the prior written consent of the Executive Office of the EBC in each instance) enter into any engagement with an Accredited Member for the purposes of carrying out a Review (or otherwise related to any of EBC's responsible sourcing initiatives).

## Section 5 - Statement of Applicant

We hereby confirm our application to be appointed as an EBC approved Reviewer for EBC's responsible sourcing initiatives. We have reviewed, and agree to be bound by, EBC Review Protocol (including the OECD Guidance, as defined in the Schedule to the Rules for RBDG) and to an EBC Approved Reviewer Application Form terms and conditions.

We agree to submit on an annual basis relevant documentation, as stipulated from time to time by EBC, in order to maintain our status of an EBC approved Reviewer.

Other than in respect to any disclosures required by any applicable law we agree to keep confidential all information relating to this application process and all subsequent audits and reviews carried out by us.

If accepted on EBC Approved Reviewers list, we acknowledge the Executive Office of the EBC's right at its sole discretion, to make any changes to the Rules for RBDG and EBC's Review Protocol, and we agree to adhere to any such amendments.

We declare that we are not aware that we are subject to any formal independent third-party investigations as permitted by law in any jurisdiction as of the date of signing this application form.

For and on behalf of the Applicant identified in Section 1 of this application:

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Name:

Title:

Date:

## ANNEX 2 – EBC REVIEW PROTOCOL

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### **EBC Review Protocol**

**on**

### **Responsible Sourcing of Gold**

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## 1. Explanatory Information

- 1.1 Emirates Bullion Market Committee (**EBC**) is committed to ensuring responsible sourcing of gold, in part achieved by assisting global market participants across the entire supply chain of gold to conduct the necessary due diligence using a risk-based approach for responsible sourcing of gold.
- 1.2 As part of this commitment, EBC developed in consultation with the Organisation for Economic Cooperation and Development (**OECD**), EBC's [Dubai Gold Advisory Group (**DGAG**)] and participants in the global markets for gold.
- 1.3 As a further part of this commitment, EBC administers an accreditation programme for applicable members of EBC. Under this programme, qualifying members may be awarded the UAE Good Delivery accreditation standards (**Accreditation Standards**):
- 1.4 An **Accredited Member** is any person or entity that is subject to any one or more of the Accreditation Standard.
- 1.5 Where a member has captive supply from a single supplier or its major supplier is a related company or individual to as the member or the majority stake is held by a related entity or person then those suppliers should also be covered in the review.
- 1.6 All material whether stored in a refinery location or outside which is intended for production/processing by the member should be covered in the scope of the review.

**Note 1** All interested parties are recommended to review the Schedule to the Rules for RBDG.

## 2. Definitions and Interpretation

- 2.1 Unless otherwise expressly stated, defined terms used in the EBC Review Protocol shall have the meaning given to them in the Rules for RBDG.

## 3. Entry into Force and Effect

- 3.1 The Review Protocol shall come into full force and effect on the date of entry into force of the Rules for RBDG in accordance with the Effective Date as defined in Article 1 of the Rules for RBDG.

## 4. Scope of Application

- 4.1 EBC shall publish a list of Reviewers (**Reviewer List**) on EBC's website.
- 4.2 Any Review of an Accredited Member must be carried out by an approved Reviewer.
- 4.3 If the Reviewer List does not contain any Reviewer capable of covering a specific geographical region, an Accredited Member may apply to the Executive Office of the EBC for a discretionary waiver of the application of Section 4.2 above, which the Executive Office of the EBC may grant at its sole discretion, and in considering such waiver, the Executive Office of the EBC shall take into account the extent to which an alternative auditor meets EBC Minimum Criteria for Reviewers.

## 5. EBC Minimum Criteria for Reviewers

5.1 Each Reviewer must at all times satisfy EBC's Minimum Criteria for Reviewers.

5.2 EBC's Minimum Criteria for Reviewers are as follows:

- (a) the Reviewer must have the appropriate infrastructure and management systems that meet the requirements of ISAE 3000 standards and be capable of assuring integrity, governance and confidentiality.
- (b) the Reviewer must have the personal attributes as well as scope specific competencies necessary to complete the third-party audit. Companies may consult internationally recognised auditing standards for detailed requirements on auditor competence when establishing new or revising pre-existing audit standards. Personal attributes should include, but are not limited to integrity, objectivity, confidentiality, open- mindedness, and professionalism. Scope specific competencies include, but are not limited to:
  - (i) Auditing principles, procedures and techniques.
  - (ii) Supply chain due diligence principles, procedures and techniques.
  - (iii) Gold procurement practices and gold supply chains.
  - (iv) The social, cultural and historical contexts of the conflict-affected areas of gold origin or transport, including relevant linguistic abilities and culturally appropriate sensitivities for conducting audits.
  - (v) The OECD Guidance and Gold Supplement, including the model supply chain policy on minerals from conflict-affected and high-risk areas (Annex II).
  - (vi) the Accreditation Standards;
  - (vii) the Rules for RBDG;
  - (viii) the OECD Guidance;
  - (ix) the EBC Review Protocol;
  - (x) relevant local, regional and global regulatory frameworks;
  - (xi) environmental and social accountability standards
- (c) the Reviewer must possess and be capable of demonstrating capabilities, competencies and proficiencies in relation to the following:
  - (i) independence from any parties it carries out an audit of;
  - (ii) quality control procedures with appropriate follow-up systems;
  - (iii) established functional systems of complaints handling and appeals;

- (iv) assurance of the integrity and confidentiality of the audits conducted;
- (v) assurance of the integrity and confidentiality of its employees, secondees, staff members, subcontractors, agents assignee or any other person carrying out activities in relation to any audit; and
- (vi) the provision, storing and management of verifiable documentation, detailing the track record of the supply chain due diligence systems and procedures under review.

5.3 The Executive Office of the EBC may at any time provide guidance (in any format, unilaterally or bilaterally) to any Reviewer to ensure consistency in the Review process and compliance with EBC's Minimum Criteria for Reviewers, and each recipient Reviewer shall ensure that it adheres to and implements any recommendations set out in such guidance.

## 6. **Review Plan**

6.1 At the outset of each Review, the Reviewer shall develop a detailed plan for the Review (**Review Plan**).

6.2 Each Review Plan shall clearly set out the scope, timing and costs of the Review as agreed between the applicable Reviewer and Accredited Member.

6.3 For each Review Plan, the Reviewer and Accredited Member shall ensure that the following objectives are included in the Review Plan:

- (a) assessment and conclusion by the Reviewer of the extent to which the Accredited Member has established robust responsible supply chain management systems in accordance with the Rules for RBDG and to the OECD Guidance;
- (b) assessment and conclusion by the Reviewer of the extent to which the Accredited Member is able to identify and adequately assess risks in the supply chain, plan and implement mitigation steps for the identified risks in accordance with Rule 2 and Rule 3 of the Rules for RBDG and to the OECD Guidance; and
- (c) assessment and conclusion by the Reviewer of the extent to which the Accredited Member is reporting on the measures it implements for responsible supply chain due diligence in accordance with Rule 4 and Rule 5 of the Rules for RBDG.

6.4 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member is compliant with the Rules for RBDG, which shall include:

- (a) the implementation of a Policy in accordance with Rule 1 of E the Rules for RBDG and in line with the model supply chain policy in the Annex 2 of OECD Guidance;
- (b) responsibilities and escalation channels that are clearly defined, established and implemented in accordance with the requirements of the Rules for RBDG;



- (c) appropriate criteria for supply chain due diligence as established and implemented by the Accredited Member, including systems and processes for identifying Red Flags in accordance with Rule 2 of the Rules for RBDG;
- (d) the implementation and application of KYC processes in accordance with Rule 1 of the Rules for RBDG, including:
  - (i) the identification of relevant parties and UBO;
  - (ii) the verification and validation of relevant information and/or documentation;
  - (iii) conducting background checks and screening using relevant international sanctions programmes and databases;
  - (iv) conducting enhanced due diligence in accordance with Rule 1 of the Rules for RBDG;
  - (v) on-going monitoring and surveillance to ensure consistent implementation of the Accredited Member's Policy and procedures and the centralisation of information obtained; and
  - (vi) training relevant staff members within the organisation;
- (e) the existence of a suitably qualified and competent compliance function in accordance with the Rules for RBDG;
- (f) the existence and adequacy of internal documentation and records of supply chain due diligence covering inventory and transactions;
- (g) tracking and tracing for all inventory and transactions in accordance with Rule 3 of the Rules for RBDG;
- (h) addressing relationships with suppliers in accordance with Rule 3 of the Rules for RBDG, and including:
  - (i) the adequacy and consistent application of related policies, procedures and controls;
  - (ii) enhancing relationships with each supplier (in particular with long term suppliers) based on each supplier's risk classification for capacity building of suppliers;
  - (iii) disengaging with all high-risk suppliers across all relevant business units/divisions; and
  - (iv) whistleblowing and reporting suspicious activities in relation to high risk suppliers to the appropriate authorities pursuant to the Resolution;
- (i) maintaining appropriate confidentiality relating to whistleblowing and the reporting of suspicious activities and acting in an appropriate manner to avoid compromising any related investigations;

- (j) the adequacy and consistent application of security requirements in accordance with Rule 1 of the Rules for RBDG;
- (k) the training of relevant staff of the Accredited Member in accordance with the Accredited Member's supply chain policies and procedures, including:
  - (i) providing differentiated training programmes in accordance with the levels of risk related to different suppliers or staff functions;
  - (ii) receiving and addressing feedback from attendees; and
  - (iii) assessing the effectiveness and adequacy of contents of training programmes.

6.5 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member is able to identify and adequately assess risks in the supply chain in accordance with Rule 2 of the Rules for RBDG, including assessment of:

- (a) the consistent application of the Policy developed pursuant to Rule 1 of the Rules for RBDG;
- (b) the Accredited Member's assessment of the risks associated with the supply chain (including processing, distribution, transportation and cross border trading); and
- (c) the Accredited Member's assessment of every actor in the supply chain.

6.6 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member has established and is applying adequate risk assessment tools and methodologies (e.g. screening systems for international sanctions lists) across its business divisions, including:

- (a) evidence that all factors (including geographical, counterparty and transactional factors) are taken into consideration for risk assessments and the adequacy of the risk assessment findings (for example ability to detect falsification of evidence or adequate implementation of track and trace principles to link records for transactions, transportation and transformation of gold);
- (b) evidence that the risk assessment findings enable the Accredited Member to detect, evaluate and address Red Flags in accordance with Rule 2 of the Rules for RBDG;
- (c) evidence of enhanced due diligence where Red Flags or potential Red Flags are detected, including the use of the methods set out in Rule 2.8 of the Rules for RBDG; and
- (d) evidence that all findings are being accurately documented and reported in a timely manner to all relevant persons.

6.7 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member has developed and implemented a Risk Control Plan in accordance with Rule 3 of the Rules for RBDG, including:

- (a) evidence of the implementation of the Minimum Content Requirements set out in Rule 3.3 of the Rules for RBDG in the Risk Control Plan; and

- (b) evidence of the adequacy and effectiveness of risk level classification and related control mechanisms for each level of low, medium and high-risk classifications (or any other relevant risk classification adopted by the Accredited Member).

6.8 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member has implemented adequate measurable steps, monitoring and review performance, and reporting to senior management as part of the Member's Risk Control Plan.

6.9 The Reviewer shall assess and include in its Review Report the extent to which the Accredited Member is reporting annually on the measures it implements for responsible supply chain due diligence (including the methodology and results of any risk assessment and the steps taken to manage risks) in accordance to Rule 4 and Rule 5 of the Rules for RBDG, including:

- (a) assessment of the completeness, adequacy and accuracy of the content of such reporting; and
- (b) assessment and evidence of the level of accessibility for the Accredited Member's regulators, and existing and potential counterparties to such reporting.

6.10 The Reviewer shall apply materiality in the development and execution of the Review Plan, taking into consideration the nature, scale and impact of the Accredited Member's business.

6.11 The Reviewer shall, when warranted by the circumstances, carry out sampling of sources of information by selecting a sampling method, determining an appropriate sample size, conducting the sampling and documenting the results.

## 7. **Reviewer's Responsibilities, Resources and Procedures**

7.1 A Reviewer's responsibilities in relation to each Review shall include:

- (a) ensuring that the Review Plan is clearly established and is based on the objectives set out in Section 6 above;
- (b) applying materiality in the development and execution of the Review Plan, taking into consideration of the nature, scale and impact of the Accredited Member's business;
- (c) ensuring that the Reviewer and individual auditors gain a good understanding of the Accredited Member's business, organisation, structure and supply chain;
- (d) ensuring the responsibilities and procedures of the Reviewer's assessment team and interactions with the applicable Accredited Member throughout the course of a Review is clearly defined;
- (e) ensuring that sufficient resources are provided by the applicable Accredited Member to enable the Reviewer to conduct a comprehensive Review;
- (f) ensuring that the Review is conducted in accordance with EBC's Review Protocol and records are maintained;

- (g) where applicable, applying an adequate level of sampling of the sources of information;
- (h) ensuring that reports provided on the Review enable the monitoring, reviewing and implementation of a corrective action plan by the Accredited Member; and
- (i) ensuring that the Executive Office of the EBC is informed of every circumstance of any breach of, or non-compliance with, the EBC Review Protocol.

7.2 A Reviewer's resources for each Review shall include:

- (a) sufficient financial resources to develop, implement, manage and improve the content of the Review Plan;
- (b) sufficient operational resources to conduct a comprehensive Review;
- (c) sufficient knowledge and competency of the Reviewer's assessment team to perform a comprehensive Review in accordance with EBC's Review Protocol; and
- (d) appropriate review techniques, methodologies, frameworks and related systems to be used by the Reviewer's assessment team in preparing and implementing the content of the Review Plan.

7.3 A Reviewer's procedures for each Review shall include:

- (a) planning and scheduling the Review Plan;
- (b) assuring the competence of the Reviewer's assessment team;
- (c) assigning appropriate roles and responsibilities to the Reviewer's assessment team members;
- (d) monitoring the performance and effectiveness of the Review Plan and its implementation, to ensure meeting the review objectives;
- (e) conducting any required follow-up actions;
- (f) recording the findings of the Review and carrying out any required cross-validation of the evidence; and
- (g) reporting the findings of the Review to the applicable Accredited Member in a clear and comprehensible manner.

**8. Implementation of the Review Plan**

8.1 In carrying out each Review Plan, the Reviewer shall:

- (a) ensure that the Review has been conducted in accordance with the Review Plan and its objectives;

- (b) communicate and circulate the initial findings of the Review to all relevant persons for their comments to be incorporated (if required) in the Final Review Report;
- (c) coordinate the Review with all relevant persons and related activities;
- (d) continuously evaluate the adequacy of the Review Plan and the Reviewer's assessment team; and
- (e) follow-up with the relevant persons on all outstanding matters or further actions required.

## 9. **Recording the Review Plan Findings**

9.1 The Reviewer's records of each Review shall include the following:

- (a) records of all documents relating to the engagement of the Reviewer by the Accredited Member;
- (b) interim and final versions of the Review Plan;
- (c) documents and correspondence relating to any findings of non-compliance with the Rules for RBDG;
- (d) documents and correspondence relating to all corrective actions;
- (e) documents and correspondence relating to all follow-up actions; and
- (f) interim and final versions of the Review Report.

9.2 The Reviewer shall maintain all records of each Review for a minimum period of five years from the date of conclusion of each the applicable Reviews.

## 10. **On-going Monitoring and Assessment of the Review Plan**

10.1 The Reviewer shall continuously monitor the implementation of the Review Plan for each Review to confirm that:

- (a) all objectives of the Review are met; and
- (b) any required modifications to the Review Plan can be identified and implemented in a timely manner for the Review to be compliant with EBC Review Protocol.

## 11. **Review Activities**

11.1 The Reviewer shall ensure that at least the following activities are carried out in each Review:

- (a) the Pre-Review Activities set out in Section 12;
- (b) the On-site Review Activities set out in Section 13;
- (c) the Assessment of Compliance set out in Section 14; and

- (d) the Closing Meeting set out in Section 15.

## 12. Pre-Review Activities

12.1 The Reviewer shall engage with the Accredited Member for preparation and planning prior to the commencement of the On-site Review Activities. Pre-Review Activities include the following:

- (a) agreement on all costs including standard disbursements (such as travel expenses, hotels and meals) for each location where any part of the Review shall be carried out;
- (b) determining all locations including offsite premises (and related contact information) for all business operations that relate to the supply chain (including transportation, transformation, chemical refining, trading) and/or all locations that have a direct or indirect impact on comprehensive due diligence of the supply chain (including ensuring track and trace activities are carried out with regard to the handling, processing and/or transportation of the gold and/or precious metals);
- (c) establishing a preliminary timeline for the Review, including a breakdown for each location;
- (d) establishing an accurate assessment of all relevant documentation that may be subject to the Review (which for each relevant business operation should include a complete list of transactions and related 'track and trace' information of the relevant supplier);
- (e) establishing an accurate assessment of all relevant counterparties of the Accredited Member (including the country of residence and risk classification) and related due diligence requirements; and
- (f) establishing an accurate assessment of all parts of the organisational structure of the Accredited Member, including a detailed view of all business operations and nominated decision-making staff members of the Accredited Member that are responsible for the implementation of and compliance with the Rules for RBDG.

12.2 It shall be the responsibility of the Accredited Member to provide the Reviewer with accurate and complete information.

12.3 The Reviewer shall provide a copy of the Review Plan to the Accredited Member in advance of commencing any of the On-site Review Activities set out in Section 13, and shall ensure that the Review Plan clearly sets out:

- (a) all types of documentation for relevant activities across relevant departments that are to be reviewed;
- (b) all individuals (which may be identified by role description alone) from relevant business departments or operations to be interviewed; and
- (c) a schedule for physical walkthroughs and inspections of relevant business departments or operations.

### 13. On-site Review Activities

- 13.1 The Reviewer shall conduct an opening meeting with the Accredited Member. The objective of the opening meeting shall be for the Reviewer to present the Review Plan to the Accredited Member's relevant business departments or operations and their respective staff members who will be contributing to the Review process to reconfirm the following:
- (a) various business departments or operations and the roles of relevant staff members for implementing the Rules for RBDG;
  - (b) the objectives, scope, timeline and procedures of the Review Plan;
  - (c) any locations that need to be reviewed and the availability of appropriate resources for conducting the Review;
  - (d) the confidentiality of the entire review process, including anticipated communication methods (such as meeting minutes, reports, interviews), information handling and the classification of risk for any non-compliance with the Rules for RBDG;
  - (e) the conditions for any early termination of the Review process; and
  - (f) the Reviewer's complaints, handling and appeals processes in relation to any aspect of the Review process, both during the Review and upon completion of the Review.
- 13.2 During the progress of the Review, all evidence obtained by the Reviewer should be objective, relevant and conclusive to validate and verify the objectives of the Review.
- 13.3 Sources of information for obtaining objective, relevant and conclusive evidence may include:
- (a) interviews with management, employees and other persons related to the subject matter of the Review;
  - (b) visual observations of activities surrounding relevant working environments and conditions;
  - (c) documents and/or documentary evidence relating to policies, objectives, plans, procedures, standards, instructions, licences and permits, specifications, drawings, contracts, transactions or orders;
  - (d) documents and/or documentary evidence relating to inventory controls, inspections of records, minutes of meetings, audit reports, records of monitoring programmes and results of measurements;
  - (e) data summaries, analyses and performance indicators;
  - (f) information on sampling programmes and procedures to control related sampling and measurement processes;

- (g) external sources reports or due diligence including customer feedback, relevant third party's or supplier's ratings and websites and primary and secondary research to enhance the due diligence methods; and
- (h) related company databases (electronic or hardcopy).

13.4 The Reviewer should utilise the following methods in the collection of information and evidence required for the Review:

- (a) conducting interviews with statistically acceptable sample sizes of management and employees, across all relevant business operations, directly or indirectly responsible for ensuring the implementation of, and compliance with, the Rules for RBDG;
- (b) making visual observations from carrying out physical walkthroughs of all relevant business operations for each relevant location required for confirming the implementation of, and compliance with, the Rules for RBDG; and
- (c) conducting detailed documentation reviews to confirm the implementation of, and compliance with, the Rules for RBDG, including reviews of:
  - (i) the Accredited Member's supply chain management systems (with emphasis on compliance and risk management structures, related operating policies and procedures, reporting mechanisms, and training and development programmes);
  - (ii) the Accredited Member's due diligence measures (including KYC procedures, process and implementation and post-account opening and pre-transaction risk assessments including Red Flag assessment); and
  - (iii) Minimum information recording to ensure track and trace i.e. date of gold receipt, physical form and weight of gold, source of origin, point of origin in transportation and/or customs documents (recording of seal numbers and/or packaging list).

#### 14. **Assessment of Compliance with the Rules for RBDG**

14.1 Following the conclusion of the On-Site Review Activities set out in Section 13 and the evaluation of the results of such activities, the Reviewer shall conclude which **one** of the following ratings applies to the Accredited Member:

- (a) Fully Compliant with the Rules for RBDG;
- (b) Compliant with the Rules for RBDG - Low Risk Deviations;
- (c) Not compliant with the Rules for RBDG - Medium Risk Deviations; or
- (d) Not compliant with the Rules for RBDG - High Risk Deviations.

14.2 A Reviewer may provide the rating '**Fully Compliant with the Rules for RBDG**', provided that **all** the following criteria apply:



- (a) the Accredited Member fully participates in the Review process and provides full cooperation to the Reviewer's assessment team as and when required to enable the Reviewer to carry out a comprehensive Review; and
- (b) the Accredited Member has objectively demonstrated that all the Review objectives as set out in Section 5 have been fully met based on evaluation of the findings of the Review.

14.3 A Reviewer may provide the rating '**Compliant with C the Rules for RBDG - Low Risk Deviations**', if **any one or more** of the following criteria apply (as assessed by the Executive Office of the EBC in its sole discretion):

- (a) the Accredited Member has objectively identified opportunities for improvement with regards to its compliance with Rule 1 of the Rules for RBDG and such minor inadequacies or isolated issues demonstrate no material impact on the overall objective of the Rules for RBDG;
- (b) the Accredited Member has objectively demonstrated the existence and implementation of policies and procedures required under Rule 1, Rule 2 and Rule 3 of the Rules for RBDG, but has also objectively demonstrated a minor lack of formalisation of such policies and procedures;
- (c) the Accredited Member has objectively demonstrated minor inadequacies of its collection of adequate supplier due diligence documentation and/or transactional records, but remains able to detect and take appropriate action on Red Flags in accordance with the Rules for RBDG; or
- (d) the Accredited Member has objectively demonstrated minor inadequacies in relation to its use of appropriate internal controls mechanism to track and trace inventory movements.

14.4 A Reviewer may provide the rating '**Not compliant with the Rules for RBDG - Medium Risk Deviations**', if **any one or more** of the following criteria apply:

- (a) the Accredited Member has objectively demonstrated multiple inadequacies with regards to its compliance with Rule 1 of the Rules for RBDG;
- (b) the Accredited Member has objectively demonstrated multiple inadequacies with respect to its development and implementation of policies and procedures required under Rule 1, Rule 2 and Rule 3 of the Rules for RBDG;
- (c) the Accredited Member has objectively demonstrated multiple inadequacies with respect to its collection of adequate supplier due diligence documentation and/or transactional records;
- (d) the Accredited Member has objectively demonstrated multiple inadequacies with respect to its ability to detect and take appropriate action on Red Flags in accordance with the Rules for RBDG;

- (e) the Accredited Member has objectively demonstrated multiple inadequacies with respect to its use of appropriate internal control mechanisms to track and trace inventory movements; or
- (f) the Accredited Member has failed to address findings of the previous Review.

14.5 A Reviewer may provide the rating '**Not compliant with the Rules for RBDG - High Risk Deviations**', if **any one or more** of the following criteria apply (as assessed by the Executive Office of the EBC in its sole discretion):

- (a) the Accredited Member has objectively demonstrated major inadequacies with regards to its compliance with Rule 1 of the Rules for RBDG;
- (b) the Accredited Member has objectively demonstrated major inadequacies with respect to its development and implementation of policies and procedures required under Rule 1, Rule 2 and Rule 3 of the Rules for RBDG;
- (c) the Accredited Member has objectively demonstrated major inadequacies with respect to its collection of adequate supplier due diligence documentation and/or transactional records;
- (d) the Accredited Member has objectively demonstrated major inadequacies with respect to its ability to detect and take appropriate action on Red Flags in accordance with the Rules for RBDG;
- (e) the Accredited Member has objectively demonstrated major inadequacies with respect to its use of appropriate internal control mechanisms to track and trace inventory movements; or
- (f) the Reviewer is required to make a report to the Executive Office of the EBC in accordance with Section 21.

14.6 No other conclusions or variations of the assessment of compliance other than those described in this Section 14 are permitted.

## 15. **Closing Meeting**

15.1 Upon establishing an assessment of compliance in accordance with Section 14, the Reviewer shall conduct a meeting with the Accredited Member to present its conclusions of the Review.

15.2 The Review shall provide its conclusions in a manner that is capable of being clearly understood and acknowledged by the Accredited Member and shall set out in detail its recommendations for improvement, if required, based on the Accredited Member's level of conformity with the Rules for RBDG.

## 16. **Reporting of Review Plan Findings**

16.1 Within 90 calendar days from the end of the review period, the Reviewer is expected to conclude the On-site Review Activities set out in Section 13 and provide copies of the review reports (**Review Reports**) to both the Executive Office of the EBC and the Accredited Member.

16.2 For reviews conducted by a Reviewer based on the ISAE 3000 standard, Review Reports shall mean:

- (a) the Comprehensive Management Report, in accordance with Section 17;
- (b) the Accredited Member's Compliance Report, in accordance with Section 18; and
- (c) the Reviewer's Assurance Statement, in accordance with Section 19.

16.3 The Accredited Member's Reviewer is required to submit annually the Review Reports to both the Accredited Member and the Executive Office of the EBC.

16.4 It shall be the responsibility of the Accredited Member to ensure that the terms and conditions of the Reviewer's engagement permit the Reviewer to directly send copies of the Review Reports to the Executive Office of EBC.

## 17. **Comprehensive Management Report**

17.1 The **Comprehensive Management Report** shall set out in detail the conclusions of the Review Process in respect of the Accredited Member's compliance with the Rules for RBDG in accordance with Annex 4 – Minimum Reporting Requirements, including:

- (a) the Accredited Member's final overall rating on its level of compliance;
- (b) a summary of the individual ratings of the Accredited Member in respect of each of Rules 1 to 5 of the Rules for RBDG;
- (c) details of relevant findings of the Review, including substantiations of any ratings;
- (d) confirmation of any areas excluded from scope of the Review;
- (e) an assessment of the Accredited Member's supply chain due diligence methods, processes and controls as measured against the OECD Guidance; and
- (f) a corrective action plan, if required.

17.2 If a corrective action plan is set out in the Comprehensive Management Report, the Accredited Member will use its reasonable endeavours (by applying specific, measurable, achievable, relevant and timely methods) to adhere to the recommendations set out in the corrective action plan.

## 18. **Accredited Member's Compliance Report**

18.1 The **Accredited Member's Compliance Report** shall be set out in a format selected by the Reviewer to be consistent with the Comprehensive Management Report to provide an overview of the detailed findings of the **Comprehensive Management Report**.

18.2 The Accredited Member's Compliance Report shall include the Accredited Member's disclosure of its overall rating relative to the five steps identified in Rules 1 and 5, together with individual ratings for each Rule 1 to 5 of the Rules for RBDG.

## 19. Reviewer's Assurance Statement

- 19.1 The **Reviewer's Assurance Statement** is to be prepared by the Reviewer on the basis of the Accredited Member's Compliance Report and serves as an assurance of the findings included in the Accredited Member's Compliance Report
- 19.2 The Executive Office of the EBC shall use the Reviewer's final overall rating as set out in the Comprehensive Management Report as a basis for making a determination on the types of annual review set out in Section 19.3.
- 19.3 A Reviewer may make a Reviewer's Assurance Statement on either a '*Reasonable Assurance*' or '*Limited Assurance*' standard in accordance with the ISAE 3000 standard.
- 19.4 The first Review of any Accredited Member must be done in accordance with the ISAE 3000 standard on a Reasonable Assurance basis for the time period of the 12 months preceding the date of engagement of the Reviewer in conjunction to the financial year of the Accredited Member.
- 19.5 Following a first Review of an Accredited Member based on the '*Reasonable Assurance*' standard in accordance with the ISAE 3000 standard, a subsequent Review carried out in accordance with ISAE 3000 standard must be conducted no less than three years from the date of the previous Review of the same standard. For the intervening two-year period, a Reviewer may carry out a Review based on the '*Limited Assurance*' standard in accordance with the ISAE 3000 standard.
- 19.6 Notwithstanding Section 19.5, at any time and at its sole discretion, the Executive Office of the EBC may instruct the Accredited Member to inform a Reviewer to carry out any Review based on the '*Reasonable Assurance*' basis in accordance with the ISAE 3000 standard and the Reviewer and Accredited Member shall amend the terms and conditions of the Reviewer's engagement accordingly.
- 19.7 The Reviewer's Assurance Statement and Accredited Member's Compliance Report shall be published by the Accredited Member on its website and in accordance with Rule 5 of the Rules for RBDG.

## 20. Mandatory Follow-Up Review

- 20.1 If any Review has resulted in the rating of '*Not compliant with the Rules for RBDG - High Risk Deviations*', the Reviewer must conduct a follow up Review (**Follow-up Review**) based on the '*Reasonable Assurance*' standard in accordance with the ISAE 3000 within 90 days after the issuance of the applicable Accredited Member's Review Reports.
- 20.2 If a Follow-up Review is required in accordance with Section 20.1, the Accredited Member must confirm with the Executive Office of the EBC that it has concluded an engagement with a Reviewer and the Reviewer has commenced the Follow-up Review within the applicable 90-day period. The non-compliance may be identified by the Accredited Member as part of self-assessment.
- 20.3 The scope of any Follow-up Review shall be the Accredited Member's corrective action plan as provided by the Reviewer who conducted the preceding Review and shall include details of the implementation of the Accredited Member's corrective actions to address the rating described in Section 20.1. The corrective action plan should contain the below details

- (a) A description of the non-compliance or observation;
  - (b) Reference to the relevant section in the Rules for RBDG;
  - (c) Assigned risk rating of the non-compliance;
  - (d) Corrective actions to be taken for each non-compliance identified;
  - (e) The timeframe for completion of corrective actions for each non-compliance identified; and
  - (f) The person responsible for the implementation of each corrective action.
- 20.4 Upon completion of a Follow-up Review, the Accredited Member shall issue a consolidated compliance report incorporating the corrective actions undertaken in areas of high or medium risk deviation from the Rules for RBDG and a disclosure of the individual rating of its level of compliance with each of Rules 1 to 5 of the Rules for RBDG following the implementation of the corrective action plan.
- 20.5 Upon completion of a Follow-up Review, the Reviewer shall issue an independent Reviewer's Assurance Statement on the Accredited Member's consolidated compliance report and provide copies of both reports and the Accredited Member's associated corrective action plan available to the Executive Office of the EBC within 30 days of concluding the Follow-up Review.
- 20.6 The Executive Office of the EBC may at its sole discretion sanction any Accredited Member who has achieved a '*Not compliant with the Rules for RBDG - High Risk Deviations*' rating in respect of any of Rules 1 to 5 of the Rules for RBDG and/or failed to adequately implement the provisions of its corrective action plan or any other relevant improvements. Such sanctions may include removal from any Accreditation Standard.
- 20.7 If an Accredited Member is required to conduct a Follow-up Review, the next annual Review period will commence on the date of conclusion of the current Review and will be independent of the Follow-up Review. A Reviewer must carry out the next Review following a Follow-Up review on a '*Reasonable Assurance*' standard in accordance with the ISAE 3000 standard.
- 20.8 It is expected that Accredited Members with an overall compliance rating of 'Not Compliant with the Rules for RBDG' improve their performance over time.
21. **Breach of EBC Review Protocol**
- 21.1 During any Review, any one or more of the following circumstances shall constitute a zero-tolerance breach of EBC Review Protocol:
- (a) the Reviewer is not provided with adequate access to any of the Accredited Member's locations that are subject to the Review;
  - (b) the Accredited Member has used unethical methods to influence the outcome of the Review;

- (c) any misrepresentation or falsification of documentation has been carried out by the Accredited Member and/or any supply chain participant (with the knowledge and acceptance of the Accredited Member); or
- (d) the Accredited Member continues to have dealings with suppliers even though its due diligence has confirmed that the supplier is directly or indirectly associated with conflict precious metals, severe abuses of Human Rights, Money Laundering or Terrorism Financing.

21.2 Upon the occurrence, or reasonable suspicion of the occurrence, of any of the events set out in Section 21.1, the Reviewer must immediately and confidentially report the matter to the Executive Office of the EBC and such report shall be accompanied by the applicable supporting evidence.

21.3 Upon receipt of a report in accordance with Section 21.2, the Executive Office of the EBC shall at its sole discretion determine if the Reviewer's claims or suspicions are valid and consider at its sole discretion whether to take appropriate action against the Accredited Member, which may include removal from any Accreditation Standard.

## 22. **Appeal Process**

22.1 Any exercise of its powers of sanction by the Executive Office of the EBC in accordance with Section 20.6 or Section 21.3 of EBC Review Protocol shall be subject to Annex 3 - EBC's Appeal Process, as published by EBC from time to time.

## Annex 3 – EBC Appeal Process

### Assessment Appeal Procedure for Accredited Members and/or Reviewers

#### 1. Overview

- 1.1 This procedure covers the process to be followed when there are eligible grounds for an appeal in relation to a decision made pursuant to the Rules for RBDG (**Appeal Process**).

#### 2. Scope

- 2.1 This Procedure may be used by an Accredited Member, an applicant for the accreditation program and/or Reviewer who wishes to appeal against a final decision which affects the Accredited Member's, an applicant to accreditation program and/or Reviewer's business or status, including but not limited to the following:

- (a) a decision by the Executive Office of the EBC that the Accredited Member be removed from any of EBC's Accreditation Standards;
- (b) a decision that the Accredited Member has been incorrectly rated by the Reviewer; or
- (c) a decision by the Executive Office of the EBC to remove the Reviewer from EBC's List of approved Reviewers.
- (d) a decision to reject an application for accreditation because of the review report/outcome

#### 3. Appeals by an Accredited Member and/or Reviewer

- 3.1 An appeal may only be lodged in relation to the decisions described in Section 2 of this Annex 3.
- 3.2 An appeal must be supported by sufficient facts and evidence in order to be considered.

#### 4. Grounds for Appeal by an Accredited Member

- 4.1 An appeal by an Accredited Member may be made only on one or more of the following grounds:
- (a) that there exists or existed circumstances affecting the Accredited Member's performance of which, for good reason, the Executive Office of the EBC may not have been made aware when the decision was taken and which might have had a material effect on the decision;

**Note 1:** If an Accredited Member wishes to appeal on such grounds, they must give adequate reasons with supporting documentation as to why this information was not made available prior to the decision being made.

- (b) that there has been a material administrative error or procedural irregularity in the assessment process by a Reviewer resulting a significant doubt pursuant to the Rules for RBDG considering the decision by a Reviewer might have been different if the error or irregularity had not occurred; or

- (c) that there is evidence of prejudice or bias or lack of proper assessment on the part of the Executive Office of the EBC and/or the Reviewer.

## 5. **Grounds for Appeal by a Reviewer**

- 5.1 A Reviewer may only appeal a decision if there is evidence of prejudice or bias or lack of proper assessment on the part of the Executive Office of the EBC resulting in the Executive Office of the EBC to take a decision to revoke the status of a Reviewer and removal from the Reviewer List.

## 6. **Procedure for Initiating the Appeal Process**

- 6.1 If an Accredited Member, applicant and/or Reviewer believes there are valid grounds for an appeal as outlined in this Annex 3, the Accredited Member and/or Reviewer (the **Appellant**) may invoke the formal procedure for initiating the Appeal Process.
- 6.2 A formal appeal may be initiated by completing an Appeals Form and submitting it to the secretariat of the IGC within twenty working days of notification of the result or decision under appeal. The Appellant should submit with the form any documents they wish to be considered in the appeal.
- 6.3 On receipt of the formal appeal, the IGC will convene an emergency meeting via teleconference or in person to consider whether the appeal submitted meets the grounds for appeal as described in this Annex 3 and should be considered.
- 6.4 If the appeal submitted does not meet the grounds for appeal as described in this Annex 3, the IGC will decide not to allow the appeal. The Appellant will be notified within twenty working days of the appeal being received that the appeal is not eligible, with reasons given.
- 6.5 If the appeal is shown to have been made on one or more of the grounds set out in this Annex 3 as determined by the IGC, the following procedures are to be followed:
  - (a) the IGC secretariat will notify the Appellant within twenty working days of the appeal being received that the appeal has valid grounds for initiating the Appeals Process;
  - (b) from the date of the above notice (Section 6.5(a)), the Appellant will need to provide the IGC secretariat a formal notice of intention to progress with the Appeal Process and to make payment of the relevant fee as described in Section 9 to the Executive Office of the EBC within five business days, and if required, to formally submit any additional evidence to support the Appellant's appeal;
  - (c) from the date of above notice (Section 6.5(b)), the IGC secretariat will notify the Appellant of a meeting date/time to meet the members of the IGC who will sit on the appeal panel (the **IGC Appeal Panel**). The meeting will be scheduled no later than twenty business days from the date of the above notice (Section 6.5(b)), to enable the IGC to review all the evidence submitted and permit time for requesting any additional evidence for further clarification prior to the meeting with the IGC Appeal Panel through the IGC secretariat. The Appellant is to make payment of the relevant fee as described in Section 9 to the Executive Office of the EBC within five business days from the date of notification of the meeting date/time with the IGC Appeal Panel;



- (d) should the Appellant require an extension to submit additional evidence requested by the IGC, the Appellant is required to formally communicate to the IGC secretariat the time required for the extension and reasons for the same. The IGC reserves the right to grant or reject the extension. In the event the extension is granted, the IGC reserves the right to stipulate the extension of the deadline date;
- (e) following submission of additional evidence, the IGC will require five business days to review the information and from the date of submission, the IGC secretariat will notify the Appellant of a rescheduled meeting date/time with the IGC Appeal Panel. The meeting is to be scheduled within ten business days from the date of submission of additional evidence; and
- (f) within ten business days from the date of the IGC Appeal Panel meeting, the IGC secretariat will notify the Appellant of the IGC Appeal Panel's final decision and actions to be taken.

## 7. **The IGC Appeal Panel Meeting**

- 7.1 The Appellant or its representatives may attend the meeting before the IGC Appeal Panel. Where the Appellant decides not to attend the meeting before the IGC Appeal Panel, the IGC Appeal Panel will proceed in the Appellant's absence.
- 7.2 The IGC Appeal Panel is empowered to call relevant individuals and/or entities with knowledge of the case to attend the meeting before the IGC Appeal Panel to give evidence and to correspond with the initial Reviewers or others as appropriate.

## 8. **Conclusion of the Appeal Process**

- 8.1 At the conclusion of the Appeal Process, the Appellant will be issued with a Completion of Procedures Letter from the Executive Office of the EBC.

## 9. **Fees for the Appeal Process**

- 9.1 Fees are to be paid to the Executive Office of the EBC in respect of the Appeal Process at the following stages:
  - (a) formally initiating the Appeal Process by the Appellant as described in Section 6.5(b); and
  - (b) notification of the IGC Appeal Panel meeting date/time as described in Section 6.5(c).
- 9.2 The fee schedule for the Appeal Process can be obtained from the Executive Office of the EBC. the Executive Office of the EBC at its sole discretion may amend the fee schedule from time to time.
- 9.3 If the Appellant fails to make payment of the relevant fee, or such fee is not received in the Executive Office of the EBC's bank account within five business days from the date of payment notification, the Executive Office of the EBC reserves the right to terminate the Appeal Process.

## Annex 4 - Minimum Reporting Requirements

### 10. Introduction

10.1 The purpose of this Annex 4 is to set out the mandatory minimum reporting requirements for the Review Reports as described in EBC Review Protocol in Annex 2.

### 11. Scope

11.1 The minimum reporting requirements are applicable to the following Review Reports:

- (a) a Comprehensive Management Report for Reviews performed in accordance with the ISAE 3000 standard as described in Section 16.2 of EBC Review Protocol in Annex 2.

### 12. Minimum Reporting Requirements

12.1 Each Review Report must:

- (a) identify the Accredited Member and period under Review;
- (b) assessment team's professional qualification
- (c) include a description of the review activities conducted;
- (d) clarify whether a corrective action plan or measures have been recommended;
- (e) include details of any disengagement with suppliers during the audit period and its reasons;
- (f) include an assessment of the actions taken/corrective actions implemented over the previous corrective action plan or measures recommended; and
- (g) include a conclusion statement on compliance with the Rules for RBDG.

**Note 2:** The conclusion statement must demonstrate the level of compliance in accordance to the Rules for RBDG. The individual risks identified should be factored into the overall level of compliance.

12.2 In respect of Rule 1, the Review Report must detail:

- (a) the adequacy of the Policy and robustness of its implementation taking into consideration the application of Rule 1.1 to 1.20; and
- (b) the adequacy and implementation of KYC requirements taking into consideration the application of Rule 1.1 to 1.20.

12.3 In respect of Rule 2, the Review Report must detail:

- (a) in relation to transactions:

- (i) the number of transactions audited, and the number of high-risk transactions audited;

Recommendation: at least 50 % of the high-risk transactions should be reviewed, if the number of high-risk transactions are less than 100, all the transactions must be audited.

- (ii) the percentage of transactions audited as compared to the total number of transactions during the period subject to Review;

Recommendation: The Reviewer should cover at least 5 % of samples in the case of non-high-risk transactions if the total sample size is less than 1000 transactions and at least 4 % if the total sample size is more than 1000. The Reviewer should use reasonable efforts and samples to draw a meaningful conclusion in the case of any unusual observations.

- (iii) the total number of customer onboarding (KYC) files reviewed by the reviewer;

Recommendation: The Reviewer should audit all the files of suppliers who are supplying materials from Conflict-Affected and/or High-Risk Areas. The Reviewer should review at least 25 % of the new customers onboarded during the audit period and 10 % of the customers from the previous audit periods who have an ongoing relationship with the Accredited Member.

- (iv) the total volume of Mined Gold and/or Recycled Gold in relation to the transactions audited;

- (v) the total volume of Mined Gold and/or Recycled Gold in relation to the total number of transactions during the period subject to Review;

- (vi) the total volumes of cash transactions (if any) and their usage in excess of government thresholds as applicable in the Accredited Member's place of domicile;

- (vii) the total volumes of unrelated third-party payments (i.e. cash, bank transfers and metal accounts held with bullion banks) and physical gold deliveries in unusual circumstances that are not consistent with local and/or international market practices (for example, value, quantity, quality, profit); and

- (viii) adequacy and implementation of track and trace mechanisms from mine/supplier to sale and/or physical delivery to the Accredited Member's suppliers;

- (b) in relation to geographical considerations:

- (i) gold sourced from different geographical locations based on physical form; quantity; actual or declared purity; country of origin and transportation; and

- (ii) any transaction which is related to a sanctioned and/or embargoed country, entity, or individual;

- (c) in relation to risk assessment, the alignment of the risk assessment methodology with Rule 2 and any deviations from those requirements of Rule 2; and
- (d) the number of transactions and/or suppliers where enhanced due diligence was conducted during the period subject to Review.

12.4 In respect of Rule 3, the Review Report must detail the adequacy and implementation of the Risk Control Plan.

12.5 In respect of Rule 4, the Review Report must include a detailed assessment and rating of compliance with the Rules for RBDG in accordance with the EBC Review Protocol (Annex 2).

12.6 In respect of Rule 5, the Review Report must provide confirmation as to the Accredited Member's public disclosure on the Accredited Member's website of the relevant Review Reports in accordance with EBC Review Protocol in Annex2 and Policy as described in Rule 1.3.

a) A description of the review activities conducted.

b) Whether a corrective action plan or measures have been recommended.

c) Assessment of the actions taken/corrective actions implemented over the previous corrective action plan or measures recommended.