

Transition to Revised Requirements for Producers and Transporters to be Code Signatories and Allow Consignors to be Transporters and Certify Supply Chains

1. Effective Date: The revised provisions of the Code and its implementing documents authorizing consignors to become Code signatory transporters are effective immediately. As of October 26, 2009, ICMI will accept signatory applications for transporters that are consignors and Verification Audit Reports for supply chains of signatory consignors.
2. Transporters Operating Pursuant to Code-equivalent, Non-certification Audits or Due Diligence Investigations: A transporter operating pursuant to a Code-equivalent, noncertification audit or a due diligence investigation may continue to do so until three years from the date of issuance of its audit or due diligence report. To continue transporting cyanide to certified gold mines beyond that date, the transporter must, prior to that date, either a) have become a Code signatory and submitted a Verification Audit Report to ICMI prepared by an auditor(s) meeting ICMI criteria; or b) be included in a Verification Audit Report prepared by an auditor(s) meeting ICMI criteria submitted to ICMI for a signatory consignor's supply chain.
3. Mines Currently in the Certification Process: A gold mine utilizing a cyanide transporter authorized via a non-certification audit and/or due diligence investigation that has completed the field portion of its Code Verification Audit but which has not yet submitted its audit report to ICMI will be granted an additional 90 days from the completion of its audit (for a total of 180 days) to allow the non-certified transporter(s) to become a Code signatory (or be included in a signatory consignor's supply chain) and submit a Verification Audit Report. Gold mines requesting this extension must notify ICMI in writing within 90 days of the completion of their Code Verification Audit and identify the transporter(s) in question.
4. Acceptance of Code-equivalent, Non-certification Audit Reports and/or Due Diligence Investigations for Certification: ICMI will accept the report of a Code-equivalent, noncertification audit and/or a due diligence investigation in support of an individual transporter's certification or as part of a supply chain Verification Audit Report, as applicable, as long as the following conditions are met: a) The non-certification audit or due diligence investigation complies with ICMI requirements with respect to the credentials of the auditor(s); and b) The field portion of the Code-equivalent, non-certification audit or due diligence investigation was completed no later than one year prior to today's date; and c) The signatory application, signatory fee and Code-equivalent, non-certification audit and/or due diligence investigation reports are submitted to ICMI by within 90 days of this announcement.
5. Completeness Review of Code-equivalent, Non-certification Audit Reports and/or Due Diligence Investigations: Existing reports of Code-equivalent, non-certification audits or due diligence investigations accepted for certification in lieu of the report of a new audit, pursuant to item 4 above, will be subject to ICMI's Completeness Review as initial, rather than recertification audits, and a new three-year certification period will commence on the day the transporter or supply chain is certified.

6. Responses to Completeness Review of Code-equivalent, Non-certification Audit Reports and/or Due Diligence Investigations: In order to develop the information required to respond to a request for clarification or additional information in an ICMI Completeness Review of a Code-equivalent, non-certification audit or due diligence investigation report used for certification pursuant to item 4 above, a lead auditor may review notes from the initial audit or investigation, request additional information from the site (including documentation and/or photographs), and/or, if necessary, re-inspect the site. The lead auditor may issue revised reports or the clarifications and/or new information may be provided in the form of an addendum to the original report. As appropriate, this addendum may include a statement indicating that the new information may not represent site conditions that existed during the original site inspection.

7. Signatory Fees for Transporters Currently Authorized Via Code-equivalent, Non-certification Audits and/or Due Diligence Investigations: Signatory fees submitted by transporters that become individual or supply chain signatories pursuant to item 4, prior to January 1, 2010 will be applied for 2010; no signatory fee will be assessed for the remainder of 2009.

8. ICMI Flexibility in Acceptance of Documentation: To the extent practical, ICMI will allow transporters to utilize existing documentation to avoid unnecessary costs and potential procedural conflicts during their transition from authorization by Code-equivalent, noncertification audits to certified operations or supply chains. For example, ICMI will not require submission of separate Detailed Audit Findings Reports for each element of the supply chain if the original documentation addressed more than one segment of the supply chain (e.g., a non-certification audit of a trucking company combined with a due diligence investigation of a shipping company and its ports of departure and arrival). Further, if no Summary Audit Report was originally prepared and the original auditor will not issue a Summary Audit Report based on an existing Detailed Audit Findings Report without reevaluating the operation to determine its current compliance status, the consignor may submit the Detailed Audit Findings Report in lieu of a Summary Audit Report for posting on the ICMI web site. However, ICMI reserves the right to require new or additional documentation as necessary to adequately demonstrate a transporter's compliance with the Code.