

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
1	Utility Company	1.1	We already commented that we think it is a loss that references to international best practices have been removed as companies will use this to justify they only comply with national law (if national law lower standard than international best practice).	Insert back reference to international codes and standards, e.g. ILO.	N	-	Y	References to national and international law and best practice included in Guidance.
2	Utility Company	1.1	A problem also with the law is that companies will use law channels to delay compliance... I would like to suggest that we start addressing the principle of ethics in law compliance where companies when found guilty will do their most to comply in the shortest time... that applies to paying fines or changing management systems. for example we know that Drummond still has not paid a lot of fines because they keep recurring and recurring sentences.	-	N	-	Y	Under Legal Compliance (1.1) section of Guidance, clarifies how companies should behave ethically.
3	Technical Specialist	1.1	While 'compliance specialists' are undoubtedly useful, this is the responsibility of everyone in the company; obeying the law is not something that can be 'outsourced' to a specialist	Companies will have systems in place to maintain awareness of and ensure compliance with applicable standards, laws and regulations on the part of all employees.	N	-	Y	The current provision does not limit responsibility of compliance to compliance specialists. Companies should have a system in place to ensure that the company (as an entity) is compliant with all applicable laws and regulations and to raise awareness / communicate internally employees' responsibility for ensuring compliance. This will be made clear in the Guidance.
4	Utility Company	1.2	Money laundering should be mentioned and emphasised.	Money laundering should be mentioned and emphasised.	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code, which prohibit and prevent all forms of corruption, including bribery and facilitation payments (in cash or in kind), as well as money-laundering, by employees and contractors, and their business partners.	-	Added money-laundering.
5	Utility Company	1.2	Companies should be encouraged to fight against corruption in the countries where they operate (this means going beyond addressing corruption internally but also the systemic challenges at local government level).	-	N	-	Y	Beyond company corruption to be added to guidance as best practice.
6	Standard	1.2	-	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code, which prohibit bribery and seek to prevent other forms of corruption including facilitation payments (in cash or in kind) by employees and contractors, and their business partners	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code, which prohibit and prevent all forms of corruption, including bribery and facilitation payments.	-	Updated wording.
7	Utility Company	2	Companies should be required to have monitoring mechanisms in place to monitor effectiveness of management plans.	-	Y	-	-	Comment is already addressed in 2.1.
8	Technical Specialist	2	-	POLICY AND MANAGEMENT Companies will develop, document and implement management systems that cover the governance, social and environment Principles of the Bettercoal Code, and will support continuous improvement throughout their operations and with business partners and suppliers.	Y	POLICY AND MANAGEMENT Companies will develop, document and implement management systems that cover the governance, social and environment Principles of the Bettercoal Code, and will support continuous improvement throughout their operations and with business partners and suppliers.	-	Updated wording.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
9	Standard	2.1	Companies will document and implement integrated and/or standalone management systems to effectively manage the governance, social and environmental practices covered in the Bettercoal Code that, at a minimum, incorporate policies, procedures, clearly defined roles and responsibilities, financial resources, controls, monitoring protocols, training programmes, effective communication, and internal and external reporting requirements. Both internal and external communication?	-	Y	Companies will document and implement integrated and/or standalone management systems to effectively manage the governance, social and environmental practices covered in the Bettercoal Code that, at a minimum, incorporate policies, procedures, clearly defined roles and responsibilities, financial resources, controls, monitoring protocols, training programmes, and internal and external effective communication, and reporting requirements.	-	Updated wording.
10	Coal Supplier	2.1	-	We propose to exclude or significantly reduce the range of potential counterparties that fall under the scope of this paragraph by making clarifications.	N	-	-	KYC should be on all business partners. Business partners is defined in the Glossary.
11	Utility Company	2.2	To me it does not fall logically in between 2.1 Management system provision and 2.3 Impact Assessment provision.	Could be the last provision, 2.4?	N	-	-	Provision 2.2 makes more sense under the MS Sub-Principle as opposed to Whistle-Blowing.
12	Standard	2.2	Companies' senior management will publicly endorse the policies and ensure they are reviewed and amended regularly, communicated to employees and other stakeholders, and made publicly available. Senior management should be responsible for ensuring effective implementation of policies.	-	N	-	-	Change rejected as implementation is included in previous provision 2.1.
13	Technical Specialist	2.3	This should include bullying.	Companies will provide to employees and stakeholders access to an independent, confidential "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, illegal, or improper behaviour and will not tolerate any harassment, bullying, retaliation, victimization or discrimination of whistle-blowers.	N	-	Y	Included bullying in the definition of harassment and in the Guidance.
14	Technical Specialist	2.3	-	Companies will provide to employees and stakeholders access to an independent, confidential "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, unsafe, illegal, or improper behaviour and will not tolerate any harassment, retaliation, victimization or discrimination of whistle-blowers.	Y	Companies will provide to employees and stakeholders access to an independent, confidential effective "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, unsafe, illegal, or improper behaviour and will ensure effective whistle-blower protection, including the right to keep their identity confidential and will not zero not tolerance forte any harassment, retaliation, victimization or discrimination of whistle-blowers.	-	Wording updated with 'unsafe' and additional text added to protect the whistle-blower.
15	Standard	2.3	"...will not tolerate any harassment, retaliation, victimization or discrimination of whistle-blowers": This should be part of a code of conduct or similar. Also, it can only be assessed if there have been cases of whistle-blowing and the assessor can see how the company dealt with them. Re-phrase to allow assessment? See suggestion on the right	The mechanism guarantees that whistle-blowers will not be subject to harassment, retaliation, victimization or discrimination	Y	Companies will provide to employees and stakeholders access to an effective "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, illegal, or improper behaviour and will commit to effective whistle-blower protection, including the right to keep their identity confidential and will not tolerate any harassment, retaliation, victimization or discrimination of whistle-blowers.	-	Wording updated to state that the mechanism protects the whistle-blower.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
16	Coal Supplier	2.3	Companies will provide to employees and stakeholders access to an independent, confidential "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, illegal, or improper behaviour and will not tolerate any harassment, retaliation, victimization or discrimination of whistle-blowers. 1. The "independent" notion should be clarified. If it is intended to be a party other than the company, it could be a mistake, because it would remove the spirit of all complaints and grievances management systems, which according to the United Nations Guiding Principles, is the building of trust via the dialogue of companies with their stakeholders around these complaints and grievances. 2. It should be clarified that confidentiality is not always a necessity for the complainant; that this option must exist, although the complainant does not always have to resort to it. 3. It should be considered that confidentiality also involves the risk of undue damage to the honor of some individuals; or stigmatization and, therefore, there should be provisions to mitigate that risk.	-	Y	Companies will provide to employees and stakeholders access to an effective "whistle-blowing" mechanism for reporting concerns about actual or alleged malpractice and wrongdoing or unethical, illegal, or improper behaviour. Companies will ensure effective whistle-blower protection, including the right to keep their identity confidential and will not tolerate any harassment, retaliation, victimization or discrimination of whistle-blowers. Effective mechanism and effective protection would be explained in the Guidance by referencing Transparency International (see here: https://knowledgehub.transparency.org/assets/uploads/kproducts/Whistleblowing-Topic-Guide.pdf) and/or other relevant sources.	Y	Updated wording in Code and information in Guidance provided on what makes an effective whistle-blowing mechanism, with reference to good practice guidance (e.g. Transparency International) too.
17	Technical Specialist	2.4	'Where possible' should be deleted as this give companies an easy excuse not to disclose. 'Climate change' needs to be specifically included.	Companies will conduct, and publicly disclose environmental, climate change, social and human rights impact assessments in cases of new mining projects and significant changes to existing projects.	In part	Companies will conduct and publicly disclose environmental, social and human rights impact assessments in cases of new mining projects and significant changes to existing projects.	Y	Where possible deleted. Revised wording in Guidance.
18	Standard	2.4	Publicly disclose where possible. Why this limitation? If for legal reasons, then this should be stated. Companies might always find a reason not to disclose.	-	Y	Delete 'where possible'.	-	Deleted 'where possible'.
19	Technical Specialist	2.5	'Climate change' needs to be specifically included twice.	Companies will conduct environmental, climate change, social and human rights impact assessments that are: a) comprehensive; b) appropriate to the nature and scale of the mining project; and c) commensurate with the level of their environmental, climate change, social and human rights risks and impacts.	N	-	-	Climate change covered under environmental impact assessment work.
20	Technical Specialist	2.5	Making up methodologies as the report is written is the source of great mischief.	Companies will use recognized methodologies to conduct environmental, social and human rights impact assessments that are: a)comprehensive; b)appropriate to the nature and scale of the mining project; and c)commensurate with the level of their environmental, social and human rights risks and impacts.	In part	Companies will conduct environmental, social and human rights impact assessments, when required by Provision 2.4, that are: a) comprehensive; b) appropriate to the nature and scale of the mining project; and c) commensurate with the level of their environmental, social and human rights risks and impacts.	Y	Code wording to remain but Guidance states that recognised methodologies should be adopted and that companies should refer to resources in further information for examples.
21	Standard	2.5	Companies will conduct environmental, social and human rights impact assessments that are: a) comprehensive; b) appropriate to the nature and scale of the mining project; and c) commensurate with the level of their environmental, social and human rights risks and impacts. When should these impact assessments be done? "...in cases of new mining projects and significant changes to existing projects" like in 2.4? Would be good clarity.	-	Y	Companies will conduct environmental, social and human rights impact assessments, when required by Provision 2.4, that are: a) comprehensive; b) appropriate to the nature and scale of the mining project; and c) commensurate with the level of their environmental, social and human rights risks and impacts.	-	Included wording.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
22	Coal Supplier	2.5	The EIA mechanism in Russia should be perceived as similar to the EIA procedure in foreign countries. The EIA mechanism is regulated by the legislation of the Russian Federation. The EIA procedure is based on the principle of publicity, which is ensured through public participation in the preparation and discussion of materials on environmental impact assessment of planned economic and other activities that are the subject of environmental impact assessment as an integral part of the environmental impact assessment process, regardless of the nature and scale of the project. It should be noted that environmental impact assessment is regarded as a legal institution that plays an important role in preventing environmental harm. State supervision and industrial environmental control also act as a similar tool. As part of the EIA, an assessment is made of the compliance of the proposed economic activity with the requirements of the current legislation. Thus, environmental risks are also identified. If these are identified in the EIA materials, funds are proposed to minimize or eliminate them, or the project is not implemented. That is why EIA can be considered as a means of minimizing and preventing environmental risks.	Assessment of the impact on the environment, social sphere and human rights carried out by companies must comply with the Constitution and legislative requirements of the country.	N	-	-	Bettercoal is a best practice standard and naturally goes beyond the national legislation.
23	Technical Specialist	2.6	'Climate change' needs to be specifically included.	Companies will engage affected communities and other stakeholders, especially disadvantaged and vulnerable groups in the environmental, climate change, social and human rights impact assessments.	N	-	-	Climate change covered under environmental impact assessment work.
24	Technical Specialist	2.6	I would hate to be too prescriptive and require everyone to use the IFC Performance Standards. But the engagement needs to be conducted in conformity with some sort of recognized standard, not just made up as it proceeds.	Companies will engage affected communities and other stakeholders, especially disadvantaged and vulnerable groups, in a manner consistent with published international standards, in the environmental, social and human rights impact assessments.	Y	-	Y	Reference to international standards added to guidance.
25	Standard	2.6	Affected communities and other stakeholders should be engaged throughout the impact assessment process to make sure their engagement is not an afterthought.	-	Y	-	Y	Provision 8.4 provides detail on engaging stakeholders throughout lifecycle of the Mine. Explanation also included in Guidance.
26	Coal Supplier	2.6	The term "especially disadvantaged" should be replaced by "including disadvantaged", so that groups that are potentially more affected are not ignored or given less relevance.	-	Y	Companies will engage affected communities and other stakeholders, including disadvantaged and vulnerable groups in the environmental, social and human rights impact assessments.	-	Included wording.
27	Technical Specialist	2.7	'Climate change' needs to be specifically included.	Companies will take into consideration the risks and impacts associated with their business partners' operations and the liability arising from such business relationships when conducting their environmental, climate change, social and human rights impact assessments.	N	-	-	Climate change covered under environmental impact assessment work.
28	Technical Specialist	2.8	'Climate change' needs to be specifically included.	Companies will take appropriate action to avoid or minimise negative impacts identified in the environmental, climate change, social and human rights impact assessments and will prioritise those impacts that are, or would be, most severe or where a delayed response would render them irremediable.	N	-	-	Climate change covered under environmental impact assessment work.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
29	Technical Specialist	2.9	Sexuality considerations need to be included as well as gender.	Companies will integrate gender and sexuality considerations into the development of environmental, social and human rights impact assessments where relevant.	N	-	-	The term gender is used to indicate both gender (social construct) and sex (biological difference between male and female) - the Glossary will explain this.
30	Technical Specialist	2.9	Where is this not relevant?	Companies will integrate gender considerations into the development of environmental, social and human rights impact assessments.	Y	Companies will integrate gender considerations into the development of environmental, social and human rights impact assessments.	Y	Where relevant removed.
31	Standard	2.9	Remove "where relevant" and rather explain in the guidance under what circumstances gender considerations might not be relevant? Also, "gender" can be understood in a rather traditional manner (men/women) or in a more progressive manner (gender identity). Would be good to define in your glossary what you have in mind.	-	Y	Companies will integrate gender considerations into the development of environmental, social and human rights impact assessments.	Y	Paragraph on gender considerations added to the Guidance.
32	Coal Supplier	2.9	-	Companies will integrate gender considerations into the development of environmental, social and human rights impact assessments where relevant, and according to the scope of the laws and regulations of the country where they operate.	N	-	-	Reject comment as laws and regulations could be lower and this is a best practice standard.
33	Coal Supplier	2.9	See the provisions of clause 2.5 (taking into account the commentary). The allocation of gender aspects is not advisable due to the provisions of Part 3 of Art. 19 of the Constitution of the Russian Federation, which enshrines the legal equality of men and women in the Russian Federation in all aspects of life.	We propose to exclude.	N	-	-	Comment is about men and women being equal as per Consultation. 2.9 states - Companies will integrate gender considerations into the development of environmental, social and human rights impact assessments where relevant. Nothing to change.
34	International Organisation	2.10	"Companies will conduct Know Your Counterparty (KYC) checks on their business partners."	Companies will conduct Know Your Counterparty (KYC) checks on all their business partners, including contractors.	N	-	-	Contractors and suppliers fall under 'Business Partners' and will be defined in the glossary/guidance.
35	Technical Specialist	2.10	Companies will conduct Know Your Counterparty (KYC) checks on their business partners.	I like the fact that a specific method is called out.	N/A	-	-	Positive comment, nothing to change.
36	Standard	2.10	Companies will conduct Know Your Counterparty (KYC) checks on their business partners. What if the Know Your Counterparty check does not confirm the identity of a business partner?	-	N	-	-	Beyond scope of the Code, most important point is that there are KYC checks in place. Beyond that, we cannot control much.
37	Coal Supplier	2.10	Consider the possibility that, in order not to impractically harass companies (contractors/vendors), KYC could be done with due prioritization, according to the probability of the risks and the severity of the consequences. The paragraph it also vague. It should specify if this means that companies need to audit contractors/vendors, and with what frequency.	-	N	-	Y	Additional paragraph on risk-based due diligence has been added in Provision 2.12 in Guidance.
38	Technical Specialist	2.11	'Climate change' needs to be specifically included.	Companies will communicate their governance, social and environmental and climate change commitments, including the principles and provisions covered in the Bettercoal Code, to their business partners including contractors.	Y	Companies will communicate their governance, social and environmental and climate change commitments, including the principles and provisions covered in the Bettercoal Code, to their business partners including contractors.	-	Updated wording.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
39	Technical Specialist	2.11	Should there be a requirement that this is a continuing obligation? If there is only one communication at the outset and it is not repeated, how effective can it be?	Companies will communicate their governance, social and environmental commitments, including the principles and provisions covered in the Bettercoal Code, to their business partners including contractors, and document that they have done so.	N	-	Y	Reviewing that communication is documented is part of the verification process as it is for all provisions, this does not need to be in the provision. This is clarified in the Guidance.
40	Coal Supplier	2.11	Please provide information material in Russian and English, which will be sufficient in volume to inform business partners and contractors about the principles of the Bettercoal Code.	Clarification on reporting methods is required. It requires informational material itself, with which we must familiarize business partners and contractors.	Y	Companies will communicate their governance, social and environmental commitments, including the principles and provisions covered in the Bettercoal Code, to their business partners including contractors. This is something the Guidance can deal with. To start with, companies could apply a risk based approach / volume approach to determine who to focus on and then with time cover more.	Y	Addressed in Guidance for Provision 2.9.
41	Technical Specialist	2.12	'Climate change' needs to be specifically included.	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the governance, social, environmental and climate change Principles of the Bettercoal Code.	Y	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the Principles of the Bettercoal Code.	-	Text has been simplified no longer needing to specify ESG or climate change.
42	Technical Specialist	2.12	Why not all Principles of the Bettercoal Code?	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the Principles of the Bettercoal Code.	Y	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the Principles of the Bettercoal Code.	-	Wording has been simplified and now refers to all principles of the Code.
43	Standard	2.12	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the governance, social and environment Principles of the Bettercoal Code. Contractors are to comply with the company's management systems, yes?	-	Y	Companies will require their contractors to develop, document and implement management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the Principles of the Bettercoal Code.	-	Wording revised to make it clearer.
44	Coal Supplier	2.12	Due to the low distribution in the territory RF companies implementing and documenting integrated control systems described in Code, currently not presented it is possible to adhere to this provision.	It may be worth replacing "demand from their contractors" with "recommend to their contractors".	N	Companies will require their contractors to comply with their management systems that are aligned with the requirements of Provisions 2.1 and 2.2 of this Code and that cover the governance, social and environment Principles of the Bettercoal Code. The suggestion to replace require with recommend feels too weak. Like all provisions, it's a stretch for best practice.	-	Require contractors as this is a best practice standards.
45	Coal Supplier	2.13	The level of due diligence needs to be risk based (i.e. critical contractors require an in-depth evaluation such as a Security services contractor)	Companies will conduct due diligence on their business partners to ensure responsible business practices and adherence to the Bettercoal Code in the areas of governance, social and environmental performance. The level of assessment should be risk based.	Y	Companies will conduct risk-based due diligence...	Y	Additional explanation in Provision 2.12.
46	Technical Specialist	2.13	'Climate change' needs to be specifically included.	Companies will conduct due diligence on their business partners to ensure responsible business practices and adherence to the Bettercoal Code in the areas of governance, social and environmental and climate change performance.	N	Companies will conduct due diligence on their business partners to ensure responsible business practices and adherence to the Bettercoal Code.	-	Text has been simplified no longer needing to specify ESG or climate change.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
47	Technical Specialist	2.13	Why not all Principles of the Bettercoal Code?	Companies will conduct due diligence on their business partners to ensure responsible business practices and adherence to the Bettercoal Code.	Y	Companies will conduct due diligence on their business partners to ensure responsible business practices and adherence to the Bettercoal Code.	-	Wording has been simplified and now refers to all principles of the Code.
48	Standard	2.13	Place this after 2.14?	-	Y	-	-	Order changed.
49	Coal Supplier	2.13	See clause 2.10. Clarification is required on which category of business partners in question. Coal Buyers? International consumers? Or is it something else? What is under comprehensive verification? What is a comprehensive verification mechanism? A comprehensive audit should be carried out by a professional auditor with knowledge, an auditor certificate, and empowered by Bettercoal. The company does not have such powers, this item is not applicable in real practice.	We propose to exclude.	N	-	Y	The Glossary defines business partners which covers all. The provision asks for due diligence on all business partners. A risk-based approach explained in the Guidance.
50	Technical Specialist	2.14	Companies will adopt and communicate publicly and to their business partners a responsible supply chain policy with respect to sourcing from conflict-affected and high-risk areas. The policy will be consistent at a minimum with Annex II of the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.	I like the fact that a specific method is called out	N/A	-	-	Positive comment, nothing to change.
51	Coal Supplier	2.14	The legislation of the Russian Federation regulates the issue of the supply chain from conflict-affected areas of high risk. It is impractical to bring to the attention, every citizen complies with the legislation of the country and must be aware of this. This requirement must comply with the laws of the country at least. Appendix II OECD Guidelines - not known and not popular as country legislation. (please attach the document referred to in the text).	We propose to exclude.	N	-	-	Not knowing the OECD guidelines is not a reason to exclude it. This is an international best practice standard and the OECD guidelines are best practice.
52	Technical Specialist	3	Principle 3 Transparency - In general, these changes are very good. But to work well, and ensure acceptable quality, these disclosure need to be made according to some known and accepted methodology. I would not want to be too prescriptive. But while we may not want to dictate which methodology to use, I firmly believe that we will want to ensure that there is some known and publicly available methodology being used. Where these things really get into trouble is when people make up the methodology as they write the report.	-	Y	-	Y	Added to Guidance.
53	Technical Specialist	3.1	'Climate change' needs to be specifically included.	Sustainability Reporting Sub-Principle: Companies will publicly report on their governance, social, environmental and climate change performance. Company Ownership and Payment Transparency.	Y	Companies will publicly report on their governance, social and environmental performance for all material topics in alignment with internationally recognised reporting standards.	-	Climate change as an example of material topic introduced in the Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
54	Technical Specialist	3.1	Left like this, some companies will present rigorous and thoughtful analyses and others will present a cloud of words with little or no meaning. And all will comply with this vaguely written Provision. Future Assessment teams need to have some kind of basis for taking a stand on any very poorly done analyses. What is that quality "handle?" Can we point to specific guidance or a model for how to do sustainability reporting well? The key is that there needs to be some fixed and known methodology: not making up the methodology as the report is written. I am not sure we would want to specify a single acceptable methodology for all circumstances in every part of the world. But we can and should require that there be a publicly available and known methodology, to encourage a high level of analysis. And above all give future Assessment teams some basis in these Provisions for drawing a line if the sustainability reporting is fluff rather than substance.	Companies will publicly report on their governance, social and environmental performance, in accordance with the requirements of the Global Reporting Initiative or other internationally recognised reporting and disclosure standards," Could add???" "or their own published methodology." Could add???" "using a system that allows year to year comparison".	Y	-	Y	Added to Guidance.
55	Standard	3.1	Companies will publicly report on their governance, social and environmental performance. This could be linked to the information expectations of stakeholders or apply a materiality approach.		Y	Companies will publicly report on their governance, social and environmental performance for all material topics in alignment with internationally recognised reporting standards.	Y	Wording updated.
56	International Organisation	3.2	Companies will publicly disclose their beneficial ownership	Companies will publicly disclose their ownership, including their beneficial ownership.	Y	Companies will publicly disclose their ownership, including their beneficial ownership.	-	Accepted changes to wording.
57	Technical Specialist	3.2	Again, I hope we might point to an accepted method, rather than leave it to the ingenuity of company lawyers to find ways to write something that looks like a disclosure while disclosing little or nothing. And leave future Assessment Teams uncertain how to proceed where there is something called a disclosure that really discloses nothing.	Companies will publicly disclose their beneficial ownership, according to internationally recognised principles.	Y	Companies will publicly disclose their beneficial ownership, in accordance with internationally recognised disclosure standards.	Y	Added to Guidance.
58	Coal Supplier	3.2	The conditions contradict the current legislation of the Russian Federation. In accordance with Art. 7 of Federal Law of July 27, 2006 No. 152-ФЗ "On Personal Data", persons who have gained access to personal data are required not to disclose to third parties and not to distribute personal data without the consent of the subject of personal data. At the same time, the requirements of Federal Law dated 07.08.2001 No. 115-ФЗ "On Counteracting the Legalization (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism" JSC "UK" Kuzbassrazrezugol "(hereinafter Coal Company) must have information about its beneficial owners and update it at least once a year. Information about the beneficiaries is included in the notes to the balance sheet and the report on the financial results of the company, submitted at the request of the relevant state bodies (Federal Tax Service of Russia, Rosfinmonitoring and their territorial bodies). Other grounds for disclosing data on beneficial owners are not provided for by the legislation of the Russian Federation.	Offer to exclude.	N	-	-	Disclosing data on beneficial owners might not be Russian legislation but this is a best practice international standard. It is not country specific to Russia.
59	Coal Supplier	3.2	Companies publish in the public domain information on the identity of the actual owners - "beneficiaries."	Information on beneficial owners affects personal data, the disclosure of which requires the consent of an individual in connection with which, in the absence of such consent, the Company cannot publish the specified information.	N	N/A	-	Disclosure is important and necessary.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
60	Technical Specialist	3.3	Payments to local governments need to be included. Payments to any government, regardless of where the company operates, should be included. The disclosure must include tax payments. The disclosure should include subsidies and any other payments received from governments.	Companies will publicly disclose annually all material payments, including taxes, made to or received from any local or national government.	In part	Companies will publicly disclose annually all material payments, including taxes, made to the government of the countries in which they operate, in accordance with internationally recognised disclosure standards.	Y	Edited text accordingly.
61	Technical Specialist	3.3	This is a very good idea. But we really do not want to spring this on people without some guidance as to how it should be done. Nor ask future Assessment teams to assess against a Provision that refers to no recognised methodology	Companies will publicly disclose annually all material payments made to the government of the country in which they operate, in accordance with the requirements of the Extractive Industries Transparency Initiative or other internationally recognised system of disclosure.	Y	Companies will publicly disclose annually all material payments, including taxes, made to or received from any local or national government of the countries in which they operate, in accordance with internationally recognised systems of disclosure. TDI - Add reference to EITI in guidance.	Y	Improved wording. EITI reference was deliberately removed with Code 1.1 to Code 2.0 as some suppliers do not operate in EITI relevant countries. Information on EITI in Guidance.
62	Technical Specialist	4	'Climate change' needs to be specifically included.	MINE REHABILITATION AND CLOSURE Companies will implement a process of integrated mine closure and rehabilitation incorporating environmental, climate change, social, economic and governance aspects into operations from the earliest stage of mine development.	N	N/A	-	No need for a specific shout-out to climate change here as mine closure does not have significant impacts on climate change. We have integrated climate change planning, mitigation and management during the operation of the mine under the new GHG emissions principle.
63	Technical Specialist	4	In general, these changes are very good. But to work well, and ensure acceptable quality, these disclosure need to be made according to some known and accepted methodology. I would not want to be too prescriptive. But while we may not want to dictate which methodology to use, I firmly believe that we will want to ensure that there is some known and publicly available methodology being used. Where these things really get into trouble is when people make up the methodology as they write the report.	-	Y	-	Y	Reference to credible methodologies in the Guidance, including the ICMM integrated Mine Closure guidance.
64	Technical Specialist	4	MINE REHABILITATION AND CLOSURE Companies will implement a process of integrated mine closure and rehabilitation incorporating environmental, social, economic and governance aspects into operations from the earliest stage of mine development.	Hard to disagree with the goal. But these things simply cannot be implemented by companies alone. What is needed is building cooperative relationships among: · Companies · Local government in mine dependent communities · Workers and worker organizations · Regulatory authorities	Y	-	Y	This is a principle heading, we do not need to cover all content within the heading. Please see Provision 4.5 and the points raised will be included in the Guidance for this provision.
65	Coal Supplier	4	MINE REHABILITATION AND CLOSURE Companies will implement a process of integrated mine closure and rehabilitation incorporating environmental, social, economic and governance aspects into operations from the earliest stage of mine development.	OK - Anonymous Coal Supplier has implemented a process of integrated mine closure and rehabilitation incorporating environmental, social, economic and governance aspects from the earliest stage of mine development as stated in the mine closure document that was approved by the government.	N/A	-	-	Comment on Anonymous Coal Supplier, not on changes to the Code.
66	Technical Specialist	4.1	'Climate change' needs to be specifically included.	Companies will develop, regularly review and implement an integrated and comprehensive mine closure plan for each mining operation covering environmental, climate change, social, economic and governance aspects including both progressive closure and final closure activities.	N	-	-	No need for a specific shout-out to climate change here as mine closure does not have significant impacts on climate change. We have integrated climate change planning, mitigation and management during the operation of the mine under the new GHG emissions principle.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
67	Technical Specialist	4.1	These things simply cannot be implemented by companies alone. Obviously companies cannot force the other stakeholders to the table, but they need to show leadership in promoting this kind of shared responsibility.	Companies will, in consultation with workers and worker organizations, affected communities, and regulatory authorities, develop, regularly review and implement an integrated and comprehensive mine closure plan for each mining operation covering environmental, social, economic and governance aspects including both progressive closure and final closure activities.	N	-	-	4.5 clearly states a requirement for engagement of different stakeholders for the development and implementation of the plan. Repetition is not necessary.
68	Coal Supplier	4.1	The legislation of the Russian Federation provides for two options for documents for coal mining enterprises. The first option is to develop a project for the restoration of disturbed lands, which in turn, companies develop, regularly update and implement for each coal-mining enterprise in the process of phased mining of reserves. And the second option is the development of a liquidation project, which, in turn, the companies develop and implement for each specific enterprise, including measures for the liquidation of coal mining enterprises after the completion of all reserves. (Decree of the Government of the Russian Federation of July 10, 2018 No. 800 "On the implementation of land restoration and conservation." The development of a comprehensive closure plan covering environmental, social, economic and management aspects in one document is not possible due to the fact that coal reserves are calculated and provided for a period of 50-100 years or more.	The companies develop, regularly update and implement a comprehensive reclamation project for each coal mining enterprise, which includes measures for the phased and final closure of the coal mining enterprise. Upon completion of reserves development at the coal mining enterprise, the Company develops and implements a liquidation project for each specific enterprise, including measures for the final closure of the coal mining enterprise.	N	-	Y	Bettercoal provision is 4.1 - Companies will develop, regularly review and implement an integrated and comprehensive mine closure plan for each mining operation covering environmental, social, economic and governance aspects including both progressive closure and final closure activities. Bettercoal is an international best practice standard, it is not Russia specific so naturally the wording will be different. Included specific paragraphs in the Guidance for mines that a. have very long lifecycles and for which planning for closure seems less relevant and b. for those mines in command/control jurisdictions and closure plans are tightly mandated.
69	Technical Specialist	4.2	Again, communities have a critical role here. One example is that they should probably save some portion of the revenues they receive from mining in some kind of long term trust fund, so resources continue to be available after closure. Workers and worker organizations need to be leading the process of retraining for skills that are relevant after mine closure. Companies need to be leading in trying to start these discussions going: they are, after all, usually the ones who make the decision when closure will occur.	Companies will include in any mine closure plan activities, coordinated with the other key stakeholders, to prepare for the post mining transition that help reduce the negative impacts of social change for the workforce and communities connected to the mine's operations.	Y	Companies will include in any mine closure plan and coordinate with the key stakeholders, activities to prepare for the post mining transition that help reduce the negative impacts of social change for the workforce and communities connected to the mine's operations.	Y	Updated wording in Code and Guidance added.
70	Coal Supplier	4.2	Companies will include in any mine closure plan activities to prepare for social transition that help reduce the negative impacts of social change for the workforce and communities connected to the mine's operations.	Not OK - We suggest not to use Social transitions. We strongly suggest CSR Program shall be aligned with mine closure Plan.	In part	-	Y	Included explanation in Guidance for how this provision can be applied for long-life deposits.
71	Coal Supplier	4.2	The companies develop and annually sign social programs, within the framework of social partnership agreements, to support, among other things, employees of coal mining enterprises, as well as the population of municipalities in general, in whose territory coal mining enterprises are located.	The companies in their activities in the development of mineral extraction projects, as well as land reclamation projects, conduct an estimated impact on the environment and on the population as a whole, in the territory of which coal mining enterprises are located, in order to identify risks and further reduce the negative impact on workers and communities associated with the activities of the enterprise. To provide social support to the population, the companies annually develop and sign social partnership agreements with authorities.	In part	-	Y	No change to Code but explanation in the Guidance. There is an extensive section on social transition with references.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
72	Coal Supplier	4.2	4.2, 4.3, 4.4 - Closure of coal mining enterprises and reclamation. In accordance with the requirements of the "Urban Planning Code of the Russian Federation" dated December 29, 2004 No. 190-03 "for the Main State Expertise of design documentation, it is necessary to provide documents confirming the rights of the Developer to the land plot within the design boundaries. That is, the organization is obliged to provide title documents for all land plots located within the project boundaries, as well as urban development plans for land plots with permitted use - for subsoil use. The total term for registration of rights to land plots and urban development plans with the corresponding permitted use is from 8 months, if the land has already been transferred to the category of land "industrial land". In the absence of a transfer, it can also be completed after receiving a positive conclusion from the SEE, but at the same time, the term is extended to 6 months. In this regard, the design of enterprises (development of deposits of subsoil plots) is carried out by stages within the boundaries of registered land plots, or transferred to industrial lands. Accordingly, in such design documentation the indefinite period of stockpile development is uncertain. In accordance with Decree of the Government of the Russian Federation of February 16, 2008 No. 87 "On the composition of sections of project documentation and requirements for their maintenance", a section "Reclamation of disturbed lands" is developed in the project documentation...	Exclude clauses on the closure of enterprises.	In part	-	Y	Guidance explanation on how this provision can be applied for long-life deposits where 'closure' seems far off.
73	Technical Specialist	4.3	The socioeconomic part of closure just won't work very well if the company is setting the goals.	Companies will include in any mine closure plan specific closure objectives and success criteria. These criteria should, as applicable, be agreed with other stakeholders. Companies will monitor and evaluate the effectiveness of the closure activities at meeting these closure objectives and success criteria.	N	-	-	Sufficiently well covered in 4.5.
74	Coal Supplier	4.3	Companies will include in any mine closure plan specific closure objectives and success criteria, and will monitor and evaluate the effectiveness of the closure activities at meeting these closure objectives and success criteria.	OK - Objectives and success criteria regarding to mine closure plan is included as part of mine closure document which includes the implementation of monitoring and evaluating the success of mine closure activities.	N/A	-	-	Comment on Anonymous Supplier business, not on changes to the Code.
75	Coal Supplier	4.3	See comments to Regulation 4.1.	The companies include in the restoration project specific goals and performance indicators for the restoration of disturbed lands after the liquidation of a coal mining enterprise, as well as gradually evaluate and monitor the effectiveness of the measures taken to restore the disturbed territories in order to achieve their goals and meet performance indicators.	N	-	Y	Included in Guidance how provision can be applied for long-life deposits where 'closure' seems far off.
76	Standard	4.4	Companies will estimate and regularly review the costs associated with the closure and rehabilitation needs and requirements identified in any mine closure plan required by Provision 4.1 of this Code, and will provide adequate financial, human and other resources to meet such needs. There should be surety that the needed financial resources will indeed be available.		Y	-	-	This is already clear in the provision wording.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
77	Coal Supplier	4.4	Companies will estimate and regularly review the costs associated with the closure and rehabilitation needs and requirements identified in any mine closure plan required by Provision 4.1 of this Code, and will provide adequate financial, human and other resources to meet such needs.	OK - Review the costs of mining closure and rehabilitation activities based on changing on regulations, mine feasibility study and environmental impact assessment document.	N/A	-	-	Comment on Anonymous Supplier business, not on changes to the Code.
78	Coal Supplier	4.4	-	Companies will estimate and regularly review the costs associated with the closure and rehabilitation needs and requirements identified in any mine closure plan required by Provision 4.1 of this Code, and will provide, in the terms required by the current legislation in the country where the activity is carried out, adequate financial, human and other resources to meet such needs.	N	-	-	Suggestion rejected as the country legislation is likely lower than the Bettercoal Standard and this is and should be a best practice standard.
79	Coal Supplier	4.4	The legislation of the Russian Federation, in this case, Order of the Government of the Russian Federation of December 22, 2018 N 2914-r "On approval of the Strategy for the development of the mineral resource base of the Russian Federation until 2035" provides Formation of liquidation funds by mining companies in order to finance measures to restore the natural environment, land reclamation and land improvement. Companies take this order into account in their economic activities when forming valuation obligations, including for the restoration of disturbed lands during the closure of a coal mining enterprise.	The companies evaluate and regularly update the cost estimates for the restoration of disturbed lands in the event of the liquidation of a coal mining enterprise in accordance with Regulation 4.1 of this Code, and allocate appropriate financial, human and other resources.	N	-	-	Proposed wording by stakeholder is very similar to what we have already in the Code so no reason to change it. **NEW** Companies will estimate and regularly review the costs associated with the closure and rehabilitation needs and requirements identified in any mine closure plan required by Provision 4.1 of this Code, and will provide adequate financial, human and other resources to meet such needs.
80	Technical Specialist	4.5	This is the most important part of it, for sure. Again, companies cannot take on 100% of the responsibility for making the plan work – government, workers and worker organizations also have responsibilities. Failure to sort out the roles and responsibilities of these various actors is a key source of failure	Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, employees, and regulators, regarding mine closure and rehabilitation plans in order to establish shared responsibility for the mine closure plan as required by Provision 4.1 of this Code, and will together with these stakeholders define the criteria for the successful implementation of the plan	Y	Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, workers, worker organisations, and regulators, regarding mine closure and rehabilitation plans in order to establish support for the mine closure plan as required by Provision 4.1 of this Code, and will together with stakeholders define the criteria for the successful implementation of the plan. Add working with stakeholders in the Guidance.	-	Added to wording 'will together with stakeholders' to emphasise collaborative approach.
81	Standard	4.5	Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, employees, and regulators, regarding mine closure and rehabilitation plans in order to establish acceptance of the mine closure plan as required by Provision 4.1 of this Code, and will define the criteria for the successful implementation of the plan. 4.1 - Companies will develop, regularly review and implement an integrated and comprehensive mine closure plan for each mining operation covering environmental, social, economic and governance aspects including both progressive closure and final closure activities. "...establish acceptance of the mine closure plan as required by Provision 4.1 ". 4.1 does not require acceptance, but it would be good if it did. Should 4.5 say something about adjusting the plan if acceptance is not achieved?	-	Y	Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, workers, worker organisations, and regulators, regarding mine closure and rehabilitation plans in order to establish support for the mine closure plan as required by Provision 4.1 of this Code, and will define the criteria for the successful implementation of the plan. Add working with stakeholders in the Guidance.	Y	Added to wording 'establish support for the mine closure plan' and added text in Guidance that stakeholder views and recommendations should be incorporated where possible.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
82	Coal Supplier	4.5	In Colombian legislation, communities do not "establish acceptance" of a closure plan. Acceptance/approval is given by the competent authorities.	Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, employees, and regulators, regarding mine closure and rehabilitation plans in order to receive feedback of the mine closure plan as required by Provision 4.1 of this Code, and will define the criteria for the successful implementation of the plan.	N	-	-	Rejecting comment as it is important to gain buy-in from stakeholders.
83	Coal Supplier	4.5	When designing projects for the rehabilitation and liquidation of coal enterprises of the Company, in accordance with the current legislation of the Russian Federation, they conduct public and public discussions, within which all interested sections of the population are transformed, including indigenous and tribal peoples, farmers and landowners, companies, artisans and small mining enterprises, employees of regulatory bodies, in order to take into account all opinions regarding the activities of the coal mining enterprise.	When designing reclamation and liquidation projects, companies regularly take into account the views of the population, stakeholders, including indigenous and tribal peoples, farmers and landowners, companies, artisanal and small mining enterprises, workers and regulatory bodies, in order to ensure the acceptability of the developed design documentation for the coal mining enterprise in accordance with the requirement Regulation 4.1. of this Code.	N	-	-	Proposed wording is very similar to what we have in Code so no reason to change it: 4.5 - Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, employees, and regulators, regarding mine closure and rehabilitation plans in order to establish acceptance of the mine closure plan as required by Provision 4.1 of this Code, and will define the criteria for the successful implementation of the plan.
84	Technical Specialist	4.6	Companies will adopt good practice techniques to rehabilitate environments disturbed or occupied by mining activities in order to ensure continued access to water, and to avoid the need for long-term water treatment post-closure especially for the treatment of acid rock drainage.	Avoiding the need for long term treatment by eliminating ARD generation sounds good but is just not going to happen at a lot of existing sites. Might this not better be put into the hierarchy •Avoid to the maximum possible extent •Minimize what cannot be avoided •Mitigate •And in the most difficult cases compensate?	Y	-	Y	Principle 10 stipulates the mitigation hierarchy for waste. Incorporated in the Guidance through the waste management hierarchy, and in the reference to the tailings standard of ICMM/UNEP. For closure, there is a bond to cover ongoing environmental management needs.
85	Standard	4.6	Companies will adopt good practice techniques to rehabilitate environments disturbed or occupied by mining activities in order to ensure continued access to water, and to avoid the need for long-term water treatment postclosure especially for the treatment of acid rock drainage. Should this include geotechnical stability?	-	Y	-	Y	Included in Guidance.
86	Coal Supplier	4.6	Please clarify what kind of water source we are talking about.	Companies undertake to apply best practices for the reclamation of land disturbed or occupied by mining, with the goal of ensuring constant access to water sources and to avoid the need for long-term water treatment after the closure of the enterprise.	N	-	-	This refers to any water sources that has been 'disturbed or occupied by mining activities'.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
87	Utility Company	5	-	Insert stand alone section on Human Rights defenders: "companies should set up, publicly communicate and implement a zero-tolerance policy regarding threats, intimidation and physical or legal attacks against human rights defenders, including those exercising their rights to freedom of expression, association, peaceful assembly and protest against the business or its operations"	Y	Companies will implement the UN Guiding Principles on Business and Human Rights in ways appropriate to their size and circumstances including at a minimum: a) incorporating a policy commitment to respect human rights; b) conducting human rights due diligence including identifying impacts arising from new mining projects or significant changes to existing projects as required by Provision 2.4 of this Code; c) developing and implementing plans to cease, prevent or mitigate human rights impacts; d) accounting for how they address their actual and potential impacts on human rights; e) providing for or cooperating in timely remediation and compensation through legitimate processes where they have caused or contributed to adverse human rights impacts; and f) adopting a zero-tolerance policy against any threats, intimidation, violence, retaliation, or reprisals against Human Rights Defenders.	Y	Under Provision 5.1 (c) it asks for 'developing and implementing plans to cease, prevent or mitigate human rights impacts'. Added new sub-point to 5.1 on HRDs (f). Also added to Guidance for Provision 5.1.
88	Technical Specialist	5	Indigenous and tribal peoples piece needs some greater attention. Cannot delegate to a company the duties the state has assumed under an international treaty.	-	Y	-	Y	Guidance can clarify that the state has duties under international law but the company also has the responsibility to respect those rights even where the state is not fully protecting them. Guidance should address situations where the state is responsible for handling FPIC etc (ref: IFC Performance Standards and ICMM).
89	Civil Society	5	5. In order to identify, prevent, mitigate and report on how enterprises eliminate their adverse effects on indigenous peoples (Shors, Teleuts), they should take due care. This process should include an assessment of the actual and potential impact on indigenous peoples living on the ancestral lands, taking into account its findings and taking measures based on them, tracking relevant changes and disseminating information on how the impact is eliminated. - It should relate to the adverse effects on indigenous peoples on whose land the coal industry is working. -base on appropriate qualitative and quantitative indicators. - rely on information channels from internal and external sources, including affected stakeholders.	-	Y	Companies will identify actual and potential adverse impacts on indigenous and tribal peoples and their lands, territories and resources. Where their activities potentially impact indigenous and tribal peoples, companies will develop and implement an indigenous and tribal peoples engagement plan throughout the lifecycle of the mine.	Y	Code wording updated and add to guidance for 2.4; 5.1 b) and 5.4. Update to 5.4: Companies will identify actual and potential adverse impacts on indigenous and tribal peoples and their lands, territories and resources. Where their activities potentially impact indigenous and tribal peoples, companies will develop and implement an indigenous and tribal peoples engagement plan throughout the lifecycle of the mine.
90	Civil Society	5	1. Obligations made by the state and coal business to respect, protect and fulfill human rights. Comply with all existing and new coal mines. The principle of free prior consent of indigenous peoples.	-	N	-	-	FPIC is outlined under 5.5.
91	Civil Society	5	2. In accordance with this principle, the indigenous peoples of the Shors, Teleuts living in the Kemerovo region are not subject to forced displacement from their lands or territories. No movement is possible without the free prior consent of the indigenous peoples concerned. - The relevant indigenous peoples are produced after the conclusion of an agreement providing for fair and honest compensation and, where possible, the option of returning the restored lands.	-	N	-	-	FPIC is outlined under 5.5 and 8.6-8.8.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
92	Civil Society	5	3. Coal business conscientiously consult and collaborate with relevant indigenous peoples through their representatives, the public in order to enlist their FPIC. Prior to the approval of any project affecting their lands or territories and other resources, especially in connection with the development of the use or development of minerals, water or forest resources.	-	N	-	-	Already referenced in 5.3.
93	Civil Society	5	4. As a first step to consolidate their obligation to respect the rights of indigenous peoples by enterprises, they should undertake to fulfill this obligation in a statement of a program nature, which: - Approved at the highest level by the management of the enterprise; (Owner) - prepared on the basis of relevant findings of internal or external experts; - determines the expected attitude of the enterprise to the indigenous peoples living in this territory. - gets reflected in the programs and procedures of operational activities necessary for its consolidation in the framework of the enterprise.	-	N	-	-	Already covered under 5.3.
94	Civil Society	5	6. In those cases where coal enterprises establish that they have had an adverse effect or contributed to it, they should, within the framework of legal processes, compensate the damage caused to the small indigenous people.	-	In part	Companies will implement the UN Guiding Principles on Business and Human Rights in ways appropriate to their size and circumstances including at a minimum: a) incorporating a policy commitment to respect human rights; b) conducting human rights due diligence including identifying impacts arising from new mining projects or significant changes to existing projects as required by Provision 2.4 of this Code; c) developing and implementing plans to cease, prevent or mitigate human rights impacts; d) accounting for how they address their actual and potential impacts on human rights; e) providing for or cooperating in timely remediation and compensation through legitimate processes where they have caused or contributed to adverse human rights impacts; and	-	Partially addressed in 5.1e. And added 'compensation' to this provision.
95	Civil Society	5	7. Indigenous peoples have rights to the lands of the territory and the resources that they traditionally owned that their ancestors traditionally occupied. A coal enterprise conducting business near a settlement where indigenous peoples (Shors, Teleuts) compactly live and violate the rights of indigenous people should be deprived of a license to mine coal in these territories.	-	N	-	-	Covered in 5.3 and 5.5.
96	Civil Society	5	8. Mechanisms for interaction and dialogue at the level should also be: - The consultations and the stakeholder groups for which these mechanisms are intended are based between the MCN community and the coal business on the issues of their formation and the effectiveness of their functioning, as well as paying attention to the dialogue as a way to handle complaints and make decisions on them.	-	N	-	-	Covered by 8.17 - unclear what the suggested change is.
97	Standard	5.1	Include best practices for the use of force and firearms here?	-	Y	-	Y	This seems to be related to 5.7 - security personnel. Use of force is covered by the VPSHR. In Guidance under Provision 5.7.
98	Standard	5.1	5.1 (c) Development of the plans should happen to gether with the affected individuals.	-	N	-	-	No further action.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
99	Technical Specialist	5.2	5.2 (a) There needs to be an additional Provision on education.	Companies will ensure that the education of any person, including children, is not adversely affected by their operations and employment practises, and they will provide schools and other appropriate educational facilities for their employees and the families of their employees where adequate outside educational facilities are not available.	N	-	-	Beyond scope of the Bettercoal Code and Assessment. No further action.
100	Technical Specialist	5.2	-	Companies will engage with diverse stakeholders and participate in multi-sectoral initiatives addressing common issues on human rights where they exist, and will document and publicly report on their participation and progress	Y	Companies will engage with diverse stakeholders and participate in multi-sectoral initiatives addressing common issues on human rights where they exist, and will document and publicly report on their participation and progress.	-	Wording updated.
101	Standard	5.3	This should explicitly include customary rights.	-	Y	Companies will respect the principles of Free, Prior and Informed Consent (FPIC) where new mining operations or major changes to existing operations affect indigenous and tribal peoples' lands, territories or resources, including: a) significant impacts to lands, territories, and natural resources subject to traditional, ancestral or customary ownership irrespective of recognition by the relevant state;	Y	Customary rights added to 5.5 and will be further addressed in guidance.
102	Technical Specialist	5.4	-	Companies will, where their activities potentially impact such communities, or their land and resources, develop and implement an indigenous and tribal peoples engagement plan throughout the lifecycle of the mine	Y	Companies will, where their activities potentially impact indigenous and tribal peoples or their lands, territories or resources, develop and implement an indigenous and tribal peoples engagement plan throughout the lifecycle of the mine.	-	Wording updated.
103	Technical Specialist	5.4	5.4 (a) In far too many of these cases, we see companies relying on government bureaus, or on "experts," who opine that a given community is not actually indigenous, or has lost its indigenous status. These opinions are then used as a basis for refusing to extend indigenous rights to these communities	Companies will recognize that inherent in the principle of self-determination is the principle that indigenous and tribal peoples have the right to determine their own status	Y	-	Y	Definition of IPs in guidance and glossary.
104	Coal Supplier	5.4	This item should be subject to "if there are indigenous and tribal peoples within the project's area of influence that are directly affected as contemplated by ILO Convention 169"	Companies, where applicable, will develop and implement an indigenous and tribal peoples engagement plan throughout the lifecycle of the mine.	N	-	-	Wording updated.
105	Technical Specialist	5.5	Applying the principles of free prior informed consent is the duty of the State and cannot be delegated to a private company. See Sarayaku v. Ecuador, http://www.corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf	Companies will respect the principles of Free, Prior and Informed Consent (FPIC) where new mining operations or major changes to existing operations involve: a) significant direct impacts to ancestral territories of indigenous and tribal peoples and natural resources contained therein irrespective of recognition by the relevant state; b) the involuntary relocation of indigenous communities; and c) the destruction of places of indigenous cultural and spiritual significance.	Y	Companies will respect the principles of Free, Prior and Informed Consent (FPIC) where new mining operations or major changes to existing operations affect indigenous and tribal peoples' lands, territories or resources, including: a) significant impacts to lands, territories, and natural resources subject to traditional, ancestral or customary ownership irrespective of recognition by the relevant state; b) the physical or economic displacement of indigenous communities; c) impacts on places of indigenous cultural and spiritual significance or critical cultural heritage; d) the use of cultural heritage or traditional knowledge for commercial purposes; and e) storage or disposal of hazardous materials	-	Wording updated.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
106	Standard	5.5	5.5 (a) Should "ancestral" be removed? Should mention access to territories and natural resources and also include indirect impacts	-	Y	Companies will respect the principles of Free, Prior and Informed Consent (FPIC) where new mining operations or major changes to existing operations affect indigenous and tribal peoples' lands, territories or resources, including: a) significant impacts to lands, territories, and natural resources subject to traditional, ancestral or customary ownership irrespective of recognition by the relevant state;	Y	Deleted 'direct' from 5.5a. Ancestral is kept in as part of IFC PS7.
107	Standard	5.5	5.5 (b) Delete "involuntary" since only an FPIC process can establish whether relocation would be voluntary or involuntary	-	Y	Companies will respect the principles of Free, Prior and Informed Consent (FPIC) where new mining operations or major changes to existing operations affect indigenous and tribal peoples' lands, territories or resources, including: a) significant impacts to lands, territories, and natural resources subject to traditional, ancestral or customary ownership irrespective of recognition by the relevant state; b) the physical or economic displacement of indigenous communities and	-	Deleted 'involuntary' from 5.5a.
108	Technical Specialist	5.6	5.6 (a) There needs to be an additional Provision on sexual orientation.	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code that ensure respect for the rights and interests of people of all sexual orientations in line with international standards.	N	-	-	Gender is already covered.
109	Technical Specialist	5.6	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code that ensure respect for the rights and interests of women in line with international standards including the UN Convention on the Elimination of All Forms of Discrimination against Women.	Both internally within the company and externally??	N	-	-	No need to specify.
110	Coal Supplier	5.6	-	Please clarify and provide a sample document, which may be a confirmation? It is proposed to specify the phrase "in accordance with international standards".	Y	-	Y	UN CEDAW is already mentioned. Additional standards can be referenced in the guidance.
111	Technical Specialist	5.8	One time assessment will not do the job	Companies will regularly assess security risks and potential human rights impacts that may arise from security arrangements, and document the results.	Y	Companies will regularly assess security risks and potential human rights impacts that may arise from security arrangements, and document the results.	Y	Wording updated and further info in guidance.
112	Standard	5.9	Make clear that "personnel" applies to all security personnel, meaning company, public and private security provider employees and contractors.	-	Y	-	Y	To be defined in guidance.
113	International Organisation	5.11	Companies will, in accordance with their responsible supply chain policy as per Provision 2.4 of this Code, conduct an assessment to define whether their mining operations are located in and/or source from a conflict-affected and/or high-risk area in accordance with the definition provided in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.	Companies will, in accordance with their responsible supply chain policy as per Provision 2.4 of this Code, conduct an assessment of their mineral producing and sourcing practices according to the mineral origin and transit red flags, supplier red flags and red flag circumstances listed in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.	Y	CHANGED NOW TO PROVISION 5.12 - Companies will, in accordance with their responsible supply chain policy as per Provision 5.11 of this Code, identify potential risks associated to their mineral producing and sourcing practices, through the identification of red flags locations of mineral origin and transit and supplier red flags listed in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.	Y	Updated wording.
114	International Organisation	5.12	Companies will undertake the necessary due diligence measures in accordance with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas including coverage of all risk areas articulated in Annex II of the Due Diligence Guidance if their mining operations are located in and/or source from a conflict-affected and/or high-risk area as per Provision 5.11 of this Code.	Companies will undertake enhanced due diligence measures in accordance with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas if they identify the presence of any of the mineral origin and transit red flags, supplier red flags and red flag circumstances as per Provision 5.11 of this Code.	Y	Companies will undertake enhanced due diligence measures if they identify the presence of any of the mineral origin and transit red flags, and supplier red flags as per Provision 5.11 of this Code.	-	Accepted changes to wording.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
115	International Organisation	5.13	Companies will, if they operate in or source from a conflict-affected and/or high-risk area, take steps to monitor their business relations, transactions, flows of funds and resources to ensure that they are not providing funding or support to armed actors who may benefit from revenues generated by the sale of such goods and resources	Companies will, if they identify any of the mineral origin and transit red flags, supplier red flags and red flag circumstances, take steps to monitor their business relations, transactions, flows of funds and resources to ensure that they are not causing, contributing or being indirectly linked to serious human rights abuses, conflict financing, corruption, money laundering, terrorist financing and tax evasion through their producing and purchasing practices as per Provision 2.14.	Y	-	-	Companies will, if they assess the presence of actual risks during the enhanced due diligence process as per Provision 5.13, design and implement a strategy to respond to such risks. Updated wording.
116	International Organisation	5.14	Companies will publicly report annually on due diligence undertaken to ensure that their actions are not supporting armed conflict or the infringement of human rights in conflict-affected and/or high-risk areas.	Companies will publicly report annually on their due diligence as per Step 5 of the OECD Due Diligence Guidance from Conflict-Affected and High-Risk Areas.	Y	-	Y	Rejected wording changes to Code itself to keep the provision higher level and also applicable to human rights guidance more generally and beyond the OECD, but including OECD best practice information in the guidance.
117	Technical Specialist	5.14	**NEW**Companies will publicly report annually on due diligence undertaken to ensure that their actions are not supporting armed conflict or the infringement of human rights in conflict-affected and/or high-risk areas.	At all of the company's sites? Or only those supplying coal through the Bettercoal system??	Y	-	Y	Assessments will only look at the site being assessed but if whole company under assessment then any site.
118	Coal Supplier	5.14	-	Для принятия решения по данному вопросу нам необходим образец отчета (какую информацию и статистику он должен нести). To make a decision on this issue, we need a sample report (what information and statistics it should carry).	In part	-	Y	Guidance will be provided on the elements of the report and refer to external resources. Examples of such reports will be considered separately to the Code Review by Bettercoal as part of the library of resources.
119	Technical Specialist	6	One of the reasons Principle 6 and its Provisions are easier to work with is that they explicitly refer to the core ILO conventions. These provide a considerable body of provisions refining and explaining the basic requirements. And even beyond the language of the conventions themselves, there is a considerable body of related documents explaining how the conventions are to be applied.	-	Y	-	Y	We removed all the references to ILO conventions and international standards in the Code to simplify it to the requirements themselves. Reference to international standards will be in the guidance.
120	Technical Specialist	6.1	Some laws and agreements are local (e.g. state, provincial or municipal) rather than national.	Companies will provide employees with clear information in writing, understandable in their language, regarding their employment rights under national and local labour and employment law and any applicable collective agreements including their rights related to hours of work, wages, overtime, compensation and benefits upon beginning the working relationship and when any material changes occur.	Y	Companies will provide employees with clear information in writing, understandable in their language, regarding their employment rights under national and local labour and employment law and any applicable collective agreements including their rights related to hours of work, wages, overtime, compensation and benefits upon beginning the working relationship and when any material changes occur.	-	Wording updated.
121	Technical Specialist	6.1	-	Companies will provide employees with clear information in writing, understandable in their language, regarding their employment rights under national labour and employment law and any applicable collective agreements including their rights related to hours of work, wages, overtime, compensation and benefits upon beginning the working relationship, when any material changes occur, and at any time on request.	Y	Companies will provide employees with clear information, including in writing and in their language, regarding their employment rights under national and local labour and employment law and any applicable collective agreements including their rights related to hours of work, wages, overtime, compensation and benefits upon beginning the working relationship and when any material changes occur, and at any time on request.	-	Wording updated.
122	Standard	6.1	What if people cannot read? The company must ensure that employees understand the provided information.	-	Y	Companies will provide employees with clear information, including in writing and in their language, regarding their employment rights under national and local labour and employment law and any applicable collective agreements including their rights related to hours of work, wages, overtime, compensation and benefits upon beginning the working relationship and when any material changes occur.	-	Wording updated.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
123	Coal Supplier	6.2	The conditions contradict the current legislation of the Russian Federation. The minimum wage is set by federal law of the Russian Federation, and not by the Coal Company. However, in accordance with the Federal Law of 06/19/2000 No. 82-ФЗ "On the minimum wage", the minimum wage is set no lower than the subsistence minimum of the able-bodied population in the whole of the Russian Federation for the previous reporting period. The above is fully consistent with Regulation 6.19 of the Code.	Offer to exclude	N	-	-	This is a progressive goal suppliers should strive for.
124	Technical Specialist	6.6	-	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code not to employ or in any way support or benefit from the use of any form of forced labour or modern slavery including prison, indentured, bonded, slave or other forms of forced labour or participate in acts of human trafficking and/or sexual exploitation in adherence to the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No.105)	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code not to employ or in any way support or benefit from the use of any form of forced labour or modern slavery including prison, indentured, bonded, slave or other forms of forced labour or participate in acts of human trafficking and/or sexual exploitation in adherence to the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No.105)	-	Wording updated.
125	Technical Specialist	6.6	Should include any sex workers at any facility primarily serving company employees??	-	N	-	-	There is no need to clarify so in the Code, as the Provision already mentions sexual exploitation.
126	Technical Specialist	6.11	-	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to provide equal opportunities for all employees, and will not engage or support discrimination in hiring, remuneration, access to promotion or training, termination or retirement based on personal characteristics unrelated to inherent job requirements at the workplace such as gender, ethnicity, race, religion, sexual orientation, age or any other condition that could give rise to discrimination in line with the ILO Equal Remuneration Convention, 1951 (No. 100) and ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111)	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to provide equal opportunities for all employees, and will not engage or support discrimination in hiring, remuneration, access to promotion or training, termination or retirement based on personal characteristics unrelated to inherent job requirements at the workplace such as gender, ethnicity, race, religion, sexual orientation, age or any other condition that could give rise to discrimination in line with the ILO Equal Remuneration Convention, 1951 (No. 100) and ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111).	-	Wording updated.
127	Technical Specialist	6.11	6.11 (a) Companies will make and maintain records of those seeking employment and those hired in a manner that allows independent review of whether hiring decisions show preference for any gender, ethnicity, race, religion, sexual orientation, age or other condition that could give rise to discrimination.	Without this, employers can say anything they want and there is no way independently to validate it.	Y	-	Y	To add to guidance.
128	Technical Specialist	6.11	6.11 (b) Companies will take and document affirmative steps to ensure that job opportunities are advertised or otherwise made known to any identifiable groups that are currently underrepresented in the company's work force.	-	Y	-	Y	To add to guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
129	Standard	6.11	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to provide equal opportunities for all employees, and will not engage or support discrimination in hiring, remuneration, access to promotion or training, termination or retirement based on personal characteristics unrelated to inherent job requirements at the workplace such as gender, ethnicity, religion, sexual orientation, age or any other condition that could give rise to discrimination in line with the ILO Equal Remuneration Convention, 1951 (No. 100) and ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111). Prevention should be part of this provision	-	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to provide equal opportunities for all employees, and will not engage or support, and take measures to prevent discrimination in hiring, remuneration, access to promotion or training, termination or retirement based on personal characteristics unrelated to inherent job requirements at the workplace such as gender, ethnicity, race, religion, sexual orientation, age or any other condition that could give rise to discrimination in line with the ILO Equal Remuneration Convention, 1951 (No. 100) and ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111).	-	Added 'and take measures to prevent'.
130	Technical Specialist	6.12	This should include bullying.	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to prevent and address harassment, bullying, intimidation and/or exploitation in the workplace.	Y	-	Y	In the Guidance under 6.14.
131	Technical Specialist	6.13	This should include bullying.	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to ensure employees are not subjected to any form of corporal punishment; harsh or degrading treatment; sexual or physical harassment; mental, physical or verbal abuse; bullying, coercion or intimidation; or monetary fines as disciplinary measures.	Y	-	Y	In the Guidance under 6.14.
132	Standard	6.13	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to ensure employees are not subjected to any form of corporal punishment; harsh or degrading treatment; sexual or physical harassment; mental, physical or verbal abuse; coercion or intimidation; or monetary fines as disciplinary measures.	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to ensure employees are not subjected to any form or threat of corporal punishment; harsh or degrading treatment; sexual or physical harassment; mental, physical or verbal abuse; coercion or intimidation; or monetary fines as disciplinary measures.	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to ensure employees are not subjected to any form or threat of corporal punishment; harsh or degrading treatment; sexual or physical harassment; mental, physical or verbal abuse; coercion or intimidation; or monetary fines as disciplinary measures.	-	Wording updated.
133	Technical Specialist	6.15	Some laws and agreements are local (e.g. state, provincial or municipal) rather than national.	Companies will ensure that overtime is voluntary and that the sum of regular and overtime hours will not exceed 60 hours per week or the maximum allowed by national and local law, whichever is less. Exceptions may be allowed as per Provision 6.18 of this Code.	Y	Companies will ensure that overtime is voluntary and that the sum of regular and overtime hours will not exceed 60 hours per week or the maximum allowed by national and local law, whichever is less. Exceptions may be allowed as per Provision 6.18 of this Code.	-	Wording updated.
134	Technical Specialist	6.15	Companies will ensure that overtime is voluntary and that the sum of regular and overtime hours will not exceed 60 hours per week or the maximum allowed by national law, whichever is less. Exceptions may be allowed as per Provision 6.18 of this Code	Overtime is hardly voluntary where workers are deeply in debt. Debt may frequently drive workers to work excess hours, even where employers are not requiring it. This may also be a key problem with the socioeconomic element of mine closure: workers are not equipped to make the post mining transition because they are living paycheck to paycheck with a mountain of debt. Can we talk about this problem and how to address it at a future TAC meeting??	N	-	-	Debt bondage covered under Forced Labour 6.6. With regards to workers being in life debt, Code can only ensure compliance with remuneration provisions of the Code.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
135	Standard	6.16	Companies will provide employees with all legally mandated leave, including maternity and paternity leave, compassionate leave, and paid annual leave. Where no applicable law exists, paid annual leave will be provided in accordance with the ILO Holidays with Pay Convention, 1970 (No. 132). Legally mandated leave is very little in some jurisdictions. You could model your provision around ILO Convention C132 - Holidays with Pay. The Convention says in Article 3: 'The holiday shall in no case be less than three working weeks for one year of service'. It also says in Article 6: 'Public and customary holidays, whether or not they fall during the annual holiday, shall not be counted as part of the minimum annual holiday with pay'. ILO Convention C183 is also relevant and could be the basis for your provision. It states in Article 1: On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.	-	Y	-	-	We already refer to convention C132, no need for any further changes.
136	Technical Specialist	6.18	Exceptions to the number of regular and overtime hours and provision of rest days are allowed in special circumstances, such as employees on a fly-in fly-out roster, and when there is a national law and freely negotiated collective bargaining agreement allowing higher limits and averaging of working time. The existence and nature of any such special circumstances must be documented.	-	Y	-	Y	Too prescriptive for the Code but emphasises in the Guidance.
137	Coal Supplier	6.20	We do not believe that this is the role of companies to carry out this analysis and feel it is the role of the respective governments. We believe it should be modified to reflect our comment or removed from the Code.	We feel that Provision 6.19 which requires "Companies will pay employees wages that meet or exceed whichever is the higher of applicable legal minimum wages, wages agreed through collective wage agreements or the prevailing industry standard." Is adequate and this Provision should be removed.	N	-	-	This is a progressive goal suppliers should strive for.
138	Technical Specialist	6.20	Companies should not operate where it is not possible to implement a plan on payment of at least the living wage to all employees. Many employees should be paid more than the living wage.	Companies will determine the living wage in their country of operation in cooperation with stakeholders, and will develop and implement a plan on payment of at least the living wage to all employees over time.	N	-	-	Deleted 'where possible' but reject suggestion to include 'at least the living wage' as this provision is already ambitious and we prefer to focus on suppliers developing a plan to pay living wage over time as a minimum.
139	Standard	6.20	Very difficult to assess.	-	Y	-	Y	Developing a plan to work towards Living Wage is important for Bettercoal, assessment of this Provision provided in Guidance.
140	Coal Supplier	6.20	Companies determine the cost of living in the country in which they conduct their business, together with interested parties, and also develop and, if possible, implement a plan to pay all employees a minimum wage over time.	Proposed wording: Companies develop and, if possible, implement a plan to pay over time to all employees a salary of at least the minimum subsistence level.	N	-	-	The determination of living wage should take place in consultation with interested parties. Also this is about a living wage, not a minimum subsistence wage.
141	Technical Specialist	6.21	Companies will pay wages by a method that is reasonable for employees and in a timely manner.	How does an assessment team assess this??	N	-	-	As per employee interviews, and documentation review and local circumstances, and then per legal requirements in terms of timely pay or at least not less than one per month
142	Technical Specialist	6.22	Companies will provide equal pay for work of equal value.	I assume that seniority systems, where workers get paid more based on years of experience, is not prohibited by this?	N	-	-	No, they are not. the concept of equal pay for equal work takes that into account.
143	Coal Supplier	6.24	There is no obligation on the company to consult prior to collective termination.	We request removing that provision in the code.	N	-	-	Disagree with comment - there should be consultation.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
144	Technical Specialist	6.24	'Redundancy' is used rather than 'retrenchment' in many English speaking countries including England.	Companies will develop a retrenchment or redundancy plan to ensure a just transition for employees affected by mine closure planning and/or prior to implementing any collective dismissals. The plan will: a) be developed in consultation with employees, workers' organisations and, where appropriate, government; b) be based on the principle of non-discrimination; c) seek alternatives to retrenchment or redundancy; and d) be implemented to reduce the adverse impacts of retrenchment or redundancy on employees.	N	-	Y	Retrenchment is wider so will keep the wording as it is. It includes redundancy. Defined in Glossary and Guidance.
145	Technical Specialist	6.24	Companies will develop a retrenchment plan to ensure a just transition for employees affected by mine closure planning and/or prior to implementing any collective dismissals. The plan will: a) be developed in consultation with employees, workers' organisations and, where appropriate, government; b) be based on the principle of non-discrimination; c) seek alternatives to retrenchment; and d) be implemented to reduce the adverse impacts of retrenchment on employees.	This is a really good idea. But needs to incorporate the idea that each of the key parties has responsibilities: a) Government should be encouraged to safeguard some portion of its mineral related revenues in some kind of long term fund that will continue to provide benefits after mining operations cease; b) Local communities should develop economic transition plans to implement some vision of a post-mining economy; c) Workers and worker organizations need to build their capacity to manage financial assets well, and avoid unsupportable debt burdens; d) Since the company is the one who decided when retrenchment and closure will occur, the company needs to take leadership in developing and fostering this shared plan.	Y	-	Y	The Code is for companies, not government etc. The process steps involving various stakeholders described in the Guidance.
146	Technical Specialist	6.25	Sexual orientation should be included.	Companies will develop and implement a gender and sexual orientation sensitive worker grievance mechanism that enables employees, and their representative organisations where they exist, to raise workplace concerns anonymously via an accessible and transparent process related to all principles covered by this Code and that is readily available to the most vulnerable persons, groups and organisations.	N	-	-	Gender refers to biological male/female and also the sexual orientation. No need to include sexual orientation.
147	Technical Specialist	6.25	Companies will develop and implement a gender-sensitive worker grievance mechanism that enables employees, and their representative organisations where they exist, to raise workplace concerns anonymously via an accessible and transparent process related to all principles covered by this Code and that is in writing and readily available to the most vulnerable persons, groups and organisations	-	N	-	-	Rejected change as workers could file a grievance, for example, by calling a hot line number.
148	Standard	6.25	Grievance mechanism guarantees that there will be no harassment, retaliation, victimization or discrimination of workers who submit a grievance	-	Y	Companies will develop and implement a gender-sensitive worker grievance mechanism that enables employees, and their representative organisations where they exist, to raise workplace concerns, including anonymously, via an accessible and transparent process covering all Principles of this Code and that is readily available to the most vulnerable persons, groups and organisations. Companies will ensure effective protection of workers who submit a grievance.	-	Added sentence at the end to address protection of workers.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
149	Coal Supplier	6.25	Companies will develop and implement a gender-sensitive worker grievance mechanism that enables employees, and their representative organisations where they exist, to raise workplace concerns anonymously via an accessible and transparent process related to all principles covered by this Code and that is readily available to the most vulnerable persons, groups and organisations. 1. Change "raise concerns anonymously" to "raise concerns, including anonymously". 2. It should be considered that confidentiality involves the risk of undue damage to the honor of some individuals; or stigmatization and, therefore, there should be provisions to mitigate that risk.	-	Y	Companies will develop and implement a gender-sensitive worker grievance mechanism that enables employees, and their representative organisations where they exist, to raise workplace concerns, including anonymously, via an accessible and transparent process covering all Principles of this Code and that is readily available to the most vulnerable persons, groups and organisations. Companies will ensure effective protection of workers who submit a grievance.	-	Included 'including' and added sentence at the end to address protection of workers.
150	Technical Specialist	6.27	Companies will maintain employee records related to their employment conditions as allowed and required by applicable laws and industry good practice.	Cf proposed new provision 6.11(a)	Y	-	Y	Add to the Guidance.
151	Utility Company	7	The application of workplace hazard requirements to contractors / subcontractors should be emphasised. Same goes for all type of direct workers	-	Y	-	Y	The entire Principle 7 in the heading states 'for all workers, both employees and contractors' - thereafter we refer to workers - already clear. This is mentioned in the Guidance intro section to Principle 7 OHS.
152	Technical Specialist	7	The Provisions of the Code are necessarily quite general. But a Provision that says something needs to be "adequate," or "appropriate" does not give a lot of guidance to a company trying to comply with the Code. Nor does it help an Assessment Team trying to judge compliance. As we all want to improve, Bettercoal can do a great service by pointing us to some resources that can help us improve. In the case of Principle 7 (and many of the others) we need to find a better model than the company EHS person and the Bettercoal Assessment Team standing in the parking lot arguing about what PPE is "appropriate." There really needs to be some kind of reference to an acceptable benchmark or standard, or a reference guide that sets out the detail. At least in most instances, I would not recommend trying to point to a single methodology or a single document. But I would word these in a way that: 1) Identifies at least one guidance document that is deemed to be acceptable; and 2) Requires that any standard used for reference be (a) in writing; and (b) published and publicly available. Maybe language such as "consistent with an accepted and publicly available methodology such as the guidance provided in ILO Document XYYY or that set out in IFC Performance Standard ZZ and its related Guidance Document."	-	Y	-	-	Added to Guidance.
153	Standard	7.1	Companies should have to take measures if monitoring shows that the levels are too high.	-	Y	-	Y	Addressed in Guidance for 7.10.
154	Trade Union	7.1	7.1 (b) Appoint a senior management representative to be responsible for ensuring a safe and healthy workplace environment for all workers and for implementing the health and safety elements of the Bettercoal Code.	Appoint an independent senior management representative to be responsible for ensuring a safe and healthy workplace environment for all workers and for implementing the health and safety elements of the Bettercoal Code.	N	-	-	Rejected change as a senior management representative is not independent.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
155	Trade Union	7.1	-	7.1 (b) This independent senior management representative should get budget and must have the permission to make a safety and health commission of workers representatives together with the doctor of the company.They discuss the risk management plan monthly.They must also have special safety and health commission education to do the job. The workers in the commission O.S.H must be regularly payed to go to the meetings (see also 7.18).	Y	-	Y	Guidance for 7.17 on OHS Committee states 'Workers should be compensated for their participation in health and safety committee meetings as part of regular working hours'. RE: budget, this is mentioned in guidance for 7.1 on OHS management system ('financial resources').
156	Coal Supplier	7.1	7.1 (a) Add an industrial safety management system. Provisions 7.1 regarding applicable international standards - which and whether all of them need to be implemented.	To develop and implement an OSH management system and an industrial safety management system that meet the requirements of Provisions 2.1 and 2.2 of this code, regulatory legal acts and applicable international standards, including ILO protocols and recommendations on labor protection and industrial safety. The proposal is to make a reference in the part of "applicable international standards" to ISO 45001/	Y	-	Y	No action in Code. This is mentioned in Guidance for 7.1 OHS management system and section V further information.
157	Technical Specialist	7.2	Companies will, as part of the OHS systems requested by Provision 7.1 of this Code, undertake and document an assessment to identify and assess the risks to the health and safety of all workers associated with their operations.	Either in the Code itself or in some kind of companion document (such as the IFC's Guidance Notes that accompany the Performance Standards), Bettercoal should identify some acceptable methodologies for this Assessment.	Y	-	Y	Addressed in Guidance for 7.2.
158	Trade Union	7.2	Companies will, as part of the OSH systems requested by provision 7.1 of this code, undertake and document an assessment to identify and assess the risks to the health and safety of all workers associated with their operations.	Compagnies will, as part of the OSH systems requested by provision 7.1 of this code, undertake and document an assessment to identify and assess the risks (including a plan of action from the OSH commission.) to the health and safety of all workers associated with their operations.	N	-	-	The purpose of the provision here is to do an assessment to identify and assess risks. That can be done in any way the supplier wishes.
159	Coal Supplier	7.2	Clarify under which documents risk identification and assessment is carried out.	Companies conduct and document the identification and assessment of risks associated with their professional activities for the health and safety of all employees. This work is carried out within the framework of the OSH management system described in Regulation 7.1 of this Code.	N	-	-	Content in the re-word is the same as existing provision so no change - 7.2 - Companies will, as part of the OHS systems requested by Provision 7.1 of this Code, undertake and document an assessment to identify and assess the risks to the health and safety of all workers associated with their operations.
160	Technical Specialist	7.3	**NEW**Companies will develop and implement a risk management plan that prioritises measures to eliminate significant hazards, and outlines additional controls to minimise negative consequences and to protect workers and others from remaining hazards.	Either in the Code itself or in some kind of companion document (such as the IFC's Guidance Notes that accompany the Performance Standards), Bettercoal should identify some acceptable methodologies for this risk management plan.	Y	-	Y	Addressed in Guidance for 7.3 and section V Further Information.
161	Trade Union	7.3	Compagnies will develop and implement a risk management plan that prioritises measures to eliminate significant hazards, and outlines additional controls to minimise negative consequences and to protect workers and others from remaining hazards.	**NEW** Companies will develop and implement a risk management plan that prioritises measures to eliminate significant hazards, and outlines additional controls to minimise negative consequences and to protect workers, company visitors and others from remaining hazards.	Y	**NEW** Companies will develop and implement a risk management plan that prioritises measures to eliminate significant hazards, and outlines additional controls to minimise negative consequences and to protect workers, company visitors and others from remaining hazards.	-	Wording updated.
162	Technical Specialist	7.5	Companies will identify the need for and provide appropriate personal protective equipment free of charge and ensure that it is current, in good condition, and worn correctly when required.	What is "appropriate" PPE? Who decides? Companies trying to comply with the Bettercoal Code should have some guidance. So should the Assessment Team members who are supposed to be reviewing company performance. Bettercoal should identify some acceptable guidance documents.	Y	-	Y	Add to guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
163	Technical Specialist	7.6	Companies will ensure adequately constructed and maintained workplaces and facilities that meet local building regulations.	What is an "adequately constructed" building? What guidance does the Assessment Team have, beyond the local building code (if any)? Some kind of authoritative reference or guidance document is necessary.	Y	-	Y	Add to guidance.
164	Standard	7.6	workplaces must be safe for workers as well, clarify?	-	N	-	-	7.6 says - Companies will ensure adequately constructed and maintained workplaces and facilities that meet local building regulations. Think it's clear enough as is.
165	Technical Specialist	7.7	Companies will provide appropriate safeguards to protect workers from all machinery including mobile equipment.	-	Y	-	Y	Addressed in Guidance for 7.1 and 7.7
166	Technical Specialist	7.8	Companies will provide adequate lighting and ventilation, and ensure that workplace air quality and minimum and maximum temperatures meet industry-approved standards.	I am sure that Bettercoal knows what "industry approved standards" it is referring to. So we should somewhere, for the benefit of companies, and Assessment Teams, say what they are.	Y	-	Y	Addressed in Guidance for 7.8
167	Standard	7.8	Maybe rather "internationally recognised standards?"	-	Y	-	Y	Deliberately removed references to internationally recognised standards in the Code itself - will include in Guidance.
168	Technical Specialist	7.9	Companies will ensure safe noise levels through source reduction and minimization and the provision of adequate personal protective equipment.	Again, there is a whole literature on this. Can Bettercoal point to a limited number of leading publications as the recognized source of best practice guidance on noise?	Y	-	Y	Companies will ensure safe noise levels through source reduction and minimization and the provision of adequate personal protective equipment. Wording updated in Code and Guidance will be added on this.
169	Standard	7.9	safe noise levels will need to be defined in your guidance document. Noise should also be prevented and reduced where possible.	-	Y	-	Y	Add to guidance.
170	Technical Specialist	7.10	Other gases (e.g. carbon monoxide) are also dangerous inside mines. Accumulations, as well as emissions of gases are dangerous.	Companies will provide appropriate monitoring systems for emissions and accumulations of methane and other dangerous gases inside mines.	Y	-	Y	This is mentioned in Guidance for 7.10.
171	Technical Specialist	7.10	Companies will provide appropriate monitoring systems for methane emissions inside mines, and will ensure that they are properly installed and functioning. Proper functioning of the system shall be independently verified at appropriate intervals.	This is too important for us not to give some guidance. Where are the references that set out what an "appropriate" monitoring system may be? Two hundred years of experience teach us that self-verification does not work well enough. On a few of these key points, there really must be independent verification. And this is surely one of them.	Y	Companies will provide appropriate and functioning monitoring systems for emissions and accumulations of methane and other dangerous gases inside mines.	Y	Code wording updated in 7.10 to 'Companies will provide appropriate and functioning monitoring systems for emissions and accumulations of methane and other dangerous gases inside mines.'
172	Trade Union	7.11	Companies will ensure adequate workplace hygiene at all times by providing safe and accessible potable drinking water, sanitary facilities for food consumption and storage, and clean and hygienic washing and toilet facilities commensurate with the number and gender of staff working on site.	Companies will ensure adequate workplace hygiene at all times by providing safe and accessible potable drinking water, sanitary facilities for food consumption and storage, and clean and hygienic washing and toilet facilities commensurate with the number and gender of staff working on site. Companies have a protocol in case of a pandemic, such as corona to protect the workers and the company.	Y	Companies will protect workers in case of pandemics and global health emergencies by: a)identifying and minimizing exposure risk of workers; b)monitoring public health communications, guidelines and directives; c)ensuring sufficient PPE procurement and distribution; d)updating or developing new policies and guidelines on hygiene practices and other mitigation measures; e)providing training, education and informational material to workers; f)providing workers with sick leave and working to ensure they have access to medical care in the event of illness; g)protecting wages and other income security to the extent possible; and h)working in partnership with public health agencies	Y	Added Provision 7.26 on pandemics and global health emergencies.
173	Technical Specialist	7.12	Companies will ensure adequate and appropriate labeling and storage of all chemicals and cleaning materials, training for all workers handling chemicals, and measures to protect workers from exposure to airborne particles and chemical fumes.	Again, we need some kind of detailed guidance on what this consists of.	Y	-	Y	Addressed in guidance for 7.12.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
174	Technical Specialist	7.13	Flooding from abandoned nearby mine workings is a serious risk in some places.	Companies will develop and implement plans to detect, prevent and combat the outbreak and spreading of fires and flooding in operational and abandoned mines.	Y	Companies will develop and implement plans to detect, prevent and combat the outbreak and spreading of fires, explosions and flooding in operational and abandoned mines.	-	Updated wording.
175	Technical Specialist	7.13	Companies will develop and implement plans to detect, prevent and combat the outbreak and spreading of fires in operational and abandoned mines, and will ensure that equipment is properly installed and functioning, and employees are properly trained in its use. All elements of the system shall be independently verified at appropriate intervals.	This is too important for us not to give some guidance. Where are the references that set out what an "appropriate" system may be? Two hundred years of experience teach us that self-verification does not work well enough. On a few of these key points, there really must be independent verification. And this is surely one of them.	N	-	Y	The provision talks about doing that by implementing plans, there is a separate provision on fire safety equipment already. Mentioned in Guidance for 7.1 and 7.14.
176	Standard	7.13	Are unwanted explosions relevant as well?	-	Y	Companies will develop and implement plans to detect, prevent and combat the outbreak and spreading of fires, explosions and flooding in operational and abandoned mines.	-	Updated wording.
177	Technical Specialist	7.14	Companies will provide regular education and training so that workers are aware of: a) specific role-related health and safety risks and hazards; b) methods for appropriate protection from such hazards including proper use of personal protective equipment; and c) appropriate action to take in the event of an accident or emergency. Companies will make information about health and safety available to workers in an understandable form and in an appropriate language.	is this another provision that would benefit from an independent verification requirement?	N	-	Y	Disagree in terms of making that change in the Code. Independent verification is generally mentioned in Guidance for 7.1.
178	Coal Supplier	7.15	On the basis of what legal acts is the mechanism for creating a joint committee on labor protection and industrial safety determined?	Companies are introducing a mechanism through which employees can raise and discuss issues related to health and safety with management.	N	-	-	This is an international best practice standard. Having a joint H&S committee is international best practice.
179	Standard	7.16	"...must not face reprisals..." will be difficult to assess. Rephrase the entire provision to say "Companies will communicate to workers...."?	Companies will communicate to workers that they have the right and responsibility to stop work or refuse to work in situations that have uncontrolled hazards; that they must immediately bring these situations to the attention of those at imminent risk and to management...	Partially	Companies will ensure that workers have the right and responsibility to stop work or refuse to work in situations that have uncontrolled hazards, and that they must immediately bring these situations to the attention of those at imminent risk and to management. Companies will ensure that workers do not face reprisals including disciplinary measures, discharge or other negative consequences as a result of attempting to exercise these rights in good faith.	N/A	Updated wording to "ensure" that workers do not face reprisals. Only requiring communication would weaken the provision.
180	Technical Specialist	7.17	Companies will ensure that all health and safety incidents as well as their response to and outcome from such incidents are formally documented and investigated, and that the results of any investigations are fed into regular health and safety reviews and improvement plans.	Worker access to reports?	Y	Companies will ensure that all health and safety incidents as well as their response to and outcome from such incidents are formally documented and investigated, and that the results of any investigations are fed into regular health and safety reviews and improvement plans, and, except for data subject to medical confidentiality, are available to workers.	-	Updated wording.
181	Standard	7.17	Do incidents include near-misses?	-	Y	-	Y	Addressed in Guidance in intro section for Accident and Incident Reporting.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
182	Coal Supplier	7.17	Add avriyas and cases of industrial injuries.	The companies guarantee that all accidents, incidents and occupational injuries will be officially investigated and documented, measures taken and consequences considered. The results of all investigations will be analyzed, taken into account during the revisions of the OSH and industrial safety management systems and included in the improvement plans.	N	-	Y	Currently says companies will ensure that all H&S incidents are documented. This then would include industrial injuries too. Addressed in Guidance in intro section for Accident and Incident Reporting.
183	Coal Supplier	7.18	Remove the definition of "hazardous accidents" and replace it with "accidents, incidents and occupational injuries".	Companies are introducing systems that enable employees responsible for health and safety to participate in inspections and investigations conducted by the employer and / or the competent authority at the workplace, and notify them (competent authorities) of accidents, incidents and occupational injuries in a timely manner.	N	-	-	Proposed wording is fine and does not require changes - 7.18 - Companies will have systems in place to ensure that workers' health and safety representatives are able to participate in and receive outcomes of inspections and investigations conducted at the workplace by the company and/or by the competent authority, and will receive timely notice of accidents and dangerous occurrences.
184	Standard	7.19	7.19-7.23 - Good to state "workers" rather than employees here. Worth mentioning this difference in your guidance document.	-	Y	-	-	It already says workers everywhere in Principle. The exception are two provisions on compensation (7.24 and 7.25) which are for employees only, everything else is for workers.
185	Technical Specialist	7.20	Companies will ensure that workers have periodic medical examinations and medical coverage. Companies will identify and monitor long-term health risks to workers.	Again, it would be helpful to identify solid best practice guidance	Y	-	Y	Addressed in Guidance for 7.2.
186	Trade Union	7.20	Companies will ensure that workers have periodic medical examinations and medical coverage. Companies will identify and monitoring long term health risks to workers.	Companies will ensure that workers have periodic medical examinations and medical coverage. Companies will identify and monitoring long term health risks to workers. Asbestos and other natural aerosolic mineral dust needs separate research and reporting conform ILO guidelines.	Y	-	Y	Addressed in Guidance for 7.22; ILO reference in 7.18.
187	Technical Specialist	7.21	Companies will prevent the exposure of pregnant and breastfeeding women and minors to hazards and provide appropriate working conditions for them.	Small children who are breastfeeding obviously need to be on or near the mine property. I hope these are the only "minors" we are talking about?	Y	Companies will prevent the exposure of pregnant and breastfeeding women to hazards and provide appropriate working conditions for them.	-	Deleted 'and minors' from 7.21.
188	Coal Supplier	7.25	The requirement to compensate an employee for lost earnings is highly regulated in in some jurisdictions. The rules under which, and the obligations are quite varied depending on circumstance. We would prefer to have this provision removed to avoid a conflict or to avoid imposing an additional obligation on the company.	Remove the proposed new condition to avoid conflict with local legislative requirements.	Partially	Companies will provide employees with compensation for loss of earnings due to a work-related injury or occupational illness, unless that injury or illness is already covered by public or private disability insurance, until the employee can: a) return to work and be employed at an identical or similar position; or b) qualify for a disability pension if they are not able to return to work due to the severity of the work-related injury or occupational illness. Compensation will be in line with local regulations, where applicable.	-	Adding wording.
189	Standard	7.26	7.26 (b and c) Should communities be refelected here too?	-	N	-	-	This is about workers, not communities.
190	Coal Supplier	7.26	7.26 (e) Clarify what "local communities" are.	-	Y	-	-	This is defined in the Glossary.
191	Technical Specialist	7.27	Companies will install appropriate alarms, warning devices and fire safety mechanisms in all facilities including fire-fighting equipment, clearly marked and unblocked emergency exits and escape routes, and emergency lighting.	Again, is this an area where 'self-monitoring' needs to be supported by periodic review by an independent third party verifier??	N	-	Y	Independent verification is generally mentioned in Guidance for 7.1.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
192	Trade Union	7.27	Companies will install appropriate alarms, warning devices and fire safety mechanisms in all facilities including fire-fighting equipment, clearly marked and unblocked emergency exits and escape routes, and emergency lighting	Companies will install appropriate alarms, warning devices and fire safety mechanisms in all facilities including fire-fighting equipment, clearly marked and unblocked emergency exits and escape routes, and emergency lighting. Including a periodic testing program of all this equipment.	Y	-	Y	No need to update provision wording but updated Guidance for 7.1 and 7.15
193	Trade Union	7.28	Companies will ensure that housing provided to employees and contractors is maintained to a reasonable standard of safety, repair and hygiene	Companies will ensure that housing provided to employees and contractors is maintained to a reasonable standard of safety, repair and hygiene. In case of a pandemic situation there must be a review of this situation.	Y	Provision 7.27 Companies will: a) establish emergency procedures and evacuation plans for emergencies, including pandemics; ADD Provision 7.26 Companies will protect workers in case of pandemics and global health emergencies by: a) identifying and minimizing exposure risk of workers; b) monitoring public health communications, guidelines and directives; c) ensuring sufficient personal protective equipment procurement and distribution; d) updating or developing new policies and guidelines on hygiene practices and other mitigation measures; e) providing training, education and informational material to workers; f) providing workers with sick leave and supporting their access to medical care in the event of illness; g) protecting wages and other income security to the extent possible; and h) working in partnership with public health agencies, workers' organisations and other relevant stakeholders.	Y	Added reference to pandemics in 7.27 and reflected in the new separate provision 7.26 on pandemics and global health emergencies. Guidance too.
194	Utility Company	8	Given than a common problem is the lack of monitoring of the health of surrounding communities (and when the communities complain about higher cancer rates we always find that there are no baseline studies), companies should be encouraged to work with Governments to put in place Independent health monitoring mechanisms to track the health of affected communities.	Companies should be encouraged to work with Governments to put in place Independent health monitoring mechanisms to track the health of affected communities.	In part	-	Y	Addressed under 8.9 and 8.10. A provision on working with Government is a bit outside of the Assessment scope. 8.9 - Companies will identify the risks and impacts of their activities and operations on community health and safety aligned with the requirements of Provisions 2.4 to 2.9 of this Code, and will establish and monitor indicators of community health and safety in consultation with affected communities. 8.10 - Companies will establish measures to prevent and mitigate negative impacts of their activities and operations on community health and safety in consultation with affected communities. Guidance on encouraging companies to work with government and other relevant stakeholders as best practice.
195	Utility Company	8	A problem is that companies not always start resettlements in time or meet the commitments and obligations in the RAPs, hence companies should be required to start planning for resettlement asap and also to commit to the obligations set in the RAP.	-	Y	-	Y	Comment is already well addressed in the RAP section. Will also add Guidance on this topic.
196	Technical Specialist	8.1	-	Companies will use recognized techniques to identify groups and individuals including community members, indigenous peoples, rights' holders and other stakeholders who may be affected by or interested in their activities.	Y	-	Y	No change to Code wording but add to guidance techniques on identifying groups.
197	Standard	8.1	Add "rights-holders" to glossary with some examples?	-	Y	-	-	Add 'rights-holders' to Glossary.
198	Coal Supplier	8.1	-	8.1 and 8.19 - develop inclusive engagement processes with affected stakeholders, with efforts taken to remove barriers to engagement, especially for the most vulnerable persons, groups and organisations.	Y	-	Y	No change to Code wording but added to Guidance under Provision 8.3.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
199	Coal Supplier	8.2	We propose to unite provisions 8.2 and 8.3, replace the words "develop and implement" with the word "carry out interaction in accordance with the legislation of the country" The legislation of the Russian Federation provides for management mechanisms that include plans and procedures for assessing the environmental impact of an enterprise, interacting with stakeholders, taking into account all the features, aspects, risks and interests that may be affected by the enterprise. Exclude "private sector", or define it. Civil society is a comprehensive concept that includes the "private sector".	8.2 The company interacts with interested parties in accordance with the legislation of the country, which corresponds to the stage of operations and the risks and impacts arising from it and which takes into account the particularities and interests of various stakeholders, including subsoil owners, civil societies and affected communities.	In part	-	-	Provisions 8.2 and 8.3 are quite separate - one is the SEP, the other is ongoing engagement with stakeholders. No value in joining the two and also makes it harder to assess. Reject changed wording to 'in accordance with country legislation' as this could be lower than the Code. Reject removing 'private sector' - we can of course define that in the Glossary.
200	Technical Specialist	8.3	Sexual orientation should be included.	Companies will develop engagement processes in consultation with affected stakeholders that are accessible, inclusive, equitable, culturally appropriate, gender and sexual orientation sensitive and rights-compatible, and will demonstrate that efforts have been or are being taken to identify and remove barriers to engagement for affected stakeholders especially the most vulnerable persons, groups and organisations.	Y	-	Y	No change to provision wording but Guidance. As previously on sexual orientation, will develop overarching guidance on the term gender.
201	Coal Supplier	8.3	Regulation 8.3. partially duplicates provision 2.5. The allocation of gender aspects is not advisable due to the provisions of Part 3 of Art. 19 of the Constitution of the Russian Federation, which enshrines the legal equality of men and women in the Russian Federation in all aspects of life. We propose to unite provisions 8.2 and 8.3, replace the words "develop and implement" with the word "carry out interaction in accordance with the legislation of the country".	8.2 The company interacts with interested parties in accordance with the legislation of the country, which corresponds to the stage of operations and the risks and impacts arising from it and which takes into account the particularities and interests of various stakeholders, including subsoil owners, civil societies and affected communities.	N	-	-	Do not agree with the re-word.
202	Coal Supplier	8.4	Supplement this provision: Companies begin working with stakeholders before and during the planning stage of mining operations and continue to interact with them if they are interested throughout the entire life cycle of the coal mining enterprise.	-	N	-	-	TDI - The main difference between the wording is 'if they are interested' to be engaged. Bettercoal prefer current wording so no change. 8.3 - **NEW** Companies will develop engagement processes in consultation with affected stakeholders that are accessible, inclusive, equitable, culturally appropriate, gender-sensitive and rights-compatible, and will demonstrate that efforts have been or are being taken to identify and remove barriers to engagement for affected stakeholders especially the most vulnerable persons, groups and organisations.
203	Technical Specialist	8.5	Sporadic retention of a news clipping or a letter showing that someone out there supports the mine does very little. You can always find an individual to sign on to something. Broad community support is I think what we are seeking. What do we do if such evidence does not exist because the majority of the community dislikes the mine intensely?	Companies will systematically collect evidence of broad community support for their projects and operations from locally affected communities, and will demonstrate that this support is being maintained throughout the lifecycle of the mine.	In part	Companies will seek broad community support for their projects and operations from locally affected communities, and will demonstrate that this support is being maintained throughout the lifecycle of the mine.	Y	Wording updated to 'seek broad community support' and include in guidance what this means i.e. define 'broad support' and also that evidence is needed to implement this.
204	Coal Supplier	8.5	This item is very subjective. The way is written could be subject to misinterpretations. There will always be some members of the community that are against mining. How will this affect an audit?	-	Y	-	Y	No change to provision wording but update guidance to reflect comment.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
205	Coal Supplier	8.5	This procedure for collecting evidence is not feasible and is not practical for the following reasons: 1) a comprehensive assessment of the environmental impact, as well as the necessary information and consultations with the population, are carried out before the implementation of the intended activity; 2) It is not uncommon for some members of the public to pursue selfish interests that are not related to environmental and other aspects, the purpose of which is personal enrichment, the implementation of corrupt practices and unfair competition methods (the fight against corruption is included in the list of fundamental principles of Bettercoal). 3) Coal mining is a continuous production, and production requiring colossal capital expenditures. Given that the enterprise will comply with project documentation that has passed all the procedures prescribed by law and the Bettercoal Code (including public consultation), stopping production in the presence of "formal disapproval" (not based on environmental impacts and human well-being) may result to huge unreasonable financial losses..	We propose to exclude.	N	-	N/A	The intent of this provision is not to require that operations immediately cease in case of an expression of disapproval but rather there is an effort by the company to seek broad community support for their projects and operations.
206	Technical Specialist	8.6	-	Companies will avoid resettlement to the greatest extent practicable.. Where resettlement is being considered, companies will invest in a thorough search for alternative project designs and locations, and consult with stakeholders in the early stages of resettlement before irrevocable planning decisions have been made, and when the impact on affected communities may be mitigated. The steps in this process shall be documented.	Y	Companies will avoid resettlement to the greatest extent possible. Where resettlement is being considered, companies will invest in a thorough search for alternative project designs and locations. Companies will consult with stakeholders in the early stages of resettlement before irrevocable planning decisions have been made, and when the impact on affected communities may be mitigated. The steps in this process shall be documented.	-	Wording updated.
207	Standard	8.6	Good to consult with stakeholders before irrevocable decisions have been made, but it is not 100% clear to what end. Might make sense to split this provision into 3 sentences (see suggestion on the right).	Companies will avoid resettlement. Where resettlement is being considered, companies will invest in a thorough search for alternative project designs and locations. Companies will consult with stakeholders on alternative project designs and locations and on when the impact on affected communities may be mitigated. Consultation will take place in the early stages of resettlement before irrevocable planning decisions have been made.	Y	Companies will avoid resettlement. Where resettlement is being considered, companies will invest in a thorough search for alternative project designs and locations. Companies will consult with stakeholders on alternative project designs and locations and on when the impact on affected communities may be mitigated. Consultation will take place in the early stages of resettlement before irrevocable planning decisions have been made.	-	Wording updated.
208	Standard	8.7	Would be good to give some examples in your guidance on what "appropriate" means in this context. Add "adequate" to compensation and, again, in the guidance explain what would be considered adequate?	-	Y	-	Y	Added to Guidance.
209	Technical Specialist	8.8	8.8 (a) Should be consistent with PS 5; PS 5 requires this.	Where there is to be any resettlement, the company shall consult with those who may be affected at the individual household level.	Y	8.8 a) describe how affected communities will be involved in an ongoing process of consultation, including at the household level, throughout the resettlement/livelihood restoration planning, implementation and monitoring phases..	-	Wording updated.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
210	Technical Specialist	8.8	Companies will develop a resettlement action plan for physical displacement and a livelihood restoration plan for economic displacement. At a minimum, the plans will: a) describe how affected communities will be involved in an ongoing process of consultation throughout the resettlement/livelihood restoration planning, implementation and monitoring phases; b) describe the strategies to be undertaken to mitigate the negative impacts of displacement, to improve or restore livelihoods and standards of living of displaced people, paying particular attention to the needs of women, the poor, and vulnerable groups, and to improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites; c) describe development-related opportunities and benefits for affected people and communities; d) describe the methods used for the independent and professional valuation of land and other assets; e) establish the compensation framework in a transparent, consistent, and equitable manner; and f) be publicly available.	It is very appropriate to focus on the needs of people who are displaced. But international best practice also requires a focus on the impacts on the communities receiving the displaced people. This is probably inherent in the references to "affected communities." But I would like it to be more explicit.	Y	-	Y	Added to guidance.
211	Technical Specialist	8.10	-	Companies will establish and document measures to prevent and mitigate negative impacts of their activities and operations on community health and safety in consultation with affected communities.	Y	Companies will establish and document measures to prevent and mitigate negative impacts of their activities and operations on community health and safety in consultation with affected communities.	-	Wording updated.
212	Technical Specialist	8.11	Needs to be part of a sensible plan, not a collection of ad hoc measures.	Companies will systematically support the social, economic and institutional development of the communities in which they operate, and support community initiatives.	Y	-	Y	Explained in Guidance.
213	Technical Specialist	8.13	-	Companies will monitor and report on the effectiveness of their contributions, activities and initiatives, and evaluate if changes need to be made to them to ensure a positive impact on the social and economic wellbeing of local communities	Y	Companies will monitor and report on the effectiveness of their contributions, activities and initiatives, and evaluate if changes need to be made to them to ensure a positive impact on the social and economic wellbeing of local communities	-	Wording updated.
214	Standard	8.14	Are there circumstances where it is not appropriate to include the SDGs? Remove "appropriate"	-	Y	Companies will integrate the UN Sustainable Development Goals into their impact evaluations, community development plans and continuous improvement work.	Y	Where appropriate removed.
215	Coal Supplier	8.14	-	Specify the goals of the UN on this issue.	N	-	-	We do not specify the SDGs in other provisions.
216	Coal Supplier	8.15	Companies develop and implement a procurement plan from local suppliers, which: a) supports local enterprises and communities for capacity building; b) gives preference to local suppliers of goods and services on a competitive basis; c) contains annual procurement reports from local suppliers.	Suggested wording: Companies support domestic suppliers to build capacity; give preference to domestic suppliers of goods and services on a competitive basis.	N	-	-	Do not agree to take away the point on reporting.
217	Technical Specialist	8.16	Sexual orientation should be included.	Companies will develop and implement an operational grievance mechanism for affected communities and other stakeholders that is culture, and gender and sexual orientation sensitive and that allows them to raise concerns anonymously via an understandable, accessible and transparent process that is readily available to the most vulnerable persons, groups and organisations.	N	-	-	Reject as not clear on how a grievance mechanism could be sensitive to sexual orientation.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
218	Technical Specialist	8.16	-	Companies will, consistent with a recognized methodology, develop and implement an operational grievance mechanism for affected communities and other stakeholders that is culture- and gender-sensitive and that allows them to raise concerns anonymously via an understandable, accessible and transparent process that is readily available to the most vulnerable persons, groups and organisations.	Y	-	Y	No change to provision wording - we require companies to meet the criteria for grievance mechanism effectiveness of the UN Guiding Principles. Guidance on this too.
219	Coal Supplier	8.16	1. Change "raise concerns anonymously" to "raise concerns, including anonymously". 2. It should be considered that confidentiality involves the risk of undue damage to the honor of some individuals; or stigmatization and, therefore, there should be provisions to mitigate that risk.	-	Y	Companies will develop and implement an operational grievance mechanism for affected communities and other stakeholders that is culture- and gender-sensitive and that allows them to raise concerns, including anonymously, via an understandable, accessible and transparent process that is readily available to the most vulnerable persons, groups and organisations.	-	Updated wording.
220	Coal Supplier	8.17	It's worth pointing out the unsuitability of a claim or grievance when the complainant has already elevated the case to a judicial instance. This in order to avoid that a grievance mechanism functions as an additional instance to the Judicial Power and, what is worse, to contradict it. The same does not happen if the chronology is the opposite: if the complainant first uses the grievance mechanism, nothing should oppose the use of judicial channels.	-	Y	-	Y	No change to provision wording but guidance on these mechanisms will be fairly detailed - pointing to best practice.
221	Technical Specialist	8.18	Companies will develop a grievance mechanism in consultation with the stakeholder groups for whose use the mechanism is intended, and will focus on dialogue as the means to address and resolve grievances	Really need to point to some guidance as to what we mean by a grievance mechanism and how it is supposed to work. https://www.ffc.org/wps/wcm/connect/963ec017-2b1f-4487-b533-14fda473b1a5/PartOne_GrievanceManagement.pdf?MOD=AJPERES&CVID=iqewwBr	Y	-	Y	No change to provision wording but detail in Guidance.
222	Standard	8.18	Is this related to 8.17? Or 8.16? Not clear	-	Y	Change ordering.	-	This should be related to 8.16. Order of provisions 8.17 and 8.18 changed.
223	Technical Specialist	8.19	We should give some guidance as to what we are talking about when we refer to cultural heritage. Performance Standard 8 might be good: "cultural heritage refers to (i) tangible forms of cultural heritage, such as tangible moveable or immovable objects, property, sites, structures, or groups of structures, having archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious values; (ii) unique natural features or tangible objects that embody cultural values, such as sacred groves, rocks, lakes, and waterfalls; and (iii) certain instances of intangible forms of culture that are proposed to be used for commercial purposes, such as cultural knowledge, innovations, and practices of communities embodying traditional lifestyles.	Companies will proactively identify, document, and protect cultural heritage within their area of influence and take action to avoid or remedy impacts associated with their activities	Y	Companies will identify, document, and protect cultural heritage within their area of influence and take action to avoid or remedy impacts associated with their activities.	-	Wording updated.
224	Utility Company	9	Don't understand why we ask companies to monitor quantity and not quality	Request companies to monitor water quality against specific parameters, i.e. beyond PH (heavy metals etc) and also do studies on their impact on the water basin.	Y	-	Y	Water quality is addressed in Provision 9.3 and extensive Guidance too.
225	Utility Company	9	-	Companies should calculate their water footprint and implement actions accordingly (as in water stewardship initiative etc), the EICC has produced really good guidelines on water management for mining companies.	Y	-	Y	Water footprint captured under Provision 9.1 Water Assessment and in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
226	Technical Specialist	9	In general, the most important environmental impacts of mining worldwide have to do with water. However, the nature of those impacts is quite different in different places, and involve a variety of considerations: <ul style="list-style-type: none"> • Possible reduction of water available for other users • Possible reduction in ecological flows, with biodiversity impacts; • Changes in flow regimes that may increase risk of flooding; • Safety of dams at water reservoirs and waste retention ponds; • Possible adverse impacts on water quality that have ecological consequences or reduce the ability of others to use water; • Alignment with Sustainable Development Goal 6; or • Creating or mitigating additional risks related to climate change. Ideally, we would be making clear which of these considerations this Principle is aimed at. All of them? I fear that "efficient and responsible" is a bit too general.		Y	-	Y	Water impact/assessment captured under Provision 9.1 Water Assessment and in Guidance.
227	Technical Specialist	9	Companies will have systems in place that enable the efficient and responsible use of water in their operation	This is very general. Can we be a bit more specific as to the objective of this exercise? See comment above.	Y	-	Y	Addressed in Provision 9.3 of Code and Guidance.
228	Technical Specialist	9.1	Companies will undertake and document an assessment that: <ol style="list-style-type: none"> Identifies and records their water withdrawal and use by source and type; and determines the risks of their activities to the sustained functioning of the water catchment in which it operates, and to other stakeholders' access to and use of water. 	Left like this, some companies will present rigorous and thoughtful analyses and others will present a cloud of words with little or no meaning. And all will comply with this vaguely written Provision. Future Assessment teams need to have some kind of basis for taking a stand on any very poorly done analyses. What is that quality "handle?" Can we point to specific guidance or a model for how to do water resource assessment well? One possibility would be to refer to the IFC's Environmental and Social Management System (ESMS) Implementation Handbook. Or the World Meteorological Organisation's TECHNICAL MATERIAL FOR WATER RESOURCES ASSESSMENT. I would suggest asking IAlA what guidance they might have in defining what is acceptable and what is not in doing these sorts of assessments? I am not sure we would want to specify a single acceptable methodology for all circumstances in every part of the world. But we can and should point people to some guidance, to encourage a high level of analysis.	Y	-	Y	Included in Guidance.
229	Standard	9.1	9.1 (b) The assessment should be conducted in consultation with other water users in the water catchment area. Define water catchment in the glossary?		Y	-	Y	Included in Glossary and Guidance.
230	Coal Supplier	9.1	Please clarify, define what are the sources of water - wells, surface water, etc. Please clarify, give a definition of what is being puzzled by the concept of "Usability"? - operation of a water body, well operation, access to surface water bodies, the use of water bodies for recreation.	Definition of concepts is required.	Y	-	Y	Addressed in Provision 9.1 and in Guidance.
231	Technical Specialist	9.2	Companies will, in line with Provision 3.1 of this Code, monitor and report on the progress of their systems for managing water in order to address the risks identified in the water withdrawal and use assessment in Provision 9.1, and establish performance improvement targets.		Y	-	Y	Addressed in Provision 9.3 of Code and Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
232	Technical Specialist	10	15.Section 9 discusses waste and effluents. The types of waste and means of disposal should be presented and defined (spoil, coarse waste, waste from processing, coarse discard, fines (tailings), containment dams, "drying" dams etc. It is suggested that following the recent tailings dams disasters, that more discussion be given to design and geotechnical engineering input. Further, in coal mining, all of these could be prone to spontaneous combustion, and so some mention of reducing emissions of this nature should be considered. In an area of many "burning" discard dumps, incidences of childhood asthma are unusually high.	-	Y	-	Y	Referred to the new ICMM/UNEP/PRI Standard on Tailings and referenced the ICMM standard in the Guidance. Regrading the listing of waste types, have provided some examples, but not an exhaustive list. This is not a technical guide. Instead, we would expect companies to be able to present to the assessor how they have characterized waste and what references they use, and for the assessor to determine the appropriateness of the company's approach.
233	Coal Supplier	10.1	Companies will develop and implement a plan to reduce and manage the impacts on nearby communities of noise and light from operating procedures.	Not OK with light aspect. This is not mandated by our regulation.	N	-	-	Light pollution is also a potential issue which should be included in the assessment.
234	Coal Supplier	10.1	We offer an addition to the wording "in case of non-compliance with established standards"	Companies develop and implement a plan, in case of non-compliance with established standards, to reduce and manage the noise and light effects of technological processes on neighboring communities.	N	-	-	Assessment should be undertaken anyway to identify risks and impacts. The Assessment should not be carried out only if there are non-compliances. Also, how can you identify NCs unless you carry out the assessment.
235	Standard	10.2	10.2 (a) - Companies might already have systems. State "completed and revised"?	-	N	-	-	Disagree - 10.2d clearly implies revision.
236	Standard	10.2	10.2 (c) "publicly" disclosed?	-	Y	-	-	Disagree. The public reporting requirements are dealt with under Principle 3.
237	Coal Supplier	10.2	Targets are laid in the framework of the EIA (including in the process of consultation with interested parties), which are subsequently reflected in the approved and passed all the necessary approvals of project documentation. After approval of such, the Company is not entitled to deviate from it. Thus, the goal-setting and control systems to minimize the emission of pollutants into the environment are developed as part of the design documentation, the development of an additional document is not required.	Proposed to be deleted.	N	-	-	We are not requiring an additional document - just that the company sets targets. This is currently under 10.2c.
238	Standard	10.3	What does "fully integrate" mean? Can this be more explicit?	-	Y	-	Y	No update to provision text but updated Guidance on integrated dust control measures.
239	Technical Specialist	10.4	Companies will prohibit the manufacture, trade and use of chemicals and hazardous substances that are subject to international bans	Are we talking about the Stockholm Convention on Persistent Organic Pollutants? If so, should we say so? If we are talking about something broader than the Stockholm Convention, what is it?	Y	-	Y	No update to provision text but Guidance includes references to specific conventions, which can be read to understand their specific requirements.
240	Standard	10.4	Add that companies will have procedures to monitor observance of the prohibition?	-	N	-	-	Covered in the systems part.
241	Technical Specialist	10.5	Companies will adopt alternatives to hazardous substances used in production processes wherever technically and economically viable, and will use the most environmentally effective products available.	What are the subjects likely to be of concern at facilities that Bettercoal is likely to assess? Is there some guide or reference that discusses this? Is "effective" the right word?	Y	Companies will adopt alternatives to hazardous substances used in production processes wherever technically and economically viable, and will use the least environmentally harmful products available.	Y	Updated wording and explained in guidance.
242	Standard	10.5	What does "environmentally effective" mean? The most safe ones?	-	Y	-	Y	Included in Guidance.
243	Technical Specialist	10.6	Companies will follow the waste management hierarchy.	There are different versions of this hierarchy around. Can we point to a specific reference that makes it clear what we are talking about. Is this it?[1]	Y	-	Y	Included in Guidance.
244	Standard	10.6	Explain the waste management hierarchy.	-	Y	-	Y	Included in Guidance.
245	Technical Specialist	10.7	-	Companies will inventory and remediate historically accumulated contaminants associated with their operations in compliance with applicable law and industry best practices	N	-	-	Disagree. Seems to be a different meaning and does not clarify.
246	Standard	10.7	10.7 and 10.8 - Add to your guidance document where industry best practice can be found or what it is	-	Y	-	Y	Included in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
247	Technical Specialist	10.9	Companies will apply their systems for managing emissions, effluents and waste referred to in Provision 10.2 of this Code to all the parties, contractors and business partners that are responsible for the management of effluents and waste generated at their operations.	Can we get past "I told them not to do that" and require that these commitments be in writing, preferably in contracts and binding legal agreements?	Y	-	Y	Partially agree. Explained in Guidance.
248	Standard	10.9	"Companies will apply their systems...": The intention here is clear, but maybe rephrase to "Companies will require from (all the mentioned parties) that they apply the company's systems...?"	-	Y	Companies will require that Provision 10.2 of this Code be applied to all the parties, contractors and business partners that are responsible for the management of effluents and waste generated at their operations.	-	Updated wording.
249	Technical Specialist	10.10	Companies will develop and implement a plan to reduce and manage the impacts on nearby communities of noise, vibration and light from operating procedures.	I worked on the Chilean regulation to protect astronomical observatories in the Atacama from light pollution from mining operations – there are some 'light sensitive' economic activities out there	Y	Companies will develop and implement a plan to reduce and manage the impacts on nearby communities of noise, vibration and light from operating procedures	-	Updated wording.
250	Coal Supplier	10.10	Companies are developing and implementing a plan to reduce and control the noise and light effects of technological processes on neighboring communities.	Proposed wording: In case of exceeding the permissible indicators as a result of laboratory control, the company develops and implements a plan to reduce the noise and light exposure exerted by technological processes on the employees of the enterprise.	N	-	-	The comment relates to employees, while the Provision relates to communities. The comment suggests specific monitoring measures to establish compliance, while the Provision covers a plan to manage impacts on community.
251	Technical Specialist	10.11	Companies will implement a plan to prevent spills and leakage and the potential for contamination of air, water and/or soil. The plan will: a) identify all applicable structures, equipment and operating systems; b) require regular inspections and testing of identified structures, equipment and operating systems; c) include requirements to document and implement corrective and preventive actions to ensure structures, equipment and operating systems are in working order; and d) maintain records of incidents and preventive and corrective actions.	Should include assurance that all necessary material and equipment for spill cleanup is available and in working order, and that personnel are trained in its use.	Y	-	Y	Numbered Provision 9.5 and in Guidance.
252	Coal Supplier	10.11	-	Companies will implement measures to prevent spills and leakage and the potential for contamination of air, water and/or soil, and preventive and corrective actions	N	-	-	Reject and suggest we stick to a plan as then the plan can be an auditable element.
253	Technical Specialist	10.12	-	Companies will, where historically accumulated pollution exists, determine whether they are responsible for mitigation measures, including rehabilitation, and will take action to resolve their liabilities in accordance with national and local laws and regulations, where available, and with recognised international industry best practices.	Y	Companies will, where historically accumulated pollution exists, determine whether they are responsible for mitigation measures, including rehabilitation, and will take action to resolve their liabilities in accordance with national and local laws and regulations, where available, and with recognised international industry best practices.	-	Updated wording.
254	Technical Specialist	10.12	-	Companies will, where historically accumulated pollution exists, determine whether they are responsible for mitigation measures, including rehabilitation, and will take action to resolve their liabilities in accordance with national law, where available, and with recognised international industry best practices. If companies determine they are not responsible for historic pollution in their operating area, they should nevertheless document it and bring it to the attention of proper authorities.	Y	-	Y	Reject change to Code but include in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
255	Standard	10.12	Describe in your guidance under what circumstances companies are responsible for mitigation. Add to your guidance document where industry best practice can be found or what it is	-	Y	-	Y	Code invokes the ICMM/UNEP/PRI standard on tailings, which includes management measures as suggested here.
256	Technical Specialist	10.13	-	Tailings and Waste Retention Facilities	N	-	-	Reject as this provision is explicitly about Tailings.
257	Technical Specialist	10.13	Companies will ensure that existing and projected tailings impoundments, dams and containment facilities are planned, designed and operated such that geotechnical risks and environmental, health and safety impacts are appropriately assessed and managed throughout the lifecycle of the mine and after its closure by: a) establishing structural stability; b) introducing measures to prevent catastrophic failures; c) ensuring controlled discharge and protection of the surrounding environment and local communities; and d) implementing appropriate mitigation or treatment if impacts are identified.	There is simply no substitute for frequent spot checks or internal audits. These need to extend to review of the skill and training of the personnel charged with constructing and operating these facilities. I would include some ISO-like requirement for documenting periodic surveillance and audits	Y	-	Y	Code invokes the ICMM/UNEP/PRI standard on tailings, which includes management measures as suggested here.
258	Standard	10.13	What does "appropriately" assessed mean? Given that failures of tailings dams are so devastating, should third party assessment be required here and should available science play a role? Should the results of assessments be made publicly available?	-	Y	-	Y	Code invokes the ICMM/UNEP/PRI standard on tailings, which includes management measures as suggested here.
259	Technical Specialist	10.14	-	Companies will develop an emergency response plan in consultation with stakeholders that extends to all aspects of the facility that may create onsite or offsite hazards.	Y	-	Y	Disagree - this provision is specifically about tailings. Scope can be placed in guidance.
260	Standard	10.14	Testing or dry runs of that plan will be important too	-	Y	-	Y	Code invokes the ICMM/UNEP/PRI standard on tailings, which includes management measures as suggested here.
261	Coal Supplier	10.14	-	Companies, where applicable, will develop a tailings emergency response plan in consultation with stakeholders.	N	-	-	Reject as do not see in what circumstances it would NOT be applicable.
262	Utility Company	11	1) Companies should be encouraged to track their CO2 emissions, report and identify ways of reducing them 2) On air emissions companies should be expected to track PM 2.5 and apply limits in line with WHO recommendations (if these are higher or more strict than national law)	1) Companies should be encouraged to track their CO2 emissions, report and identify ways of reducing them. 2) On air emissions companies should be expected to track PM 2.5 and apply limits in line with WHO recommendations (if these are higher or more strict than national law)	Y	-	Y	1) This is already included in Principle 11. Identify, minimise and control. Set targets, monitor and disclose. 2) PM 2.5 are pollutant emissions, not GHG (i.e. they generate pollution at the local level, and are a problem for health and safety, as opposed to generating an impact at the global level due to a warming effect). Explained in Guidance.
263	Technical Specialist	11	Climate change is a very serious threat to the livelihoods of all of us. Companies should comply with the goals of the Paris Agreement and be carbon neutral by 2050 in their Scope 1, Scope 2 and Scope 3 GHG emissions. This means working with each customer to develop carbon capture and storage (CCS), plant trees or similar, or reduce their coal sales to that customer to zero by 2050. Many of my comments and proposed changes to wording below reflect the need to specifically include 'climate change' in that Provision. Methane is often emitted in a coal company's operations. It is also a potent GHG. Methane emissions must therefore be specifically included in this Code.	-	Y	-	Y	Principle 11 with focus on Scope 1 and Scope 2 as first step in Code - Guidance also provided.
264	Technical Specialist	11	-	GREENHOUSE GAS (GHG) EMISSIONS Companies will have systems in place to avoid and minimise all greenhouse gas emissions including methane and carbon dioxide.	Y	-	Y	Reject Code wording change as methane and CO2 are GHGs, amongst others. In Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
265	Technical Specialist	11	Need to get beyond qualitative to quantitative here.	GREENHOUSE GAS (GHG) EMISSIONS Companies will have systems in place to measure, avoid and minimise greenhouse gas emissions at all stages of the mine life cycle	Y	GREENHOUSE GAS (GHG) EMISSIONS Companies will have systems in place to measure, avoid and minimise greenhouse gas emissions at all stages of the mine life cycle	-	Updated wording.
266	Technical Specialist	11.1	A company's credibility depends on it identifying its Scope 3 GHG emissions and planning to reduce all its GHG emissions to net-zero.	Companies will complete and document an assessment that identifies the Scope 1 -Scope 2 and Scope 3 GHG emissions associated with their operations and will plan for all these emissions to be net-zero by 2050.	Y	-	Y	In the Code we say Suppliers should identify and quantify AT LEAST Scope 1 and Scope 2. This is a starting point for Bettercoal Supplier sites. They can go further if they have the resources and capacity to do this and this is explained in the Guidance.
267	Standard	11.1	What does "identify" mean? Calculate? Estimate? Will the methodology applied to calculate /estimate the emissions be important?	-	Y	Companies will complete and document an assessment that identifies and quantifies the Scope 1 and Scope 2 GHG emissions associated with their operations.	Y	Updated wording and defined in Guidance.
268	Coal Supplier	11.1	Companies will complete and document an assessment that identifies the Scope 1 and Scope 2 GHG emissions associated with their operations.	For scope 1 GHG emissions is regularly measured, but for scope 2 there some constraints to carry out the measurements. The suggestion is to give 1 year to escalate to the Scope 2.	N	-	-	Reject as collecting data for scope 2 should be standard practice, it includes generation of GHG emissions due to the consumption of purchased or acquired electricity, heating, cooling, and steam, thus quite straightforward to calculate (based for example on utility bills). Is it possible that there was a confusion with Scope 3.
269	Standard	11.2	Can GHG emissions be efficient? Rather "energy efficiency and GHG emissions intensity targets"?	-	Y	Companies will develop and implement systems aligned with the requirements of Provisions 2.1 and 2.2 of this Code to minimise and control the mining-related GHG emissions identified and quantified in the assessment referred to in Provision 11.1. The systems will: a) apply to the full lifecycle of the mine; b) set, monitor and disclose energy efficiency and GHG emissions intensity reduction targets based on the mitigation hierarchy for Scope 1 and Scope 2 GHG emissions ; and c) be adjusted where necessary following regular review of the conclusions and underlying assumptions	Y	Updated wording and add to Guidance.
270	Technical Specialist	11.11	We really need to refer the reader to an authoritative definition of "Scope 1" and "Scope 2." And hopefully, accepted methodologies for this kind of assessment. There is some real junk out there	Companies will complete and document an assessment that identifies and quantifies the Scope 1 and Scope 2 GHG emissions associated with their operations.	Y	Companies will complete and document an assessment that identifies and quantifies the Scope 1, and Scope 2 and Scope 3 GHG emissions associated with their operations. Also add to guidance clear guidance on emission calculation.	Y	Updated wording and added to Guidance in (we refer to GRI for reporting in 11.2, and to the IPCC and the GHG Protocol for GHG quantification in 11.1).
271	Standard	12	-	Companies will identify their impacts on biodiversity and land use and apply the mitigation hierarchy to the management of their impacts throughout the lifecycle of the mine.	Y	Companies will identify their impacts on biodiversity, protected areas and land use and apply the mitigation hierarchy to the management of their impacts throughout the lifecycle of the mine.	-	Updated wording.
272	Technical Specialist	12.1	Companies will complete and document a comprehensive assessment of the actual and potential direct and indirect risks and impacts of their activities on biodiversity, ecological functioning, ecosystem services and land use.	Can we point to an acceptable methodology for doing such an assessment?	Y	-	Y	Updated Guidance.
273	Standard	12.1	Companies will probably need guidance on how to do a comprehensive assessment.	-	Y	-	Y	Updated Guidance.
274	Coal Supplier	12.1	Please explain with what specific document of the Company it is necessary to confirm compliance with this paragraph.	-	Y	-	Y	The EIA is sufficient but impacts should be reviewed regularly. Also added to guidance.
275	Coal Supplier	12.2	Please clarify which specific document is implied in this paragraph.	12.2, 12.3	Y	-	Y	Guidance stipulates this can be integrated or stand alone document.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
276	Technical Specialist	12.4	-	Companies will identify any protected sites that exist in the region in which they operate, and not explore or develop new mines in: a)World Heritage sites; b)areas in IUCN protected area management categories I to III; c)core areas of UNESCO biosphere reserves; d)Ramsar sites; e)Key Biodiversity Areas; and f)internationally or nationally recognised protected areas, unless all conditions of Provision 12.6of this Code are met.	N	-	-	Identification of PAs is covered in 12.1. No need to repeat.
277	Standard	12.4	I believe IUCN asks for no mining in none of the IUCN management categories.	-	N	-	-	12.4 states that compnies will not explore or develop new mines in areas falling in IUCN protected area management categories.
278	Coal Supplier	12.4	What document is implied in this paragraph, given that the activities of coal mining enterprises under the laws of the Russian Federation are not possible in the above territories. In addition, in the event that enterprises are significantly removed from the listed territories.	12.4	Y	-	Y	Already covered under Impage Assessment in EIA and ongoing monitoring of impacts on biodiversity. Also added to Guidance.
279	Standard	12.5	"Reasonably possible" is very vague. Can you give examples in the guidance of what would be expected in avoiding impacts?	-	Y	TDI - Update guidance.	Y	Added to Guidance.
280	Coal Supplier	12.5	See the commentary to clause 12.4 - What document is implied in this paragraph, given that the activities of coal mining enterprises under the laws of the Russian Federation are not possible in the above territories. In addition, in the event that enterprises are significantly removed from the listed territories.	12.5	Y	-	Y	Added to Guidance.
281	Technical Specialist	12.6	A couple of enhancements: First bullet – legal permission might be granted, but it may not be appropriate (ie destroying rain forest?) Second bullet – not all governments may have suitable plans!	Companies operating in nationally and internationally recognised protected areas that are not IUCN-designated Protected Areas Categories Ia and Ib40 will do all of the following: - Confirm that operations are legally and ethically permitted. - Act in a manner consistent with any government-recognised management plans for the area, or in accordance with internationally accepted best practices.	N	-	-	Changes not appropriate as this is about legal compliance and conforming with government plans.
282	Standard	12.6	12.6 (c) - What about ICCAs (indigenous and community conserved areas)? Would be good to specify what PA sponsors and managers should be consulted on. E.g. on measures to avoid and reduce impact?	-	N	-	-	Consultation with communities is clearly an expectation here, and in 12.1 and elsewhere throughout the Principle. Inclusion of ICCAs was considered, but given that they are not widely recognised in national legislation were not listed. Nor was it a recognised category in previous Code (light touch revisions). Furthermore, their coverage by IUCN PA categories is also not clear. No change.
283	Coal Supplier	12.6	See the commentary to clause 12.4 - What document is implied in this paragraph, given that the activities of coal mining enterprises under the laws of the Russian Federation are not possible in the above territories. In addition, in the event that enterprises are significantly removed from the listed territories.	12.6	Y	-	Y	Added to Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
284	Technical Specialist	12.7	If a project is going to convert or degrade natural habitats in a high conservation value area, it should not go ahead regardless of whether there is no other viable alternative. It is not enough to establish the views of stakeholders: their views must be satisfied.	Companies will not convert or degrade natural habitats, in particular high conservation value areas, unless all of the following: a) the views of stakeholders, including affected communities, with respect to the extent of conversion and degradation have been satisfied; and c) any conversion or degradation is mitigated according to the biodiversity mitigation hierarchy.	N	-	-	No change, provision wording is aligned with IFC PS6.
285	Technical Specialist	12.7	This really needs a definition of "natural habitats" somewhere. Doesn't it almost have to track the IFC definition on Performance Standard 6? "Natural habitats are areas composed of viable assemblages of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an area's primary ecological functions and species composition." If we leave this without definition, Bettercoal and future assessment teams will be constantly getting lobbied that some area "is not really a natural habitat."	Companies will publicly commit that they will not convert or degrade natural habitats, in particular high conservation value areas, unless all of the following: a) no other viable alternatives for the development of the project are available; b) consultation has established the views of stakeholders, including affected communities, with respect to the extent of conversion and degradation; and c) any conversion or degradation is mitigated according to the biodiversity mitigation hierarchy.	N	-	-	A public commitment does not make a difference to the outcome of the provision's implementation - and is not focus of this provision. Natural habitats definition given in guidance.
286	Standard	12.7	-	12.7 (b) - unless all of the following are met:	Y	12.7 (b) - unless all of the following are met:	-	Updated wording.
287	Coal Supplier	12.7	Please clarify which document will be sufficient to comply with the requirements of this paragraph.	12.7	Y	-	Y	Added to Guidance.
288	Standard	12.8	Should companies also seek to support recovery of those species in consultation with stakeholders?	-	N	-	-	In 12.6, we require: '... c) consult protected area sponsors and managers, affected communities, indigenous and tribal peoples, and other stakeholders throughout the lifecycle of the mine as appropriate; d) implement additional programmes, as appropriate, to promote and enhance the conservation aims and effective management of the area; and...'. Beyond this, not clear on what the Code should include to address the question, which is quite unclear.
289	Coal Supplier	12.8	См. комментарий к п. 12.7. See comment to paragraph 12.7 - Please clarify which document will be sufficient to comply with the requirements of this paragraph.	12.8	Y	-	Y	Added to Guidance.
290	Standard	12.9	This should include assessment of the risk that the company contributes to the spreading of species that might be alien in other regions. Not sure how to exactly frame this, but e.g. in steel production, alien species might come with the iron ore, and this should be prevented.	-	Y	-	Y	Added to Guidance.
291	Coal Supplier	12.9	When designing remediation and liquidation projects, the companies conduct mandatory control over the species and species composition of plants recommended for restoration of the coal mining ecosystem. Thus, the risk of introducing alien invasive plant species is eliminated. Please clarify what document confirms the self-sustainability of the measures taken under this item.	12.9	Y	-	Y	Added to Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
292	Technical Specialist	12.11	Companies should restore land, rather than just aim to restore it. Dwellings and buildings can adversely affected by mines' activities including subsidence.	Companies will implement a plan to address the risks and impacts to ecosystem services and land uses identified in the assessment referred to in Provision 12.1 of this Code. Where appropriate and applicable, the plan will include a commitment to: a) avoid impacts on priority ecosystem services of relevance to affected communities; b) apply good practices to rehabilitate land and aim to restore land that has been disturbed or occupied; c) minimise the effect of subsidence from underground coal mining; d) allow for compensation in the event of adverse impacts from mines' activities on dwellings, buildings, environmentally sensitive areas and productive lands; e) be completed in consultation with affected communities and stakeholders; and f) apply to the full lifecycle of the mine.	In part	Delete 'aim to' from '...b) apply good practices to rehabilitate land and restore land that has been disturbed or occupied...' from 12.11.	-	Do not agree about changing d, as damage to dwellings and buildings are not related to biodiversity. Suggest changing b, namely to remove the words 'aim to'. This changes the tone of Bettercoal Code somewhat, but it is clearer.
293	Standard	12.11	Why "where appropriate and applicable"? Such a plan will always be necessary, no? State "where applicable" in sub-provision c) only?	-	Y	Delete 'where appropriate and applicable' from 12.11.	-	Updated wording. Adding 'where applicable' in sub-provision c. not necessary.
294	Coal Supplier	12.11	In the event that the Company does not have a single document uniting the items listed, which documents will indicate the fulfillment of the item.	12.11	Y	-	Y	Provided in Guidance under performance determination.
295	Technical Specialist	13	There needs to be an additional Provision on suppliers, customers, contractors and partners.	Companies will ensure that their suppliers, customers, contractors and partners abide by all the Provisions of this Code.	N	-	-	There is a separate section on business partners.
296	Technical Specialist	2.1.10 (Code 1.1 not Code 2.0)	Why "significant business partners"? Surely this should be ALL business partners.	Companies will use their best endeavours to promote responsible business practices among all their business partners, suppliers and customers.	N	No further action needed.	-	Comment is on the old Code 1.1. No reference to significant business partners in the new Code 2.0.
297	Technical Specialist	2.3.2 (Code 1.1 not Code 2.0)	The phrase "interested and affected parties" is always a good "general" inclusion clause. Is this clause not a good place to use this? 4.5 in new Code - Companies will regularly engage affected stakeholders, including indigenous and tribal peoples, farmers and landowners, businesses, artisanal and small-scale miners, employees, and regulators, regarding mine closure and rehabilitation plans in order to establish acceptance of the mine closure plan as required by Provision 4.1 of this Code, and will define the criteria for the successful implementation of the plan.	2.3.2 text in old Code - Companies will engage periodically with local stakeholders at their site, including (but not limited to) indigenous peoples and tribal peoples, subsistence farmers, artisanal and small-scale miners, employees, interested and affected parties and regulators, regarding mine closure and rehabilitation plans in order to establish a socially acceptable and operational mine closure plan.	N	-	-	The interested and affected parties are already mentioned, no need to mention again as a headline umbrella.
298	Technical Specialist	5.3.6 (Code 1.1 not Code 2.0)	There have been many cases in South Africa where mine officials have been attacked while trying to diffuse a conflict situation. Also the tribal rivalries can be quite violent.	Companies will consider the use of armed security personnel when there is no acceptable alternative to manage risk or to avoid real threat to life of officials, employees, contracted workers, and visitors to the operation.	N	-	-	We stripped down the security personnel section, this provision is no longer there.
299	Technical Specialist	6.2.2 (Code 1.1 not Code 2.0)	Companies will ensure that they do not hire children (defined as less than 18 years of age) to perform work that is hazardous or harmful to their Health, Safety, or morals in conformity with ILO Convention 182. 15 Underground work by children under 18 years of age is strictly prohibited. Although some many years ago, the National Coal Board took on apprentices at the age of 16. These trainees had to undergo training (some of it underground). Would this be classified as "work"?	6.2.2 - text in old Code - Companies will ensure that they do not hire children (defined as less than 18 years of age) to perform work that is hazardous or harmful to their Health, Safety, or morals in conformity with ILO Convention 182.15 Regular, remunerated underground work by children under eighteen (18) years of age is strictly prohibited.	N	-	-	Text in new Code Provision 6.3 is - Companies will have systems in place to ensure they comply with minimum age standards and do not employ or allow to work children who are under either the age of 15, or the age for completing compulsory education or the legal minimum age for employment in the country whichever age is greatest in adherence to the ILO Minimum Age Convention, 1973 (No. 138). As the new Code text is stricter than what we had before, no need to change it.
300	Technical Specialist	6.4.1 (Code 1.1 not Code 2.0)	...Workers' organisations are expected to fairly represent the workers in the workforce. Not sure of the meaning.	Workers' organisations are expected to fairly represent the workers in the workplace.	N	-	-	Comment is on old Code 1.1 and wording has changed since in new provision 6.7. No need for action.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
301	Technical Specialist	6.7.3 (Code 1.1 not Code 2.0)	3.Check spacing between clauses (e.g. 6.7.3 and 6.7.4).	-	N	-	-	Formatting comment on old Code 1.1 so not relevant.
302	Technical Specialist	6.9.1 (Code 1.1 not Code 2.0)	"workstations" implies sme kind of computer technology.	Work places [or Places of work]that are designed as appropriate to the task performed and to minimise occupational health risks, such as the need to exert excessive physical force, maintain an awkward posture for extended periods of time, or repetitively strain muscles, tendons, ligaments, or joints.	N	-	-	Comment is on old Code 1.1 and not relevant to new 2.0.
303	Technical Specialist	6.9.1 (Code 1.1 not Code 2.0)	Hearing protection.	adequate lighting, ventilation, air quality, and temperatures (where safe noise levels cannot be guaranteed, personal protection should be available and provided free of charge);	Y	-	Y	New Code 2.0 Provision 7.9 says - Companies will ensure safe noise levels through the provision of adequate personal protective equipment. Addressed in Provision 7.5 of Guidance.
304	Technical Specialist	6.9.6 (Code 1.1 not Code 2.0)	Some countries have more than one official language.	Companies will make information about health and safety available to employees and contracted workers in an understandable form and in an appropriate language or languages.	Y	-	-	In new Code 7.14 it says - c) Companies will make information about health and safety available to workers in an understandable form and in an appropriate language. No need to change, the word appropriate covers that already.
305	Technical Specialist	6.9.8 (Code 1.1 not Code 2.0)	In some countries mining legislation is not well developed.	Companies will establish systems to detect, avoid, or respond to potential threats to the health and safety of personnel. Companies shall maintain written records of all accidents that occur in the workplace and in company-controlled residences and property in accordance with local legislation or international best practice.	N	-	Y	In new Code 7.23 it says - Companies will implement systems to detect, avoid and/or respond to potential threats to the health, safety and wellbeing of workers. With the new Code we tried to move away from citing local and international legislation. Added to Guidance under Provision 7.19.
306	Technical Specialist	7.1.1 (Code 1.1 not Code 2.0)	This is not clear. Companies will not replace the state and shall endeavour to strengthen local institutional capacity.	-	N	-	-	Comment is on old Code 1.1 and not relevant to new 2.0. Wording was changed with the revision.
307	Technical Specialist	7.1.12 (Code 1.1 not Code 2.0)	This is not clear. Companies will recognise that the capacity of governments and host societies to deliver the expected benefits from resource extraction may be limited, at least initially, as will be their ability to monitor social and environmental protection. Companies should support local and institutional capacity.	-	Y	-	-	Wording has been updated Code 1.1 to 2.0 and Provision 8.11 states that companies will support social, economic and institutional development.
308	Technical Specialist	8.1.4 (Code 1.1 not Code 2.0)	It may be that reducing water consumption is not possible (if wet processing and operations are expanding).	Companies will set targets related to improving the efficiency of the consumption of water and energy, as well as improvement targets for efficiency and conservation efforts.	Y	-	-	Provision 9.3 asks for good practice water management, not waster consumption reduction.
309	Utility Company	Collaboration	Because in most areas the problems identified are cumulative,as in the SDGs companies should be encouraged to seek collaboration with peers and other companies surrounding them to address common challenges, e.g. water impact, air emissions etc.	Add new section on Collaboration with similar wording to that of SDGs	Y	-	Y	In the Code there is: **NEW** Companies will, where appropriate, integrate the UN Sustainable Development Goals into their impact evaluations, community development plans and continuous improvement work. 8.11 - Companies will support the social, economic and institutional development of the communities in which they operate, and support community initiatives. Also addressed in Guidance.
310	Technical Specialist	General	1. Use of UK English throughout – in some cases we have program (e.g. 7.1.13). II Purpose would be better "...principles and provisions with which Bettercoal expects companies in the coal supply chain to align".	-	Y	-	-	Bettercoal will do a full copy edit at the end.
311	Technical Specialist	General	2. "Indiscriminate" use of upper case in several clauses. As this is a professional document, it is expected that the use of grammar and cases be carefully scrutinised.	-	Y	-	-	Bettercoal will do a full copy edit at the end.
312	Technical Specialist	General	4. The use of the word "actors" (5.1.2, 5.4.4, 6.9.10 etc) is unusual. Would "parties" or "agents"be better? Maybe should be included in the Glossary?	-	N	-	-	There are no such provisions in a new Code and we do not use term actor. Stakeholder is commenting on the old version of the Code.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
313	Technical Specialist	General	5. II. Purpose states "The Bettercoal Code (the Code) ...". Throughout the Code, the term "Bettercoal Code" or "this Code" is used. As the term has been defined in the Preface, it is suggested that all references be "the Code".(e.g. 2.1.1, 2.1.9, V. Standards Development, IX. Review, 2.2.3 etc	-	N	-	-	Comment is on the old Code, no longer applicable.
314	Technical Specialist	General	6. It is suggested where numbers are used (e.g. in 6.2 Child Labour and 6.7 Working Hours), the numbers should be spelled out (where appropriate) as in Assessment in the Glossary.	-	N	-	-	Comment is on the old Code, no longer applicable.
315	Technical Specialist	General	7. There are a number of footnotes, which are relevant. However some references are duplicated (footnotes 3 and 9), and some references are not footnoted (e.g. 6.9.1).	-	N	-	-	Comment is on the old Code, no longer applicable.
316	Technical Specialist	General	8. It might be useful to cross reference the appropriate clauses – e.g 2.1.5 and 9.1.7?; 6.8.3 and 6.7.2?	-	Y	-	-	Comment is on the old Code, no longer applicable. For the new Code we have hyperlinks cross-linking different provisions.
317	Technical Specialist	General	10. It is of concern that there is not more mention of the hazards associated specifically with coal mining. Methane gets a mention in 6.9.1. It is suggested that the common suite of gasses found in coal mines (CH ₄ , CO, CO ₂ , H ₂ S etc) be mentioned, with appropriate limits for safe working, explosive range etc. Further, there appears to be little discussion regarding coal dust and means of arresting the progress of an explosion (the UK used to exempt mines that were "naturally wet throughout"!); Little mention of "respirable dust", particularly as a recent article suggests some one in ten US coal miners contracts pneumoconiosis. The particulate range that causes health problems is well documented. The Code is not to be prescriptive, but can outline some "best practice" issues. Spontaneous Combustion does not seem to get a mention. This is one "unique" characteristic of coal mining. There should be some clause relating to detecting, combatting and reporting incidents (whether surface or underground, stockpiled or on waste dumps). Several mines are prone to outbursts and rockbursts – again this particular hazard should be mentioned.	-	Y	-	Y	Comment is on the old Code. Currently the OHS principle is the most detailed principle and there will be guidance too. Another comment already suggested adding other gases, besides methane to 7.10 and another comment suggested adding explosion to the emergency preparedness (7.13). Dust, pneumoconiosis, spontaneous combustion and rockbursts can be addressed in the guidance for 7.20 and 7.13.
318	Technical Specialist	General	11. There seems to be little mention of fire, fire prevention and the requirement for a fully functioning fire fighting/suppression system, particularly on underground mines or in coal processing plants.	-	Y	-	Y	Another comment already suggested adding other gases, besides methane to 7.10 and another comment suggested adding explosion to the emergency preparedness (7.13). Dust, pneumoconiosis, spontaneous combustion and rockbursts can be addressed in the guidance for 7.20 and 7.13.
319	Technical Specialist	General	12. It would be appropriate to mention Mines Rescue Services, and the need for a rescue team(s)/brigade(s) at the mine	-	Y	-	Y	The Library of Best Practice will be constituted once the Code and Guidance are finalised. This will provide suppliers with reference documents which should help them understand how they can improve their performance or align it with best practice. We will store these documents so that they can easily be accessed by our Suppliers. We will also – if we have the financial capacity to do so – hold seminars to share best practice and help suppliers improve. But for the moment this is challenging as the majority of the Bettercoal budget is spent on conducting the assessments.
320	Technical Specialist	General	13. The concept of a central control room is standard on most modern coal mines, and there could have been some discussion as to the role and function of the control room.	-	Y	-	Y	This is more of a design and engineering issue. The Code requires systems to manage health and safety, emergency response etc. The control room is a mechanism to do that so would be considered as part of the company's management systems in the assessment process.
321	Technical Specialist	General	14. Where phrases are defined, (e.g 7.1.13 – ASM, the acronym should be used in subsequent clauses (7.1.14.). Is 10.6.2 the first time life of mine (LOM) appears?	-	N	-	-	Comments on old Code, not relevant.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
322	Technical Specialist	General	9. Some headings are at the bottom of the page, with no following text – the ‘keep with next’ function would greatly enhance the professionalism of the document (e.g 2.3 and 10.7)	-	Y	-	-	Will do a full copy edit at the end to ensure consistency.
323	Utility Company	General	Good progress! Some areas that have become more prominent since we 1st revised the code are: Scrutiny over companies Ultimate Beneficiary Owner and country of registration... I think companies (I am thinking Carbo One here) should be more transparent about their ownership structure and provide BC with information on UBO and country of registration including the names of shareholders, the % of shares owned and the type of shares, e.g. Bearer shares (#). BEARER SHARES: The OECD in a 2003 report concluded that the use of bearer shares is "perhaps the single most important (and perhaps the most widely used) mechanism" to protect the anonymity of a ship's beneficial owner.[1] Physically possessing a bearer share accords ownership of the corporation, which in turn owns the asset. Bearer shares are banned in some countries, because of their potential for abuse, such as tax evasion,[2] movement of funds, and money laundering.[3] https://en.wikipedia.org/wiki/Bearer_instrument	-	N/A	-	-	Provisions 3.2 and 3.3.
324	Utility Company	General	The killings of human right defenders is becoming more and more worrying specially In Colombia. some companies are issuing stand alone statements to protect, defend, respect the human rights of human right defenders. This is very relevant for the coal industry and think should be addressed. A number of examples provided by stakeholder.	-	N/A	-	-	Various improvements made to the human rights section of the Code. Principle 5.
325	Technical Specialist	General	Independent Verification - There are some areas that are so important that having the company telling itself that what it is doing is adequate is just not enough. We have just too much painful experience that teaches us this. I think that on some critical areas (methane monitoring and fire suppression come to mind) the Code should require periodic checks by some kind of independent entity that is not part of the production team, or the company.	-	Y	-	Y	Addressed in Guidance.
326	Technical Specialist	General	A Separate Guidance Document to Accompany the Code? There may be times when this can be done in the Provisions themselves without cluttering things up too much. In general, I think it may be better to put this guidance in some kind of accompanying document, as IFC has done with the Performance Standards, Guidance Notes to Performance Standards on Environmental and Social Sustainability - 2012 Edition. But it will be too awkward for Bettercoal to be advocating for company actions "consistent with good industry practice" without saying what that "good industry practice" consists of. And since Bettercoal is not in a position to produce hundreds of pages of standards or guidance manuals, it is best to refer to the guidance manuals or standards that already exist. That has a number of distinct advantages: • We can hope companies are already familiar with much of this material. • As more and more voluntary standards systems coalesce around specific requirements, the requirements are strengthened.	-	Y	-	Y	Addressed in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
327	Technical Specialist	General	<p>Where these things tend to get into trouble is when people start writing without a methodology and then start adapting their assessment to meet their objectives and inventing the methodology as they go. While we might not want to require everyone in every country to use one single method, I think the Code should in these circumstances be written:</p> <ul style="list-style-type: none"> - To require that the company employ some recognizable methodology with some support in the literature; - Suggesting some methodologies that are consistent with good practice; and - Require that the company tell us what methodology they are using. 	-	Y	-	Y	Addressed in Guidance.
328	Technical Specialist	General	<p>Methodology We want to move away from companies doing what they have always done and trying to repackage it as compliance. Part of that, with the Code's increasing emphasis on doing a variety of Assessments, is ensuring that those assessments are done according to known and acceptable methodologies. So even if Bettercoal does not want to specify one unique method for doing assessments, it should require:</p> <ul style="list-style-type: none"> - That these various assessments be done according to some recognized methodology; and - Set out one or more methodologies that represent best practice on the subject in question. 	-	Y	-	Y	Addressed in Guidance.
329	Technical Specialist	General	<p>Consistency With Other Codes and Standards We need to move away from anything that looks like divergence from other code and standards systems and to the maximum incorporate and refer to them. We do not want to have an ILO definition of "holiday pay" and a separate Bettercoal definition. We do not want to have a Bettercoal version of biological diversity and an IFC Performance Standard 6 version.</p> <ul style="list-style-type: none"> - It is far easier for companies to have consistency in what they are being expected to do, rather than try to comply with multiple similar but not quite identical systems. - It has I believe a greater level of positive impact if all the code systems are saying the same thing - If Bettercoal incorporates these other standards it brings on board all the various guidance documents interpreting them. This is much easier (and less expensive) than Bettercoal having to develop its own detailed guidance on all the dozens of subjects in the Code - It gives solid guidance to Bettercoal assessment teams 	-	Y	-	Y	Addressed in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
330	Technical Specialist	General	I would link these Provisions as closely as you can to the relevant external systems of standards, making it clear that, for example: - Bettercoal is not trying to develop its own definition of "banned substances," but is following the Stockholm Convention definition. - Bettercoal is not trying to develop its own definition of "natural habitats" but is guided by Performance Standard 6. - Bettercoal is not trying to develop its own definition of "cultural resources" but is using the definition from Performance Standard 8. Etc. Once you open up the possibility that Bettercoal has its own unique definitions, that are nowhere written down, and thus the subject is open to debate, lobbying and arm twisting, you will never see the end of it.	-	Y	-	Y	Addressed in Guidance.
331	Technical Specialist	General	Assessors would benefit from being able to incorporate and rely on authoritative definitions that have been expanded upon in things like IFC's Guidance Notes on the Performance Standards rather than having to argue with companies about what the definitions should be or how they should be applied.	-	Y	-	Y	Addressed in Guidance.
332	Technical Specialist	General	In short, I think we should strive for consistency with existing bodies of standards and avoid suggesting that the Bettercoal definitions are flexible and subject to debate, or that a "displaced person" for Bettercoal is somehow different from a "displaced person" in the eyes of IFC.	-	Y	-	Y	Addressed in Guidance.
333	Technical Specialist	General	For similar reasons, I think we should at least point to examples of acceptable methodologies. We might not want at this stage prescriptively to require use of a single unique methodology for something like a water resource assessment, or a biodiversity assessment. On the other hand, we really do not want people to be taking what they are already doing for other purposes, start calling it a methodology, and saying it meets the standard.	-	Y	-	Y	Addressed in Guidance.
334	Standard	General	You have made some good additions to the Provisions. The Provisions are often quite high-level and leave a lot of room for interpretation. Your guidance document will be very important in giving direction to companies and assessors. It would be good if that guidance document would make explicit what the required minimum performance is for a Provision to be fully met. Using prescriptive language such as "companies are expected to..." or "companies must..." will be useful here. This would also help ensure that assessments are as streamlined as possible and that companies will be held to the same bar.	-	Y	-	Y	Addressed in Guidance.
335	Coal Supplier	General	We suggest finalizing the "Dictionary" section of the Bettercoal Code taking into account the new terms that appear in the new version.	-	Y	-	-	Glossary will be updated at the end.
336	Coal Supplier	General	We suggest concretizing some formulations (according to the provisions indicated in the comments).	-	Y	-	Y	Addressed in Guidance.
337	Coal Supplier	General	In matters of ecology, health and safety, social responsibility - pay attention to the requirements arising from international ISO standards.	-	Y	-	Y	Addressed in Guidance.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
338	Coal Supplier	General	Adopt a list of regulatory documents implying (decrypting) the category of "international requirements", possibly supplementing the Bettercoal Code with a "bibliography" section.	-	Y	-	Y	Addressed in Guidance.
339	Coal Supplier	General	As part of our planned webinar, I would like to understand the preparation process of the "Bettercoal Library of Best Practices" in accordance with the Code. What will this resource look like, what information will it contain?	-	Y	-	-	There will be Guidance accompanying the Code and we will also work on a Resource Library too.
340	Coal Supplier	General	We also kindly ask you to share with us examples of actual implementation by Bettercoal suppliers of provisions on the check-ups of their contractors for their compliance with human rights, social and environmental requirements in jurisdictions where intervention and control over businesses is limited only by the laws of national regulatory institutions.	-	Y	-	-	This is already shared in Public Reports, available on our website.
341	Technical Specialist	Glossary	Should we indicate Steps 1 & 2?	Step 3 of the Assessment Process which includes a site-sisit. The site specific, methodical, observational and documented process for obtaining assessment evidence and evaluating it objectively to determine the extent to which the Code is fulfilled.	N	-	-	We added definitions of self-assessment and site assessment as those are relevant for the Code and Guidance. Step 1 is about letter of commitment so no need to add it.
342	Technical Specialist	Glossary	Coal hazards	Maybe include a glossary of safe/explosive ranges of mine gases, propensity for spontaneous combustion and flammable dust generation	Y	-	Y	The Glossary and Guidance will include/explain relevant terms in the Code.
343	Technical Specialist	Glossary	-	Maybe include ranges of hazardous dust size fractions (coal and rock).	Y	TDI - Add guidance.	Y	The Glossary and Guidance will include/explain relevant terms in the Code.
344	Technical Specialist	Glossary	Pollutants	Waste matter that contaminates the water (ground water and surface water and water courses), air, or soil (top soil or sub-soil).	Y	Waste matter that contaminates the water (ground water and surface water and water courses), air, or soil (top soil or sub-soil).	-	Wording in Glossary will be updated.
345	Technical Specialist	Glossary	Self Assessment	The assessment carried out by Suppliers describing their mine sites and facilities and evaluating their own performance against the requirements of the Code. Suppliers can use the Self-Assessment Questionnaire to gauge their preparedness for a Site-Assessment, improve practices and to identify Objective Evidence required during the Site- Assessment.	Y	The assessment carried out by Suppliers describing their mine sites and facilities and evaluating their own performance against the requirements of the Code. Suppliers can use the Self-Assessment Questionnaire to gauge their preparedness for a Site-Assessment, improve practices and to identify Objective Evidence required during the Site- Assessment.	-	Wording in Glossary will be updated.
346	Technical Specialist	Glossary	Tailings - Coal mining terminology	Crushed or fine rock and/or coal and effluents that are generated during the wet processing of the coal.	Y	Crushed or fine rock and/or coal and effluents that are generated during the wet processing of the coal.	-	Wording in Glossary will be updated.
347	Technical Specialist	II. Purpose	See 1. above	The Bettercoal Code (the Code) sets out the ethical, social and environmental principles and provisions with which Bettercoal expects companies in the coal supply chain to align.	N	-	-	No further action needed.

CODE REVIEW 2.0 PUBLIC CONSULTATION STAKEHOLDER COMMENT					CODE REVIEW 2.0 BETTERCOAL RESPONSE			
Comment Number	Stakeholder Type	Provision Number (Disclosed Revised Code 2.0)	Comment / Feedback	Proposed Change or Revised Wording	Addressed Comment in the Revised Code?	Provision Re-Word	Add to Guidance?	Response to Stakeholder
348	Standard	TBC	<p>7.1. Community Engagement and Development</p> <p>7. Principle 7. Companies shall contribute to the long-term social, cultural, environmental, economic, and institutional development of communities in which they operate.</p> <p>7.1.13. Where artisanal and small-scale miners (ASM) operate on or around a mining operation, companies will engage directly with them as part of their social and environmental impact assessment programs and Community Engagement processes.</p> <p>7.1.14. Companies will, as appropriate, participate in initiatives that enable the professionalization and formalisation of artisanal and small-scale mining, where it occurs within their areas of operation.</p> <p>Invitation to know and evaluate the possible inclusion of the CRAFT Code as a tool to facilitate the engagement of the companies with artisanal and small-scale miners in the Better coal initiative 2.0-Principles 7. 1.13 and 7.1.14.</p>	-	N	-	-	Will consider incorporating ASM into the Code specifically when we have more ASM representation/members/suppliers.
349	Asset Management	Various	<p>Beyond that the policy focusses in three transitions and human rights as important criteria for investments. As described in the policy as "We see three major transitions in the coming years that we address with our policy. These transitions have a decisive impact on companies' ability to create long-term value. These three major transitions are: 1. Addressing climate change and the need to transition to new energy generation and renewable energy sources; 2. Conservation of natural resources, including increasing scarcity of raw materials and food; 3. The digitalization of society, in which technology plays an increasingly important role. We regard corporate respect for human rights not only as a prerequisite for all our investments, but also as the precondition for these transitions to progress justly.". To improve our understanding of companies' approach to human rights we use the Corporate Human Rights Benchmark (https://www.corporatebenchmark.org/). In the future this will become an more important criteria for investments. It might be worth checking if the questions are covered in the new code.</p>	-	N/A	-	-	No further action needed.