



## **The Copper Mark Standard Setting Procedure**

v.1 – April 2021

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## 1 Purpose and Scope

The Copper Mark Standard Setting Procedure (herein “the Procedure”) defines the process to review and revise existing Copper Mark standards as well as develop any new Copper Mark standards.

The purpose of the Procedure is to ensure the credibility of the Copper Mark standards through a transparent standard review, revision, and consultation process that engages impacted stakeholders.

The Copper Mark currently has two standards:

1. The Copper Mark Criteria for Responsible Production ([Copper Mark Criteria](#)). The Copper Mark uses the [Risk Read Assessment \(RRA\)](#) of the Responsible Minerals Initiative (RMI) as the basis for evaluating Participants’ performance, including the RRA-Copper Mark Criteria Guide of February 2020.
2. [The Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc of February 2021](#).

The Copper Mark reviews and revises its standards through this process every 3 years.

## 2 Proposals for New Standards and / or Substantive Changes in Non-Regular Revision Cycle

### 2.1 Submitting a Proposal

Any interested party can submit a proposal to develop or revise a Copper Mark standard at any time. This includes but is not limited to staff, copper producers, assessors, and external stakeholders. Proposals can be sent to [info@coppermark.org](mailto:info@coppermark.org).

Proposals must include the following information:

- Requesting party and contact information
- Recommended revision or new standard
- Objective and need for revision or new standard
- Content, scope, applicability, and summary of changes (for revisions)

### 2.2 Approving a Proposal

The decision to approve or reject a proposal for a new standard or to initiate a revision outside of the regular review process is taken by the Board of Directors. The Board is supported in its decision-making by staff, the Advisory Council, and the competent technical bodies.

Staff will receive and review the proposals and take the following actions:

- For non-substantive revisions to existing standards: staff will log the proposals and include them in the next annual revision cycle.

- For substantive revisions: staff will share the proposals with the Advisory Council twice annually as part of the review of the organization's progress in accordance with [The Copper Mark M&E System](#).
- For new standards: staff will map existing standard that have a similar intent to avoid potential duplication. The proposals and research will be shared with the Advisory Council annually as part of the review of the organization's progress in accordance with The Copper Mark M&E System.

The Advisory Council will review the proposals for alignment with The Copper Mark's strategic vision and objectives. In reviewing the proposals, the Advisory Council will also consider:

- Significant changes in the copper supply chain that indicate a change in effectiveness of the standard(s)
- Change in legislation that affects existing standards or necessitates a new standard
- Change in international frameworks, standards, or guidance that affects existing standards or necessitates a new standard
- Results and data from the M&E System that indicate a need for change to meet the overall goals, objectives, or intended impact
- Significant changes that indicate a risk to the organization

Based on the review above and input from the Advisory Council, staff will make a recommendation to the Board to:

- Reject a proposal.
- Include a proposal in the regular revision cycle of an existing standard.
- Revise an existing standard outside of the regular revision cycle.
- Develop a new standard.

### 3 Process to Develop New Standards

#### 3.1 Planning

Once the proposal to develop a new standard is approved, The Copper Mark will engage in the following pre-development activities to ensure the process is inclusive and robust.

##### 3.1.1 Research and Mapping

Staff will conduct background research on the proposal related to context, content, potential obstacles and opportunities.

Staff will review the stakeholder map and prioritize targeted stakeholder outreach and engagement based on the scope and intent of the proposal.

Where organizations have developed similar international standards, The Copper Mark will inform those organizations of the intention to develop a new standard, seek input from them on the terms of reference (developed below) and encourage their participation in its development.

##### 3.1.2 Initial Stakeholder Dialogue

Staff will hold a dialogue with targeted stakeholders to harness the perspectives as well as subject-matter expertise necessary to inform the development process. Dialogues will be held one-on-one, in working group meetings, and in conjunction with panels / events and roundtables.

##### 3.1.3 Terms of Reference

Staff will develop terms of reference for the development of the standard including at a minimum the following information.

- Objectives of the new standard
- Proposed scope of the standard and the intended geographic application
- Justification for the new standard including:
  - An assessment of the most important sustainability issues falling within the scope
  - An explanation of whether the proposed standard will meet an expressed need
  - A list of other standards operating or in development that meet all or part of the expressed need
- Clear social, environmental and economic outcomes that the standard seeks to achieve and how those are linked to the organization's intended change

- An assessment of risks in implementing the standard and how to mitigate these risks

The terms of reference will be reviewed and endorsed by the Advisory Council. Final terms of reference will be submitted to the Board for adoption.

### 3.1.4 Publication of Intent

The Copper Mark will publish on the [standard development page](#):

- Objectives of the new standard
- Proposed scope of the standard and the intended geographic application
- Justification for the new standard
- Timeline for drafting, consultations, publication and associated deliverables
- Decision-making process
- Contact point
- Opportunities for input

## 3.2 Standard Development

### 3.2.1 Copper Mark Technical Bodies

Development of the new standard will be done with the support of a competent technical body with balanced representation facilitated by Copper Mark staff. This will generally be through an existing working group, but a new body may be developed for a specific purpose. The Copper Mark working groups are overseen by the Advisory Council and guided by their terms of reference.

### 3.2.2 Ongoing Consultations

Throughout the development process, staff will engage with relevant subject-matter experts, consultants and stakeholders who are interested and able to provide input into the development process to complement the subject matter expertise present in the technical bodies and / or diversify the types of stakeholders represented therein.

Any interested stakeholder may contact the Copper Mark at any time by sending an email to [info@coppermark.org](mailto:info@coppermark.org).

### 3.2.3 Feasibility

The Copper Mark will test the standard's feasibility and auditability. The test will also review whether the stated objectives can be met by the Standard as drafted. This may be completed through pilot assessments after finalization, or other mechanisms.

### 3.2.4 Legal Review

The Copper Mark will request legal review as appropriate at various stages of the development process to ensure compliance with all applicable national and international laws and with a particular focus on anti-competition laws.

### 3.2.5 Oversight

The Advisory Council is responsible to ensure standards:

- Are aligned with organizational objectives and goals.
- Meet the evolving and emerging expectations of market participants including customers, investors, regulators, affected groups and civil society regarding responsible production and responsible sourcing practices.
- Reflect high quality and best practices in a way that is verifiable and promotes the Copper Mark's credibility and acceptance by its stakeholders.

To this end, the Advisory Council will be kept apprised of the progress of the standard development or revisions throughout the process.

Responsibility to oversee the implementation of the standard development process lies with the Board.

## 3.3 Consultations

In addition to ongoing consultations as described above, The Copper Mark will hold public comment periods for new standards and revised standards, including during the regular revision cycle. The Copper Mark may hold consultative workshops as appropriate as well.

### 3.3.1 Consultative Workshops

The Copper Mark may arrange for workshops to discuss a new or revised standard with stakeholders prioritized in section 4.1.1 above. Information about the consultative workshops will be shared via email invitation, The Copper Mark Newsflash, the website standard development page, and social media as appropriate.

The workshops will aim to have the following characteristics:

- Open to impacted or potentially impacted stakeholders and other interested parties
- Held in a format that encourages open and constructive dialogue
- Held in-person where feasible
- Held in local-language where possible
- Held in multiple geographies / time zones

The feedback from the workshops will be reviewed and integrated through the competent technical body.

### 3.3.2 Public Comment

The Copper Mark will make draft standards available for two public comment periods: one of 60 days for initial feedback and one of 30 days after the initial feedback has been incorporated. The Copper Mark will take all reasonable efforts to enable impacted stakeholders to meaningfully engage.

At a minimum, the Copper Mark will notify the public of the opportunity to comment through email invitation, The Copper Mark Newsflash, the website standard development page, partner organizations, and social media as appropriate. Other forms of notifications may be used.

Additional rounds of targeted consultation may be required when substantive unresolved issues persist.

Feedback from the consultation will be reviewed and integrated through the assigned technical body. The Copper Mark will engage with stakeholders directly when there are questions or a need for additional information or clarity.

A summary of the feedback received, a summary of how each material issue was addressed, and next steps will be published on The Copper Mark standard development page.

## 4 Process to Revise Existing Standards

The process to revise existing standards, whether through the regular revision process or outside of the regular review cycle will generally follow the same format, and include the following activities:

- Planning
  - Research and mapping
  - Initial stakeholder dialogue
- Standard development, limited to the revisions
- Consultations, with the modification that there will be only one 60-day public consultation period

The Copper Mark will publish the following information ahead of the revision process:

- Timeline for drafting, consultations, publication and associated deliverables
- Contact point
- Opportunities for input

## 5 Non-substantive Changes



Proposals for non-substantive changes such as typographical errors, minor inconsistencies, formatting, additional guidance or clarification, or other changes not related to the content or performance requirements may be incorporated by staff.

The Copper Mark will post the updated version on the website and notify users including sites and assessors.

## 6 Decision-Making

A new or revised standard is approved by the Board. The Board's decision is informed by:

- Feedback obtained through public consultations or other forms of stakeholder consultations.
- Advice from the competent technical body
- Reviews by the Advisory Council to ensure alignment with its intended purpose and the vision and objectives of The Copper Mark

Staff will present the proposed final standard to the Advisory Council for their endorsement.

The final standard will be submitted to the Board for adoption including:

- The endorsement of the Advisory Council.
- A summary of the process followed the objectives and scope of the standard.
- A summary of the main feedback and advice received during the consultations, discussion of the competent technical body or review of the Advisory Council and how the feedback was addressed.
- Any substantive issue where agreement was not reached among the consulted stakeholders, the competent technical body or the Advisory Council, a summary of the different views, and how the issue is addressed in the standard.

## 7 Availability

The approved standard will be published to The Copper Mark website within 30 days of approval by the Board of Directors in the English version. Additional languages may require more time for translation.

The publication will include the following information:

- Date of publication
- Date of implementation and any transition period for a revised standard
- Next review date

- Official language of publication and a note that in case of inconsistency between versions, reference shall default to the official language version, which is English.

The Copper Mark will notify stakeholders through emails, The Copper Mark Newsflash, the website [standard development page](#), and social media as appropriate.

## 8 Records

The Copper Mark will keep on file for at least five years the following records related to each standards development or revision process:

- Policies and procedures related to new standard development
- A list of stakeholders contacted in new standard development and standard revisions
- Stakeholders involved at each stage of the process
- Comments received and a summary of how comments were taken into account
- Draft versions of the new or revised standard

The Copper Mark will make the above available to stakeholders upon request.

## 9 Grievances

Grievances about this process, The Copper Mark, or sites participating in or using the Copper Mark Assurance Process should be handled through the [Grievance Mechanism](#).

## 10 Review of Standard Setting Procedure

The Copper Mark will review and revise this procedure every 5 years.

## 11 Glossary

**Copper Mark standards:** standards developed by The Copper Mark. At the time of publication, this includes: The Copper Mark Criteria for Responsible Production (Copper Mark Criteria). The Copper Mark uses the Risk Read Assessment (RRA) of the Responsible Minerals Initiative (RMI) as the basis for evaluating Participants' performance, including the RRA-Copper Mark Criteria Guide of February 2020; and The Joint Due Diligence Standard for Copper, Lead, Nickel and Zinc of February 2021.

**ISEAL Codes of Good Practice:** encompasses the ISEAL Standards Setting Code, Impacts Code and the Assurance Code.

**Stakeholder:** Any person or group interested in, concerned with or directly affected by a standard.

**Standard:** Document that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory (adapted from ISEAL Code of Good Practice and ISO/IEC Guide 2: 2004).

## 12 References

The Copper Mark is grateful for the opportunity to learn from similar organizations with significant experience in this space. The Copper Mark used as guidance and inspiration:

- [Aluminium Stewardship Initiative \(ASI\)](#)
- [Better Cotton Initiative \(BCI\)](#)
- [Fairtrade International](#)
- [Forest Stewardship Council \(FSC\)](#)
- [ISEAL Alliance](#)
- [Marine Stewardship Council \(MSC\)](#)
- [Roundtable on Sustainable Palm Oil \(RSPO\)](#)