

# Metals and Minerals Bulletin

<b>Guidelines Regarding Restricted Access</b>	<b>Bulletin 22-03 Rev. 0 - 0</b>
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In accordance with the Metals and Minerals Committee (MMC) Code of Practice Revision 1 (CoP), clause 11: TIC Council Members require -

*“Safe access to the material...”*

*It is important the Member Company clearly explains in writing in a timely manner to their Principal, any restrictions reducing their ability to execute satisfactory weighing, sampling, moisture determination and sample preparation.”*

The Metals and Minerals Committee (MMC) recognizes that member inspection companies and their contract parties need guidance when faced with entities<sup>1</sup> that restrict access and prevent the performance of a contractual scope of inspection. Typical examples of restrictions to access include: the prohibition of photography or filming in ports, terminals and warehouses; refusal of weighbridge attendance; restricted access to the execution of correct sampling; restricted access to sample preparation witnessing; restricted access to the sealing of ovens, etc. i.e. Situations where access is necessary to ensure proper industry standards of inspection and to protect contract party interests.

The MMC recommends the TIC Council member company to work with entities<sup>1</sup> through co-operative partnering language:

1. To seek dialogue aiming at alleviating entities’ concerns by addressing the perceived risks;
2. offer solutions to permit TIC Council member access to necessary information whilst maintaining site regulation;
3. provide assurance that TIC Council members are working in the best interests of all parties.

The MMC proposes the following procedural guidance:

- Prior to commencement, the TIC Council member will consult with pertinent entities to confirm access to materially relevant areas within their scope of intervention; restricted areas will be identified.
- In the event of a restriction:
  - Understand the restriction and the underlying reason(s); for example:
    - Health and Safety; the Inspection company shall support the site entities’ requirement to maintain site safety and propose feasible alternatives to access. This may involve contributing TIC Council member companies’ own procedures, as a means of providing reassurance but shall not transfer liability for safety on site; the onus is on the site to grant access and TIC Council members to abide by Code of Practice Rev 1, clause 4.
    - Photography or filming; confidentiality statements may be proposed and include entity sign off, limiting photographs to specific areas where no risks are posed (e.g. ship holds).

<u>Revisions/Reaffirmations</u>	
Rev. 0	December 2022

- In cases of arbitrary restrictions that cannot be supported by safety or confidentiality concerns:
  - When time permits prior to commencement, TIC Council members will inform their contract party or parties and include any proposed alternatives for (re)evaluation of the scope of work enabling contract party's direct intervention with relevant entities.
  - When time does not permit prior to commencement and on the advice of their contract party or parties, the TIC Council member company (if appropriate) may issue a letter reserve to the entity detailing the restriction and advise escalation actions.
  - It will be key to ensure the document's audience is defined and properly addressed; a standard template is attached if required.
  - Copies are to be signed by a representative of the entity and the TIC Council member.
  - The letter will contain details of:
    - The entity and their address,
    - location address,
    - restriction,
    - the effect this restriction places on the TIC Council member obligations.

1. Entities encompass parties with authority to control facilities access: for example, but not restricted to local / national government authorities, producer and receiver organizations, principal TIC's.

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**LETTER OF RESERVE**

Date: XXXX – XX - XX  
To: <Entity Name causing the restriction>  
<Address>  
Subject: Restricted access record  
  
Commodity: XXX  
Location: XXX

On behalf of our principals <Client Name> for the above-mentioned material we wish to bring to your attention the following: -

During the TIC Council Members, <Name of Member>, attendance the following restriction(s) of access was/were noted:

**Nature and Impact of the Restriction**

*Summary of the restriction shall be entered here:*

- *Describe the nature of the restriction:  
i.e. access to the weighing room was denied to <Name of Member>*
- *Summary of the effect this has placed on the scope performance:  
i.e. <Name of Member> was unable to confirm the weight records issued by <Entity>;*

We, <Name of Member>, consider that this / these restrictions pose a risk to the accuracy of representation we are contracted to provide to our principal(s), <Client Name>, and may materially affect our ability to follow our obligations in producing a complete and accurate report.

We hereby reserve the rights of our principals to refer to this matter at a later date in the case of any claim arising from loss or damage for which our principals may be held responsible.

We, <Name of Member>, provide a copy of this letter to <Entity issuing the restriction> to raise with senior Management of <Entity>.

<Sign>  
<Name of Member>  
<Date>

<Sign>  
<Entity name>  
<Date>

Confidential Document, in the absence of the principals <Client Name> written instruction this communication is restricted to the parties named herein