



CODE OF PROFESSIONAL ETHICS ***Associations of Mining Engineers***

Preamble.

Given the social function performed by engineers and the implications of their actions for society and for the rest of the profession, a code of ethics is more than ever necessary to govern the professional and collegial practice of mining engineering. Such a code should serve not only to guide the actions of mining engineers, but also as a reference for the ethical commitment they have voluntarily made in performing their tasks for society.

The professional and collegial relationships of mining engineers are very varied, and many situations arise in which a specific code of professional ethics is needed, both as a general guide for engineers and also to provide the rest of society, including their own colleagues, with certain basic principles, commonly and obligatorily applied, with which to judge the nature of their actions, the implications thereof and their rights and duties.

The priority of mining engineers must be to orient their actions towards the service of the public and the betterment of the common good, ensuring that the interests of consumers and users are safeguarded. Their guiding principles must be the application of the best available technologies, integrity in the performance of their professional and collegiate tasks, consideration towards other professionals, and a balanced assessment of the effects of their actions, based on the specific situation.

It shall be the inescapable duty of all mining engineers to be familiar with and to respect all applicable legislation. Likewise, mining engineers must ensure that any proposals, projects, executions and decisions they make in the performance of their professional practice are properly assessed in economic, social and environmental terms. In doing so, they must respect the instructions and guidelines of their clients, to whom they shall make known these ethical principles; they must advise companies, public administrations and any other agents involved in the work on the most suitable or advisable solutions in each case to the best of their knowledge and belief.

In fulfilment of these premises, this Code of Professional Ethics is intended to enlarge upon and give concrete substance to Art. 5 Paragraph i) of the 1974 Professional Associations Act (*Ley 2/74 de Colegios Profesionales*), which states that “it is the duty of the professional association to direct the professional activity of its members within the scope of its authority, safeguarding their professional ethics and dignity and ensuring that due respect for the rights of individuals is upheld and exercising disciplinary powers within the professional institution.”



This directive is reflected in general terms in the General Statutes of the Associations of Mining Engineers and its High Council (*Consejo Superior*), approved by Royal Decree 1278/2003 of 10 October 2003, whose general principles are referenced in this Code of Professional Ethics and which shall be held as a standard of conduct common to all associated mining engineers.

1 Scope of application.

These rules of professional conduct shall apply to all members of Associations of Mining Engineers who exercise their profession within Spanish territory. They shall also serve as general guidance for any professional or collegial actions carried out by members in any other geographical area.

2 General Principles

The conduct of associated mining engineers shall be subject to the following general principles:

- 2.1 The primary objective of the work of associated mining engineers shall be to ensure the safety of the public and facilities and respect for the environment, ensuring compliance with legal and statutory regulations and the achievement of social wellbeing.
- 2.2 They shall assume responsibility for their actions, assessing them with knowledge and care.
- 2.3 They shall be independent and objective in their actions, reporting truthfully any problems, variables or difficulties in carrying out the proposed work, in such a way that both the client and the public administration can understand the scope thereof.
- 2.4 Respect for the client's indications must not prevent them from maintaining their own professional and ethical criteria, complying with legal directives and seeking the greater benefit of society, without harming third parties or damaging the image of the profession, whose general prestige they must serve and of which they form part.
- 2.5 Their actions shall be imbued with respect for the environment, and they shall seek to cause as little deterioration as possible to it. Should such deterioration prove unavoidable, they shall attend to speedy recovery of the environment once the activity is completed, with particular attention to the care and treatment of any waste and effluents produced by said facilities.



- 2.6 They shall base their dealings with other professionals on reciprocal respect, notwithstanding their position as professional competitors competing on the market.
- 2.7 In particular, and when their professional activities are performed in relation to those of other mining engineers, said activities shall be governed by a spirit of fellowship and loyalty thereto, notwithstanding their obligation to inform the Association or the High Council, as appropriate, of any conduct contrary to legal or statutory precepts the other mining engineers may have committed.
- 2.8 Associated mining engineers shall comply with all the obligations contained in the collegiate regulations.

3 Professional obligations of associated mining engineers.

The professional obligations of associated mining engineers are as follows:

- 3.1 Mining engineers affected by this code of ethics shall be required to know, comply with and enforce, where appropriate, these rules, which shall govern their ethical behaviour.
- 3.2 They shall perform their professional activities in the service of the public interest, while respecting the specific interests of mining engineers as a professional group.
- 3.3 They shall act with integrity and reliability, endeavouring to remain up to date in their training and shall acknowledge their mistakes, assuming responsibility for their actions without blaming third parties who have not intervened or seeking to distort the facts.
- 3.4 They shall accept assignments taking into account their own suitability and experience to solve them satisfactorily within the required time and to the required quality and shall refrain from undertaking to carry out work that they are unable to perform.
- 3.5 They shall undertake to maintain the confidentiality of any information which, by reason of their work, is entrusted to them. They shall not use any documentation or data they may have obtained through assignments from their clients for the benefit of third parties, unless expressly authorized to do so by their clients.



- 3.6 They shall not use for their own benefit or that of third parties the resources or facilities of others which they may enjoy by reason of their position or situation.
- 3.7 In the event that they are required to intervene in cases of conflict of interest, they shall take particular care to ensure the independence of their judgement. If required to express a judgement or opinion, they shall always do so to the best of their knowledge and belief, based solely on their own knowledge and experience.
- 3.8 They shall endeavour to keep their training, information and knowledge up to date, actively participating in the dissemination of their professional experience, insofar as it can be used to improve the public standing of mining engineers as a professional group, with the purpose of contributing to the development of society.

4 Ethical obligations of associated mining engineers with respect to their own association.

The ethical obligations of associated mining engineers with respect to their own professional association, shall be as follows:

- 4.1 They shall show respect and consideration for the association's bodies and its executive members in the exercise of their functions, in compliance with the agreements of the Governing Boards and General Assemblies, scrupulously observing the specific statutes of the Association and the general statutes of the Associations of Mining Engineers and their High Council.
- 4.2 Members shall be required to inform the association as soon as they come to their notice, of any actions arising from encroachment by unqualified persons or any other actions, insofar as they may damage the standing of mining engineers.
- 4.3 They shall collaborate with their association, to the extent of their availability and experience, in the exchange of knowledge and proposals that may benefit the collective as a whole, actively participating in activities organized by the association and, when so requested, those promoted by the High Council.
- 4.4 They shall keep up to date with payment of their fees of association, which they shall pay in a timely fashion.
- 4.5 They shall accept as an honour and perform attentively the functions of any posts in the association to which they are elected.



Said posts shall be honorary and the holders shall receive no remuneration for same, other than financial compensation for any expenses incurred in the performance of those functions.

- 4.6 They shall inform the association of any circumstances or details related to their professional or association activities that may harm the High Council, their association, other members or themselves.

5 Obligations towards other members and fellow mining engineers.

- 5.1 In their public declarations and communications, associated mining engineers shall give an example of respect for the personal opinions of other members or professionals, be they mining engineers or others. In any disagreements they may have, they shall base themselves on objective facts or personal knowledge of the case. Such respect shall not prevent them from clearly and firmly setting out their dissenting opinion, taking care to avoid causing disrepute or unfounded alarm or making rash disparaging remarks.
- 5.2 They shall be obliged to inform their association of any breaches of this ethical code of which they become directly aware.
- 5.3 Through their knowledge and experience, they shall support the careers of other engineers and, in particular, mining engineers, for the purpose of helping to enhance the professional level of engineering and provide the best possible social service.
- 5.4 Their dealings with other engineers shall be governed by reasoned understanding, the exercise and requirement of mutual respect and offers of cordial support and co-operation.
- 5.5 In the event of any discrepancy or dispute that cannot be resolved directly between the affected parties, the members shall request the intervention and arbitration of the association's bodies, before having recourse to other bodies, unless reasons of urgency or the importance of the case make other measures necessary.
- 5.6 In their dealings with other colleagues, superiors, members and any subordinates answering to the associated engineer, they shall respect these ethical principles, subordinating their actions to general ethics, respect and personal consideration and a defence of professional qualifications.



6 Special obligations of the members of the governing boards of associations of mining engineers and their High Council and other representative positions within the association.

The particular situation of membership of an association's Governing Board or of the High Council or of occupying the post of Territorial Delegate, Technical Secretary or any other representative post of the associations of Mining Engineers, requires an additional ethical undertaking.

In the case of the members and other posts on the Governing Boards are concerned, the reason for this additional commitment lies precisely in the members' willingness to accept freely an honorary position in representation of the collective, under the terms and manners provided for in the Special or General Statutes. In the case of the territorial delegates and technical secretaries, it lies in the nature of the work they have to perform in their technical and coordinating role.

- 6.1 As a general principle, the recompense received by all members of the Governing Board of the association for their dedication shall be the honour and the professional and personal prestige entailed in being at the service of mining engineers as a professional group. Nonetheless, they may be reimbursed for expenses incurred in the performance of their representative duties, provided these are duly accredited and have been approved in the reglementary fashion.
- 6.2
 - a) Technical secretaries, provided they are not required to perform them exclusively, shall perform their duties without their conflicting in time with any other duties, while they are physically present at the association in which they serve as technical secretaries. They may not use the collegiate headquarters or its resources to perform functions other than those of the technical secretary and may not take advantage of their position to claim special privileges other than those corresponding thereto, nor may they seek to benefit in obtaining work or projects by virtue of their position. They shall compete loyally and without privileges with other interested members and shall be obliged to inform the Governing Board of any such activities as often as said board may provide.
 - b) All other association positions shall also be subject to the provisions referred to in the previous point, with the specific peculiarities of their positions.



- 6.3 Any non-confidential information, that may be obtained by any of the above parties by reason of their office or position, either as members of the Board of Direction or Governing Boards, Territorial Delegates or Technical Secretaries, may not be used for their exclusive personal benefit. Rather, they shall take due care to ensure that they are made known to the entire professional group or to any groups that have previously expressed a professional interest therein, in the most transparent, simultaneous and democratic manner possible, giving all members an opportunity to enjoy the possible advantages or opportunities accruing therefrom, so that it be the most qualified party of those applying for a job or project that has the best chance of being selected.
- 6.4 Members of the Governing Boards and holders of the other positions referred to in this section shall show particular fairness in their dealings with other colleagues, refraining from any unfair treatment of a colleague and being especially vigilant in defending cordiality between members.
- 6.5 Should they become aware, either directly or through third-party notification, of a situation of conflict between members, they shall endeavour to mediate to ensure that it can be resolved amicably and shall refrain from taking sides on behalf of one or other of the disputants if their intervention is influenced by friendship or manifest antagonism or if there exists a conflict of interest.
- 6.6 Should they become aware of an alleged breach of professional ethics, they shall inform their association in timely fashion and shall abide by its decision, refraining from using their position to cause personal or professional harm to the prestige of their colleagues through speculation, conjecture or falsehood.
- 6.7 They shall be obliged to maintain confidentiality regarding the internal discussions of the boards or councils on which they sit. This requirement shall not prevent them from expressing their own convictions, which they must always do with respect for opposing opinions and which shall not exempt them from complying with any resolutions that have been validly adopted at board meetings.

In the event that they have withheld their vote on agreements approved by the Governing Boards or by the High Council and wish to make public the reasons for their disagreement, they shall do so with particular care not to harm the professional group of mining engineers or make disparaging statements or unfounded accusations, for which in all cases they shall be held accountable.



- 6.8 The members of the Governing Board shall take particular care to avoid personal conflicts with other members of said board, of other Associations or of the High Council. It shall be the obligation of the other members, should they become aware of tensions, to endeavour to resolve the discrepancies between members, submitting the matter to the Governing Board of the association, and subsequently, should it prove impossible to reach an agreement, to the High Council's Committee on Regulations, Ethics and Defence of Consumer and User Rights.
- 6.9 When a member of a Board of Direction or Governing Board of an association reports the alleged commission of misdemeanours or crimes by any other member thereof before the ordinary courts, he/she shall be obliged to inform his/her own Board and, optionally, the High Council.
- However, said alleged infringement shall not be treated as an ethical complaint if it does not derive directly or indirectly from the accused party's specific professional practice as a mining engineer or from an action related to his or her function as a member of the Board.
- 6.10 The members of the Governing Boards of the associations of mining engineers, or those other members who have been authorized thereby to implement the authorisation procedure, may not authorise their own professional work.

7 Sanctions

Failure by members to comply with these rules may ultimately result in disciplinary action.

- 7.1 Infringements shall in all cases be prosecuted through the opening of disciplinary proceedings, which shall be made under the principles of independence, fair hearing, right to reply and reservation, concluding with the submission of a proposed settlement by the examiner to the body empowered to rule on the case.
- 7.2 This body, having listened again to the interested party in a procedure provided for this purpose, shall adopt the ruling it deems fit, agreeing to dismiss the case or impose the corresponding disciplinary sanction, in accordance with the Statutes or the disciplinary regime in force at the time the offence was committed.



8 Final Provision.

a) This Code of Ethics was approved by an agreement adopted by the High Council of Associations of Mining Engineers on 26 June 2009 and came into force in the month following its approval.

Compliance therewith and with the measures deriving therefrom shall be supervised by the Committee provided for this purpose in the Rules and Regulations of the High Council.

b) At its meeting of 23 May 2012, the High Council unanimously agreed to adapt the present text to the amendments and clarifications made by the National Competition Commission, as suggested during the joint meeting held therewith on 27 March 2012.

June 2012