

CRAFT

CRAFT 2.0

Code Volume 3

Guiding Principles for CRAFT Schemes

Draft for 2nd public consultation round

CRAFT v1.0 published on July 31st, 2018

Official version: English¹

Period for stakeholders' comments and enquiries:

March 30th – May 30th, 2020

Contact for comments:

standards@responsiblemines.org

This document was developed by the ARM Standards Team as part of the CAPAZ Project (funded by EPRM and implemented by ARM and RESOLVE) and the CRAFT Standard Committee convened by ARM, with support by the CRAFT Advisory Group convened by RESOLVE.



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The Code maintainer is the Alliance for Responsible Mining (ARM)

Contact: standards@responsiblemines.org

¹ In the case of inconsistency between versions, reference defaults to the official language version: English, version number 2.0, which will be approved at the close of the consultation period.

Objective for 2nd round Consultation

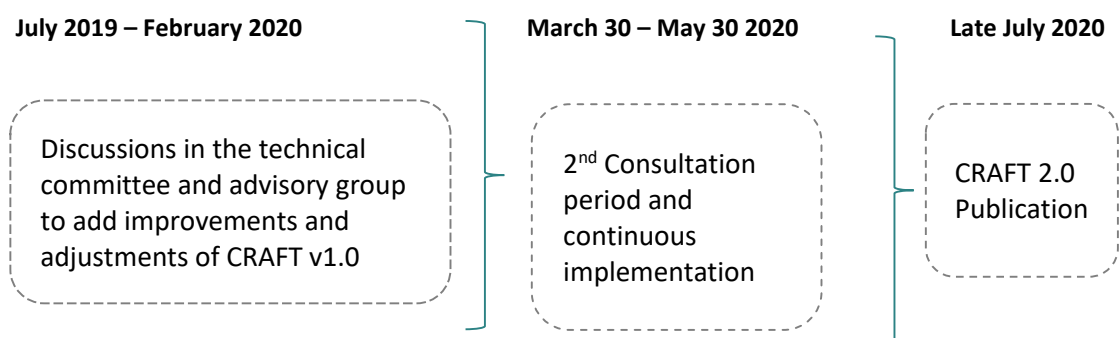
The launch of the CRAFT Code version 1.0 that was published on July 31st, 2018, after a [two-month consultation](#) period. Then, different stakeholders raise the need for the development of CRAFT Version 2.0, whose objectives are to 1) follow standards setting best practice in support of CRAFT’s credibility and legitimacy as a tool, 2) expand the scope of CRAFT to maximize its utility to the artisanal minerals sector and its constituencies, and 3) enable progressive improvement and integrate lessons learned from implementing version 1.

The second round of consultation seeks to collect comments to the adjusted proposal of the CRAFT 1.0 in order to generate greater impacts to the sector and facilitate the connection with the industry.

Stakeholder participation

All interested parties can become a part of building and refining the CRAFT, as it is an open and public process. Everyone from miners to BUYERS and points in between in the gold supply chain, as well as government officials, civil servants, civil society, standard-setting organizations, Artisanal and Small-Scale Mining support networks, and others may partake in the various forms of this consultation process.

We welcome your comments at any time during the consultation process from **March 30 to May 30, 2020**.



How to Comment on the CRAFT Code

Step 1) Review Background and CRAFT v1.0

- The code is available for review on [the project website](#).
- For further background, including [the objectives of the CRAFT code, the general structure and the CRAFT v1.0](#).

Step 2) Comment

There are three possibilities to provide your inputs on the CRAFT:

1. Incorporate your comments and suggested revisions directly into one of the draft documents of the version 2.0 (please use track changes), and send it back to us at standards@responsiblemines.org along with the submission form below.

The new proposed structure is:

Volumes 1 to 3 constitute the CRAFT Code, containing all binding text.

- **Volume 1:** CRAFT Code - Introduction and General Characteristics
- **Volume 2:** CRAFT Code - Requirements for ASM Mineral Producers

- Volume 2A: Commodity-independent Requirements
 - Volume 2B: Commodity-specific Requirements
 - **Volume 3:** CRAFT Code - Guiding Principles for CRAFT Schemes
- Volume 4 is a Guidance Book**, which contains all guidance and explanatory notes, as well as further background information and suggested tools where available and applicable. All text in Volume 4 is non-binding.
2. A second option is to complete [the relevant online form outlining priority questions for feedback by type of actors or thematic interests](#).
 3. Additionally, you are always welcome to offer further comments simply by email.

Comment Submission Form

Please, fill out the following form before commenting on the draft document or sending comments by email:

Name:	
Email address:	
Name of the Organization that you represent:	
Country:	
Please tick here if you would like your comments to be kept anonymous? <input type="checkbox"/>	
Please tick here if you would like to receive information about the development of the CRAFT Code? <input type="checkbox"/>	

Additionally, if you need more information before commenting on this document do not hesitate to contact standards@responsiblemines.org

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1. Introduction

For a general introduction to CRAFT, please see Volume 1. For the CRAFT requirements which ASM mineral producers (AMPs) are expected to comply with, please see Volume 2 (2A and 2B).

Several of the requirements for AMPs have implications for CRAFT Schemes. **This Volume 3** intends to reflect these requirements from the viewpoint of CRAFT Schemes, and provides clarifications regarding implications of the open source characteristics as well as on CRAFT related communication.

Why are Guiding Principles for CRAFT Schemes needed?

CRAFT, as a voluntary sustainability standard, is a progressive performance standard for ASM mineral producers (AMPs). Experience with CRAFT version 1.0 however showed that **AMPs, able to implement the CRAFT on their own, are the exception rather than the rule**. The role of CRAFT Schemes, supporting AMPs in their task to conform with the CRAFT, is therefore pivotal.

For clarifying the role of CRAFT Schemes, the following aspects are relevant:

- **The CRAFT expects to be a tool principally for AMPs**, to empower them in understanding and complying with market expectations, in order to provide them with better access to formal markets. The organizational scope of the CRAFT is the AMP, not the CRAFT Scheme.
- **The CRAFT also expects to be key for BUYERS**, de-risking their supply chain and improving sourcing opportunities from the ASM supply chain. While CRAFT's purpose is not substitute the BUYER's responsibility for carrying out due diligence, and even less to shift this responsibility to the AMPs, **CRAFT has a huge potential to simplify due diligence**. With AMPs preparing CRAFT Reports containing verifiable claims on presence, absence and mitigation progress of risks, due diligence is significantly reduced to verifying these verifiable claims, instead of conducting extensive risk assessments from scratch.
- The CRAFT requires the **CRAFT schemes respect and keep the core criteria of CRAFT** (requirements of Volume 2). Otherwise, they will not be called CRAFT schemes.
- **The CRAFT Code is open source** under the Creative Commons license CC-BY-SA. Due to the terms of this open source license, the code maintainer of the CRAFT Code, has very limited control over who uses the code, for which purpose, and under which conditions, as long as the open source licensing terms of CC BY-SA 4.0 are respected.

The present volume has to purpose to define the **clear rules of engagement** of BUYERS with AMPs to provide AMPs with clarity on what to expect and to ensure a **consistent application of the CRAFT Code that creates confidence in the market** about CRAFT-related claims.

Version 2.0 of CRAFT therefore introduces *Guiding Principles*, to which CRAFT Schemes are expected to abide.

2. Guiding Principles for CRAFT Schemes

The Guiding Principles outlined in this chapter are considered good practice. CRAFT Schemes are expected to perform according to these Guiding Principles, **particularly if they make public claims related to the use or implementation of CRAFT**.

2.1 Engagement with AMP

AMPs usually engage with CRAFT Schemes with the **expectation to obtain support for improving mining practices and for engaging with formal markets.**

As outlined in Volume 1, the process of AMPs affiliating to a CRAFT Scheme is progressive, according to the stepwise approach of CRAFT, with two levels of adherence: Candidate and Affiliate.

In practice, the driving force often comes from the downstream. In most cases CRAFT Schemes² reach out to AMPs, to incorporate them into their supply chain or programme.

CRAFT Schemes are expected to support AMPs with whom they engage, by guiding them in their process towards CRAFT conformance.

1. **Candidate status** of an AMP corresponds hereby to the **initial phase of engagement**, where CRAFT Schemes evaluate whether the AMP is legitimate (MODULE 2) and if Annex II risks³ are present that require immediate disengagement, i.e. that impede sourcing from the AMP (MODULE 3).

CRAFT Schemes are expected to support AMPs by starting to facilitate engagement with formal markets as soon as all risks in MODULE 3 are found absent.

2. **Affiliate status** of an AMP corresponds to an **advanced stage of engagement**, where CRAFT Schemes have obtained reasonable certainty that all Annex II risks requiring disengagement after unsuccessful mitigation efforts (MODULE 4) are:
 - a) controlled or
 - b) measurable progress of risk mitigation can be demonstrated within 6 months from commercial engagement of a BUYER with the AMP.

At affiliate level, AMPs are required to **periodically assess (e.g. each six months)** the non-Annex II risks covered in MODULE 5, prioritize those risks and issues which the members of the AMP consider most important to address, and commit to measurable progress in their mitigation during the upcoming reporting period.

Risks covered by MODULE 3 and 4 are obligatory to address. Non-OECD risks covered by MODULE 5 however, provide room for guidance on prioritization by the CRAFT Scheme. Risks on which the CRAFT Scheme offers support are likely to become the risks and issues which the members of the AMP consider most important to address.

The use of the terms *Candidate* or *Affiliate* are not binding. CRAFT Schemes may use their own descriptors and may add further status levels as needed; e.g. the applicant status from version 1.0 or higher levels for AMPs that have advanced well into MODULE 5. Notwithstanding, **it is expected that CRAFT Schemes maintain the stepwise approach of CRAFT**, with a breakpoint at MODULE 3.

² A CRAFT Scheme is a supply chain scheme that follows, uses, incorporates, or builds upon the rules of the CRAFT Code.

³ Annex II risks are related with worst human rights violations, worst form of child labor, force labor, control non-state armed groups, extortion, bribery, money laundering.

2.2 Support to AMPs to achieve Risk Mitigation

2.2.1 Expected Support to AMPs to accomplish Module 1

If CRAFT Schemes reach out to AMPs to incorporate them into their supply chain or programme, the CRAFT Scheme might evaluate if the AMP falls into the scope of CRAFT and if the organizational setup of the AMP is suitable for commercial engagement.

As applicable, CRAFT Schemes might **start supporting AMPs to establish and strengthen their organizational structure.**

2.2.2 Expected Support to AMPs to accomplish Module 2

Except in probably exceptional cases, where an AMP's **operation is legal, counting on all public or private documents that authorize its operation, determination of legitimacy** based on the four Country Case scenarios of MODULE 2 might be difficult for the AMP.

The initial phase of engagement of CRAFT Schemes with AMPs, evaluating whether the AMP is legitimate, is expected to provide the AMP with guidance to accomplish MODULE 2.

2.2.3 Expected Support to AMPs to accomplish Module 3

For some of the requirements in MODULE 3 it might be difficult for AMPs to obtain evidence to make verifiable claims. In some cases, where the members of the AMP are victims of human rights abuses by non-state armed groups, the attempt of assessment of these crimes by them may even put their physical integrity at life-threatening risk.

CRAFT Schemes may count on tools or contacts to access sensitive conflict related information, which AMPs do not have. CRAFT Schemes are expected to **support AMPs to the extent possible with the collection of evidence** to accomplish MODULE 3.

2.2.4 Expected Support to AMPs to accomplish Module 4

For some of the requirements in MODULE 4 it might also be difficult for AMPs to obtain evidence to make verifiable claims. Particularly in their relation to public security forces, ASM miners are usually the victims of abuses and extortion and extremely vulnerable. Where risks are identified, risk management plans to mitigate the risks can hardly ever be implemented by AMPs on their own.

Assessments and particularly the implementation of risk management plans, which are requirements for AMPs in Volume 2A, are in practice a shared responsibility of AMPs and CRAFT Schemes. CRAFT Schemes are expected to support AMPs to the extent possible with the collection of evidence and the implementation of risk management plans, as required to accomplish MODULE 4.

2.2.5 Expected Support to AMPs to accomplish Module 5

MODULE 5 is aspirational, in that failure to address the issues is not an impediment to access formal markets that require conformity of supply chains with the OECD DDG. Notwithstanding, by failing to address these risks and failing to improve work practices, AMPs miss out on their own development opportunities. CRAFT is intentionally not prescriptive on sequencing and prioritizing improvements of risks in MODULE 5. Neither is the CRAFT prescriptive on the number of improvements pursued simultaneously.

MODULE 5 is an **opportunity for CRAFT Schemes to proactively contribute to responsible ASM mining practices, responsible supply chains and sustainable development (e.g. the indicators**

of Sustainable Development Goals). CRAFT Schemes are encouraged to contribute to their development agenda (economic, environmental and social issues which they intend to be addressed as a priority in their supply chain) but expected to simultaneously respect the development priorities of the AMPs they work with.

2.3 The CRAFT Report and Due Diligence

2.3.1 Expected Support to AMPs to prepare their CRAFT Report

For assurance of conformity, CRAFT only relies on first and second party verification.

First-party verification: the AMPs carry out the exercise to identify the risks and to define the mitigation plans. The AMPs write these findings and commitments in the CRAFT report.

and/or

Second-party verification (by processors or aggregators): they carry out the verification of the CRAFT reports made by the AMPs.

The third level that may exist is the third party verification (see 2.3.2), for example, the BUYERS access to CRAFT reports and they integrate the outcomes in their due diligence procedures. The third party audits check and validate the findings and commitments listed in the CRAFT reports.

As indicated in chapter 2.1, in practice and in most cases, CRAFT Schemes reach out to AMPs, to incorporate them into their supply chain or programme. Alongside with providing the expected support, as outlined in chapter 2.2, CRAFT Schemes (mainly those that provide due diligence as an added value service beyond the scope of the CRAFT) may be tempted to “shortcut” the CRAFT Report and produce a third-party due diligence report instead.⁴

While this approach is fit for the purpose of facilitating access to formal markets for AMPs, and therefore aligned with the “market entry” focus of CRAFT, it is not entirely aligned with the overall **intent of CRAFT to empower AMPs in understanding and complying with market expectations and due diligence needs.**

Additionally, by shortcutting the CRAFT Report, the CRAFT Scheme misses the opportunity to train the AMP in the application of the Five Step Framework⁵, particularly in risk assessment (step 2), risk mitigation (step 3), verification (step 4) and reporting (step 5). As due diligence is not a one-time effort but “*an on-going, proactive and reactive process*”, the main benefit of CRAFT for CRAFT Schemes, which is reducing due diligence efforts to mainly *verifying the claims made in the CRAFT reports*, will never be achieved.

Consequently, CRAFT Schemes should provide advice on **how to prepare the report by providing templates, tools and additional guidance.**

As much as possible of the CRAFT Report should be contributed by the AMP. Even in case of grassroots AMPs that are not able to carry out a self-assessment (e.g. in areas with high illiteracy), the CRAFT Report should reflect a **self-declaration of the AMP**, i.e. the CRAFT Report (if produced by external advisors) should be validated by the AMP and “owned” by the AMP in the sense that

⁴ Observation from CRAFT 1.0 implementation.

⁵ OECD Due Diligence Guidance for Minerals – 5-Step Framework for Upstream and Downstream Supply Chain: 1. Strong company management systems 2. Identify & Assess risks in the supply chain 3. Manage risks 4. Audit of smelter/refiner due diligence practices 5. Publicity report on Due Diligence.

it reflects what they say about themselves. The CRAFT Report is the *Passport to formal markets* for the AMP.

2.3.2 Use of the CRAFT Report for Due Diligence

As indicated in Volume 1, **CRAFT Schemes have no obligation to carry out due diligence or verification of the content of CRAFT Reports**. Their responsibility is to monitor the affiliation status of AMPs based on completeness of the CRAFT Reports presented by the AMP. As per the **OECD DDG, risk-based independent third-party verification (audit) is the responsibility of the supply chain** actors that source or wish to source from ASM (i.e. BUYERS), not the responsibility of the ASM sector or of CRAFT Schemes unless the Scheme owner is a BUYER.

However, CRAFT Schemes may carry out due diligence or third-party verification as seen **appropriate**.

Due diligence based on CRAFT is expected to consist mainly on the verification of the verifiable claims or findings and commitments in the CRAFT Report; applying additional instruments and means of verification beyond CRAFT as needed.

3. Aspects related with the Open Source Characteristics of CRAFT

3.1 Implications of the Creative Commons License CC-BY-SA 4.0

The CRAFT is published under the Creative Commons License CC-BY-SA 4.0. This license is widely used by open source projects such as for example Wikipedia. The legal text of the license is published at <https://creativecommons.org/licenses/by-sa/4.0/legalcode>. Creative Commons provides the following “human-readable summary”⁶:

You are free to:

- Share — copy and redistribute the material in any medium or format
- Adapt — remix, transform, and build upon the material

for any purpose, even commercially.

The licensor cannot revoke these freedoms as long as you follow the license terms.

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- Share Alike — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.
- No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.

Notices:

You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation.

⁶ <https://creativecommons.org/licenses/by-sa/4.0/>

No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material.

In even more simple terms, Creative Commons explains: “This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms.”

In practice this means:

- **Anyone is free to use or redistribute the CRAFT Code**, even for commercial purpose (e.g. provision of services or CRAFT Schemes by BUYERS) and without need to request permission.
- **Anyone** (e.g. ASM Programmes or CRAFT Schemes) **may adapt the CRAFT Code** to fit their specific needs (i.e. create a *branch*).
- **Whoever uses or adapts** (branches) **the CRAFT Code, must reference the original document** (or an adaption for a particular context) and disclose any eventual modification (i.e. indicate that it is not the Core Version).
- For creating branches or localising, the CRAFT schemes must include the core criteria of the code contained in the **Volumes 2A and 2B**.
- **Whoever adapts** (branches) **the CRAFT Code, must release the branched code under the same license**, i.e. may not apply any restriction.

In particular, the freedom to Adapt and the requirement of Share Alike have implications on CRAFT schemes when they are localising or branching CRAFT or for incorporating it into other Standards.

3.2 Localising CRAFT

The geographic scope of CRAFT is **global** and consequently all requirements for AMPs (Volume 2) are designed and worded to be as globally applicable as possible.

Notwithstanding, for specific national contexts, some requirements of this CRAFT criteria might be too generic, particularly in countries where a detailed legal and regulatory framework for ASM is in place and fully operational. Particularly in such cases, **national legislation prevails**.

For this purpose, the freedom to *Adapt* the CRAFT Code provides CRAFT Schemes with a convenient way for working with a legally valid localised version.

A localised version is usually characterized by:

- Keeping all the criteria, unless modification of one or more requirements for AMPs (in Volume 2A or 2B), for a particular context,
- indication of its geographic scope,
- a copyright notice compliant with the *Attribution* and *Share Alike* terms of the CC-BY-SA 4.0 license
- contact information of the entity that adapted the CRAFT and assumes the responsibility to act as maintainer of the localised version.

Request to CRAFT Schemes:

The maintainer of the CRAFT Code ([Alliance for Responsible Mining](#)– ARM) **solicits submission of a copy of any localized version, to be published on the CRAFT website**, in order to avoid duplication by various CRAFT Schemes creating various localised versions for the same country.

Publication of the localised version on the CRAFT website **does not automatically imply endorsement by the standard maintainer (ARM)**. However, localised versions may be endorsed by the standard maintainer (ARM), following its standard setting procedures.

3.3 Adapting CRAFT for specific purposes (branching)

As indicated in Volume 1: *“the overall intent of the Code is to promote sustainable social, environmental, and economic development of the ASM sector, by leveraging demonstrable conformance with due diligence requirements as an instrument for generating a positive development impact for ASM producers. The CRAFT expects to be a tool principally for the miners, to empower them in understanding and complying with market expectations and due diligence needs.”*

Supply chain initiatives for ASM commodities might have the need or might wish to adapt CRAFT for their specific purposes or for commodities not covered in the Core Version. Such “branching” is easily possible, as the CC-BY-SA license allows to Adapt the Code. As before it is mentioned, for naming CRAFT scheme, **they must keep and respect the CRAFT Code Volume 2 criteria** in their adaptation to particular contexts or commodities.

Before branching the CRAFT Code, initiatives are advised to consider the following aspects:

- **The Core Version was developed through an inclusive and participatory multi-stakeholder process**, as aligned with ISEAL best practice for standard setting as possible and has undergone extensive public consultation. This solid process is the basis for the legitimacy and recognition that CRAFT enjoys.
- It will be the responsibility of the initiative to take appropriate steps to ensure the legitimacy, reputation and recognition of the branched version.
- The *Share Alike* term of the CC-BY-SA license enforces that the branched version must be published under the same CC-BY-SA license.

The maintainer of the CRAFT Code (Alliance for Responsible Mining – ARM) welcomes any branching initiative, as the *Share Alike* requirement allows to merge the branch, or successful elements of it, back into the Core Version. **Any branching initiative is therefore at the same time a valuable contribution to potential future development of the Core Version of the CRAFT Code.**

Alternatively, the supply chain initiative that sees a need for branching, may contact the standard maintainer (ARM) standards@responsiblemines.org, in order to jointly explore if the desired modification can be achieved by amending the Core Version of the CRAFT Code.

3.4 Incorporating CRAFT in other Standards

One of the considerations to develop the CRAFT under open source license terms was that, by this approach, CRAFT may not only be adopted by supply chain schemes but also **incorporated into existing supply chain initiatives such as responsible mining standards**. The CC-BY-SA freedom to *Adapt* allows for “remixing and building upon the material”.

When elements of CRAFT are incorporated into other already existing Standards, only the parts based on CRAFT become subject to the *Share Alike* term and maintain the CC-BY-SA license. The *Attribution* term applies. As CRAFT is no certification scheme on its own, this will not duplicate or affect the certification mechanism of the Standard that incorporates CRAFT.

4. Claims and Communications

4.1 Claims of CRAFT Schemes

The CRAFT Code is a progressive performance standard for AMP, providing assurance through first- and second-party verification by the AMP. **CRAFT is a process standard and it is not a product standard nor a certification scheme.**

CRAFT Schemes wishing to make claims, have to consider the following aspects for valid claims:

- It is not possible to make CRAFT-related claims for final manufactured products in which the mineral or metal is used.
- The claim may express that the CRAFT scheme verified (or that it was independently third-party verified) that the AMPs produced the mineral or metal in conformity with the CRAFT Code. If the CRAFT Scheme is a certification scheme, this verification may be certified under the certification terms of that scheme.

Claims other than **the above are not aligned with the CRAFT Code and are/will be considered invalid.** Please, in the case of complaint of a misuse of CRAFT code, please inform ARM as the CRAFT maintainer to standards@responsiblemines.org.

4.2 Communications

The *Attribution* term of the CC-BY-SA license encourages and even requires CRAFT Schemes or other users to communicate the use of CRAFT, giving appropriate credit in any reasonable manner, but not in any way that suggests the licensor endorses the user or the use.

According to Volume 1, “a **CRAFT Scheme** is a supply chain scheme that follows, uses, incorporates, or builds upon the rules of the CRAFT Code”. According to this definition, a supply chain scheme can be explicitly or implicitly a CRAFT Scheme.

- A supply chain scheme is **implicitly** a CRAFT Scheme if it uses the CRAFT in its work internally, **without making any public statements about it.**
- A supply chain scheme is **explicitly** a CRAFT Scheme, if it **publicly declares or communicates to follow, use, incorporate, or build upon the rules of the CRAFT Code.**

CRAFT Schemes are consequently entirely **free to communicate their use of the CRAFT**, as long they maintain the inclusion and application of the CRAFT Core criteria (Volume 2). However, communications shall **not suggest that their work or their use of CRAFT is endorsed in any way by the maintainer of the CRAFT Code (ARM).**

4.3 Usage of the CRAFT logo

The version CRAFT 1.0 used this logo:

CRAFT

For usage with version CRAFT 2.0 onwards, the code maintainer (ARM), on behalf of the open source community developing the CRAFT, created this logo:



This **official CRAFT logo** is not derivative work, as it does not *Adapt* (remix, transform, or build upon) the CRAFT Code. The official CRAFT logo is therefore not covered by or subject to the CC-BY-SA license under which the Code is published. The official CRAFT logo is intellectual property of the open source community developing the CRAFT, represented by ARM as the code maintainer, and is correspondingly protected.

Taking into account that CRAFT is not a certification scheme or a label, in the case of the CRAFT logo it will be only used, for now, in general communications or reports. The official CRAFT logo is used to identify official documents such as released versions of the CRAFT or CRAFT-related communications by the code maintainer, i.e. the CRAFT website.

For other purposes, including communications by CRAFT Schemes of CRAFT conformant AMPs or other uses, the CRAFT won't be communicated with the logo.