

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Germany

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (midstream/downstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

Document:
Governance

11. How would the initial Board be established?

COMMENT:

The criteria for selection of an independent chair should be included in the second round of public consultation. IAG and SAG together are quite industry-dominated and a balance should be sought through additional involvement of civil society.

6. What will the composition of the Board look like?

COMMENT:

4 Directors from value chain stakeholders - composition should be clarified further, similar to mining stakeholders.

8. What will the composition of the Mining and Value Chain Committees look like?

COMMENT:

While the committees are a good option to include more voices in decision making processes, the number of participants is still limited and there is a risk that important views will not be taken into account. The governance model lacks something like a membership structure that allows an unlimited number of representatives of the individual interest groups to participate in the continuous exchange of information. This does not mean that the number of board participants has to be increased; 18 people is already a large number and difficult to manage. Additionally, some organisations do not have the capacity to participate in delegated authority work as outlined in section nine but still have a valuable perspective to contribute and have a legitimate interest in the development and maintenance of the standard..

QUESTION 1

The governance principles that guided the development of the governance model are inclusive, effective, credible, impact-driven, pragmatic and efficient. From your perspective, does the proposed governance model meet expectations for consistency with these principles?

Response: No Response

Uncertain between ‘below expectations’ and ‘meets expectations’ due to comments raised in the document - clearer guidance on the composition of value chain stakeholders and lack of opportunity for participation outside the Board and Committee.

QUESTION 2

Does the proposed governance model ensure no single group is able to unduly influence decisions?

Response: unsure

Document:
Assurance

3. Who Can Conduct External Assurance?

COMMENT:

Regarding the use of interpreters - include requirements regarding their independence from the facility, i.e., must not be provided by the facility or included in regular contracts with that facility.

4. Consolidated Standard External Assurance Process

COMMENT:

Please clarify if a company can select all participants of the assurance team or if it only selects the assurance company (or if necessary the lead assurance provider) that then assigns the team of accredited auditors. The latter would be preferable in terms of independence or limited influence by the commissioning company.

COMMENT:

Notification and contact should be made by the assurance provider. The facility can provide information on communication channels and support the establishment of contact at the request of the assurance provider. However, the assurance provider should decide whether or not to use the facility's existing channels based on the local and cultural context and taking the results of the media scan, etc. into account. In any case, the facility should only ever make contact in coordination with the assurance provider.

COMMENT:

The list of stakeholders and rights holders provided by the facility should only be one source of information on relevant actors, not the main or even the only source. This does not become sufficiently clear.

COMMENT:

Please clarify - what about mines in the same region with the same operational manager and parent company perhaps delivering ore to the same processing or smelting/refining plant? Is this considered as one facility? In such a case, the assurance process needs to ensure on-site verification for each mining location since this is the only information downstream companies can get on mine-level.

COMMENT:

The facility should not be allowed to assign observers participating in any interviews unless specifically requested by the interviewee.

COMMENT:

Please clarify, assurance report needs to provide detailed commentary on each requirement not only sub-category level (as shown in template).

COMMENT:

Should also be required once good practice is reached.

QUESTION 1

From your perspective, does the Assurance process meet your expectations of a robust, credible, replicable and transparent approach?

Response: No Response

Between below expectations and meets expectations - some minor adjustments/refined wording necessary to meet expectations.

Document:
Standard

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations and the collective industry expectation for responsible production practices?

Response: 3: Meets expectations

QUESTION 2

Do the requirements meet your expectations for being sufficiently clear to support consistent and practical implementation and to achieve necessary performance improvement?

Response: No Response

Due to the low level of prescriptiveness of the requirements, the comparability of audit results between facilities will be difficult. While adaptability to local contexts is important, comparability must be possible and requires clearer guidance both for companies implementing the standard and for downstream companies receiving and reviewing the results, as well as for assurance providers.

QUESTION 3

From your perspective, does the three-level performance structure (Foundational, Good, Leading) of the Consolidated Standard meet your expectations for providing an effective on ramp and clear articulation of

good practice and effective path to continuous improvement?

Response: No Response \begin{quote}This structure represents more of a pass/fail system and less of a gradual scale that better supports continuous improvement. For example, the threshold for the logo claim is set at 80% good practice, the facility achieves 75% good practice (or even leading practice in some of these areas) and 100% foundational practice and is therefore still only allowed to indicate foundational practice. Some requirements in Foundational Practice are too low. Even if the aim is to enable companies to onboard, certain standards must be maintained, otherwise the standard runs the risk of being associated with green-washing. This level will therefore not be sufficient for customers and should not be regarded as a separate level. The wording around the logo claim does not support the achievement of leading practice.\end{quote}



3. Types of Reporting & Claims

COMMENT:

Paragraph 1, Page 7: "Assured Reports are expected to be complete and published within nine months of each facility's commencement date and [...]" - not sure how this fits to the reporting cycle presented in Figure 1 where the first assured report is set to be within 18 months of commencement date.

COMMENT:

Not possible to judge whether assured reporting meets the requirements without reporting template. Please ensure this template requires extensive commentary on all requirements, how fulfillment has been evaluated, what documents have been reviewed/people interviewed/etc., what were the findings, what is missing for complete fulfillment, recommendation for corrective action, etc.

4. Submission, Review and Approval of Reporting and Claims

COMMENT:

Consider including requirements on actions plans to achieve leading practice, if good practice has already been achieved.

QUESTION 1

We would value perspectives on a few additional questions related to threshold of performance associated with achievement claims. Please click here/ see page 11 of Reporting and Claims Policy.

Response: No Response

For obtaining a Logo Claim, a threshold for the good practice level is possible, but for the areas where good practice has not been achieved, foundational level achievement is a must. Additionally, there are performance areas that where good practice needs to be achieved in any case in order to obtain a logo claim, particularly areas around human rights (compare to critical requirements by IRMA). The Logo Claims are lacking a push for continuous improvement. A facility can maintain this claim when it remains at the exact same performance level over multiple years and assurance cycles. However, the goal of the standard should be to encourage improvement and all facilities should aim to achieve leading practice in all performance areas.