

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

Chile

PERMISSION

Yes, CMSI can disclose my anonymous feedback.

STAKEHOLDER

Industry (upstream)

ORGANISATION

Anonymous

COMMENTS & QUESTIONS BY DOCUMENT

QUESTION 1

Overall does the revised version of the Consolidated Standard system (including Standard, Assurance Process, Governance Model* and Claims Policy) meet your expectations for improvement relative to the original public consultation version?

Response: 3: Meets expectations

QUESTION 2

From your perspective, does the updated Consolidated Standard system, including Standard, Assurance Process, Governance Model* and Claims Policy meet expectations for driving performance improvement across the industry at a global scale?

Response: 2: Below expectations

It's still missing the important part related to incentives for improvement, not just the "risk" of losing the standard. Too much about the stick, but lacking the carrot.

Document:
Assurance

QUESTION 1

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

Response: 2: Below expectations

El documento no menciona cómo se va a hacer cargo de asegurar competitividad y disponibilidad de empresas aseguradoras con experiencia y capacidades para gran minería de cobre en la región Latinoamericana.

Asimismo, el documento no especifica cómo se va a desarrollar el cumplimiento de las AdD en el caso de que una faena tenga cierres parciales o aperturas de nuevas fases, considerando el ciclo de vida de una faena minera, pero que no siempre el 100

Con respecto a incidentes graves con consecuencia de fatalidad, sólo se menciona prórrogas en caso excepcionales y que la instalación debe implementar mejoras, por tanto se solicita mayor

claridad sobre qué facilitará la secretaría para asegurar el cumplimiento del proceso de aseguramiento anticipado.

The document doesn't mention how to ensure competitiveness and availability of assurance companies with the experience and capacity for large-scale copper mining in the Latin American region.

The document also does not specify how compliance with the Pas will be developed if a mine has partial closures or new phases are opened, considering a mine site's lifecycle, but when 100% of it is not always in the same phase of said cycle.

With regard to serious incidents resulting in fatalities, it only mentions extensions in exceptional cases and that the facility should implement improvements. We request more clarity on what the secretariat will provide to ensure compliance with the anticipated assurance process.

Document:
Standard

Performance Area 03: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Good Practice, 6

COMMENT:

3.1.6 Se debe considerar que la legislación nacional no permite obligar o interceder en el funcionamiento de empresas contratistas, sólo es posible colocar cláusulas en los contratos, y procedimientos para revisión de su eficacia de cumplimiento y generar mesas de diálogo de desempeño.

TRANSLATION:

3.1.6 It should be taken into consideration that national legislation does not allow for making obligations or interceding in the operations of contractors; clauses may only be included in contracts and procedures if they relate to reviewing their effectiveness and creating performance dialogue roundtables.

SECTION: 3.2 Responsible Mineral Sourcing, Good Practice, 4

COMMENT:

Se observa que la legislación chilena establece un periodo mínimo de seis años para la mantención de registros. En este contexto, podría considerarse que el requisito del estándar se armonice con las disposiciones legales de cada país, proponiendo que la mantención de registros sea por un periodo mínimo de cinco años o por el plazo establecido por la legislación nacional, lo que resulte mayor.

TRANSLATION:

Chilean legislation establishes a minimum of six years for record keeping. In this context, the standards requirement could be harmonized with the legal provisions of each country, proposing that records be kept for a minimum of five years or as long as established by national legislation, whichever is longer.

Performance Area 05: Human Rights

SECTION: 5.1 Human Rights, Good Practice, 3

COMMENT:

Existen limitaciones legales que restringen la participación de una empresa minera estatal en cuanto a participación en acciones de remediación, las cuales solo pueden realizarse en el marco de procesos judiciales o conforme a las atribuciones establecidas por la normativa vigente del país. Se sugiere que el estándar considere este tipo de restricciones legales nacionales en su aplicación, es decir que considere como pertinentes de cumplimiento las acciones de reparación que permita hacer la autoridad legal pertinente, no una comparación entre diferentes países.

TRANSLATION:

There are legal limitations restricting the participation of a state-owned mining company in remediation actions, which can only be carried out within the framework of legal proceedings or in accordance with the authorizations established by the country's current regulations. We suggest that this type of national legal restrictions be considered when applying the standard, i.e., that the remedial actions allowed by the relevant legal authority be considered relevant, not a comparison between different countries.

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Good Practice, 4

COMMENT:

Se observa que, en algunos casos, las áreas de influencia y operación de seguridad se limitan exclusivamente al interior de las instalaciones, sin tener interacción o influencia directa sobre grupos vulnerables, subrepresentados o defensores de derechos humanos externos. En dichos contextos, los procesos y medidas de protección se aplican de manera uniforme a todas las personas. Por ello, se sugiere que el estándar considere la posibilidad de ajustar los requisitos relacionados con la identificación y evaluación de riesgos específicos para estos grupos, cuando no exista una relación o exposición efectiva hacia ellos, de acuerdo con las características y el marco normativo de cada país.

TRANSLATION:

In some cases, areas of influence and security operations are limited exclusively to the inside of the facilities, with no direct interaction or influence on vulnerable, underrepresented groups or external human rights defenders. In such contexts, protection processes and measures are applied uniformly to all parties. Therefore, we suggest considering adjusting the requirements for identifying and evaluating specific risks for these groups, when there is no effective relationship or exposure to them, based on the characteristics and regulatory framework of each country.

SECTION: 11.1 Security Management, Good Practice, 5

COMMENT:

Se observa que los procesos de reparación ante vulneraciones a los derechos humanos corresponden, en principio, a los mecanismos legales establecidos por la normativa nacional, como los procesos judiciales penales y civiles. En este sentido, se sugiere que el estándar considere que las corporaciones deben actuar conforme al marco jurídico vigente de cada país, y que la implementación de mecanismos de reparación internos solo sea aplicable cuando existan atribuciones o competencias explícitas y la normativa lo permita (esto se refiere a que no se vea como una obstrucción a la justicia).

TRANSLATION:

The remedy processes for human rights violations correspond, in principle, to the legal mechanisms established by national regulations, such as criminal and civil judicial proceedings. In this regard, we suggest taking into consideration that corporations should act in accordance with the legal framework in force in each country, and that the implementation of internal remedy mechanisms should only be applicable when there are explicit powers or jurisdictions and the regulations allow it (i.e., it would not be seen as an obstruction of justice).

SECTION: 11.1 Security Management, Good Practice, 6

COMMENT:

El personal de seguridad sólo opera dentro de las instalaciones, alejado de las comunidades y se visualiza que podría generar una brecha en el objetivo de protección industrial el dar a conocer los procedimientos internos de seguridad. Esto sólo debería ser aplicable en ciertos casos, por ejemplo si existe una proximidad extrema o cohabitación.

TRANSLATION:

Security personnel only operate inside the facilities, away from the communities, and reporting internal security procedures could violate industrial protection objectives. This should only be applicable in certain cases, for example if there is extreme proximity or cohabitation.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 9

COMMENT:

Las empresas están sujetas a que un tribunal determine si hubo vulneración o ha contribuido a vulnerar los derechos de los pueblos indígenas. Y dependiendo del resultado de ese proceso se puede establecer medidas de reparación, por tanto la empresa minera no tiene atribuciones para implementar mecanismos propios de reparación que no estén alineados a lo que dictamine el tribunal. Se sugiere que el estándar aclare este tipo de situaciones, estableciendo criterios diferenciados para los casos en que existan limitaciones legales que restrinjan la actuación de las organizaciones. Se va a considerar entonces como que este requisito No Aplica?

TRANSLATION:

Companies are subject to a court determination as to whether they have violated or contributed to the violation of the rights of indigenous people. Depending on the outcome of this process, remedy measures may be established, so the mining company does not have the authority to implement its own remedy mechanisms that are not aligned with the court's decision. We suggest clarifying this and establishing different criteria if there are legal limitations that restrict organizations' actions. Will this requirement then be considered Not Applicable?

Performance Area 18: Water Stewardship

SECTION: 18.1 Water Management and Performance, Good Practice, 10

COMMENT:

Una "mirada de cuenca" constituye actualmente un lineamiento en desarrollo dentro de las políticas públicas nacionales, y no forma parte de la institucionalidad propia de cada empresa, si bien serán actores participantes. En este sentido, se sugiere que el estándar considere que este enfoque aún no cuenta con una implementación plena ni con instrumentos operativos consolidados, por tanto la empresa no puede superponerse a desarrollar una instancia que le corresponde a un ente público.

TRANSLATION:

A "watershed approach" is a guideline currently under development within national public policies. It is not part of the institutional framework of each company, although they will be participating stakeholders. As such, we suggest taking into account the fact that this approach has not yet been fully implemented, nor does it have

consolidated operational instruments, so the company cannot create overlap by developing a level that is the responsibility of a public entity.

SECTION: 18.1 Water Management and Performance, Towards Good Practice, 3

COMMENT:

Se considera necesario que el estándar aclare a qué se refiere específicamente el concepto de “establecer una línea base de calidad del agua” y qué año se considerará como referencia, ya que la antigüedad de las faenas es muy disímil. Una sugerencia es considerar la línea base que ya se tenga, si es que se tiene. Y si no, desarrollarla desde ese año, para que sea referencial.

TRANSLATION:

We feel it is necessary for the standard to clarify what specifically is meant by the concept of “establishing a water quality baseline” and what year will be considered as a reference, since each mine has a different age. One suggestion is to consider the existing baseline, if there is one. If not, it could be developed from that year as a benchmark.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Good Practice, 5

COMMENT:

Se solicita explicar por qué se pide más detalle de reportar la metodología y las razones del cálculo.

TRANSLATION:

Please explain why more detail is required to report the methodology and the reasons for the calculation.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

En caso de que la evaluación sea por instalación, se considera que ello podría generar dificultades de implementación, dado que cada depósito presenta condiciones operacionales, escalas y tasas de depositación distintas. En este sentido, algunas acciones podrían resultar marginales en comparación con el volumen total ya depositado o con la tasa actual de operación. Se sugiere que el estándar considere estas diferencias y defina con mayor precisión el nivel de aplicación del requisito.

TRANSLATION:

In the event that the evaluation is by facility, this could cause difficulties with implementation, given that each deposit has different operating conditions, scales, and deposit rates. As such, some actions may be marginal compared to the total volume already deposited or compared to the current operating rate. We suggest considering these differences and more precisely defining the application level for the requirement.

Performance Area 23: Circular Economy

SECTION: 23.2 Additional Requirements for Smelters, Good Practice, 3

COMMENT:

Se observa que este requisito no es aplicable a todas las faenas mineras, dado que no todas cuentan con la misma tecnología para reincorporar material post-consumo. En este sentido, se sugiere que el estándar aclare explícitamente la posibilidad de responder con la categoría "No aplica".

TRANSLATION:

We note that this requirement is not applicable to all mining sites, since not all of them have the same technology to reincorporate post-consumption materials. As such, we suggest explicitly clarifying the option of responding with the "Not applicable" category.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Towards Good Practice, 2

COMMENT:

Se solicita aclarar si, en los casos en que el plan correspondiente ya existe y se encuentra debidamente elaborado, a pesar de que la faena sea más antigua que el desarrollo del plan, este puede considerarse como cumplimiento del criterio.

TRANSLATION:

We request clarification as to whether a mine would be considered in compliance with the criterion if a corresponding plan already exists and is duly prepared, but the mine has been in operation longer than the plan has been in development.

QUESTION 1

Does the scope, content, and narrative style of the consolidated standard meet your individual expectations 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: 3: Meets expectations

QUESTION 3

From your perspective, does the three-level performance structure (Towards Good Practice, Good Practice, Leading Practice) 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: 2: Below expectations

Document:
Claims

QUESTION 1

Does the level of transparency provided by the Claims Policy (i.e. through disclosing scores for each Performance Area, aggregated scores to indicate overall progress towards Good Practice, and Performance Claims) meet your expectations to incentivise continuous performance improvement?

Response: 1: Significantly below

Incentivos concretos para cada nivel (Bien Encaminadas, Buenas Prácticas, Prácticas Líderes): El documento menciona niveles, pero no define incentivos ni valor agregado para cada uno. Tampoco hay diferenciación visual (como logos distintos por nivel, ejemplo HuellaChile).

Diferenciación clara entre umbrales para sello y clasificación en niveles: Aunque se define el umbral para la Declaración de cumplimiento, no se explica cómo se diferencian las instalaciones dentro del mismo nivel (ej. 80

Objetivo y valor agregado de “Prácticas Líderes” : El documento debe mencionar que la puntuación agregada incluya este nivel, explicando su propósito y generando algún incentivo. Como una categoría más elevada del estándar (con otro logo, representatividad).

Modificar el plazo establecido para las acciones correctivas inmediatas a 60 días, con el fin de asegurar que dicho periodo sea realista y proporcione a las organizaciones el tiempo necesario para implementar mejoras efectivas sin comprometer el cumplimiento.

Concrete incentives for each level (On-track, Good Practices, Leading practices): The document mentions levels, but does not define incentives or value adds for each one. There is also no visual differentiation (like different logos for each level, like HuellaChile).

Clear differentiation between thresholds for seals and classification of levels: Although the threshold for Compliance Declaration is defined, it does not explain how facilities are differentiated within the same level (e.g., 80% vs. 90%).

Objective and value add of “Leading Practices” : The document should mention that added scoring include this level, explaining the purpose and creating an incentive such as a higher category of the standard (with another logo, representation).

Modify the period set for immediate corrective actions to 60 days to ensure that the time frame is realistic and gives organizations the necessary time to implement effective improvements without compromising compliance.