

# CMSI Consultation Response

## Respondent Details

NAME

Tobias Kluge

COUNTRY

Sweden

PERMISSION

Yes, CMSI can disclose my feedback, name, and organisation.

STAKEHOLDER

Industry / trade organisation

ORGANISATION

Round Table 103 Stockholm International

## 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: 1: Significantly below

The standard has grown beyond a practical scope, with overly demanding requirements appearing as early as the TGP level. In addition, to achieve genuine consolidation, references to, and even requirement to implement, external frameworks such as the IFC Performance Standards and EITI should be removed.

### 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: 1: Significantly below

It is likely that only a few companies globally will have sufficient resources to attempt compliance with the standard. The number of requirements must be reduced, and they need to be clearer and easier to evaluate. A standard that is not implemented cannot deliver the benefits it was designed to provide.

Document:  
Assurance

### QUESTION 1

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

Response: 3: Meets expectations

Document:  
Standard

## **Performance Area 01: Corporate Requirements**

SECTION: 1.1 Corporate Accountability, Good Practice, 3

COMMENT:

*Incentive or bonus programs for management are not permitted for state-owned companies in Sweden.*

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SECTION: 1.1 Corporate Accountability, Leading Practice, 1

COMMENT:

*This requirement must be deleted.*

*Incentive or bonus programs for management are not permitted for state-owned companies in Sweden.*

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SECTION: 1.1 Corporate Accountability, Towards Good Practice, 1

COMMENT:

*Incentive or bonus programs for management are not permitted for state-owned companies in Sweden.*

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## **Performance Area 02: Business Integrity**

SECTION: 2.2 Business Ethics and Accountability, Leading Practice, 5

COMMENT:

*This requirement is unclear and nearly impossible to report or review, particularly since major mining companies are often members of numerous business organizations across multiple countries.*

*Suggestion: Remove this requirement.*

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## **Performance Area 04: New Projects, Expansions and Resettlement**

SECTION: 4.2 Land Acquisition and Resettlement

COMMENT:

*References to other standards should be avoided in a consolidated standard.*

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SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 3

COMMENT:

*Suggestion: Delete the second sentence about implementing IFC PS7.*

*References to other standards should be avoided in a consolidated standard. A reference to IFC PS7 would result in overlapping and partly conflicting requirements and the introduction of an FPIC definition which is not fully aligned with the one used in this standard.*

*A clear definition of "relocation" is needed. It should be clarified that it does not cover e.g. reindeer grazing grounds and migration routes.*

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## **Performance Area 05: Human Rights**

SECTION: 5.1 Human Rights, Good Practice, 2

COMMENT:

*The intended meaning is unclear due to the use of the word "enhance". It is recommended to revise the wording to: "The grievance mechanism meets the eight effective criteria.."*

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## **Performance Area 06: Child and Forced Labour**

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 6

COMMENT:

*It is recommended to remove the reference to GRI, as references to other standards should not be included in this consolidated standard. Instead, all requirements can be provided directly in the text.*

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SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 7

COMMENT:

*Acknowledge that in certain contexts, robust legislation and dependable enforcement mechanisms are already in place, effectively preventing and mitigating such risks.*

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SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 5

COMMENT:

*Revise the sentence to eliminate any repetition.*

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SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 6

COMMENT:

*It is recognised that, in certain contexts, national legislation already expressly prohibits the retention of workers' personal identity documents. Rephrase to acknowledge that.*

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SECTION: Intent

COMMENT:

*Make sure that the different ILO conventions that have been adopted by all countries. It becomes problematic if binding force is to arise indirectly through standards.*

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## **Performance Area 07: Rights of Workers**

SECTION: 7.1 Rights of Workers, Good Practice, 4

COMMENT:

*Reference to "fair wages" is vague and incomprehensible.*

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SECTION: 7.1 Rights of Workers, Leading Practice, 3

COMMENT:

*Reference to “fair wages” is vague and incomprehensible. Could be replaced by “wages in accordance with national law and/or practice”.*

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SECTION: 7.1 Rights of Workers, Leading Practice, 4

COMMENT:

*Related to Leading Practice #3. The requirement contributes to an administrative reporting burden. Where should this be reported to, and for whom?*

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SECTION: 7.1 Rights of Workers, Leading Practice, 5

COMMENT:

*A requirement where companies must exceed rights that are already a high cost burden.*

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SECTION: 7.2 Grievance Mechanism for Workers (Employees and Contractors), Leading Practice, 1

COMMENT:

*Making the company’s various processes public is problematic, especially when it comes to individual cases.*

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SECTION: Intent

COMMENT:

*It is not reasonable to refer to several different ILO conventions that have not been adopted by all countries. For example, several of the conventions have not been adopted by Sweden. It becomes problematic if binding force is to arise indirectly through standards.*

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## **Performance Area 08: Diversity, Equity, and Inclusion**

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Leading Practice, 1

COMMENT:

*We recommend that this request be excluded from the standard. Making results public could create legal or privacy issues. Additionally, the requirement lacks specificity regarding what information needs to be disclosed—whether it’s a complete report, a summary, or just the main findings—which may result in inconsistent implementation.*

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SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level), Towards Good Practice, 3

COMMENT:

*The requirement is currently unclear and should be further developed and clarified to determine whether it should remain part of the standard. It may be more appropriate to classify this as a Good Practice.*

*Requirement: Adopt internal communications practices to engage workers in an accessible, inclusive, and culturally appropriate manner.*

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SECTION: Intent

COMMENT:

*Consider removing Climate Action from the list, as it does not have a clear connection to this performance area on DEI.*

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## **Performance Area 09: Safe, Healthy and Respectful Workplaces**

SECTION: 9.1 Health and Safety Management, Good Practice, 3

COMMENT:

*This requirement is highly specific and has already been addressed in section 2c; therefore, its inclusion here is unnecessary.*

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SECTION: 9.1 Health and Safety Management, Leading Practice, 2

COMMENT:

*Possible to remove? It's very close to 2c under Good Practice—will this have any impac?*

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SECTION: 9.1 Health and Safety Management, Towards Good Practice, 6

COMMENT:

*The term "access to medical facilities" may be construed as necessitating the presence of an on-site medical facility, a requirement that may not be appropriate or applicable in certain countries, such as Sweden.*

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SECTION: 9.2 Psychological Safety & Respectful Workplaces, Good Practice, 2

COMMENT:

*As it relates more generally to overall health and well-being, rather than being limited to psychological safety and respectful workplaces, this part fits better in section to 9.1 "Good Practice".*

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SECTION: 9.4 Monitoring, Performance and Reporting, Good Practice, 5

COMMENT:

*This requirement may not enhance safety; instead, it could weaken the willingness to report incidents.*

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SECTION: 9.4 Monitoring, Performance and Reporting, Leading Practice, 1

COMMENT:

*This requirement may not enhance safety; instead, it could weaken the willingness to report incidents.*

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## **Performance Area 14: Indigenous Peoples**

SECTION: 14.1 Indigenous Peoples, Good Practice, 10

COMMENT:

*Clarify the distinction between TGP 6 and this requirement. It is currently unclear whether there is any difference in how collaboration with Indigenous Peoples should be conducted, or if the only variation lies in the content of the training.*

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SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

*Consider deleting the second sentence about obtaining permission before collecting or using information.*

*Freedom of speech and freedom of information must also be taken into account. In addition, it may be necessary to use certain information to meet other obligations, such as due diligence and environmental and social impact assessment requirements.*

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SECTION: 14.1 Indigenous Peoples, Good Practice, 6

COMMENT:

*Suggestion: Move the content from footnote #69 and the interpretive guidance from 'Opposition' into the main body of the requirement, as this represents a significant modification that warrants direct inclusion.*

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SECTION: 14.1 Indigenous Peoples, Leading Practice, 1

COMMENT:

*Clarify that the requirement applies to all workers at the facility. Not all workers.*

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SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 5

COMMENT:

*The concept of "Critical Cultural Heritage" is neither an established nor clearly defined legal concept in international law and it is therefore inappropriate to include this concept in a performance standard that's supposed to be applicable worldwide. There is a clear risk of arbitrariness when assessing whether a facility constitutes significant adverse impacts to Indigenous Peoples' critical cultural heritage.*

*Furthermore, it is not reasonable to grant the affected Indigenous Peoples a de facto veto right regarding whether a mine may be certified under this standard, by requiring the conclusion of an agreement.*

*Suggested amendment: Delete the second sentence of this requirement ('Where such impacts are unavoidable, obtain agreement with affected Indigenous Peoples through a process demonstrating free, prior and informed consent (FPIC)'), or alternatively, relocate the requirement to the Leading Practice section.*

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SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 6

COMMENT:

*The requirement "in collaboration" is too high level for TGP - suggest moving it to at least GP.*

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SECTION: Intent

COMMENT:

*We suggest using the phrase “Strive to obtain agreement...” because FPIC does not confer veto power, and there are exceptions to the requirement for agreement.*

*Nevertheless, the starting point should always be an intent to obtain agreement (s).*

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## **Performance Area 15: Cultural Heritage**

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 3

COMMENT:

*Suggestion: Delete this requirement.*

*For clarity, requirements concerning Indigenous peoples should be consolidated in Chapter 14.*

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SECTION: 15.1 Cultural Heritage, Towards Good Practice, 5

COMMENT:

*Suggestion: Change to the following “Do not explore, mine or undertake other operational activities within cultural*

*World Heritage Sites”.*

*The remainder of the requirement is very unclear, making it difficult to assess whether it has been fulfilled.*

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SECTION: Glossary and Interpretive Guidance

COMMENT:

*We suggest removing the phrase “as determined by them” from the definition of critical cultural heritage, as the definition already specifies that Indigenous Peoples must be involved in identifying critical cultural heritage.*

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## **Performance Area 18: Water Stewardship**

SECTION: 18.1 Water Management and Performance, Towards Good Practice, 1

COMMENT:

*It’s positive that the standard applies the mitigation hierarchy.*

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SECTION: 18.1 Water Management and Performance, Towards Good Practice, 4

COMMENT:

*It is too broad to include closure.*

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COMMENT:

*Closure should be considered separately, as different requirements may apply.*

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## **Performance Area 19: Biodiversity, Ecosystem Services and Nature**

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 1

COMMENT:

*A repetition of requirement under Chapter 15.*

*Suggestion: Delete this requirement*

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SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 2

COMMENT:

*Ramsar sites do not carry legally binding protection, and not all designated protected areas include buffer zones. As a result, the requirement lacks clarity and is challenging to interpret. References to specific classification systems should be avoided in a consolidated standard*

*Suggestion, the first sentence should read as follows: "Comply with restrictions established for legally designated protected areas".*

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## **Performance Area 20: Climate Action**

SECTION: 20.2. Climate Change Management (Facility Level), Good Practice, 8

COMMENT:

*Replace "low-emission or renewable energy" with "fossil free energy".*

*Argument: Nuclear power will constitute an important part of the energy mix in the climate transition, and therefore renewables should be replaced with fossil-free sources.*

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COMMENT:

*Replace "renewable" with "fossil free".*

*Argument: Nuclear power will constitute an important part of the energy mix in the climate transition, and therefore renewables should be replaced with fossil-free sources.*

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COMMENT:

*Scope not specified, does it entail Scope 1-2 or Scope 1-3?*

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## **Performance Area 21: Tailings Management**

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

*The challenge is that ore grades are continuously declining, which results in increasing volumes of tailings in the future. This trend makes it essential to rephrase the concept of "Leading Practice" so that sites operating with progressively lower ore grades can still strive toward achieving leading practice standards.*

*It might be a good idea to focus on reducing the tailings generation relative to ore grade trends over time, rather than focusing solely on absolute annual quantities;*

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## Performance Area 22: Pollution Prevention

SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Leading Practice

COMMENT:

*The targets and objectives related to waste and hazardous materials management may represent very long-term goals that cannot realistically be achieved for many years. If "Leading Practice" is defined as meeting these targets, there is a risk that objectives will be formulated in a way that makes them easier to achieve rather than driving genuine improvement.*

*Proposed Rewrite*

*Demonstrate continuous progress toward targets and objectives related to waste and hazardous materials management and reduction, ensuring that improvement is measurable and aligned with leading practice principles, even when long-term goals cannot yet be fully achieved.*

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SECTION: 22.1 Non, mineral Waste and Hazardous Materials Management, Towards Good Practice

COMMENT:

*It is positive that the standard applies the mitigation hierarchy.*

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SECTION: 22.2 Mineral Wastes, Towards Good Practice, 1

COMMENT:

*It is positive that the standard applies the mitigation hierarchy.*

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SECTION: 22.5 Cyanide, Leading Practice, 1

COMMENT:

*It is not appropriate to assign responsibility for this task to an individual operator. The operator's mandate is to ensure sustainable mining practices within its own operations, not to promote external frameworks. It is therefore remarkable that this proposal remains from the previous draft.*

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COMMENT:

*It would be positive if the standard consistently required the application of the mitigation hierarchy approach wherever it is reasonable*

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QUESTION 1

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

Response: **1: Significantly below**

The standard is excessively comprehensive and nearly impossible to fully grasp. Furthermore, it fails to serve as a truly consolidated standard, as it presumes that companies will also implement additional standards, such as IFC Performance Standards and EITI. The CMSI would need to be fundamentally rewritten with the aim of achieving a more reasonable scope and significantly clearer, more easily assessable requirements.

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: 1: Significantly below

The standard is excessively detailed and contains many, and sometimes overlapping, requirements that are challenging to evaluate. It would benefit from simplification and clearer, measurable criteria. The standard is in practice likely to be applicable only to the largest mining facilities in the world, if at all.

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

The intention is good, but the standard contains several exceptionally high requirements already at the Towards Good Practices level.

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: 2: Below expectations

It is doubtful whether SME:s and smaller facilities will be able to follow the standard at all, given the exceptionally high and costly requirements already at TGP level.