

CMSI Consultation Response

Respondent Details

NAME

Janina Mansel

COUNTRY

Germany

PERMISSION

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

STAKEHOLDER

Industry (downstream)

ORGANISATION

Mercedes-Benz AG

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: 2: Below expectations

We do see improvements between the revised and original version, but still see gaps, especially when it comes to the inclusion of stakeholders and rightholders, as well as to work towards continuous improvement. We also want to emphasize the implementation of FPIC across all Performance Areas and levels.

We believe that removing the governance model from the second consultation was a decision that limited the participation and influence of rightsholders and undermined the trust of civil society. This is caused by a lack of board member selection by stakeholder consistencies, as applied in other standards, an imbalance in representation of Indigenous People and other affected communities. Additionally the voting system in its current form gives too much influence to the industry. As downstream purchasers, we highly value standards that meaningfully integrate input from civil society and rights holders. We believe this to be a fundamental element of rigorous standards that we can trust to support our due diligence efforts. It is also fundamental for civil society, consumers, and other actors in our supply chains to have confidence in our company as a trustworthy company that takes our due diligence commitments seriously.

Related to governance and assurance: CMSI as an organisation should assume a stronger role in processes before and in between audits. There should be a clear ownership of elements such as i) outreach to and empowerment of affected rightsholders, 2) establishing channels of communication beyond those provided by the mining company, 3) dissemination of results including information on corrective action plans and how stakeholders can engage.

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

As mentioned before, we welcome the opportunity to include our feedback. At the current state, the Standard still falls below other international Standards, however as we have seen the improvements between the original and revised vision, we are looking forward for the improvements for the next round. We emphasize the clear inclusion of shareholder and rightholders, especially vulnerable groups and a stronger push beyond good practice.

Document:
Assurance

2. Roles and Responsibilities

SECTION: A. Facilities and their Parent Companies

COMMENT:

On the abstract: • Commit to facilitating the Assurance Process with the Assurance Provider...

It is not clear what is meant with "good times". Clear definition and timeline necessary.

SECTION: B. Assurance Providers

COMMENT:

There should be additional responsibilities for situations of past or present conflict between stakeholders and the mining company to prevent a hijacking of the audit for campaigns against the company and establish the interaction as an element of trust building.

COMMENT:

Abstract: • Sign an attestation that the team of Assurance Providers is free from any conflict of interest with the Facility and/or operating company.

Does this include the parent company of this company as well? Otherwise this should be included.

COMMENT:

Abstract: • Review the list of stakeholders and rights-holders provided by the Facility to inform a target list for interviews using professional judgement and additional research to adjust as necessary and ensure inclusion of vulnerable groups.

There should be a clear requirement of Assurance Provider for additional research for interviewee list to ensure inclusion of vulnerable groups and rightholders. The Assurance Provider has to conduct independent research on stakeholders and rights-holders based on in-house expertise, relevant publications and the independent outreach of the secretariate. And Provide guidance for a minimum coverage of different areas. I.e. how much capacity goes to workers interviews etc.

COMMENT:

Abstract: • Contact and share information with stakeholders and rights-holders about the purpose of the interviews and how their input will be used.

In addition: information on the process of continuous improvement after the audit and how stakeholders can get engaged.

SECTION: C. The Secretariat

COMMENT:

Conduct or at least facilitate outreach to stakeholders and rights-holders for each audit (with particular emphasis to audits with a high risk exposure due to conflict etc.). Inform and empower participation prior to the actual audit process. Facilitate interaction on plan for continuous improvement inbetween audits.

COMMENT:

Abstract: • Review the effectiveness of the Assurance Process to assess whether it meets its own aims and objectives and, where identified, oversee the implementation of system improvements...

What is the definition of effectiveness in this context and who are the parties with diverse backgrounds? Also how are those selected?

SECTION: D. National Panels

COMMENT:

Provide clarity if the below functions will be covered (and how) if no national panel exists. Also unclear who decides on composition of these national panels, e.g. would this include Indigenous People?

In cases where the national panels are responsible to identify potential interviewees instead of the Assurance Provider, it should be stated clearly that this is their responsibility.

3. Who Can Conduct External Assurance?

SECTION: 3.1 Assurance Provider Requirements

COMMENT:

On approval of Assurance Providers: Not sufficient. Accreditation of audit firms is vital for a series of functions, i.e. geographic / cultural knowledge and expertise. i.e. we need both, training on the individual level and the accreditation of the audit firm for ist capacity to holistically conduct CMSI audits.

On the requiriements for external assurance: Having conducted consultancy work in preparation, self-assessment etc., the same firm and individuals involved can not conduct the actual audit.

On the missing requirement for the size of assuarence team: There should be a minimum to ensure that the timeline for assurance is met.

COMMENT:

3.1.5.a

"a. Assurance Providers must be independent of the Facility and company being evaluated to ensure objectivity, confidentiality, and non-existence of conflicts of interest" > parent company ? Operating company ? and its affiliates ..to guarantee independence..?

COMMENT:

3.1.6 *On one member showing experience working in the region*

This is fair for 80 % of the cases but should be expanded for situations that require a heightened due diligence, e.g. CAHRAS, historic or ongoing conflict, complex or particular risk factors (i.e. gender-based violence, ASM presence etc.). Might consider to act additional abstract for specific cases that need additional expertise.

COMMENT:

3.1.6 a: In case this does not apply, the Assurance provider HAS to engage in interpreters

SECTION: 3.2 Consolidated Standard Training, 3.2.1 Assurance Provider Training Program

COMMENT:

Should include at least one full shadow audit process.

4. Consolidated Standard External Assurance Process

SECTION: 4.2 Planning, 4.2.10 Site Visits

COMMENT:

On instances to consider remote assessments.

In case of security concerns: Especially, when there are security concerns, a site visit including the engagement with rights-holders is mandatory. This is a must if CMSI seeks to play a role in downstream due diligence.

SECTION: 4.2 Planning, 4.2.11 Interviewing Workers, Stakeholders and Rights

COMMENT:

Abstract: . The basis of the selection of interview subjects should begin with a discussion between the Assurance Provider and the Facility, during which the Facility will provide the Assurance Provider with a stakeholder map or equivalent register, including a list of stakeholders and rights-holder groups (individuals, if available).

> In addition, the secretariate will provide an opportunity for stakeholders to register independently and directly with the assurance provider or the secretariate.

COMMENT:

Last abstract

A selection of interviewees based solely on the suggestion of the site is too thin and will not be sufficient to achieve credibility. As above, further make a distinction to situations that require heightened due diligence. Independent outreach to stakeholders by Assurance Provider needs to be mandatory.

SECTION: 4.2 Planning, 4.2.12 Worker Interviews

COMMENT:

Worker interviews can only take place without presence of any management / company representatives.

SECTION: 4.2 Planning, 4.2.13 External Stakeholder and Rights

COMMENT:

On consideration of gender perspectives add and other further marginalized groups or groups facing particular risk in the context of the mining operation.

For attachment Performance Area 8: Should also add other identified vulnerable groups, e.g. disabled people.

COMMENT:

Last abstract

As above: not sufficient. Further independent outreach, dissemination and engagement with the corrective action process is necessary. Conducted or facilitated by the secretariate

SECTION: 4.2 Planning, 4.2.14 Assurance Plan

COMMENT:

Is the below sufficient for the secretariate to assess the quality of the approach?

SECTION: 4.2 Planning, 4.2.15 Observers to the Assurance Process

COMMENT:

First abstract: Should add and include situations that require heightened due diligence (past or present conflict etc.)

*Abstract: "When all parties have consented to the observer, it should be documented in the Assurance Plan."
> General request should be documented, even if not confirmed from both sides with short notice for reason.*

SECTION: 4.2 Planning, 4.2.2 Review and Acceptance of Facility Applications

COMMENT:

Conflict with graphic, as here it is said that the facility will have 3-6 months from the commencement date to submit self-assessment, instead of only 3 months. Overall some contradictions with graphic.

SECTION: 4.2 Planning, 4.2.6 Assurance Planning

COMMENT:

The part: "if there are logistical or practical reasons that the plan is not workable," > In any case, the assurance provider must make the final decision.

SECTION: 4.2 Planning, 4.2.9 Advanced Notice to Stakeholders and Rights

COMMENT:

Lacking: independent outreach / engagement / empowerment (!) of rights-holders by the secretariate (or the secretariate's facilitation).

SECTION: 4.3 Execution of Facility Assessment, 4.3.5 Non

COMMENT:

In case of zero-tolerance cases immediate actions should be taken. And The facility should publish at least KPIs of the CAP.

SECTION: 4.6 Continual Improvement Plan

COMMENT:

There aren't any incentives to move beyond good practice, while good practice is only in line with current standards.

6. Public Grievance Mechanism

COMMENT:

How do you ensure accessibility? Languages? How are Stakeholders made aware of this website? Whistle-blower protection?

Unclearly on whistleblower protection (guarantee of non-retaliation and confidential channels, clear protection tools) and missing requirements for remedy system, incl. gender-sensitive/co-designed by IP, missing inclusion of relevant stakeholders, time-bound remedy plans and public summaries

Missing information on access, e.g. language, channels, levels (community-based, facility-level, independent mechanisms)

7. Continual Improvement

SECTION: 7.1 System Improvement

COMMENT:

How often? Annual as mentioned below?

QUESTION 1

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

Response: **2: Below expectations**

We see improvements in the inclusion of different stakeholders and rightsholders within the assurance process. However the wording should ensure to clearly strengthen Stakeholder Engagement & Empowerment. This could include to put the responsibility to issue the advance notice before an audit to be undertaken by the assurance provider not the company. Assurance providers should be clearly required to engage with stakeholders and rightholders outside of the company, especially to include Indigenous People and other vulnerable groups (women, people with disabilities, etc.). To strengthen the continuous improvement of the facilities. An outreach to stakeholders and shareholders should be ensured before, during and after the audits, to strengthen monitoring of the CAPs.

The accreditation of Assurance Providers should include stricter requirements with focus on local expertise to ensure holistic conduct of audits, e.g. jurisdictional familiarity.

We also expect additional explanations and requirements for APs in case of audits in high risk locations or particular cases

During and after the initial audits, Assurance providers should set a clear timeline to move from towards good practice to good practice (with annual visit by AP to check CAP and improvement to formal Audit cycle). Additionally there should be incentives and encouragement to assess against leading practice not only good practice and request Assurance providers to identify opportunities to achieve leading practice

Introduction

COMMENT:

On 3) Levels of Performance: We understand it as starting point, but in general it should still fulfill fundamental requirements to ensure a smooth transition to good practice/industry standard level.

Performance Area 01: Corporate Requirements

SECTION: 1.1 Corporate Accountability, Good Practice, 3

COMMENT:

In general or for the specific facility? Also, dependent on structure of company and alike. We understand the intention, but might be complicated in detail.

SECTION: 1.2 Sustainability Reporting, Towards Good Practice, 1

COMMENT:

Shift to „Good Practice“ as this is basically the impact materiality as described under „Good Practice“ and „Leading Practice (Double Materiality).

Proposal for „Towards good practice“ to include only the second requirement under „Towards good practice“

SECTION: 1.4 Risk Assessment, Towards Good Practice, 1

COMMENT:

Why an individual? Better a department or a committee?

Performance Area 02: Business Integrity

SECTION: Glossary and Interpretive Guidance

COMMENT:

On Whistle-Blower and Whistleblower mechanism:

There appears to be no connection between this definition and approach and PA17. There should be a connection.

Who are “others”. It should be clearly stated, e.g. third parties, workers, rightsholders, neighbours, etc.

The information shared via whistleblower mechanism should not only include bribery or corruption concerns, but also clearly stated to include human rights and environmental violations.

Performance Area 03: Responsible Supply Chains

SECTION: 3.1 Responsible Supply Chain (applicable to all Facilities), Good Practice, 2

COMMENT:

See comment under PA2 to "Whistleblower System", also please connect "early warning system" to "whistleblower hotline".

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 3

COMMENT:

Remediation actions should ensure that targeted actions are implemented according to each stakeholders/rightsholders needs. Therefore this should also include monitoring of stakeholders as good practice.

SECTION: 4.1 Environmental and Social Impact Assessments, Leading Practice, 1

COMMENT:

Should be Good Practice to include stakeholders and rightsholders in each step to ensure implementation of remediation

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 4

COMMENT:

What about compensations for resettlements were caused by past activities of the mining company but not addressed as part of a resettlement action plan?

SECTION: 4.2 Land Acquisition and Resettlement, Towards Good Practice, 0

COMMENT:

"Wherever possible" - Unclear wording. What does this mean? Should add as minimum that in case of displacement, it should be clearly explained why a displacement was the only option. FPIC should be a minimum requirement.

COMMENT:

A good Standard should ensure that facilities are assessed for existing and new projects to meet standards. The CMSI should ensure compliance also with new projects (e.g. engagement with stakeholders and rightsholders (esp. Indigenous People), mitigation and remediation plans should be assured), as a limited scope might cause later compliance issues. Facilities should also assessed on post-closure measures, otherwise this could limit the trust in the Standard by relevant stakeholders.

Performance Area 05: Human Rights

SECTION: 5.1 Human Rights, Leading Practice, 2

COMMENT:

I would recommend to include a threshold for the effectiveness assessment. For good practice it every three years, which is a is a very large time-period. Thus, leading practice could maybe include an assessment that is taken every year.

SECTION: 5.1 Human Rights, Towards Good Practice, 2

COMMENT:

This step should already include exchange with stakeholders/rightholders.

Performance Area 06: Child and Forced Labour

SECTION: 6.1 Prevention of Child and Forced Labour, Good Practice, 0

COMMENT:

Good Practice should also include regular trainings for personnel on workers rights, e.g. working times, recruiting fees, holidays and other rights to ensure understanding of owns rights.

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

COMMENT:

doubling content: "...intervals for employees who are responsible for human resources and procurement"

SECTION: 6.1 Prevention of Child and Forced Labour, Leading Practice, 1

COMMENT:

This should be included into good practice. Monitoring and Remediation has to include relevant shareholders to ensure efficiency.

SECTION: 6.1 Prevention of Child and Forced Labour, Towards Good Practice, 3

COMMENT:

Make sure no children are present on mine site. Whether they are working or not.

Performance Area 07: Rights of Workers

SECTION: 7.1 Rights of Workers, Good Practice, 15

COMMENT:

A one-time information might not be sufficient, e.g. if regulations change, therefore regular trainings for workers to inform them on their rights, including but not limited to working hours, annual leave, etc.

SECTION: 7.1 Rights of Workers, Good Practice, 8

COMMENT:

This should also include maximum working hours per day (ILO as reference). Assurance provider have to assess including the incorporation of local law during the process.

SECTION: 7.1 Rights of Workers, Towards Good Practice, 1

COMMENT:

Should include specific focus on most vulnerable groups.

SECTION: 7.2 Grievance Mechanism for Workers (Employees and Contractors), Good Practice, 7

COMMENT:

Provide specific channels with trained personnel for vulnerable groups, e.g. specifically trained for GBV cases/gender-sensitive grievance mechanism and ensure provision of Safe Space/channels to provide information.

SECTION: 7.2 Grievance Mechanism for Workers (Employees and Contractors), Towards Good Practice, 2

COMMENT:

There is no clear statement on whistleblower protection and protection tools for workers.

SECTION: Applicability

COMMENT:

Should also include PA 16 ASM

Performance Area 08: Diversity, Equity, and Inclusion

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

COMMENT:

This should be included in towards practice, as only the commitment is not sufficient.

SECTION: 8.1 Governance of Diversity, Equity, and Inclusion (Corporate Level), Towards Good Practice, 3

COMMENT:

at at the end: "at all level" > across the company's operations at all levels.

Performance Area 09: Safe, Healthy and Respectful Workplaces

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

COMMENT:

Make sure PPE is NOT gender-neutral.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 1

COMMENT:

Must be included in "towards good practice" as it is relevant to FPIC.

SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

FPIC - needs to be included in "towards good practice".

SECTION: 14.1 Indigenous Peoples, Leading Practice, 4

COMMENT:

Effectiveness Monitoring in collaboration with relevant shareholders should be at least good practice.

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 3

COMMENT:

This would also include the establishment of culturally appropriate and confidential grievance mechanisms if groups are not willing or hesitate due to past experience to voice their concerns publicly.

SECTION: Applicability

COMMENT:

In some cases, indigenous people might not be able to participate by themselves but have, for example, NGOs voicing their concerns or representing their opinions. Therefore, this section should include "indigenous people and those appointed to representing them" as well.

SECTION: Glossary and Interpretive Guidance

COMMENT:

For the abstract starting: Where proposed activities may affect the rights of more than one Indigenous community, the Facility should address anticipated adverse impacts...

We would exclude "more than one" and solely refer to affected rights of Indigenous communities. Otherwise, if there has to be a threshold, write "at least one".

COMMENT:

'- FPIC should be an obligatory and cross-cutting requirement at all stages and not hidden behind „applicability screens". FPIC processes should be independently verified by experts with required competence. Therefore in the case of the CMSI FPIC cannot be divided within the three-level-scheme, but instead has to be implemented at all levels. Participation of Indigenous People should be ensured at all stages of the process.

- FPIC requires respect for Indigenous Peoples' decisions and includes the right to give, withhold, or withdraw consent at any time (expansion to post-closure), with binding procedures to pause or halt activities when consent is withheld or withdrawn. States should not be allowed to override their decisions.

- Indigenous People should be consulted for all relevant PAs, e.g. on biodiversity.

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Good Practice, 3

COMMENT:

Needs to be included in "towards good practice".

SECTION: 15.1 Cultural Heritage, Leading Practice, 1

COMMENT:

Effectiveness Monitoring in collaboration with stakeholders has to be in good practice.

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 3

COMMENT:

The decision-making process should include (culturally) appropriate communication formats, for consultation, as well through which concerns can be raised in order to be recognised during the decision-making process.

Performance Area 16: Artisanal and Small-Scale Mining

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Good Practice

COMMENT:

This needs to be moved to "Towards Good Practise" as risk assessment & mitigation of potentially affected groups such as ASM entities is a baseline/critical task.

COMMENT:

"Good Practise" should include monitoring and evaluation of the effectiveness of the measures implemented on ASM entities and communities. It should also add "training of security personnel on human rights respect of ASM miners and communities."

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Good Practice

COMMENT:

collaboration and engagement to support formalisation and professionalisation should not be limited to "legitimate ASM operators. "Legitimate ASM operator" vague definition could be used to exclude a number of ASM entities on the ground which are even more precarious. Good Practise must include improvement of their safety, human rights, social and environmental practise", it should not be listed as "or" activity among other activities

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Good Practice

COMMENT:

If the company sources from ASM operator, it should ensure that it regularly assesses the safety, social and environmental risks and supports the operator to develop and implement a plan to mitigate these risks. It should also monitor and evaluate the effectiveness of the measures taken. ASM suppliers should be offered fair commercial conditions.

SECTION: 16.1 Artisanal and Small, Scale Mining (ASM), Leading Practice

COMMENT:

Whole section on "Leading Practise" should not be limited to "identification and exploring of actions" but also on implementation of actions.

It should also add "financially support ASM entities to obtain third party verification or assurance of ESG and human rights activities", "engage in knowledge-building activities on mining, responsible mining, closure and reclamation".

SECTION: Applicability

COMMENT:

Include PA 7 Workers Rights.

COMMENT:

The scope of the requirements should not only be limited to "legitimate ASM" as this might exclude many ASM workers and facilities that are willing to work and implement ESG requirements, but are hindered due to local unclarities. Engagement should be promoted, instead of disengagement.

COMMENT:

16.1.

- first step should be to scope all ASM entities (informal and formal) and communities with appropriate professionals, not limited to "legitimate ASM operators".

- Assessment of risks and development of a plan for risk mitigation in consultation with ASM entities and communities should be minimum requirement (Towards Good Practise).

Add consultation/engagement requirement with ASM entities/communities as minimum requirement, at least for the risk and impact.

Performance Area 17: Grievance Management

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Good Practice

COMMENT:

Needs to be included in „towards good practice“.

SECTION: 17.1 Grievance Mechanism for Stakeholders and Rights, Holders, Towards Good Practice

COMMENT:

Needs clarification on whistleblower protection.

SECTION: Applicability

COMMENT:

Include also 21 Tailings management and 22 pollution prevention

COMMENT:

Please connect „grievance management“ to „whistleblower system“ as an option to raise concerns/grievances. Or is there a reason for the separation?

COMMENT:

The descriptions for a working and efficient grievance mechanism currently still appear insufficient:

- Unclearity on whistleblower protection (guarantee of non-retaliation and confidential channels, clear protection tools) and missing requirements for remedy system, incl. gender-sensitive/co-designed by IP, missing inclusion of relevant stakeholders, time-bound remedy plans and public summaries

- Missing information on access, e.g. language, channels, levels (community-based, facility-level, independent mechanisms)

Performance Area 18: Water Stewardship

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

COMMENT:

In „towards good practice“ needs to be included at least the establishment of basic objectives regarding water use, especially regarding freshwater but also marine water consumption.

SECTION: 18.1 Water Management and Performance, Good Practice, 11

COMMENT:

Criteria should be merged with Criteria Towards Good Practice 6, implementation of a monitoring programme without a plan to monitor objectives/targets is pointless.

SECTION: 18.1 Water Management and Performance, Good Practice, 2

COMMENT:

Needs to be included in „towards good practice“.

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

COMMENT:

Includes Good Practice 18.1.3. and 18.1.4.

Criteria should be merged with Criteria Towards Good Practice 5; risks can not be identified without considering hydro-geological context as well as impacts on environment and other water users.

SECTION: 18.1 Water Management and Performance, Good Practice, 7

COMMENT:

Needs to be included in „towards good practice. Shoud be interest of facility as well for financial reasons.

SECTION: 18.2 Collaborative Watershed Management, Good Practice, 3

COMMENT:

Needs to be included in „towards good practice“.

SECTION: 18.3 Water Reporting, Good Practice, 1

COMMENT:

Needs to be included in „towards good practice“. That is bare minimum to provide transparency. A monitoring is required data is already available.

SECTION: 18.3 Water Reporting, Good Practice, 3

COMMENT:

Needs to be included in „towards good practice“. That is bare minimum to provide transparency.

SECTION: Glossary and Interpretive Guidance

COMMENT:

At defined intervals: Maximum length of intervals should be specified (e.g. every 3 months for monitoring).

Performance Area 19: Biodiversity, Ecosystem Services and Nature

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

COMMENT:

2.a needs to be included in „Towards good practice“ as it should be consistent with other PAs. Mitigation hierarchy is also included in 18.1 in water stewardship.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Good Practice, 6

COMMENT:

As mining has an immense impact on biodiversity and ecosystems, assessed impacts need be disclosed for transparency reasons. Include in „Towards good practice“.

COMMENT:

The biodiversity PA should include a stronger focus on deforestation and the inclusion of stakeholder voices and knowledges, e.g. Indigenous People.

Performance Area 20: Climate Action

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 2

COMMENT:

Needs to be included in „towards good practice“. Including commitment to reduction but not setting corporate targets is contradictory and an invitation for green washing.

SECTION: 20.1 Corporate Climate Change Strategy (Corporate Level), Good Practice, 4

COMMENT:

Needs to be included in „towards good practice“. Including commitment to reduction (that includes scope 3) but not setting corporate targets is contradictory and an invitation for green washing.

SECTION: 20.3 Annual Climate Change Public Reporting, Good Practice, 1

COMMENT:

1.a.: GHG emissions need be disclosed for transparency reasons. Include in „Towards good practice“.

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Good Practice, 1

COMMENT:

Needs to be included in „towards good practice“. Including commitment to safe and responsible management but not achieving conformance is contradictory and an invitation for green washing.

SECTION: 21.1 Tailings Management, Good Practice, 4

COMMENT:

This aspect should be included in the “Towards Good Practice” section. Since a significant proportion of environmental risks stem from poor tailings management, incorporating this information is essential to ensure transparency.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Life Cycle: Include also Safety First: Guidelines for Responsible Mine Tailings Management - Earthworks <https://earthworks.org/resources/safety-first/>.

This should also be included in references.

Performance Area 22: Pollution Prevention

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

COMMENT:

Needs to be included in „towards good practice“. Including commitment to commit to manage and minimise waste in line with the waste mitigation hierarchy (i.e. prevent, reuse/minimise, recycle, energy recovery, dispose), but not implementing actions is contradictory and an invitation for green washing.

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

COMMENT:

Needs to be included in „towards good practice“. Including commitment to commit to manage and minimise waste in line with the waste mitigation hierarchy (i.e. prevent, reuse/minimise, recycle, energy recovery, dispose), but not implementing actions is contradictory and an invitation for green washing.

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

COMMENT:

Needs to be included in „towards good practice“ for transparency reasons, providing transparency to other affected stakeholders.

SECTION: 22.2 Mineral Wastes, Good Practice, 1

COMMENT:

This criteria needs to be included in „towards good practice“. If waste is not stabilized, it can lead to catastrophic failures and irreversible contamination of water and soil through Acid Rock Drainage and Metal Leaching. Making this mandatory ensures long-term environmental safety and prevents disasters that could cost lives and billions in remediation.

SECTION: 22.2 Mineral Wastes, Good Practice, 2

COMMENT:

This criteria needs to be included in „towards good practice“. Ignoring or underestimating risks exposes communities and ecosystems to severe harm, including toxic exposure and water contamination. A mandatory risk-based approach guarantees accountability and prioritizes protection where the stakes are highest.

SECTION: 22.2 Mineral Wastes, Good Practice, 3

COMMENT:

This criteria needs to be included in „towards good practice“. Without enforced rehabilitation, mining sites become perpetual pollution sources, undermining biodiversity and human health for generations. Mandating this requirement ensures sustainable land use and fulfills the industry's social and environmental responsibility.

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

This criteria needs to be included in „towards good practice“. Without mandatory targets, air emissions can exceed safe levels, causing chronic health issues and environmental degradation. Setting risk-based objectives ensures emissions are controlled in line with the mitigation hierarchy and global best practices. Targets alone are meaningless without enforceable actions and monitoring. Making this mandatory guarantees accountability, prevents harmful exposure, and provides measurable proof of compliance for regulators and stakeholders.

SECTION: 22.4 Mercury, Good Practice, 1

COMMENT:

This criteria needs to be included in „towards good practice“. Mercury is a highly toxic pollutant that poses severe risks to human health and ecosystems even at low concentrations. Mandatory quantification and public disclosure ensure transparency, regulatory compliance, and accountability, while aligning operations with internationally recognized reporting standards and global sustainability expectations.

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 3

COMMENT:

This criteria needs to be included in „towards good practice. Immediate and effective remediation minimizes harm to communities and ecosystems. Making this mandatory guarantees responsible action and stakeholder engagement, even under time-sensitive conditions.

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 4

COMMENT:

Highly Important: This criteria needs to be included in „towards good practice. Without a structured review, root causes remain unaddressed, increasing the likelihood of repeat incidents. Mandatory internal reviews and corrective actions embed continuous improvement and demonstrate leadership accountability.

SECTION: 22.6 Accidental Polluting Releases, Good Practice, 5

COMMENT:

This criteria needs to be included in „towards good practice“ Transparency is critical for accountability and trust. Mandatory disclosure ensures stakeholders are informed of material impacts, aligns with international reporting standards, and drives companies to prevent recurrence.

SECTION: 22.7 Noise, Vibration and Light Pollution/Nuisance, Good Practice, 2

COMMENT:

This criteria needs to be included in „towards good practice. Uncontrolled noise, vibration, and light pollution can harm human health, disrupt wildlife, and damage community relations. Making this mandatory ensures proactive mitigation, protecting ecosystems and maintaining the mine’s social license to operate.

SECTION: 22.7 Noise, Vibration and Light Pollution/Nuisance, Good Practice, 3

COMMENT:

This criteria needs to be included in „towards good practice. Without regular monitoring, mitigation measures can fail silently, leading to unchecked harm to communities and ecosystems. Making this mandatory ensures compliance, early detection of issues, and continuous improvement in environmental performance.

Performance Area 23: Circular Economy

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 2

COMMENT:

This criteria needs to be included in „towards good practice. Tailings pose long-term environmental and safety risks, including water contamination and catastrophic dam failures. Making this mandatory drives innovation in ore processing and waste reduction, lowering liabilities.

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 1

COMMENT:

This criteria needs to be included in „towards good practice. Closure without comprehensive risk management can lead to severe environmental, social, and economic consequences, including long-term liabilities and community harm. Making this mandatory ensures proactive planning, stakeholder trust, and sustainable post-mining outcomes.

SECTION: 24.1 Closure Management, Good Practice, 6

COMMENT:

This criteria needs to be included in „towards good practice. Without mandatory cost estimation and financial provisioning, mines risk abandonment or inadequate closure, leaving communities and governments to bear environmental and economic burdens. Public disclosure ensures transparency, accountability, and confidence that closure obligations will be met.

SECTION: 24.1 Closure Management, Good Practice, 8

COMMENT:

This criteria needs to be included in „towards good practice. Mining operations and surrounding conditions evolve over time, and failure to update closure plans can lead to ineffective or unsafe rehabilitation. Making this mandatory ensures adaptive management, reflects stakeholder priorities, and prevents long-term environmental and social harm.

QUESTION 1

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

Response: **2: Below expectations**

We see improvements compared to the first version, but in certain areas there are still remarkable gaps, especially for the engagement of stakeholders and vulnerable groups

For example, the Grievance mechanism is still insufficient, as it is missing clear protection tools for whistleblower and human rights advocates, unclear accessibility in terms of channels and languages. We also see gaps in the implementation of the Standard between existing and new projects, as well as past activities (in case of remediation). In some cases, thresholds for assessments are missing. In the PA for biodiversity, deforestation is only briefly mentioned, despite being a high risk in several countries and focus on the European Union. Overall this PA also lacks of details on metrics, methods and verification 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: **2: Below expectations**

We understand the approach to use a lower threshold to make the Standard more accessible, but expect a clear inclusion of relevant rightsholders and shareholders throughout all categories, especially for remediation. This should ensure targeted measures are implemented to avoid the risk of green- or pinkwashing. To efficiently implement practices, the Standard also lacks the requirement for additional trainings for staff/management on specific areas, such as Indigenous Peoples or Workers Rights. To ensure implementation of measures the effectiveness monitoring should be included in good practice across the whole Standard and not put behind the leading practice bar.

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

A three-level performance structure is only useful, if continuous improvement is encouraged until the highest level, which as of now is not the case for the CMSI. Incentives are only set to reach good practice. In some instances the requirements for towards good practice are still too low, e.g. towards good practice often only points toward commitment but without attached actions. We would request to have a strict timeline to show clear improvements across all PAs (e.g. within 1 year after first assessment if only towards good practice level).

FPIC should be made a obligatory requirement outside of the three-level-scheme and across all PAs to ensure Indigenous People 's interests are met. Additionally remediation and inclusion of stakeholders should not be barred behind leading practice category, as of currently no incentives to meet this category are included in the CMSI.

Document: Claims

3. Claims

SECTION: 3.1 Types of Claims, 3.1.2 Assured Claim

COMMENT:

Explanation unclear. Example with actual digits should be given here. Aggregated Score would be different for each facility according to applicable requirements which might cause confusion on scoring.

COMMENT:

It appears that the aggregated score is only paired with Good Level, not Leading Level and can be changed based on companies self-assessments, which can in worst case cause false reports. In general the description is difficult to understand and might need a clearer language overall and examples to show possible use of the scoring.

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

The scoring system still needs some clarification. For example, it is unclear to us if the aggregated score can be secured by only providing a self-assessment by the facility. This could cause companies to falsely report or over-exaggerate to their supposed improvements. Also as we understand the scoring only includes good practice for the use of the logo, therefore again the CMSI is missing incentives for leading practice level to encourage improvement beyond good practice.