

CMSI Consultation Response

Respondent Details

NAME

Johanna Lindkvist

COUNTRY

Sweden

PERMISSION

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

STAKEHOLDER

Industry (upstream)

ORGANISATION

Boliden Mineral AB

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

In general, but we have concerns regarding degree of public disclosure and Facility level, Indigenous People issues and expected assurance costs.

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: 3: Meets expectations

If we can keep the Standard from being overly complicated for new to follow.

Document:
Assurance

2. Roles and Responsibilities

SECTION: A. Facilities and their Parent Companies

COMMENT:

Second bullet point: Define "unfettered". For instance, can workers be interviewed at their workplace or do they need to be taken off their shifts to be interviewed?

COMMENT:

Second bullet point: Missing words at the end of the sentence. '... and facilitate, if requested, access to stakeholders and xxxxx for interviews'

SECTION: C. The Secretariat

COMMENT:

Last bullet point: Remove "(previously called Reporting and Claims Policy)"

3. Who Can Conduct External Assurance?

SECTION: 3.1 Assurance Provider Requirements, 3.1.1 Assurance Provider Qualifications

COMMENT:

5b: Please clarify: would the Assurance Provider be seen as independent of they had done consulting/advisory work regarding CMSI on the Corporate level or for another Facility within the Group?

COMMENT:

The extensive training requirements; independence requirement (forcing persons to choose between consultancy services on CMSI or assuring it); language and regional experience requirements; and 3-cycle limit for maintaining an assurance contract, might together result in low or no interest in being an Assurance Provider in small-language countries where there are only one/a few mining facilities as presumptive clients. This will increase assurance costs and planning for the clients due to increased translation needs and travel costs, and risk a lack of cultural knowledge, experience of working in the region etc. in the assurance teams.

4. Consolidated Standard External Assurance Process

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

COMMENT:

Last section: "Interviews should be conducted without the physical or virtual presence of management or others working at or representing the Facility."

Needs further clarification, it is not clear how the interviews are to be conducted, assuming the auditors will at least need a guide from the company?

SECTION: 4.2 Planning, 4.2.13 External Stakeholder and Rights

COMMENT:

Last section on page 24: Remove "(previously called Foundational Level)"

SECTION: 4.2 Planning, 4.2.16 Review of the Assurance Plan

COMMENT:

Automated translation services often get it totally wrong when it comes to terminology used in specific industries and processes. (The same word may have multiple general meanings, and the wrong one is chosen by the autotranslator.)

SECTION: 4.2 Planning, 4.2.6 Assurance Planning

COMMENT:

Regarding the 6th Bullet point: Does the Facility grievance register need to be reviewed in advance? Our opinion is that this is sensitive data that should only be viewed under supervision.

SECTION: 4.2 Planning

COMMENT:

We are gravely concerned regarding the increased recurring assurance costs that will result from the generally extensive sampling proposed (including stakeholder and rights-holder interviews, and linked interpretation services). Conducting such far-reaching assessments, at every facility every 3 years, will be straining for any organization.

SECTION: 4.5 Reporting

COMMENT:

This is the only place in the document mentioning "the management report". What is meant? Needs to be clarified.

Appendices

SECTION: D. Draft Reporting Template

COMMENT:

From the 5th item in the help text of the forms "evidence"-column: "...Interviews with workers and how they confirm alignment, or not, with the Performance Area; note where unions, women, or other minorities are included as appropriate."

We suggest a clarification or footnote in the form, acknowledging that in some countries it is not legal to register minorities at all (e.g. for privacy reasons).

QUESTION 1

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

Response: **3: Meets expectations**

On the whole, but we are gravely concerned regarding the increased recurring assurance costs that will result from the generally extensive sampling proposed (including stakeholder and rights-holder interviews, and linked interpretation services). Conducting such far-reaching assessments at every facility every 3 years will be straining for any organization, and might deter from adopting this standard.

Document:
Standard

General comment on Performance Area

COMMENT:

GENERAL COMMENT regarding all the requirements for Public Disclosure in this standard:

We are gravely concerned regarding the vast amount of information that is expected to be publicly disclosed at Facility level. In many cases we question who the disclosure is aimed at, and in general it should be up to each Facility to disclose the most relevant impacts.

There are 47 requirements in this draft standard that stipulate public disclosure or public reporting, most of them at a Facility level, and many of these are disclosed at the Corporate level today by us and other multi-site companies. Reporting on Facility level is in most cases not required by the European Sustainability Reporting Standards (ESRS), and if every Facility would need to manage its own disclosures on every issue this would be a considerable administrative burden.

Based on the above we suggest a thorough review of all 47 requirements that mention public disclosure or reporting, regarding a) the actual need for public disclosure by/at each facility, and b) if there is actual need for all this data to be disaggregated on Facility level in corporate reporting and disclosures.

Introduction

COMMENT:

“Publicly disclose” as defined in 8 Key Terms and Guidance, f) is better phrased than the definition in the Overarching Glossary.

(The two definitions are not aligned.)

Overarching Glossary

COMMENT:

We suggest changing the Overarching Glossary’s definition of “Publicly disclose” so it fully aligns with 8f of the Introduction (8f is a more workable definition).

Performance Area 01: Corporate Requirements

SECTION: 1.4 Risk Assessment, Leading Practice, 1

COMMENT:

This is a leading practice, but not all companies might want to share information on risks with externals (or even all internals)?

We suggest that specific risks be assessed with the participation of only related stakeholders and rights owners.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.2 Land Acquisition and Resettlement

COMMENT:

We suggest deleting the second sentence about implementing IFC PS7. References to other standards should be avoided in this consolidated standard. A reference to IFC would result in overlapping and partly conflicting requirements and the introduction of an FPIC definition which is not fully aligned with the one used here.

Also, a clear definition of "Relocation" is needed. Does it include e.g. using reindeer grazing grounds/moving trails?

COMMENT:

References to other standards should be avoided in this consolidated standard.

Performance Area 05: Human Rights

SECTION: 5.1 Human Rights, Good Practice, 2

COMMENT:

Unclear what is expected based on the use of word 'enhance'. We suggest a change of wording to 'The grievance mechanism meets the eight effective criteria... '.

Performance Area 06: Child and Forced Labour

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

COMMENT:

Suggest to remove the reference to GRI, references to other standards should be avoided in this consolidated standard. The full requirements could instead be provided in text.

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

COMMENT:

Rephrase to acknowledge contexts where strong legislation and reliable enforcement mechanisms already ensure effective prevention and mitigation of such risks.

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

COMMENT:

Review the sentence, to remove repetition.

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

COMMENT:

Rephrase to acknowledge contexts where national legislation already prohibits the withholding of workers' personal identity documentation.

Performance Area 08: Diversity, Equity, and Inclusion

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

COMMENT:

We suggest removing this request from the standard. Publicly disclosing results may raise legal or privacy concerns. The requirement doesn't clarify what should be disclosed (e.g., full report, summary, key findings), which can lead to inconsistent practices.

SECTION: 8.2 Management of Diversity, Equity, and Inclusion (Facility Level)

COMMENT:

*Unclear requirement, needs to be developed and clarified if to remain in the standard.
Consider move to Good Practice.*

SECTION: Intent

COMMENT:

Consider removing Climate Action from the list of Other applicable Performance Areas, as it does not have a clear connection to DEI.

Performance Area 09: Safe, Healthy and Respectful Workplaces

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

COMMENT:

Needs a clearer definition of what is meant by "access to medical facilities". Will it be necessary to have an own on-site medical facility?

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

COMMENT:

Recommend moving this section to 9.1 "Good practice" as it is more broadly connected to health and well-being, not just connected to psychological safety and respectful workplaces.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Community Impact Management, Good Practice, 4

COMMENT:

This requirement is setting extremely high standard for the work (last sentence). We suggest to move this part to "Leading practice"

SECTION: 13.2 Community Development and Benefits, Good Practice, 4

COMMENT:

Remove "increased levels of", since continuous increase will be impossible.

SECTION: 13.2 Community Development and Benefits, Good Practice, 7

COMMENT:

We suggest a new start: "If deemed favorable, establish..."

SECTION: 13.2 Community Development and Benefits, Good Practice, 8

COMMENT:

Suggested change of the first sentence (linked to our comment on GP7):

If objectives and/or targets are established, they should be monitored and evaluated at defined intervals, against objectives and/or targets.

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 10

COMMENT:

Please clarify the difference between Towards Good Practice 6 and this requirement. Now unclear if there is any difference in what the collaboration with Indigenous Peoples should look like, or if the only difference is the content of the training.

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 also needs to be considered here. And it might also be necessary to use information in order to fulfil other requirements, such as DD and environmental and social impact assessment requirements.

SECTION: 14.1 Indigenous Peoples, Good Practice, 6

COMMENT:

We suggest moving the text from the footnote (#69), and interpretive guidance of Opposition, into the main text of this requirement, since this is such an important modification to the requirement

SECTION: 14.1 Indigenous Peoples, Leading Practice, 1

COMMENT:

Suggest change of wording to "all workers at the Facility" alternatively "all relevant workers".

SECTION: 14.1 Indigenous Peoples

COMMENT:

We suggest that we clarify that there are exceptions to the requirement to “obtain agreement”, since FPIC is not a veto power. This could be done by using a wording like “strive to obtain agreement” or by making the obligation to obtain agreement under this requirement subject to the same exceptions as in GP6. This could be done by changing the text of the second sentence of TGP 5 to: “... obtain agreement, as described in GP6, with affected Indigenous Peoples ...”. Alternatively, a footnote could be added as in GP6.

SECTION: 14.1 Indigenous Peoples, Towards Good Practice, 6

COMMENT:

Requiring “in collaboration” is too high level for Towards Good Practice - we suggest moving it to Good Practice.

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SECTION: Intent

COMMENT:

We suggest that we use the wording “Strive to obtain agreement...” since FPIC is not a veto power and there are exceptions to the requirement to obtain agreement. It is true however that the starting point must be an intent to obtain agreement whenever feasible.

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Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Good Practice, 2

COMMENT:

We suggest using “appropriate to their roles” instead of “in accordance with their roles”

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 4

COMMENT:

We suggest adding the following, for clarification: ‘Assign accountability and responsibility for the management of activities that can potentially affect cultural heritage.’

SECTION: Glossary and Interpretive Guidance

COMMENT:

We would like to delete the phrase “as determined by them” from the definition of critical cultural heritage. It is already clear from the end of the definition that Indigenous peoples must be involved in identifying critical cultural heritage.

Performance Area 17: Grievance Management

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

COMMENT:

The meaning of the word ‘enhance’ here is unclear, from what state? We suggest a change of wording to ‘The operational level grievance mechanism shall meet UNGPs eight effectiveness criteria...’

Performance Area 18: Water Stewardship

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

COMMENT:

The inclusion of closure in this topic requirement makes the topic too broad. The operating phase water demands needs to have a different level of detail than closure which is the focus in water to the recipient. For clarity, the topic should include some information about the level of detail required.

Performance Area 20: Climate Action

SECTION: 20.3 Annual Climate Change Public Reporting, Good Practice, 2

COMMENT:

Needs clarification. Will independent limited assurance suffice?

SECTION: 20.3 Annual Climate Change Public Reporting

COMMENT:

Example of our general comment regarding Public disclosure (standard’s Introduction, 8f): Facility-level GHG & Energy data to be reported externally in 20.3 may cause additional problems as the requirement is not in line with mandatory requirements European CSRD.

COMMENT:

The scope is not specified, does it entail Scope 1-2 or Scope 1-3?

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

The leading practice requirement should be revised and not solely focus on the three bullet points currently mentioned, as it will be in many cases practically impossible to achieve. Leading practice should open up for other ways than just reducing, creating value, or reprocessing.*

**We know for certain that the volume of tailings per ton metal in a mine is increasing over time rather than decreasing, due to lower and lower grades. This will continue in the future, and it is therefore not realistic to set the goal "(i) reduce the quantity of tailings to be disposed ". It will never be fulfilled. We suggest instead to set the goal to actively try to minimize the increase over time.*

Performance Area 22: Pollution Prevention

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

COMMENT:

Is this requirement relevant under leading practise? If removed it whould be enough if targets are set and follow-up is in place. Meeting targets is difficult to review since some are long-term targets.

SECTION: Glossary and Interpretive Guidance

COMMENT:

The definition of non-mineral waste is confusing. It says "it includes material placed in waste rock dumps", but just above that it says that mineral waste includes waste rock. If one is referring to other kinds of waste (e.g. concrete, scrap...) it would be much better not to mention the waste rock dump here.

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

We are gravely concerned regarding the vast amount of information (47 requirements) that is expected to be publicly disclosed, many at a Facility level, and suggest a thorough review of all these requirements regarding what data is actually needed to disclose (and to whom) at facility level or disaggregated.

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: 4: Exceeds 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: 4: Exceeds expectations

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: 3: Meets expectations