

CMSI Consultation Response

Respondent Details

NAME

Anonymous

COUNTRY

South Africa

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: 3: Meets expectations

Document:
Assurance

1. Introduction

SECTION: 1.1 About the Consolidated Standard

COMMENT:

The vision does not explicitly mention the objective to reduce complexity and provide greater clarity in the Standards space to pursue a common shared view of responsible mining. This is a critical factor for the future application and potentially expansion of the initiative. It was a clear purpose for the CMSI and therefore should be acknowledged in the vision statement to allow for it to live on in the principles of the organisation.

COMMENT:

This should be further expanded to acknowledge the role of civil society in the governance process through the stakeholder advisory group.

2. Roles and Responsibilities

SECTION: A. Facilities and their Parent Companies

COMMENT:

The requirement for an annual self-assessment is too onerous and will not allow enough time for meaningful progress between 3rd party audit. Suggest this is amended to be a single mid-point self-assessment at 18m between external assurance.

COMMENT:

Suggest insertion of the word 'reasonable' - the Facility will obviously be required to help access remote site access etc, but should not be required to facilitate basic international travel, airport transfers etc (recognizing that obviously the cost of all travel will be passed on).

COMMENT:

Suggest further clarification of minimum mandatory communications that are required to avoid any misunderstanding on what the level of expectation is.

COMMENT:

There are concerns regarding the value of making the continual improvement plan available publicly. This sort of output to be meaningful should be a living document that is consistently updated and used by the Facility team to plan, implement and track actions to close gaps. By making it a publicly disclosed document undermines it's ability to serve the function as a 'continual' plan. Suggest the 'make public element' is removed.

COMMENT:

Agreed. Also needs clarification on whether the initially formulated CIP will need AP validation or not.

SECTION: B. Assurance Providers

COMMENT:

It would be useful to indicate the minimum period in advance this needs to be developed to help the assurance process be conducted successfully. This should be added

3. Who Can Conduct External Assurance?

SECTION: 3.1 Assurance Provider Requirements, 3.1.1 Assurance Provider Qualifications

COMMENT:

Including those when acting as an APT? This should be clarified

COMMENT:

It may be worth 'softening' this wording. It may be the case that shares in the facility or parent company could be held by consolidated funds / pension schemes of an auditor. I dont see that this would really provide a conflict of interest for an assessor.

COMMENT:

Assume interpreters and SMEs do not have the same limitations as auditors in terms of 3y term, previous consultancy relationship with the facility etc? This should be clarified in the text

SECTION: 3.1 Assurance Provider Requirements, 3.2.3 Maintaining Assurance Provider Approval Status

COMMENT:

It is worth clarifying that the training workshop would count as an annual training update

COMMENT:

Will this be publicly communicated / disclosed? Please clarify.

SECTION: 3.1 Assurance Provider Requirements

COMMENT:

The inclusion of SMEs is a pragmatic provision however what are the controls to prevent a single lead assessor being qualified supported by a wide team of SMEs? This seems to water down the necessity for pre-qualified auditors. Suggest some provision is included on distribution of minimum / maximum qualified auditors vs. SMEs in audit teams.

COMMENT:

Supported and in addition, it is recommended that it is limited to select topics.

4. Consolidated Standard External Assurance Process

SECTION: 4.2 Planning, 4.2.1 Application

COMMENT:

If there are any minimum requirements to be included in the application these should be laid out or included in an annex.

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

COMMENT:

It may be worth adding a reference to ensuring suitable data protection and privacy elements which need to be built into this process.

COMMENT:

Surely this applies to all rights-holders?

SECTION: 4.2 Planning, 4.2.13 External Stakeholder and Rights

COMMENT:

This section should include a provision to allow any worker or rights holder to reject the chance to be interviewed if they wish and how a assurer should progress if they struggle to achieve their original interview targets.

SECTION: 4.2 Planning, 4.2.15 Observers to the Assurance Process

COMMENT:

I think this should be removed, the Secretariat participation in some interviews where the interviewee has requested extreme confidentiality could compromise the interview. The secretariat observing should be lead by the assurance provider on what interviews they can join to minimise disruption.

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

COMMENT:

It may be obvious but I'm not clear what host and home countries refer to, is this related to host country of the facility and home country of the parent company? Would be worth clarifying.

COMMENT:

As pre previous comment an annual self-assessment is too onerous and should be limited to a single self-assessment at an 18m midpoint.

SECTION: 4.2 Planning, 4.2.4 Self

COMMENT:

Unclear why there is a minimum period after the commencement date for the self-assessment to be submitted. If the Facility wants to submit a self-assessment sooner, why would this be limited to 3 months? Suggest this is clarified or removed and restated as "within 6 months."

SECTION: 4.2 Planning, 4.2.6 Assurance Planning

COMMENT:

It would be helpful to provide a minimum period in which the Assurance plan needs to be submitted prior to scheduled field audit. This should be added.

COMMENT:

It would be useful to document how the Assurance Provider is intended to apply and share this risk based approach with the Facility as part of the planning process. How will the assurance provider indicate where they will be prioritising effort and analysis so that the Facility can support this approach.

COMMENT:

As per previous comment - this is useful but should explicitly state that this should include discussion of risk-based approach and focus areas.

SECTION: 4.2 Planning, 4.2.7 Understanding the Operational Boundaries

COMMENT:

This is vague - how will these considerations be used to inform a scope for the audit? This should be clarified.

SECTION: 4.2 Planning, 4.2.8 Determining Methodology and Risk

COMMENT:

Should clarify that this does not mean extending the scope but may mean that this would be reviewed in the next audit cycle.

COMMENT:

must apply not is encouraged - this is a methodological requirement not a suggestion

COMMENT:

Further detail should be provided on how risk-based approach is being defined. I assume that this means that the most significant or highly rated potential impacts would be given the most attention but this could have several interpretations including - focusing on previous gaps, focusing on high consequence issues etc.

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

COMMENT:

Add - subject to review and alignment with the Facility

COMMENT:

Facility Grievance Mechanism or CMSI grievance mechanism?

SECTION: 4.3 Execution of Facility Assessment, 4.3.2 Facility Site Visit

COMMENT:

Why only call out good practice here? This should cover all suitable performance levels?

SECTION: 4.3 Execution of Facility Assessment, 4.3.3 Interviews

COMMENT:

This should be clarified - does this have the potential to threaten a final result or is it just a limitation?

SECTION: 4.3 Execution of Facility Assessment, 4.3.5 Non

COMMENT:

This period is too compressed to even action some fairly minor gaps and should be extended to at least 60 days. For example, where updated plans or procedures have not been signed off by internal governance bodies these may only meet on a quarterly basis. This is a minor non-conformance that should be provision in the immediate corrective action period.

SECTION: 4.3 Execution of Facility Assessment, 4.3.6 Critical Notifications

COMMENT:

Clarify this definition to ensure it encapsulates malign intent and is not related to human error, lack of capacity etc

SECTION: 4.3 Execution of Facility Assessment

COMMENT:

This appears contradictory to the statement below regarding desk top review in advance. This should be clarified as the expectation is that some substantial document review is required prior to site visit.

SECTION: 4.4. Extensions

COMMENT:

This is an unfair and unnecessarily limitation. In the event of unplanned emergency, injury to critical individuals etc these justified delays will not be known in advance and are exactly the type of situation where an extension may be required.

COMMENT:

This is unnecessarily restrictive and limits the Secretariat to provide empathetic and nuanced review of extension requests. Suggest the bullets above are guidance for interpretation not binary requirements.

SECTION: 4.5 Reporting

COMMENT:

This should be removed - while well intentioned it may prove to be a 'distraction' for the Facility overly focusing on leading practice for low risk or less material elements rather than achieving and solidifying existing good practice elements. Facilities may be ambitious and feel obliged to pursue Leading in multiple areas making the report overly detailed and too long.

COMMENT:

The final bullet about working to achieve leading should be moved to this 'advisory letter' and not be publicly disclosed.

COMMENT:

This should be nuanced to clarify where the short and medium term corrective action window falls. It would be advisable to allow a Facility to elect to complete these windows before a report is published.

COMMENT:

This should be removed

COMMENT:

Add clarification that reporting time is not included in previously mentioned reporting deadlines.

SECTION: 4.6 Continual Improvement Plan, 4.6.1 Self

COMMENT:

This is an overly onerous requirement and should be extended. A single mid-point self-assessment at 18m should be sufficient.

COMMENT:

If the Secretariat will be judging adequacy further detail is required to be provided on minimum criteria for format and detail of self-assessment report.

SECTION: 4.6 Continual Improvement Plan, 4.6.2 Re

COMMENT:

Provide definition as per the footnote on environmental impacts. What is considered significant?

COMMENT:

This appears extremely punitive? Current reading implies that Secretariat may revoke historical CMSI performance levels based on reporting of an incident. This should be clarified, assume it is meant to inform the NEXT re-assurance cycle.

Further clarity is required what steps are available to the Secretariat based on notification of an incident. This is too vague at present to say this will 'have an impact' on assurance results.

SECTION: 4.6 Continual Improvement Plan

COMMENT:

This requirement to achieve 100% of requirements to deliver Good or Leading Practice is impractical. Even the most well run responsibly management mines will have some locally nuanced issue which causes execution in total alignment with the CMS impractical, too expensive or unvaluable. The scoring mechanism should allow for an approach where the principles / intention of a performance level can be achieved even if it has not been delivered EXACTLY in alignment with the CMS. This aligns with the risk based approach of the audit.

COMMENT:

This assumes that all elements of the CMS are equally important to achieve responsible mining outcomes which is flawed. The Assurance process even recognizes this by applying a risk-based approach. Continual improvement should be focused on area where it provides value to all stakeholders and not be measured arbitrarily. If this approach is taken the CMSI becomes and arbitrary compliance process

COMMENT:

Needs definition - progress in different jurisdictions and contexts means different things

COMMENT:

This needs further clarification - how do we define failure? How do we define continued?

COMMENT:

This is not a suitable - in some instances further work may be required to define what is the most meaningful corrective action. This should be extended to 60 days minimum

5. Dispute Resolution Process

SECTION: 5.2 Stage 2: Sub

COMMENT:

72h of the interview or receiving briefing documents?

COMMENT:

Why no time-bound limit?

6. Public Grievance Mechanism

COMMENT:

There is no clarity provided in the criteria required to allow this unilateral change to performance levels. Further details required on what would trigger / merit this in a grievance.

7. Continual Improvement

SECTION: 7.2 Assurance Provider Oversight Process

COMMENT:

This seems harsh - if there are material concerns with an assurance provider's capacity why would a 'special appeals' process not be allowed?

COMMENT:

This seems to undermine transparency intent of the CMSI

SECTION: 7.4 Annual Oversight Report

COMMENT:

Publicly available?

General Comment

COMMENT:

Please see our uploaded documents for a detailed submission of our commentary.

QUESTION 1

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

Response: **2: Below expectations**

There are some critical aspects submitted as 'recommendations for change' included in our uploaded documents. Please consider these comments.

Document:
Standard

General comment on Performance Area

COMMENT:

Please see our uploaded documents for a detailed submission of our commentary.

COMMENT:

As per comments submitted in the Assurance and Claims Policy - this requirement to (eventually) achieve 100% of Good Practice and below requirements is impractical. In almost every responsibly managed mine some local nuance will require adaptation of GIIP to deliver the outcome required in a performance area. Allowances should be made for this so that it does not present a purely compliance exercise. The threshold for achievement should be set below 100%.

COMMENT:

Anglo American, inclusive of Kumba Iron Ore and De Beers, welcomes the introduction of the Consolidated Mining Standard and recognizes it as an important step forward in establishing unified best practices across the global mining industry. As a company committed to responsible mining and maintaining strong relationships with the communities where we operate, we support the Standard's comprehensive approach to environmental stewardship, safety protocols, and stakeholder engagement. We do, however, believe it is essential to provide constructive feedback on Performance Area 14 relating to engagement with Indigenous Groups. Our submission via the Minerals Council of South Africa therefore particularly focuses on the application in this jurisdiction and follows below.

Performance Area 01: Corporate Requirements

SECTION: 1.1 Corporate Accountability, Good Practice, 3

COMMENT:

This may be better phrased as "into senior executive performance reviews" as not all elements for which senior executives are accountable for always influence compensation.

SECTION: 1.1 Corporate Accountability, Leading Practice, 1

COMMENT:

This assumes that all matters related to the standard are equally material to an asset or corporation. Maybe better to require this related to defined material responsible mining elements?

SECTION: 1.3 Transparency of Mineral Revenues, Good Practice, 3

COMMENT:

Suggest that this is clarified related to operational contracts only where there are no local legal restrictions on publication.

SECTION: 1.3 Transparency of Mineral Revenues, Leading Practice, 3

COMMENT:

This requirement is very difficult to audit - burden of proof to 'encourage' is too vague.

SECTION: 1.5 Corporate Crisis Management, Towards Good Practice, 1

COMMENT:

Suggest further clarity is added in the definition to clarify that this is related to crisis with some implications for sustainability elements.

SECTION: Glossary and Interpretive Guidance

COMMENT:

Relevant for this standard is AND rather than or

Performance Area 02: Business Integrity

SECTION: 2.1 Legal Compliance, Good Practice, 2

COMMENT:

The definition is useful here but should clarify that only fines related to incidents that with the consequences outlined are required to be disclosed. It may be practical to clarify if disclosure of these the incident, rather than the regulatory notice, would be sufficient to demonstrate compliance.

Performance Area 04: New Projects, Expansions and Resettlement

SECTION: 4.1 Environmental and Social Impact Assessments, Good Practice, 5

COMMENT:

Worth clarifying it this MUST include publicly disclosing the ESIA documentation or report or if consultation on the content in other manners is sufficient.

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

COMMENT:

It would be useful to clarify compliance approach here where local jurisdictional regulations are being applied that do not require this level of consultation (given the either / or with IFC PS1 state in the requirement above). Assume that this is required even where local permits do not entail it.

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

COMMENT:

Full replacement value is more typically used

COMMENT:

Suggest these final terms are deleted as they are difficult to audit and don't add any technical clarity.

SECTION: 4.2 Land Acquisition and Resettlement, Good Practice, 5

COMMENT:

Some clarifications may be required here - is this in addition to livelihood and standard of living improvement measures required in the previous requirement? This feels duplicative

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

COMMENT:

Context may be better than baseline as this implies that they may not be experiencing any change from existing operations.

Performance Area 05: Human Rights

SECTION: 5.1 Human Rights, Good Practice, 2

COMMENT:

See previous point about 'double penalization' potential here and throughout this section

SECTION: 5.1 Human Rights, Towards Good Practice, 3

COMMENT:

By listing this requirement twice it allows for the potential to 'double penalize performance on one area. If there are concerns with the grievance mechanism in section 17 should it also be penalized here? Maybe better to include as a cross reference rather than two separate requirements.

Performance Area 08: Diversity, Equity, and Inclusion

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

COMMENT:

Many of these requirements may be fulfilled by corporate initiatives delivered at a facility level. It may be worth clarifying that this will be acceptable given the division between corporate and facility.

Performance Area 10: Emergency Preparedness and Response

SECTION: 10.1 Emergency Preparedness and Response, Good Practice, 5

COMMENT:

IT may be worth adding some sort of threshold here, this should only be for significant emergencies to retain interest and buy-in

Performance Area 11: Security Management

SECTION: 11.1 Security Management, Good Practice, 2

COMMENT:

Clarify that this is communicate explicitly to the public security or publicly disclose?

SECTION: 11.1 Security Management, Good Practice, 4

COMMENT:

This is duplicative of requirements in the Human Rights section, issues related to human rights risks and impacts, whether related to security or other aspects, are already required there. This duplication allows for double penalization and clarification is required.

SECTION: 11.1 Security Management, Good Practice, 5

COMMENT:

Again - this requirement to provide remedy is already provided for elsewhere. By repeating specifically for security it allows for potential double penalization.

SECTION: 11.1 Security Management, Good Practice, 8

COMMENT:

Is it necessary to include another separate international benchmark? The rest of the section refers to VPSHR, the capacity development program should be aligned to that approach for consistency. Adding ICC creates complexity for Facility team.

SECTION: 11.1 Security Management, Leading Practice, 2

COMMENT:

Out of operational control - should be changed to endeavor to" or similar.

Performance Area 12: Engagement

SECTION: 12.1 Engagement, Good Practice, 4

COMMENT:

Replace with capacity development? This may not always be 'class-room training'

SECTION: 12.1 Engagement, Leading Practice, 1

COMMENT:

This needs further clarification - on ALL decisions that affect them (regardless of significance) is too onerous

SECTION: Glossary and Interpretive Guidance

COMMENT:

Further clarification required - the organization makes a significant number of commitments, some of which are tracked internally with limited stakeholder engagement (eg. permitting and financial commitments). IT should be clarified that the commitment register here needs to focus on a subset of commitments that are significant and of interest to stakeholders.

Performance Area 13: Community Impacts and Benefits

SECTION: 13.1 Community Impact Management, Leading Practice, 1

COMMENT:

Too onerous - this should be limited to significant elements of action plans.

SECTION: 13.1 Community Impact Management, Leading Practice, 2

COMMENT:

As previous comment - this should focus on significant elements

SECTION: 13.1 Community Impact Management, Towards Good Practice, 1

COMMENT:

Limiting this to only direct impacts and disregarding indirect is too low a bar

Performance Area 14: Indigenous Peoples

SECTION: 14.1 Indigenous Peoples, Good Practice, 2

COMMENT:

The duplication here allows for potential double penalization which needs to be considered and planned for.

SECTION: 14.1 Indigenous Peoples, Good Practice, 3

COMMENT:

This is duplicative of previous requirements to consider vulnerability of stakeholders when engaging and creates risk of double penalization.

SECTION: 14.1 Indigenous Peoples, Good Practice, 4

COMMENT:

This is duplicative of previous stakeholder engagement requirements.

SECTION: 14.1 Indigenous Peoples, Good Practice, 9

COMMENT:

This is duplicative of previous requirements for remedy and grievance mechanism with no additional technical details except specifying application to a certain stakeholder group. This approach (numerous instances) creates risk that auditors should be 'looking for something additional', creates double award / penalization risk disproportionately increasing focus for some requirements. This needs consideration.

SECTION: 14.1 Indigenous Peoples, Leading Practice, 7

COMMENT:

Monitoring with affected stakeholders is a GP requirement elsewhere. This is duplicative and unbalanced

SECTION: Glossary and Interpretive Guidance

COMMENT:

Further clarification needed to explicitly outline if audit will expect signed documentation or a process outcome.

COMMENT:

Re: P14, please see our regional note adding in our documents list on the platform.

COMMENT:

We recommend that the Standard adds further nuance to the application of FPIC based on the legal recognition systems and statutory frameworks of the host country, then supplemented by culturally appropriate engagement where self-identifying Indigenous communities exist. We, therefore, recommend:

Recognition Framework:

Require companies to identify and engage with groups based on legal recognition as the principal basis.

Tiered Engagement Process:

Establish a graduated engagement model:

Tier 1: Where Indigenous Peoples are formally recognized by national law, apply FPIC requirements.

Tier 2: Where recognition is unclear or absent, but communities self-identify as Indigenous, companies should implement strengthened consultation and negotiated agreements that respect cultural protocols and rights, without creating obligations that conflict with domestic law.

Alignment with Legal Frameworks:

Require companies to demonstrate compliance with national laws, as the primary basis for assurance, while seeking to meet the spirit of UNDRIP and the UNGP through engagement.

Monitoring and Reporting:

Introduce practical and clear indicators for agreement making and measuring meaningful engagement, including consultation records, agreements concluded, culturally appropriate engagement measures, and grievance resolution timelines and outcomes.

COMMENT:

While we fully endorse the principle outlined through the existing commitments we have already made in the ICMM Position Statement for Indigenous rights, we are concerned that the current wording of this clause may create practical challenges in implementation and audit across jurisdictions with varying legal frameworks governing Indigenous consultation.

We respectfully suggest that the clause be refined to provide greater clarity on the process while maintaining flexibility to honor both the spirit of the standard and the specific, contextual, legal requirements and cultural protocols that exist in different regions.

- South Africa voted to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007 but has not formally ratified it into domestic law, leading to ongoing challenges for groups like the Khoi and San. While the government has made efforts to promote and protect all rights of marginalized groups, particularly through restorative justice programs, there are still significant gaps between the principles of UNDRIP and the reality on the ground, including struggles for land rights, resource access, and cultural recognition amongst many other groups in South Africa. Accordingly, UNDRIP and FPIC are therefore not enabled by the legal framework of South Africa.*

- One of the key issues when engaging with Indigenous Peoples' rights is the identification of who constitutes Indigenous People. No one comprehensive international definition of Indigenous People exists although there are widely accepted criteria. A number of these criteria (attachment to ancestral land, distinct culture, language and beliefs, etc.) are challenging in the Southern Africa region since the dispossession of land from many Indigenous Peoples has occurred over time during pre-colonial, colonial periods and modern history and has resulted in the fragmentation of defining traits and assimilation into dominant cultures. This creates uncertainty for both the companies and assurance providers, as the act of defining indigeneity and a FPIC framework aligned to CMSI requires a separate interpretation from the South Africa legislation in relation to Indigenous People. In the absence of local legislation aligned to the CMSI definitions, fulfilling the criteria at an asset level risk that the obligation falls to the private sector to "reinterpret" definitions of indigeneity. • There are existing tensions in South Africa with the indigenous definition widely accepted in the international sphere of indigenous peoples. In some respects, the Khoi and San people in South Africa are in a more precarious position than other Indigenous People around the world as they are yet to be recognised and enjoy limited legal protection and benefits as a collective.*

COMMENT:

We recommend that the Standard adds further nuance to the application of FPIC based on the legal recognition systems and statutory frameworks of the host country, then supplemented by culturally appropriate engagement where self-identifying Indigenous communities exist. We, therefore, recommend:

1. Recognition Framework:

- o Require companies to identify and engage with groups based on legal recognition as the principal basis.*

2. Tiered Engagement Process:

- o Establish a graduated engagement model:*

☒ Tier 1: Where Indigenous Peoples are formally recognized by national law, apply FPIC requirements.

☒ Tier 2: Where recognition is unclear or absent, but communities self-identify as Indigenous, companies should implement strengthened consultation and negotiated agreements that respect cultural protocols and rights, without creating obligations that conflict with domestic law.

3. Alignment with Legal Frameworks:

o Require companies to demonstrate compliance with national laws, as the primary basis for assurance, while seeking to meet the spirit of UNDRIP and the UNGP through engagement.

4. Monitoring and Reporting:

o Introduce practical and clear indicators for agreement making and measuring meaningful engagement, including consultation records, agreements concluded, culturally appropriate engagement measures, and grievance resolution timelines and outcomes.

COMMENT:

We request that the CMSI incorporate jurisdiction-sensitive language, into Performance Area 14 (and all performance areas, as applicable), to avoid imposing obligations that conflict with domestic law, create inconsistent audit outcomes, or undermine the constitutional rights of other affected communities in South Africa.

Anglo American, inclusive of its Kumba Iron Ore and De Beers operations, remain committed to working collaboratively with the industry, Indigenous communities, and standard-setting bodies to ensure that mining practices genuinely reflect the values of respect, partnership, and shared prosperity.

Performance Area 15: Cultural Heritage

SECTION: 15.1 Cultural Heritage, Good Practice, 5

COMMENT:

This should be moved to 'Towards Good Practice'

SECTION: 15.1 Cultural Heritage, Towards Good Practice, 3

COMMENT:

Duplicative of previous requirement but calling out cultural heritage specifically.

Performance Area 16: Artisanal and Small-Scale Mining

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

COMMENT:

Language should be added to include recognition of risk and that this may not be credible due to risks of child labour, malpractice etc in the legitimate ASM activities.

Performance Area 17: Grievance Management

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

COMMENT:

This assesses single performance of the creation of the grievance mechanism and, given that update to the design is a separate criteria, does not allow for corrective action if not initially conducted. Should be combined with 5 to allow for closeout.

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

COMMENT:

Combine with requirement 2

Performance Area 18: Water Stewardship

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

COMMENT:

Change to context - this infers a single moment prior to construction and therefore if the baseline is not deemed to be sufficient is not possible to correct throughout the life of the operation

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

COMMENT:

This should be change to "Seek opportunities" or else the requirement risks penalizing sites that have already optimized re-use.

SECTION: 18.1 Water Management and Performance

COMMENT:

On public disclosure, applicable across P18:

- Can this be satisfied by annual ESG reports and reg mandated reports to authorities (which are already public?)

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

COMMENT:

This are similar commitments form a part of existing public KPIs or Sustainability Strategies: could this be a sufficient reflection of this requirement?

COMMENT:

Unclear if this should form a part of the public commitment.

SECTION: 18.2 Collaborative Watershed Management, Leading Practice, 1

COMMENT:

Unclear what this means? Is this indicating that facility should provide water benefits?

SECTION: 18.3 Water Reporting

COMMENT:

Concerns related to the heightened level of public disclosure required here. Recommend that these requirements be satisfied by other existing reporting measures to avoid generating additional costs with minimal value etc.

Consider that that: most sites will already work with consultants and EFTAs for their reports to authorities and to satisfy environmental and sectoral commitments.

The existence of these expert (consultants) and regulatory mechanisms (incl. assured annual ESG reporting) should count towards public disclosure and third party validation.

Performance Area 19: Biodiversity, Ecosystem Services and Nature

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Leading Practice, 1

COMMENT:

There are some important monetary implications associated with this requirement which would make it challenging for the corporate level (or singular facility) to demonstrate.

It would be important to understand how much of it has implications on scoring for 'Leading Practice'.

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

COMMENT:

Risks being a subjective conclusion. It will be important to provide guidance on what 'leading' integration looks like.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Leading Practice, 4

COMMENT:

As defined by whom?

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

COMMENT:

Duplication

COMMENT:

Supported.

However, we may need to consider future scenarios where local regs. provide allowance for exploration in classified areas. and how this could be in contest to the standard's requirements.

SECTION: 19.1 Biodiversity, Ecosystem Services and Nature, Towards Good Practice, 3

COMMENT:

where relevant

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

COMMENT:

Change to external context - the use of the term baseline creates a situation where the requirement is a measure of data adequacy at a single point in time prior to construction and therefore cannot be corrected.

Performance Area 20: Climate Action

SECTION: 20.2 Climate Change Management (Facility Level)

COMMENT:

Whilst some aspects are managed at a facility level, all public targets are measured against a corporate level goal. 20.2 should consider both facility and corporate to fulfill some aspects of this section.

SECTION: 20.3 Annual Climate Change Public Reporting

COMMENT:

Understood that this can be reflected at a corporate level. This means filtering of the content down to a specific facility view is not required for public disclosure?

Performance Area 21: Tailings Management

SECTION: 21.1 Tailings Management, Good Practice, 3

COMMENT:

Flagging that GTMI may prepare their own protocols in 2026+ and therefore worth flagging that adherence to those (if they differ) will also be compliant.

SECTION: 21.1 Tailings Management, Good Practice, 4

COMMENT:

As per previous point - may be worth adding reference to potential future GTMI protocols.

SECTION: 21.1 Tailings Management, Leading Practice, 1

COMMENT:

Clarity required if reprocessing requires mineral extraction or if relocation of tailings may be applicable. This is a 'point in time' activity and therefore will need clarity if historical reprocessing fulfils this requirements.

Performance Area 22: Pollution Prevention

SECTION: 22.3 Non, GHG Air Emissions, Good Practice

COMMENT:

Replace with external context

SECTION: 22.3 Non, GHG Air Emissions, Leading Practice

COMMENT:

Recommend clarifying the extent of opportunities for engagement needs clarification.

SECTION: 22.3 Non, GHG Air Emissions, Towards Good Practice

COMMENT:

See previous comments on baseline - this should be amended to read 'external context'

COMMENT:

Move to guidance or definition if these are not mandatory

Performance Area 23: Circular Economy

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

COMMENT:

Endeavor to identify would be better

SECTION: 23.1 Circular Economy for all Facilities, Good Practice, 3

COMMENT:

Endeavor to identify would be better

Performance Area 24: Closure

SECTION: 24.1 Closure Management, Good Practice, 8

COMMENT:

Should be and / or. It is impractical to change the closure plan for ever change in environmental or social circumstance where there is long remaining life of mine

SECTION: Applicability

COMMENT:

This section needs some introduction stating that the proximity to closure will affect the level of detail etc included. Some of these requirements are unsuitable in a great level of detail for mines with long remaining life.

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: 3: Meets expectations

Document:
Claims

2. General Requirements for all Consolidated Standard Claims

SECTION: 2.1 General

COMMENT:

Insert intentionally

3. Claims

SECTION: 3.1 Types of Claims, 3.1.1 Public Commitment to Participate

COMMENT:

This is impractical and unnecessarily punitive and misaligned with the vision and principles for the CMSI. It a facility or corporate entity is planning on participating in an audit cycle but is uncertain on when and / how this will be applied at every facility this requires Secretariat approval of ALL applications before a commitment is made. At present ICMM members requirement to participate in the CMSI on launch would contravene this as application for all facilities has not been made (and wont be made for several years as a phased ramp-up is planned). This needs to be softened, the intention to participate in the CMS needs to be differentiated with a planned Facility level assessment being scheduled.

COMMENT:

As indicated - this section needs softening to clarify that statement about aligning practice to the CMS and planning to rollout participation in the CMSI across a full portfolio in a staged manner does not contravene this.

SECTION: 3.1 Types of Claims, 3.1.2 Assured Claim

COMMENT:

As per comments in the assurance policy, this is too onerous and should be limited to a single mid-point self-assessment.

COMMENT:

Text in this section does not provide any incentive for any site seeking to achieve a Leading Practice score. This will require additional audit time & cost and yet there is no apparent reward in the aggregated score even acknowledging that some requirements are above good practice. This needs to be corrected.

COMMENT:

This seems overly punitive for sites that are achieving Leading Practice

COMMENT:

Even with distinction made - still risks introducing unnecessary confusion (+ Assured Scores will always have more 'credibility' than a Self-Assessment score. Secretariat should limit their published scores to those assured by the AP.

Also lends to the comment of limiting self assessment to one mid-point update.

COMMENT:

This statement is too conservative - what is the purpose of generating an aggregated score if it is not a high level indicator or performance.

SECTION: 3.1 Types of Claims, 3.1.3 Performance Claim

COMMENT:

This is overly Onerous - this should be stated as part of Assurance Report, additional approvals should not be required

COMMENT:

This implies that commodity-specific marks will be developed as part of the CMSI process? This is not explained anywhere in the assurance or claims policy - the assumption is that 100% of production from a CMSI assured mine will be subject to performance claim. This should be clarified.

COMMENT:

Where is the detail about what the metal specific marks will be available? Is this not continuing to be confusing for the external world continuing to use the Copper/Zinc/Moly Mark process? A single CMSI 'Mark' would be simpler and align with the vision and purpose of CMSI

COMMENT:

Recommendation to cut this to a single mid-point self-assessment at 18m

COMMENT:

This is an impractical requirement. This requirement to achieve 100% of requirements to deliver Good Practice is unfeasible. Even the most well run responsibly managed mines will have some locally nuanced issue which causes execution in total alignment with the CMS impractical, too expensive or invaluable. The scoring mechanism should allow for an approach where the principles / intention of a performance level can be achieved even if it has not been delivered EXACTLY in alignment with the CMS. This aligns with the risk based approach of the audit.

COMMENT:

This seems a harsh interpretation of launching a refreshed version of CMS. Sites should be able to 'enjoy' at least one full cycle of Performance Claim if the Standard happens to be updated prior to the 3y period expiring.

SECTION: 3.2 Self

COMMENT:

See previous comment - this is too onerous. A single mid-point self-assessment would be sufficient.

COMMENT:

This can be delivered through a single self-assessment. Annual reporting does not allow for sufficient window to make meaningful progress and does not deliver significant additional transparency.

COMMENT:

Agreed and is widely supported by site level delivery leads. A full self-assessment against the CMSI standard would be onerous with min value add on an annual basis.

SECTION: 3.4 Assurance Provider Claims

COMMENT:

This seems unnecessarily restrictive on accredited assurance providers. What risk is this seeking to control?

COMMENT:

Will also be challenging to monitor. AP's typically use direct content from the standard's body incl. logos & charts etc. to engage potential clients. This is also helpful to keep the content married to the CMSI brand.

If they are approved CMSI AP's (which will be a publicly available list?), this restriction should be eased.

General Comment

COMMENT:

Please see our uploaded documents for a detailed submission of our commentary.

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

There are some critical aspects submitted as 'recommendations for change' included in our uploaded documents. Please consider these comments.