



The Copper Mark

Guidance on Extensions Requests

March 2023

Disclaimer:

This guidance does not seek to establish new requirements. It serves to provide an interpretation of the existing Copper Mark Assurance Process, Section 4.5.4.

The Copper Mark regularly reviews its Assurance Process and input from our stakeholders on this important topic. We invite any interested stakeholder to provide feedback at any time by sending an email to info@coppermark.org.

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1 Overview

Every site participating in the Copper Mark must fully meet all applicable criteria of the Copper Mark standards within 24 months of signing the Letter of Commitment.

The Copper Mark recognizes that there may be circumstances in which more than 24 months may be required to be “fully meets” for all applicable criteria. As a result, the Assurance Process allows for extensions of this deadline, stating in section 4.5.4 that:

In exceptional circumstances, The Copper Mark may allow for more than the defined timeframe for the site to implement all required improvement measures to become “fully meets” with all applicable criteria. A longer timeframe will be reviewed on a case-by-case basis and extensions can only be granted if the Participant is able to provide evidence that the required improvement measures cannot reasonably be implemented within the given timeframe. In this case, a reasonable timeframe is agreed between the site and The Copper Mark before results are communicated.

This Guidance is intended to provide clarity on the process and content requirements that apply for a site to apply for an extension. It does not seek to establish new requirements but provides a more detailed interpretation of the existing Copper Mark Assurance Process, section 4.5.4.

The objectives of this Guidance are to provide:

- Clear process and content expectations for participants to apply for extensions beyond the 24-months to be fully aligned with all applicable criteria.
- Consistent application across all participants.
- Clear boundaries to ensure credibility of the Copper Mark assurance framework.
- Pragmatic implementation of the Copper Mark standards, in particular where new requirements are added off-cycle.

2 Process to Request an Extension

Participants who are not able to meet the requirement of being “fully meets” for all applicable criteria within 24 months of the commencement date because of exceptional circumstances may request an extension by meeting the following requirements:

1. Extension requests must be made in writing and addressed to the Copper Mark.
2. Extension requests must be received by the Copper Mark **before** the end of the 24 months deadline for conformance. The request must be received so as to allow for a reasonable amount of time for the Copper Mark to assess its merits before the 24 months deadline for conformance has elapsed but at a minimum 15 business days prior to the deadline.
3. Requests must include:
 - a. Evidence that the required improvement measures cannot reasonably be implemented within the given timeframe.

- b. The additional time requested for implementation.

As part of the request for an extension, participants must include the following evidence in writing to the Copper Mark:

1. Overview of the gaps between the current practice and the requirement(s).
2. Justification why the gaps cannot be addressed within the 24 months timeline.
3. Implementation plan, timelines and milestones for completion.

Requests that do not meet these requirements will not be granted.

3 Process for Review by the Copper Mark

Once a request for extension is received, the Copper Mark staff will implement the following steps:

1. Review the request to assess the following:
 - a. Completeness of the request.
 - b. Whether the evidence provided is reasonable in the circumstances.
 - c. Whether there is precedent in other similar situations.
2. Where appropriate, staff may engage in additional information gathering, including discussions with assessors.
3. Staff will issue a decision to grant the extension or not within 15 business days from receipt.
4. Extensions granted are noted in the public Summary Assessment Report.

4 Monitoring by the Copper Mark

Where a request for an extension is approved, the Copper Mark will monitor the progress and adherence to the new deadline during regular check-ins between the participant and staff.

Monitoring will include a discussion on the progress of implementation of the plan, adherence to timelines, and meeting of milestones for completion.

Full implementation of the improvement plan resulting in a performance determination of “fully meets” must be verified by an approved assessor **before** the expiry of the extension deadline.

5 Requests for Extension on New Requirements Added Off-Cycle

Since 2020, the Copper Mark has adopted the requirement for its participants to meet two additional standards:

1. The Joint Due Diligence Standard for Copper, Lead, Molybdenum, Nickel and Zinc, to demonstrate “fully meets” for Criterion 31; and
2. The Global Industry Standard for Tailings Management, to demonstrate “fully meets” for Criterion 19.

These requirements have been added “off-cycle”, meaning in-between regular revision cycles of the Copper Mark standards.

5.1 Global Industry Standard for Tailings Management

As of October 2021, the Copper Mark requires all relevant participants to implement the Global Industry Standard for Tailings Management (GISTM). The Copper Mark notes that ICMM member companies have made a commitment for:

1. All facilities with ‘Extreme’ or ‘Very high’ potential consequences to be in conformance with the GISTM by August 2023, and
2. All other facilities to be in conformance with the GISTM by August 2025.

The Copper Mark adopts this industry timeline, subject to the following conditions:

1. The process for an extension is adhered to, including the request, provision of evidence, monitoring and verification of implementation.
2. Classification of tailings facility(ies) of the participating site is shared as part of the extension request.
3. For facilities categorized as “extreme” or “very high”, a maximum extension until August 2023 is possible for participants where the 24 months deadline expires before August 2023. This will no longer be relevant after August 2023.
4. For all other facilities, an extension is granted based on evidence that GISTM cannot reasonably be implemented within the 24 months deadline and for a maximum until August 2025.

5.2 Criterion 31 / Joint Due Diligence Standard for Copper, Lead, Molybdenum, Nickel and Zinc

The Joint Due Diligence Standard for Copper, Lead, Molybdenum, Nickel and Zinc (JDD) is a stand-alone standard for which the participating sites must be “fully meets” for all criteria within 12 months of the commencement date.

As of 1 January 2022, the Copper Mark requires all relevant participants to adopt the JDD.

Participants assessed against the Copper Mark Criteria for Responsible Production have 24 months of the commencement date to be “fully meets” for all criteria within the JDD (as with any other criteria).

The Copper Mark recognizes the need to ensure a consistent timeline for implementation of the JDD, taking into consideration:

1. A reasonable time required to roll out a new management system; and
2. The emphasis of the OECD Due Diligence Guidance on continuous improvement.

The Copper Mark will not grant extensions to the JDD. However, a determination of “fully meets” may be awarded before a full cycle of the due diligence management system is implemented across all suppliers / supply chains. In this case, the Assessment Summary Report notes the areas where implementation could not yet be tested.