

MINUTES OF MEETING

37th SSC Meeting

Time: 1500 - 1730 (MYT)

Date: Wednesday, 23rd August 2023

Venue: Zoom Meeting https://zoom.us/j/98966808848 Meeting ID: 989 6680 8848 Passcode: 37@SSC

ATTENDEES

Name		Initial	Organisation	
1.	Lim Sian Choo (Co-Chair)	LSC	Bumitama Group	Grower (INA) - Substantive
2.	Olivier Tichit (Co-Chair)	OT	Musim Mas	P & T – Substantive
3.	Sander Van den Ende	SvE	SIPEF	Grower (RoW) – Substantive
4.	William Siow	WS	MPOA/IOI	Grower (MY) – Substantive
5.	Jenny Walther-Thoss	JWT	WWF Singapore	ENGO – Substantive
6.	Ian Orrell	Ю	NBPOL	Grower (Smallholder) - Substantive
7.	Brian Lariche	BL	Humana	SNGO – Substantive
8.	Mohammed Dao	MD	OLAM Group	Grower (RoW) – Alternate
1.	Leena Ghosh	LG	RSPO Secretariat	
2.	Liyana Zulkipli	LZ	RSPO Secretariat	
3.	Javin Tan	JT	RSPO Secretariat	
4.	Lee Jin Min	LJM	RSPO Secretariat	
5.	Akmal Arif Razali	AAR	RSPO Secretariat	
Abser	Absence with apology:			
1.	Anne Rosenbarger	AR	WRI	ENGO – Substantive
2.	Nurul Hasanah	NH	FGV	Grower (MY) – Alternate
3.	Librian Angraeni	LA	Musim Mas	P & T – Alternate

AGENDA

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Time	Item	Agenda	PIC	
1500 - 1505	1.0	Opening	Co-Chairs	
	1.1	Acceptance of agenda		
	1.2	RSPO Antitrust Law		
	1.3	RSPO Consensus-Based Decision Making		
	1.4	RSPO Declaration of Conflict of Interest		
1505 - 1525	2.0	Meeting Dashboard	Co-Chairs	
	2.1	Confirmation of the 36th MoM on 27 th July 2023		
	2.2	Action Tracker		
	2.3	Progress Update WG/TF/SG under SSC		
	2.4	Membership in SSC		
1525 - 1555	3.0	For Discussion		
	3.1	Interim Measures Implementing RSPO Group Certification	LZ/JT	
1555 - 1625	4.0	For Update		
	4.1	BHCVWG Update	LJM	
	4.2	NDJSG-HCSA Letter to SSC	AAR	



1625 – 1630	5.0	Any Other Business
		Next SSC Meeting
1630		END

DISCUSSION:

No.	Description	Action Points (PIC)
1.0	Opening	
1.1	The Chairs welcomed everyone to the meeting and presented the agenda of the meeting. The RSPO Antitrust Law, Consensus-Based Decision Making, and Declaration of Conflict of Interest were read out to the Committee. No comments were received.	
2.0	Meeting Dashboard	
2.1	Confirmation of the 36th MoM on 27 th July 2023 The minutes of the meeting were adopted.	
2.2	Action Trackers Action tracker of the previous meeting was presented. No comments were received.	
2.3	Progress Update WG/TF/SG under SSC The progress update for the WG/TF/SG Committee was presented.	
	With regards to the update of GHGWG2, the Committee commented from the methodology point of view, it is fine to say that the alignment with Greenhouse Gas (GHG) protocol is sufficient and it does not need to align with the ISO standards. However, from a political point of view, there is clear development in the European Union (EU) that a legal framework like Corporate Sustainability Reporting Directive (CSRD) and the green claims directive is linked to ISO standard.	
	Committee suggested not removing the alignment with the ISO standards. GHG methodology is based on the GHG protocol, and this is aligned with the ISO standards framework. For RSPO to get recognised, especially under the new green claim accreditation rules, we need to have this ISO alignment mentioned in the document. This allows for both understanding that the GHG protocol is more explicit especially on the land use change.	
	During the GHGWG2 meeting, the working group has gone through both ISO requirement and GHG protocol and is currently revising the entire methodology	



of the GHG calculation for the upstream. Alignment with the GHG protocol is a must because scope 1, 2 and 3 is the main framework required going forward for any Science Based Targets initiative (SBTI) or net zero discussion. They are not planning to remove ISO 14064 entirely but start with the focus in GHG protocol in doing scope 1, 2 and 3. ISO 14064 focuses more on verifying information that the member keyed in rather than accrediting the PalmGHG calculator.

2.4 Membership in SSC

The Secretariat presented the attendance requirement for SSC members according to the Terms of Reference (ToR), to discuss how to improve the attendance of the SSC and how to ensure the SSC is functioning at its best.

- Co-chairs highlighted that everyone's attendance is important so that certain topics that need a decision can be made, rather than making decisions through email. When the decision is made via email, it reduces the opportunity for the members to ask questions, share or contribute their viewpoints. Therefore, more active participation is encouraged.
- If the timing of the meeting is not suitable or the reminder is not frequent, do inform the Secretariat so that the Secretariat can be more accommodative and proactive in the meeting timings.
- The ToR states that if the member is absent from 3 consecutive meetings, SSC can exercise the rights to retire the membership. However, this is not an automatic retirement. If the member really cannot meet the commitment, they can volunteer to step down and recommend another person as replacement.
- It is important for the SSC to improve the decision-making process and provide timely decisions to the Secretariat and RSPO members.

Secretariat also updated the changes on the current membership:

- Nurul Hasanah, the alternate representative from Malaysian Growers has sent an email informing that she wishes to relinquish her seat in SSC to Lee Kian Wei from United Plantations Berhad.
- Alice Lemont, the substantive representative from Consumer Goods Manufacturers has left L'Oreal and Jerome Courtaigne will replace her.
 Email has been sent to Jerome for reconfirmation and still awaiting response.
- The Secretariat will invite them for the next SSC meeting and conduct an onboarding session with them.

Committee commented:

 It is agreed that repeated absences should be recommended for replacement. It is also good to keep track of decisions made after meeting to evaluate the effectiveness of the group.



- It is difficult to commit to a 3-hour meeting. As the meeting does not take a full 3 hours, perhaps we can let new SSC members know that they can adjust their timing and inform the group on the amount of time they have for discussion. Committee suggested including this in the meeting plan for next year, to not block 3 hours and explain to the members that it is better to attend the meeting for a certain timeframe than not attend at all. This can be included in the onboarding session with new members as well.
- As SSC is a Standard Standing Committee that covers many areas in the Principles & Criteria (P&C), does this create a gap in understanding for some of the SSC members? Yes, as some areas are very technical, it is very difficult if members are not working on the specific topic. The Secretariat needs to give a better sense of the areas of technicality and make it simple enough for those not within that area of expertise to understand. If the document explaining the technicality is not simplified, it does not add any value. The document supporting the technicality should have some level of clarity and its connection to different sector's representatives. Having a line or two that states what they can contribute could be helpful.
- Secretariat responded that this is going to be challenging, which is why the Secretariat tries its best to adhere to the rule where decision papers need to be submitted 7 days prior to the meeting. The idea is that if the Secretariat shares the paper in a timely fashion, the respective sector's representatives who may not have the expertise may seek through their caucuses to receive the necessary feedback if required. The Secretariat would not be able to come up with a statement based on the objectives of the respective caucuses' representatives. The caucuses should be supporting their representatives better. Committee also suggested asking members on what topics they would like to discuss to have a balance of topics.

3.0 For Discussion

3.1 Interim Measures Implementing RSPO Group Certification

During the 36th SSC Meeting, the Secretariat presented the Group Certification for the proposed interim measures, which states that for existing Group Certification certificates that include medium and large growers, the Group Certificates remain valid and may be renewed. The decision made by the Committee during the meeting was to allow this one exemption only for the Wild Asia Group Scheme (WAGS) to remain certified with the caveat that no additional large growers are to be allowed in their group._JWT has raised a sustained objection regarding this decision.

 WWF Malaysia was not able to accept the exemption accorded to Wild Asia in which their group certification is allowed to be re-certified



although they have a large grower which contravenes the current Group Certification (2022) document. They wrote a short paper on why it is important to not exclude large growers from the Group Certification process. The main argument is that large growers can help to strengthen the financial stability of such groups and bring more professional knowledge and expertise to the group dynamics. WWF Malaysia suggested to open the compromise/exemption, and not only limit this extension of group certification for one group, but to all existing group certification that have large growers until the whole group certification system is reviewed next year.

Committee highlighted that:

- It is not clear from the WWF Malaysia paper if the group has been certified or wants to be certified. Wild Asia is a group that has already been certified and it is the only one with that situation of having large growers in their group certification.
- Secretariat clarified that based on RSPO current database, the only group certification with a member of landholding beyond 500 ha is Wild Asia Group Scheme (WAGS). The Secretariat will check with WWF Malaysia Sabah, but based on the current information, they have not been certified but are going through certification.
- According to the paper, there are about 425,000 hectares that have been certified but most of the certified areas are owned by big companies with mills. A lot of smallholders and medium-sized growers are still not certified. Currently, due to this ruling, a lot of medium growers that want to group together for certification have been pulled out of the group. This is why WWF proposed to include large growers in the group certification.
- The Secretariat is agreeable to make it open for all the certified certification to remain valid, and it is not necessary to specify in the announcement to say that the exemption is only for WAGS.
- Are we opening the discussion to review the entire group certification requirements or just for the existing groups? The argument by WWF Malaysia makes sense but we have to be wary that it will upset discussion around mid-size growers. There needs to be a formal discourse and plan on how to deal with this issue because the rationale for excluding them is not logical. It should be based on a risk-based approach where if it is too risky to be included in group certification then it should not be done. The rationale being used currently is that they can pay for it so they should.
- If we want to implement the Jurisdictional Approach (JA), this has to be changed because this is what the JA will rely upon, especially medium sized growers who do not see the point of joining RSPO as it is too costly



for them, and they do not have the resources. We need to have a formal process to address the root issue and not just stop at letting WAGS have the exemption. We can relay the message to the Jurisdictional Working Group (JWG) that is having a meeting next week.

- It is important to see it as two different streams. First, we need a solution for the existing system and the existing groups if they are under process of certification or recertification until the official review of the system next year. Another one is to start a formal discussion about including mid-sized growers without mills into group certification and linking with JA. It is counter productive to stop a process as we have been trying to get mid-sized growers, especially in Sabah, into RSPO certification for a few years. Stopping this now and they cannot be a part of the group certification means the work for the last few years is lost. We either say we allow this or make a stop for everyone. It is not possible to say that one group can continue while the other groups cannot, based on the same rules that were in place two years ago where they started going for certification. This can cause negative energy in the community.
- What are the risks this is introducing? In relation to smallholders, there is always an attempt to try to separate smallholders and protect them from the wider industry. The industry needs to be supporting smallholders. This should not be regarded as an exception and be accepted in a wider context. If we are going for JA, we have to be open to accepting these proposals.
- On the broader issue of what to do with group certification, keep in mind that this is a normative document which means there needs to be a formal review.
- Committee recommended having this document reviewed using both the WWF paper and the situation of the WAGS as a reference, stating that we regret that the rule was changed, and we unfortunately did not foresee the consequences. SSC can mention this to the Board of Governors (BoG) and ask for a mandate to review that document. This should also be communicated to the JWG for the group to discuss and come back to SSC.
- The Secretariat is agreeable to make the above recommendation, but this does not answer the decision paper as to what to inform WAGS about their request. The Secretariat clarified that WAGS is going through recertification by early next year. They will be affected as their current certification will end in December 2023. The Co-chairs will bring this up to the BoG in the next BoG meeting.
- Currently we foresee that the group certification document may need to go through some amendments after the adoption of the P&C 2023.
 Would it be more sensible to ask for the revision of the entire group certification document? If we go to the BoG for approval on the changing



of this rule but not revision of the entire document, this means we may have duplication of effort in revising it twice. Committee recommended a broad exemption for one specific rule in the group certification document and to request the BoG to endorse it until the revision of the group certification document. It should also mention that any group certified under the exemption will remain certified regardless of what will happen to the group certification document. If the exemption has been made, it should mean that the revision of the group certification will stick to the same rules and requirements, unless there is evidence that shows a huge risk which may open a separate discussion in the revision process. There are some good arguments around why large growers should be included in group certification. We should not make the decision now and wait for the adoption of P&C 2023 and the review next year to have a discussion with a focus point on JA. Decision: The SSC Co-chairs will bring up to the BoG meeting in September to seek a broad exemption to the group certification document until it is reviewed using the WWF paper and the situation of WAGS as reference. 1. Seek agreement Secretariat will inform the BoG that there will be an urgent paper to from AR via email discuss during the BoG meeting and seek agreement from AR who is not 2. Prepare paper present via email. for BoG discussion The Secretariat will prepare the paper to be discussed in the BoG Action by: Secretariat meeting. 4.0 For Update 4.1 **BHCVWG Update** The Secretariat presented updates on BHCVWG related work. Resolution GA18-2d o At the 18th RSPO General Assembly in 2021, a resolution to reprieve scheme smallholders from Remediation and Compensation Plan (RaCP) 2015 until a RaCP for scheme smallholders is developed. The Compensation Task Force 2 (CTF2) and Biodiversity and High Conservation Value Working Group (BHCVWG) has been assigned to oversee this resolution. • The reprieve involves two parts: mechanism of reprieve and the type of scheme smallholders eligible for the reprieve. o The document has been developed and is pending for finalisation from the BHCVWG. The BHCVWG members have decided to temporarily put the endorsement on hold as concerns were raised on the applicability of the types of scheme smallholders that are eligible for the reprieve. The members



- decided that there is a need for a study on the types of modalities/scheme smallholders globally that would be eligible for the reprieve.
- The Secretariat has developed a ToR and BHCVWG has provided their comments. The Secretariat is currently finalising the ToR and will requisite resources (budget and manpower) and proceed with the tender process.
- Timeline of approval and adoption of RaCP version 2.
 - The previous timeline shows that the approved text was supposed to be ready on 21 August 2023 for public consultation.
 The BHCVWG will endorse it on 10/11 October which will then be ready for SSC's approval by the end of October.
 - However, due to the current result from the P&C 2023 4th Task Force meeting regarding High Carbon Stock Approach (HCSA), the timeline has been revised.
 - The current timeline shows that the public consultation which was originally scheduled in August has been postponed. The endorsement by BHCVWG has also been postponed. This is because one of the elements related to HCSA might be removed from P&C 2023 and the outcome of this will only be known after the Steering Group's deliberation. To avoid any confusion, the BHCVWG has decided that the RaCP version 2 will be revisited after the endorsement of the P&C 2023 in early February 2024.

Updates on RaCP version 2

o The current RaCP version 2 document has included selfdisclosed cases which are cases that are caused by accidental or limited clearing. There are now some conditions to allow members to self-disclosed these cases. There is also inclusion of non-forest High Conservation Value (HCV) ecosystems in the vegetation-coefficient table for Africa and Latin America. The summary of procedural steps and decisions has been updated to include the new requirements of documents such as the procedure for self-disclosed cases. Additional guidance on social remediation has been provided, particularly on the selfassessment matrix which is the aspect to identify social liability relating to the loss of HCV 4, 5 and 6, and how to design social remedy plans. Guidance on environmental remediation was also included on peat remediation flow charts to better guide growers in peat remediation as well as for independent smallholders. The timeline for the evaluator for the submission and resubmission of the remediation and compensation plan



- has been revised, and the protocol for disclosure for recertification was included.
- Some of the components that are put on hold until the endorsement of P&C 2023 is the HCSA elements and cut-off dates related to November 2018 throughout the document will need to be revised. Scheme smallholders compliance to RaCP is temporarily put on hold until the study for the resolution GA18-2d has been conducted.

Committee highlighted that:

- It is a bit alarming regarding the defining type of scheme for smallholders. Are we going to revisit this again in terms of smallholder typology and types?
- Committee also highlighted that this is happening without any discussion with the Smallholder Standing Committee (SHSC).
- Secretariat clarified that one of the objectives of the scheme smallholder study is to assess the type of scheme smallholders, which is on the various modes of modality of scheme smallholder. Some are incorporation with the government while some are incorporation with the growers. They are different types of models of scheme smallholders globally and the study aims to identify the type and whether the intention of the reprieve for the scheme smallholder would be applicable to those modalities. The study tries to find under which condition the scheme smallholders can be eligible for the reprieve without changing the definition.
- Is the study meant to define what type of scheme smallholders or there
 are other objectives as well? Secretariat clarified that besides identifying
 the modality, another aspect of the study is to assess the specific roles
 and responsibilities between the growers and scheme smallholders, to
 make it clear who is responsible for the land clearing and to make sure
 the liability is properly assigned to.
- However, defining what type of scheme smallholder and the relationship does not mean defining who did the land clearing and who carried the liability? How can this be achieved?
- There has been a lot of discussion for independent smallholders and scheme smallholders, would this be another risk? If there is this rule, there are going to be a lot of exceptional cases that fall out of any scenarios that have been defined. This will then go to SSC and SSC have to look at these on a case-by-case basis. Once we have identified clearly which scheme smallholders are eligible for the reprieve, the next step is for the growers that need to apply for the reprieve. Then, it will go through the Secretariat to look through the conditions to see if they are eligible for the reprieve or not. We should minimize the burden on the



Secretariat to do these approvals as this will cause a huge delay in the process as well.

- Committee questioned whether we have a real problem currently. Are we doing all the work for something so rare that we might not face it? The Secretariat clarified that we need to come up with a way for the members that want to apply for that reprieve to close the resolution. We need to have the mechanism ready and to have the process ready if companies want to apply for the reprieve for scheme smallholders.
- Does the resolution call for a mechanism for reprieve or a temporary reprieve until the RaCP has been revised to look at what is made applicable for the scheme smallholders? We might be adding more layers for our growers in terms of compliance.
- Secretariat stated that the intention was to guide the work of CTF2 on what can be applicable and where are the issues for scheme SH. Previously the RaCP was still in revision and the resolution was brought up to temporary put on reprieve until the RaCP for independent smallholders and scheme smallholders was developed. As the RaCP has been further postponed, we are not sure whether this will be included in time. Therefore, we want to have a mechanism ready for the reprieve in case the RaCP v2 is further postponed.
- Committee commented that the redefinition or further definition of scheme smallholders may land us in a future scenario where the reprieve is extended for a limited subset of scheme smallholders.

4.2 NDJSG-HCSA Letter to SSC

The Secretariat provided updates on the No Deforestation Joint Steering Group (NDJSG) progress.

- In view of the recent notice that was sent out to the NDJSG, the group
 was expected to continue until the end of the year. If there is no
 development, the decision to disband will be enforced.
- The current issue of NDJSG is the lack of decision-making ability within the group because there is not enough quorum.
- Therefore, the Co-chairs of NDJSG have sent a letter to the SSC to request in allowing the amendment of the ToR. NDJSG proposed to change the structure of the representation in the ToR so that a decision can be made for the group to move forward. If there is no amendment made to the ToR, no decision can be made, and the group cannot move on.
- Also, to take note that in the recent standard review process, the procedural note for High Forest Cover Country (HFCC) related indicator 7.9 in P&C 2018 has been removed.

Committee commented that:



- The preamble to Indicator 7.9 is still being disputed and no final decision has been made yet.
- Working group members are supposed to be RSPO members and HCSA
 is not a RSPO member. There are real people with livelihood problems
 that have been severely impacted by the lack of activity of this working
 group. It has already been after five years since the standard has been
 issued, this is way short of the mark and there is no reason to consider
 anything from this group.
- Secretariat clarified that NDJSG is neither a Task Force (TF), Working Group (WG) or Standing Committee, it is an ad hoc structure that was created outside of the normal rules of setting up the WG and TF. It is designed specifically that the normal rules would not apply and HCSA can join this group without being a member of the RSPO. This is to ensure there is a balance of both HCSA and RSPO members in the group.
- It is a good sign that they are willing to think about their representation
 within the NDJSG to make sure decisions can be made soon. But does
 this require SSC's approval? SSC should only come in once the structure
 was proposed by the group.
- Secretariat explained that HCSA is a bit hesitant about the process so they would be happy to get a green light from SSC on the fact that they can consider changes to the membership and decision-making structure. According to the current ToR, HCSA members include caucuses such as grower, TSO, NGO, commodity user and smallholders. The proposal by NDJSG is instead of having representation from each caucus, can a decision be made by representation from only 2 or 3 caucuses from HCSA? If SSC do not allow NDJSG to amend the ToR, then SSC need to give a definite answer whether to continue or dissolve the NDJSG.
- What is the update of the MOU for HCSA and RSPO? There are still a lot of uncertainties. The content of the MOU may need to be revisited and reviewed based on the progress of the P&C 2023. There is a legal impediment, and nothing is definite for now.
- The decision of the SSC does not supersede what is in the ToR and governance process. The governance should be the same and the process does allow the group to collectively revise the ToR and table it for SSC's approval. We need to make them understand that it is in their hands and not wait for SSC to push them and tell them what to do.
- Basically, NDJSG just needs a green light from SSC. Committee will give them a signal to put in a formal proposition on the amendments.
- We have agreed that this is the last extension, and the process has gone
 way too long. The Secretariat takes note of the frustration with the
 NDJSG and will commit to giving them until the end of the year.

Decision Prepare letter to



	The Secretariat will provide NDJSG with an email to inform them that there is no impediment to the NDJSG amending their own TOR as long as it is aligned with the processes allowed under the said TOR. The SSC encourages the NDJSG to explore what is permitted under their TOR to make the necessary changes and presented to the SSC for discussion and endorsement.	NDJSG to propose the amendments to the ToR Action by: Secretariat
5.0	Any Other Business	
5.1	Next SSC Meeting The Secretariat proposed to postpone the next SSC meeting to 5 th October 2023. However, 5 th October will coincide with the conference for the WWF Asia Sustainable Conference and some of the SSC members will be attending the conference. The next SSC meeting will be postponed to 11 th October 2023 instead. The Secretariat will send an email to inform all SSC members.	Send email to SSC members on the date changes for the next meeting. Action by: Secretariat
5.2	As a Standard Standing Committee, we should be requesting the Secretariat to form a WG or TF to look into new topics of interest that come up around us. Topics such as climate change that are being discussed globally is something we are not addressing very well. It is also not mentioned widely in the new P&C 2023. We should be more proactive, looking at what is next on the horizon and request the Secretariat to bring forth these new topics.	

MEETING ENDED AT 1646 MYT