

# **RSPO**

Roundtable on Sustainable Palm Oil

**NATIONAL INTERPRETATION OF THE  
PRINCIPLES AND CRITERIA OF THE RSPO  
STANDARD FOR 2018 VERSION OF  
SUSTAINABLE PRODUCTION OF PALM OIL IN  
CÔTE D'IVOIRE**

**CÔTE D'IVOIRE WORKING GROUP ON THE  
NATIONAL INTERPRETATION (WGNI)**

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## PREAMBLE

Sustainable palm oil production comprises legal, economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the following set of Principles and Criteria (P&C), and the accompanying Indicators and Guidance.

The first set of Principles and Criteria, Indicators and Guidance (RSPO P&C 2007) have been applied since November 2007. These had been subject to trial implementation from November 2005 to November 2007 and, in a number of countries, to a subsequent process of National Interpretation (NI). After five years of application by RSPO members, RSPO P&C 2007 were reviewed in 2012–2013, leading to the RSPO P&C 2013. After a further five years of application, these were reviewed and revised in 2017–2018 by the RSPO Principles and Criteria Review Task Force.

The objective of each review and revision is to improve the relevance and effectiveness of the P&C for RSPO members, and in achieving the shared vision and mission of making sustainable palm oil the norm. More specifically, the most recent revision sought to align the P&C with the RSPO Theory of Change (ToC) and to increase accessibility by making them more relevant and practical.

The review process went beyond ISEAL best practices, including two public consultation periods of 60 days each and 17 physical consultation workshops in 10 countries around the world, as well as 6 physical Task Force meetings. This process resulted in the production of the revised and restructured RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2018)

In line with ISEAL best practices, this document (RSPO P&C 2018) will be completely reviewed again after five years, following adoption by the General Assembly (GA) of the RSPO. The RSPO and its members recognise, support and commit to following the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labour Organization (ILO)'s Declaration on Fundamental Principles and Rights at Work [<https://www.ilo.org/declaration/lang--en/index.htm>]. This document (RSPO P&C 2018) defines Indicators for each Criterion and further Guidance where useful. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met, i.e. they constitute the normative part of the standard together with the Principles, Criteria and definitions. Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Guidance constitutes the informative part of the standard. A separate standard is currently being developed for Independent Smallholders. This document (RSPO P&C 2018) is effective after adoption by the RSPO 15th General Assembly (GA15) on 15 November 2018. As stated in section nine of the RSPO Standard Operating Procedures (SOP) for Standard Setting, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2018 within 12 months of the date of adoption (i.e. by 15 November 2019). Certificate holders must be fully compliant with the new version of an NI within one year of it being endorsed by the Board of Governors (BoG).

In countries where NIs are not updated by 15 November 2019, P&C 2018 will be effective until the NI has been updated.

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2018 is effective immediately after adoption (15 November 2018) and shall be used for any new certification activities after the adoption date.

Existing certified entities can continue to be certified after the date of adoption and before the completion of any relevant NI, by conducting a maximum of one further Annual Surveillance Assessment (ASA) against P&C 2013 (or their current NI), but shall demonstrate compliance to the new RSPO P&C 2018 at the following ASA.

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. Annex 5 shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

Necessary revisions shall be made to other RSPO normative documents and guidance to ensure consistency with the wording of RSPO P&C 2018 and, in that context, please note the disclaimer and procedural note for the Supply Chain requirements for mills at the end of Principle 3.

Annex 1 provides definitions of the technical terms used in this standard. Annex 2 contains the additional generic guidance. Key international laws and conventions applicable to the production of palm oil are set out in Annex 3. Annex 4 provides the necessary details for the implementation procedure for Indicator 2.3.2.

This document identifies critical (C) Indicators proposed by the RSPO Principles and Criteria Review Task Force and endorsed by the RSPO BoG on 12 October 2018.

The English version of this document shall always prevail in case of any discrepancy or inconsistency between the English version and other translated versions.

**IMPORTANT NOTE:** When you see the symbol  in the Criteria, please refer to additional guidance in Annex 2.

## **COTE D'IVOIRE – NATIONAL INTERPRETATION OF RSPO P&C, 2018**

National interpretation of Cote d'Ivoire will be based on the RSPO P & C 2018 and would be reviewed by the working group on the national interpretation of Cote d'Ivoire..

### Current situation of the Palm oil sector

In Côte d'Ivoire, the current situation of the palm oil sector is as follows:

- 2.1 million tons of fresh fruit bunches in 2018
- 500,000 tons of crude palm oil in 2018
- 165 000 ha of smallholder plantations;
- 75 000 ha of industrial plantations;
- 40,000 oil palm smallholders;

- 30 cooperative societies, members of the National Federation of Cooperative Societies and Union of Cooperative Societies of Oil Palm smallholders of Côte d'Ivoire (FENACOPAH-CI);
- 16 large-scale production units of crude palm oil, with a total installed capacity 600 T/H;
- 20 medium and small-scale production units of crude palm oil with a total installed capacity of 180 T / H).
  
- Definition of smallholder farmer groups (cooperatives)

Definition for suppliers from outside the certification group in Cote d'Ivoire:

Definition for independent smallholders in Cote d'Ivoire:

"Independent smallholders (i.e. "private farmers" in the Ghanaian context) are characterized by: the freedom to choose how to use their land, what crops to plant and how to manage them; being self-organized, self-managed and self-financing; and not being contractually bound to a particular factory or organization. However, they may receive support or extension services from government and private agencies.

## Table of Contents

Preamble .....	<b>Error! Bookmark not defined.</b>
Abbreviations and Acronyms .....	5
1. Scope .....	<b>Error! Bookmark not defined.</b>
2. RSPO Vision and Theory Change .....	<b>Error! Bookmark not defined.</b>
3. Outcome Focus.....	<b>Error! Bookmark not defined.</b>
4. Structure of the RSPO P & C.....	10

### Impact Goal

PROSPERITY: COMPETITIVE, RESILIENT AND SUSTAINABLE SECTOR .....	16
Principle 1 : BEHAVE ETHICALLY AND TRANSPARENTLY .....	17
Principle 2 : OPERATE LEGALLY AND RESPECT RIGHTS .....	18
Implement legal requirements as the basic principles of the operation in any jurisdiction. ....	18
Principle 3 : OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE .....	20

### IMPACT GOAL

PEOPLE: SUSTAINABLE LIVELIHOODS AND POVERTY REDUCTION.....	33
Principle 4 : RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS .....	34
Principle 5 : SUPPORT SMALLHOLDER INCLUSION .....	39
Principle 6 : RESPECT WORKERS' RIGHTS AND CONDITIONS.....	41

### IMPACT GOAL

PLANETE: CONSERVED AND PROTECTED AND ENHANCED ECOSYSTEMS THAT PROVIDE FOR THE NEXT GENERATION .....	47
Principle 7 : PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT .....	48
ANNEXE 1 : DEFINITIONS.....	58
ANNEXE 2: GUIDANCE .....	74
ANNEXE 3A: KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL .....	99
ANNEXE 3B: KEY NATIONAL LAWS AND REGULATIONS APPLICABLE TO THE PRODUCTION OF PALM OIL IN COTE D'IVOIRE .....	116
<u>ANNEXE 4: IMPLEMENTATION PROCEDURE FOR INDICATOR 2.3.2.....</u>	<b>Error! Bookmark not defined.</b>
ANNEXE 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT.....	<b>Error! Bookmark not defined.</b>

## Sigles and acronymes

Acronym	Meaning
AFI	Accountability Framework Initiative
ALS	Assessor Licensing Scheme
ASA	Annual Surveillance Assessments
ASEAN	Association of Southeast Asian Nations
BHCV WG	Biodiversity & High Conservation Value Working Group
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
BoG	Board of Governors
CABI	Centre for Agriculture and Biosciences International
CB	Certification Body
CBA	Collective Bargaining Agreement
CBD	Convention on Biological Diversity
CPO	Crude Palm Oil
CSO	Civil Society Organisation
DfID	Department for International Development (UK government)
DLW	Decent Living Wage
EFB	Empty Fruit Bunches
FAO	Food and Agriculture Organisation
FFB	Fresh Fruit Bunch
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
GA	General Assembly
GHG	Greenhouse Gas
GLWC	Global Living Wage Coalition
H&S	Health and Safety
HCS	High Carbon Stock
HCSA	High Carbon Stock Approach
HCV	High Conservation Value
HCVRN	High Conservation Value Resource Network
HFCC	High Forest Cover Country
HFCL	High Forest Cover Landscape
HGU	Hak Guna Usaha
HRC	Human Rights Commission
HRD	Human Rights Defender
ICS	Internal Control System
IDS	Institute of Development Studies
IFC	International Finance Corporation
IFL	Intact Forest Landscape
ILO	International Labour Organization
IP	Identity Preserved
IPCC	Intergovernmental Panel on Climate Change
IPM	Integrated Pest Management
ISO	International Organization for Standardization
IUCN	International Union for Conservation of Nature
JCC	Joint Consultative Committee

KBA	Key Biodiversity Area
KPI	Key Performance Indicator
LTA	Lost Time Accident
LUCA	Land Use Change Analysis
MB	Mass Balance
NDJSG	No Deforestation Joint Steering Group
NGO	Non-Governmental Organisation
NI	National Interpretation
OER	Oil Extraction Rate
QMS	Quality Management System
P&C	RSPO Principles and Criteria (i.e. this document)
PK	Palm Kernel
PLWG	Peatland Working Group
PO	Palm Oil
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
RaCP	Remediation and Compensation Procedure
REDD	Reducing Emissions from Deforestation and Forest Degradation
RSPO	Roundtable on Sustainable Palm Oil
RTE	Rare, Threatened or Endangered
SCCS	RSPO Supply Chain Certification Standard
SDG	Sustainable Development Goal
SEIA	Social and Environmental Impact Assessment
SHIG	Smallholder Interim Group
SLAPP	Strategic Lawsuits against Public Participation
SOP	Standard Operating Procedure
ToC	Theory of Change
UN	United Nations

## 1. SCOPE

The RSPO Principles and Criteria (RSPO P&C) is applicable for sustainable palm oil production worldwide. The RSPO P&C cover the most significant environmental and social impacts of palm oil production and the immediate inputs to production, such as seed, chemicals and water, and social impacts related to on-farm labour and community relations.

The RSPO P&C apply to all production level companies, i.e. all mills, who do not fall under the definition of independent mill as outlined in the RSPO SCC standard; and to all growers, who do not meet the definition of Independent Smallholder or the applicability requirements as outlined in the RSPO Smallholder Standard (under development as of September 2018 with finalisation expected in 2019) and therefore cannot apply the RSPO Smallholder Standard. These are referred to as the unit of certification throughout this document.

The unit of certification is responsible for the certification of related Scheme Smallholders and outgrowers within three years of obtaining its own certificate (see section 4.1.3 in RSPO Certification Systems 2017). Guidance for implementation of the RSPO P&C 2018 for Scheme Smallholders and outgrowers will be developed.

The RSPO P&C apply to existing plantings, as well as planning, siting, development, expansion and new plantings.

Where RSPO standards differ from local laws, the higher/stricter of the two shall always prevail and NIs are required to develop a list of applicable laws (see section 9 in RSPO SOP for Standard Setting 2017). Compliance with the RSPO P&C and all requirements as outlined in associated documents is required in order for certification to be awarded. Any non-conformities may result in suspension or loss of certification (see section 4.9 in RSPO Certification Systems 2017).

Compliance must be demonstrated with the normative part of the P&C, i.e. the Principles, Criteria and Indicators. Non-conformities are raised at Indicator-level by auditors. The informative part (i.e. Annex 2 Guidance) is there to help with implementation of Indicators, but is not normative, nor can non-conformities be raised against this section.

### Role of each standard element:

Team	Explanation	RSPO Standard Setting document	Category
Principle	Fundamental statements about a desired outcome	A fundamental statement about a desired outcome, often providing greater detail about the objectives.	Normative
Criteria	What implementation of the Principle looks like – the preconditions or means of judging whether or not a Principle has been fulfilled	The conditions that need to be met in order to fulfil a Principle. Criteria add meaning and operationality to a Principle without themselves being direct measures of performance.	Normative
Indicator	Variable to measure the implementation (positive or negative)	The measurable states, which allow the assessment of whether or not associated Criteria, are being met. Indicators convey a single, meaningful	Normative



		message or piece of information.	
Guidance	Additional information that assists with the understanding, implementation and auditing of the requirement (i.e. the Indicator)	Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed.	Informative
Procedural Note	Exceptional measure to allow mention of pending developments	A note in the standard only to be used where a methodology or element of the standard is still under development to clarify terms, conditions and procedure prior to the said methodology or element being finalised	Informative

### Role of Definitions

Throughout the standard, some terms carry a specific RSPO definition, which is provided in Annex 1

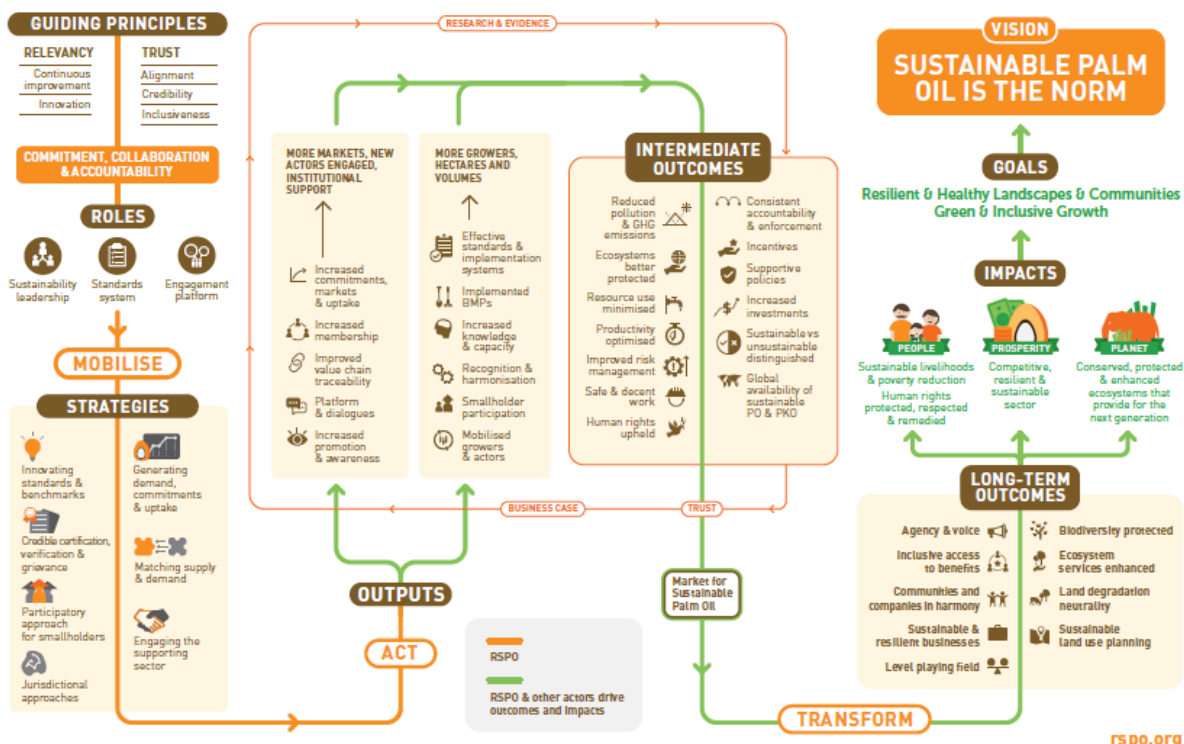
– Definitions section of this standard. These definitions are binding elements of Criteria and Indicators.

## 2. RSPO VISION AND THEORY OF CHANGE

The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector. These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment. Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources.

When the ToC is fully realised, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony. It also provides a framework to monitor, evaluate and report on the effects of applying the RSPO P&C.

More details on the RSPO ToC are available here: <https://rspo.org/about/impacts/theory-of-change>.



Effective implementation and more growers' uptake of the P&C lead to the intermediate outcomes:

- Resource use minimisation (soil, water, energy), input use reduction – reduced costs
- Reduced pollution (water, air, greenhouse gas (GHG))
- Improved risk management – management plans and assessments
- Ecosystems better protected
- Productivity optimised
- Land and use rights respected
- Safe and decent work for all community members

The process for change at RSPO is characterised by a progression of «Mobilise, Act and Transform». This is the backbone of the RSPO ToC and underpinned by the concept of shared responsibility and accountability for results.

**Commitment:** All the actors commit to their contribution to transforming markets.

**Collaboration:** Recognising the need to work together and making that happen: transformation of markets cannot happen without collaboration.

**Accountability:** Commitment and collaboration are to be fulfilled with a shared responsibility for impact. The expectation of partners and members is that they commit to participate and there is mutual and agreed accountability for results.

### 3. OUTCOME FOCUS

The core objectives of the 2018 RSPO P&C review include

- Incorporating elements of impacts
- Making it more relevant and practical, particularly by making it metricated (measurable)
- Incorporating elements of impacts as prescribed by the ToC

It is important to keep in mind that it is simply not feasible or meaningful to propose indicator level, specific measurable outcomes because of many technical and political challenges. From research and experience with other standards these include:

- Attribution – achieving outcomes is based on a wide range of actions and context, often out of the control of the grower (weather, market forces, pests)
- Defining globally relevant outcomes
- Favour larger, more resourced growers potentially demotivating small and medium size growers
- Costs and burden for data reporting systems and management.

However, outcome focused P&C can still be achieved, by showing very explicitly the links between the set of Criteria and intended outcomes. Furthermore, a requirement for reporting to RSPO has been included into the Management Principle under Criterion 3.2 for continuous improvement.

This will provide RSPO with information on the results of implementation of the P&C. This requirement refers to a small set of strategic metrics, directly related to the P&C and aligned with the ToC and RSPO organizational Key Performance Indicators (KPIs). The resulting reporting will be anonymised for analysis, marketing and impact assessment.

The selection criteria for these metrics included:

- Value added to growers
- Link to P&C requirements
- Key ToC outcomes
- Those already required for measuring, monitoring and/or reporting.

### 4. Structure of the RSPO P & C

The RSPO P&C are organised into three impact areas according to the RSPO ToC.

Impact Goal **PROSPERITY**:

**Behave ethically and transparently**

Principle 1. **Behave ethically and transparently**

Principle 2. **Operate legally and respect rights**

Principle 3. **Optimise productivity, efficiency, positive impacts and resilience**

Impact Goal **PEOPLE**:

**Sustainable livelihoods and poverty reduction**

Principle 4. **Respect community and human rights and deliver benefits**

Principle 5. **Support smallholder inclusion**



Principle 6. **Respect workers' rights and conditions**


Impact Goal **PLANET** :

**Conserved, protected and enhanced ecosystems that provide for the next generation**

Principle 7. **Protect, conserve and enhance ecosystems and the environment**



Impact Area ToC	Objectives ToC	Principle of Theme	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No	Link to Theory of Change - Intermediate outcomes
 <p><b>PROSPERITY</b> Impact Goal: Competitive, resilient and sustainable sector</p>	<p>A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. Effective planning and management system address economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&amp;C, and supports continuous improvement toward sustainable palm oil.</p>	1. Behave ethically and transparently	Information and public availability	1.1	1.2 / 1.2 / 6.10	Improved Risk Management
			Communication and consultation	1.1	6.2	Improved Risk Management
			Commitment to ethical conduct	1.2	1.3 / 6.10	Improved Risk Management
		2. Operate legally and respect rights	Legal compliance	2.1	2.1 / 6.10	Improved Risk Management
			Third party contractors legal	2.2	n.a	Improved Risk Management
			Third party FBB legally sourced	2.3	n.a	Improved Risk Management
		3. Optimise productivity, efficiency, positive impacts and resilience	Long term plan and economic viability	3.1	3.1	Improved Risk Management
			Continuous Improvement & Reporting	3.2	8.1	Improved Risk Management, Cross cutting
			Standard Operating Procedures	3.3	4.1	Improved Risk Management, Cross cutting
			SEIA and Plans	3.4	5.1 / 6.1 / 7.1	Improved Risk Management
			System for managing human resources	3.5	n.a	Improved Risk Management
			Occupational Health and Safety Plan	3.6	4.7 (Part)	Improved Risk Management, Safe and Decent work
			Training	3.7	4.8	Improved Risk Management, Safe and Decent work
 <p><b>Population</b></p>	<p>Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of sustainable livelihoods. Human rights are respected. People participate in processes</p>	4. Respect community and human rights and deliver	Human Rights	4.1	6.13	Human rights upheld
			Complaints and Grievances	4.2	6.3	Human rights upheld
			Contribution to local sustainable development	4.3	6.11 (part)	Human rights upheld
			Land use & FPIC	4.4 et 4.5	2.3 / 7.5	Human rights upheld

Impact Area ToC	Objectives ToC	Principle of Theme	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No	Link to Theory of Change - Intermediate outcomes
<b>Impact Goal: Sustainable livelihoods and poverty reduction</b>	that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality and in a healthy working and living environment.	benefits	Land Use : Compensation	4.6 et 4.7	6.4 / 7.6	Human rights upheld
			Land Use : Conflict	4.8	2.2	Inclusive access, communities
		5. Support smallholder inclusion	Improved SH livelihoods	5.1	6.1	Inclusive access, SH
			Pay and working conditions	5.2	6.11 (part)	Inclusive access, SH
		6. Respect workers' rights and conditions	No discrimination	6.1	6.8	Human rights upheld, safe and decent work
			Pay and working conditions	6.2	6	Human rights upheld, safe and decent work
			Freedom of association	6.3	6.6	Human rights upheld, safe and decent work
			No child labour	6.4	6.7	Human rights upheld, safe and decent work
			No harassment	6.5	6.9	Human rights upheld, safe and decent work
			No forced or trafficked labour	6.6	6.12	Human rights upheld, safe and decent work
Safe working environment	6.7		4.7 (part)	Safe and decent work		
 <b>Planete</b> <b>Impact Goal : Conserved, protected and enhanced</b>	Impact Goal: Conserved, protected, and enhanced ecosystems that provide for the next generation. Ecosystems and their services are protected, restored, and resilient, including through sustainable consumption and production and sustainable management of natural resources [sustainably manage forests, combat desertification, halt and reverse and degradation, halt biodiversity loss (SDG 15)]. Climate change is addressed through continuous GHG reductions and air and water pollution are controlled	7. Protect, conserve and enhance ecosystems and the environment	Effective Integrated Pest Management	7.1	4.5	Resource use, pollution, productivity
			Pesticide Use	7.2	4.6	Resource use minimised, pollution
			Waste management	7.3	5.3	Resource use minimised, pollution,
			Soil health fertility	7.4	4.2 / 7.2	Productivity optimised, Ecosystems
			Soil conservation (erosion and degradation)	7.5	4.3 & 7.4 (parts)	Reduced pollution
			Soil survey and topographic information	7.6	4.3 & 7.2	Ecosystem protected, Resource use minimised, Reduced pollution

Impact Area ToC	Objectives ToC	Principle of Theme	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No	Link to Theory of Change - Intermediate outcomes
ecosystems that provide for the next generation			Peat	7.7	4.3 & 7.4 (parts)	Pollution, ecosystems
			Water quality and quantity	7.8	4.4	Resource use, pollution, ecosystems
			Energy Use	7.9	5.4	Resource use minimised, pollution
			Pollution and GHGs	7.10	5.6 / 7.8	Reduced pollution
			Fire	7.11	5.6 / 7.7	Reduced pollution
			HCV and HCS	7.12	5.5 / 7.3	Ecosystems protected



## PROSPERITY: COMPETITIVE, RESILIENT AND SUSTAINABLE SECTOR



### Objectives and outcomes

A sustainable, competitive and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. An effective planning and management system addresses economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil

### Principle 1

Behave ethically and transparently

### Principle 2

Operate legally and respect rights

### Principle 3

Optimise productivity, efficiency, positive impacts and resilience

## Principe 1: BEHAVE ETHICALLY AND TRANSPARENTLY

Drive ethical business behaviour, build trust and transparency with stakeholders to ensure strong and healthy relationships.

Criteria	Indicator	Lien dans la TdC
1.1 The unit of certification provides adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making.	1.1.1 (C) Management documents that are specified in the RSPO P&C are made publicly available.	Improved risk management
	1.1.2 Information is provided in appropriate languages and accessible to relevant stakeholders	
	1.1.3 (C) Records of requests for information and responses are maintained.	
	1.1.4 (C) Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official	
	1.1.5 There is a current list of contact and details of stakeholders and their nominated representatives.	
1.2 The unit of certification commits to ethical conduct in all business operations and transactions.	1.2.1 A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts.	Improved risk management
	1.2.2 A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.	

## Principle 2: OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation in any jurisdiction.

Criteria	Indicator	Lien dans la TdC
2.1 There is compliance with all applicable local, national, and ratified international laws and regulations..	2.1.1 (C) The unit of certification complies with applicable legal requirements.	Improved risk management
	2.1.2 A documented system for ensuring legal compliance is in place. This system has a means to track changes to the law and also includes listing and evidence of legal due diligence of all contracted third parties, recruitment agencies, service providers and labour contractors.	
	2.1.3 Legal or authorised boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorized boundaries.	
2.2 All contractors providing operational services and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements.	2.2.1 A list of contracted parties is maintained.	Improved risk management; Human rights upheld; Safe and decent work
	2.2.2 All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party.	
	2.2.3 All contracts, including those for FFB supply, contain clauses disallowing child, forced and trafficked labour. Where young workers are employed, the contracts include a clause for their protection.	
2.3 Toutes les fournitures de	2.3.1 (C) For all directly sourced FFB, the mill requires:	Improved risk management

## Principle 2: OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation in any jurisdiction.

Criteria	Indicator	Lien dans la TdC
<p>All FFB supplies from outside the unit of certification are from legal sources</p>	<ul style="list-style-type: none"> <li>• Information on geo-location of FFB origins</li> <li>• Proof of the ownership status or the right/claim to the land by the grower/smallholder</li> <li>• Where applicable, valid planting/operating/trading license, or is part of a cooperative which allows the buying and selling of FFB.</li> </ul> <p><b>2.3.2</b> For all indirectly sourced FFB, the unit of certification obtains from the collection centres, agents or other intermediaries, the evidence as listed in Indicator 2.3.1.</p> <p><b>PROCEDURAL NOTE:</b> For Implementation Procedure for 2.3.2 refer to Annex 4.</p>	

## Principle 3: OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicator	Lien dans la TdC	
3.1	<p>There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability.</p>	<p>3.1.1 (C) A business or management plan (minimum three years) is documented that includes, where applicable, a jointly developed business case for Scheme Smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years with yearly review, is available</p> <p>3.1.3 L'unité de certification tient des revues de direction à des intervalles planifiés, adaptés à l'ampleur et à la nature des activités entreprises</p>	Improved risk management; Productivity optimised
3.2	<p>The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations.</p>	<p>3.2.1 ((C) The action plan for continuous improvement is implemented, based on consideration of the main social and environmental impacts and opportunities of the unit of certification.</p> <p>3.2.2 As part of the monitoring and continuous improvement process, annual reports are submitted to the RSPO Secretariat using the RSPO metrics template</p>	Improved risk management
3.3	<p>Operating procedures are Appropriately</p>	<p>3.3.1 (C) Standard Operating Procedures (SOPs) for the unit of certification are in place.</p>	Improved risk management

## Principle 3: OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicator	Lien dans la TdC
documented, consistently implemented and monitored.	<p><b>3.3.2</b> A mechanism to check consistent implementation of procedures is in place.</p> <p><b>3.3.3</b> Records of monitoring and any actions taken are maintained and available.</p>	
3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental	<p><b>3.4.1</b> (C) In new plantings or operations including mills, an independent SEIA, undertaken through a participatory methodology involving the affected stakeholders, and including the impacts of any smallholder/outgrower scheme is documented.</p> <p><b>3.4.2</b> For the unit of certification, a SEIA is available and social and environmental management and monitoring plans have been developed with participation of affected stakeholders.</p>	Improved risk management; Human rights upheld

## Principle 3: OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicator	Lien dans la TdC
management and monitoring plan is implemented and regularly updated in ongoing operations.	<b>3.4.3</b> (C) The social and environmental management and monitoring plan is implemented, reviewed and updated regularly in a participatory way.	
3.5 A system for managing human resources is in place.	<p><b>3.5.1</b> Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives.</p> <p><b>3.5.2</b> Employment procedures are implemented and records are maintained.</p>	Improved risk management; Safe and decent work
3.6 An occupational health and safety (H&S) plan is documented, effectively communicated and implemented.	<p><b>3.6.1</b> (C) All operations are risk assessed to identify H&amp;S issues. Mitigation plans and procedures are documented and implemented.</p> <p><b>3.6.2</b> (C) The effectiveness of the H&amp;S plan to address health and safety risks to people is monitored.</p>	Improved risk management; Safe and decent work
3.7 All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained.	<b>3.7.1</b> (C) A documented programme that provides training is in place, which is accessible to all staff, workers, Scheme Smallholders and outgrowers, taking into account gender-specific needs, and which covers applicable aspects of the RSPO P&C, in a form they understand, and which includes assessments of training.	Improved risk management; Safe and decent work

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## Principle 3: OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicator	Lien dans la TdC
	<p><b>3.7.2</b> Records of training are maintained, where appropriate on an individual basis.</p> <p><b>3.7.3</b> Appropriate training is provided for personnel carrying out the tasks critical to the effective implementation of the Supply Chain Certification Standard (SCCS). Training is specific and relevant to the task(s) performed.</p>	

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## SUPPLY CHAIN REQUIREMENTS FOR MILLS



Disclaimer text: The following section is taken verbatim from the RSPO Supply Chain Certification Standard (14 June 2017) (RSPO SCCS), general requirements as well as modules D & E for mills. The RSPO SCCS is the document in vigour for these requirements and should be referred to in any cases of uncertainty. Any references to other modules or sections contained in the table below refer to the RSPO SCCS document.

The RSPO SCCS document will be reviewed and revised in 2019 and the below table will be replaced upon completion of that revision process and endorsement by the RSPO BoG, at which point the reference numbering will be aligned to the P&C document and these supply chain mill requirements only contained in the P&C document forthwith.

Independent mills, who are only required to get supply chain certification, will then have to refer to this section for the mill specific requirements

As per RSPO SCCS, all requirements are major Indicators (i.e. equivalent of critical Indicators in P&C 2018).

**PROCEDURAL NOTE:** The below numbering is as per the current RSPO SCCS standard and will be renumbered to become 3.8 and onwards following the revision of the RSPO SCCS in 2019. 'D' therefore refers to RSPO SCCS 'Module D – Crude Palm Oil (CPO) mills: Identity Preserved' and 'E' to RSPO SCCS 'Module E – CPO mills: Mass Balance'.

Depending on the supply chain model chosen, the corresponding requirements apply as well as all general requirements (those with numbers only).

The RSPO SCCS document uses the terms 'site' and 'organisation' to refer to the unit of certification.

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Definition Identity Preserved Mill D.1	<p>mill is deemed to be Identity Preserved (IP) if the FFB used by the mill are sourced from plantation/ estates that are certified against the RSPO Principles and Criteria (RSPO P&amp;C), or against the Group Certification scheme.</p> <p>Certification for CPO mills is necessary to verify the volumes and sources of certified FFB entering the mill, the implementation of any processing controls (for example, if physical separation is used), and volume sales of RSPO certified products. If a mill process certified and uncertified FFB without physically separating them, then only Module E is applicable.</p>	Improved risk management
Definition Mass Balance Mill E.1	<p>Certification for CPO mills is necessary to verify the volumes of certified and uncertified FFB entering the mill and sales volume of RSPO certified products. A mill may be taking delivery of FFB from uncertified growers, in addition to those from its own and 3rd party certified supply base. In that scenario, the mill can claim only the volume of oil palm products produced from processing of the certified FFB as MB</p>	Improved risk management
Explication (volume et intégrité du produit) D.2 E.2	<p>The estimated tonnage of CPO and PK products that could potentially be produced by the certified mill shall be recorded by the certification body (CB) in the public summary of the P&amp;C certification report. For an independent mill, the estimated tonnage of CPO and PK products shall be recorded in the RSPO IT platform, supply chain certificate and public summary audit report. This figure represents the total volume of certified oil palm product (CPO and PK) that the certified mill is allowed to deliver in a year. The actual tonnage produced shall then be recorded in each subsequent annual surveillance report.</p> <p>The mill shall also meet all registration and reporting requirements for the appropriate supply chain through the RSPO supply chain managing organization</p>	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Documented procedures 5.3.1 D.3 E.3	<p>(RSPO IT platform).</p> <p>The site shall have written procedures and/or work instructions to ensure the implementation of all elements of the applicable supply chain model specified. This shall include at minimum the following:</p> <ul style="list-style-type: none"> <li>• Complete and up-to-date procedures covering the implementation of all the elements of the supply chain model requirements.</li> <li>• Complete and up-to-date records and reports that demonstrate compliance with the supply chain model requirements (including training records).</li> <li>• Identification of the role of the person having overall responsibility for and authority over the implementation of these requirements and compliance with all applicable requirements. This person shall be able to demonstrate awareness of the organisation's procedures for the implementation of this standard.</li> <li>• The site shall have documented procedures for receiving and processing certified and non-certified FFBs.</li> </ul>	Improved risk management
Audit interne 5.3.2	<p>The site shall have a written procedure to conduct annual internal audit to determine whether the organisation;</p> <ul style="list-style-type: none"> <li>• Cconforms to the requirements in the RSPO Supply Chain Certification Standard and the RSPO Market Communications and Claims Documents.</li> <li>• Effectively implements and maintains the standard requirements within its organisation.</li> </ul> <p>Any non-conformities found as part of the internal audit shall be issued corrective action. The outcomes of the internal audits and all actions taken to correct non-conformities shall be subject to management review at least annually. The organisation shall be able to maintain the internal audit records and reports.</p>	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Purchasing Goods In 5.4 D.4.1/ D.4.2 E.4.1/E.4.2	<p>The site shall verify and document the tonnage and sources of certified and the tonnage of non-certified FFBs received.</p> <p>The site shall inform the CB immediately if there is a projected overproduction of certified tonnage.</p> <p>The site shall have a mechanism in place for handling non-conforming oil palm products and/or documents.</p>	Improved risk management
Activités d’approvisionnement 5.5	<p>5.5.1 In cases where an operation seeking or holding certification outsources activities to independent third parties (e.g. subcontractors for storage, transport or other outsourced activities), the operation seeking or holding certification shall ensure that the independent third party complies with the requirements of the RSPO Supply Chain Certification Standard. A CPO mill and independent mill cannot outsource processing activities like refining or crushing.</p> <p>This requirement is not applicable to outsourced storage facilities where the management of the oil palm product(s) and instructions for tank movements are controlled by the certified organisation (not the tank farm manager).</p> <p>5.5.2 Sites which include outsourcing within the scope of their RSPO Supply Chain Certificate shall ensure the following:</p> <ul style="list-style-type: none"> <li>a) The site has legal ownership of all input material to be included in outsourced processes</li> <li>b) The site has an agreement or contract covering the outsourced process with each contractor through a signed and enforceable agreement with the contractor. The onus is on the site to ensure that certification bodies (CBs) have access to the outsourcing contractor or operation if an audit is deemed necessary</li> </ul>	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
	<ul style="list-style-type: none"> <li>c) The site has a documented control system with explicit procedures for the outsourced process which is communicated to the relevant contractor</li> <li>d) The site seeking or holding certification shall furthermore ensure (e.g. through contractual arrangements) that independent third parties engaged provide relevant access for duly accredited CBs to their respective operations, systems, and any and all information, when this is announced in advance.</li> </ul> <p>5.5.3 The site shall record the names and contact details of all contractors used for the processing or physical handling of RSPO certified oil palm products.</p> <p>5.5.4 The site shall at its next audit inform its CB of the names and contact details of any new contractor used for the processing or physical handling of RSPO certified oil palm products.</p>	
Record Keeping 5.9	<p>5.9.1 The organisation shall maintain accurate, complete, up-to-date and accessible records and reports covering all aspects of these RSPO Supply Chain Certification Standard requirements.</p> <p>5.9.2 Retention times for all records and reports shall be a minimum of two (2) years and shall comply with legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock.</p> <p>5.9.3 The organisation shall be able to provide the estimated volume of palm oil / palm kernel oil content (separate categories) in the RSPO certified oil palm product and keep an up-to-date record of the volume purchased (input) and claimed (output) over a period of twelve (12) months.</p>	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
D.5.1	The site shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis.	Improved risk management
E.5.1	<ul style="list-style-type: none"> <li>a) The site shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis and / or three-monthly basis</li> <li>b) All volumes of palm oil and palm kernel oil that are delivered are deducted from the material accounting system according to conversion ratios stated by RSPO</li> <li>c) The site can only deliver Mass Balance sales from a positive stock. Positive stock can include product ordered for delivery within three (3) months. However, a site is allowed to sell short (i.e. product can be sold before it is in stock).</li> </ul>	Improved risk management
Conversion Factors 5.10	<p>5.10.1 Where applicable, a conversion rate shall be applied to provide a reliable estimate for the amount of certified output available from the associated inputs. Organisations may determine and set their own conversion rates which shall be based upon past experience, documented and applied consistently. Guidance on conversion rates is published on the RSPO website (<a href="http://www.rspo.org">www.rspo.org</a>).</p> <p>5.10.2 Conversion rates shall be periodically updated to ensure accuracy against actual performance or industry average if appropriate.</p>	Improved risk management
Processing D.6	The site shall assure and verify through documented procedures and record keeping that the RSPO certified oil palm product is kept separated from non-certified oil palm product, including during transport and storage to strive for	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Sales and Goods Out 5.6	<p data-bbox="658 371 864 400">100% separation.</p> <p data-bbox="658 472 1585 536">5.6.1. The supplying site shall ensure that the following minimum information for RSPO certified products is made available in document form::</p> <ul data-bbox="707 576 1585 1359" style="list-style-type: none"> <li data-bbox="707 576 1182 604">• The name and address of the buyer;</li> <li data-bbox="707 644 1182 673">• The name and address of the seller;</li> <li data-bbox="707 713 1227 742">• The loading or shipment / delivery date;</li> <li data-bbox="707 782 1312 810">• The date on which the documents were issued;</li> <li data-bbox="707 850 1536 949">• A description of the product, including the applicable supply chain model (Identity Preserved, Segregated or Mass Balance or the approved abbreviations);</li> <li data-bbox="707 989 1218 1018">• The quantity of the products delivered;</li> <li data-bbox="707 1058 1205 1086">• Any related transport documentation;</li> <li data-bbox="707 1126 1290 1155">• Supply Chain Certificate number of the seller;</li> <li data-bbox="707 1195 1128 1224">• A unique identification number.</li> <li data-bbox="707 1264 1585 1359">• Information shall be complete and can be presented either on a single document or across a range of documents issued for RSPO certified oil palm products (for example, delivery notes, shipping documents and</li> </ul>	Improved risk management

## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Registration of Transactions 5.7	<p>specification documentation).</p> <ul style="list-style-type: none"> <li>For sites that are required to announce and confirm trades in the RSPO IT platform, this shall include making Shipping Announcements / Announcements and Confirmations on the RSPO IT platform per shipment or group of shipments.</li> </ul> <p>Supply chain actors who:</p> <ul style="list-style-type: none"> <li>Are mills, traders, crushers and refineries; and</li> <li>take legal ownership and/or physically handle RSPO Certified Sustainable oil palm products that are available in the yield scheme of the RSPO IT Platform (Figure 2 and 3, refer Annex 1) shall register their transaction in the RSPO IT platform and</li> <li>Confirm upon receipt where applicable. 5.7.2 Les acteurs de la chaîne d'approvisionnement concernés, mentionnés dans la section 5.7.1, doivent effectuer les actions suivantes dans la plate-forme informatique de RSPO: Annonce d'expédition / annonce: lorsque le volume certifié RSPO est vendu en tant que certifié, les volumes de produits inclus dans le schéma de rendement, voir annexe 1) doit être enregistré comme annonce de transport / annonce dans la plate-forme informatique RSPO. L'heure de la déclaration pour faire l'annonce de la navigation est basée sur la procédure opérationnelle standard des membres.</li> </ul> <p><b>Trace:</b> When RSPO certified volumes are sold as RSPO certified to actors in the</p>	Improved risk management



## SUPPLY CHAIN REQUIREMENTS FOR MILLS

Reference in RSPO SCCS	Indicators	ToC Outcomes
Claims 5.11	<p>supply chain beyond the refinery, the volume shall be traced at least annually. Tracing triggers the generation of a trace document with a unique traceability number. Tracing can be done in a consolidated way at least annually.</p> <p><b>Remove:</b> RSPO certified volumes sold under other schemes or as conventional, or in case of underproduction, loss or damage shall be removed.</p> <p><b>Confirm:</b> Acknowledge the purchase of RSPO certified volume by confirming Shipping Announcements / Announcements.</p> <p>5.11.1 The site shall only make claims regarding the use of or support of RSPO certified oil palm products that are in compliance with the RSPO Rules on Market Communications and Claims.</p>	Improved risk management

## PEOPLE: SUSTAINABLE LIVELIHOODS AND POVERTY REDUCTION



### Objectives and outcomes

Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfil their potential in work and community with dignity and equality, and in a healthy working and living environment.

### Principle 4

Respect community and human rights and deliver benefits

### Principle 5

Support smallholder inclusion

### Principle 6

Respect workers' rights and conditions

## Principle 4: RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Respect community rights, provide equal opportunities, maximise benefits from engagement and ensure remediation where needed.

Criteria	Indicators	ToC Outcomes
4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders.	4.1.1 (C) A policy to respect human rights, including prohibiting retaliation against Human Rights Defenders (HRDs), is documented and communicated to all levels of the workforce, operations, supply chain and local communities and prohibits intimidation and harassment by the unit of certification and contracted services, including contracted security forces.	Human rights upheld
	4.1.2 The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.	
4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	4.2.1 (C) The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistleblowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs	Human rights upheld
	4.2.2 Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.	
	4.2.3 The unit of certification keeps parties to a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders	

		4.2.4	The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator.	
4.3	The unit of certification contributes to local sustainable development as agreed by local communities.	4.3.1	Contributions to community development that are based on the results of consultation with local communities are demonstrated.	Human rights upheld
4.4	Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their Free, Prior and Informed Consent..	4.4.1	(C) Documents showing legal ownership or lease, or authorised use of customary land authorised by customary landowners through a Free, Prior and Informed (FPIC) process. Documents related to the history of land tenure and the actual legal or customary use of the land are available.	Human rights upheld
		4.4.2	Copies of documents evidencing agreement-making processes and negotiated agreements detailing the FPIC process are available and include: <ul style="list-style-type: none"> <li>a) Evidence that a plan has been developed through consultation and discussion in good faith with all affected groups in the communities, with particular assurance that vulnerable, minorities' and gender groups are consulted, and that information has been provided to all affected groups, including information on the steps that are taken to involve them in decision making</li> <li>b) Evidence that the unit of certification has respected communities decisions to give or withhold their consent to the operation at the time that these decisions were taken</li> <li>c) c) Evidence that the legal, economic, environmental and social implications of permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the unit of certification's title, concession or lease on the land.</li> </ul>	
		4.4.3	(C) Maps of an appropriate scale showing the extent of recognised legal, customary or user rights are developed through	

	<p>participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>4.4.4 All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>4.4.5 (C) Evidence is available to show that communities are represented through institutions or representatives of their own choosing, including by legal counsel if they so choose.</p> <p>4.4.6 There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties.</p>	
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions..</p>	<p>4.5.1 (C) Documents showing identification and assessment of demonstrable legal, customary and user rights are available.</p> <p>4.5.2 (C) FPIC is obtained for all oil palm development through a comprehensive process, including in particular, full respect for their legal and customary rights to the territories, lands and resources via local communities' own representative institutions, with all the relevant information and documents made available, with option of resourced access to independent advice through a documented, long-term and two-way process of consultation and negotiation.</p> <p>4.5.3 Evidence is available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the unit of certification is signed and ratified by these local peoples. Negotiated agreements are non-coercive and entered into voluntarily and carried out prior to new operations.</p> <p>4.5.4 To ensure local food and water security, as part of the FPIC process, participatory SEIA and participatory land-use planning with local peoples, the full range of food and water provisioning options are</p>	<p>Human rights upheld</p>

	<p>considered. There is transparency of the land allocation process.</p> <p>4.5.5 Evidence is available that the affected communities and rights holders have had the option to access information and advice that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.</p> <p>4.5.6 Evidence is available that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the issuance of a new concession or land title to the operator.</p> <p>4.5.7 New lands will not be acquired for plantations and mills after 15 November 2018 as a result of recent (2005 or later) expropriations in the national interest without consent (eminent domain), except in cases of smallholders benefitting from agrarian reform or anti-drug programmes.</p> <p>4.5.8 (C) New lands are not acquired in areas inhabited by communities in voluntary isolation</p>	
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions</p>	<p>4.6.1 (C) A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place.</p> <p>4.6.2 (C) A mutually agreed procedure for calculating and distributing fair and gender-equal compensation (monetary or otherwise) is established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation.</p> <p>4.6.3 Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings.</p> <p>4.6.4 The process and outcomes of any negotiated agreements, compensation and payments are documented, with evidence of the participation of affected parties, and made publicly available to them.</p>	<p>Human rights upheld</p>

4.7	Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements.	<p>4.7.1 (C) A mutually agreed procedure for identifying people entitled to compensation is in place.</p> <p>4.7.2 (C) A mutually agreed procedure for calculating and distributing fair compensation (monetary or otherwise) is in place and documented and made available to affected parties.</p> <p>4.7.3 Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.</p>	Human rights upheld
4.8	The right to use the land is demonstrated and is not legitimately contested by local people who can demonstrate that they have legal, customary, or user rights.	<p>4.8.1 Where there are or have been disputes, proof of legal acquisition of title and evidence that mutually agreed compensation has been made to all people who held legal, customary, or user rights at the time of acquisition is available and provided to parties to a dispute, and that any compensation was accepted following a documented process of FPIC.</p> <p>4.8.2 (C) Land conflict is not present in the area of the unit of certification. Where land conflict exists, acceptable conflict resolution processes (see Criteria 4.2 and 4.6) are implemented and accepted by the parties involved. In the case of newly acquired plantations, the unit of certification addresses any unresolved conflict through appropriate conflict resolution mechanisms.</p> <p>4.8.3 Where there is evidence of acquisition through dispossession or forced abandonment of customary and user rights prior to the current operations and there remain parties with demonstrable customary and land use rights, these claims will be settled using the relevant requirements (Indicators 4.4.2, 4.4.3 and 4.4.4)</p> <p>4.8.4 For any conflict or dispute over the land, the extent of the disputed area is mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p>	Human rights upheld

## Principle 5: SUPPORT SMALLHOLDER INCLUSION

**Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent partnerships.**

Criteria	Indicators	ToC Outcomes
5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses..	5.1.1 Current and previous period prices paid for FFB are publicly available and accessible by smallholders.	Inclusive access to benefits
	5.1.2 (C) Evidence is available that the unit of certification regularly explains the FFB pricing to smallholders.	
	5.1.3 (C) Fair pricing, including premium pricing, when applicable, is agreed with smallholders in the supply base and documented.	
	5.1.4 (C) Evidence is available that all parties, including women and independent representative organisations assisting smallholders where requested, are involved in decision-making processes and understand the contracts. These include those involving finance, loans/credits, and repayments through FFB price reductions for replanting and/or other support mechanisms where applicable.	
	5.1.5 Contracts are fair, legal and transparent and have an agreed timeframe.	
	5.1.6 (C) Agreed payments are made in a timely manner and receipts specifying price, weight, deductions and amount paid are given.	
	5.1.7 Weighing equipment is verified by an independent third party on a regular basis (this can be government).	
	5.1.8 The unit of certification supports Independent Smallholders with certification, where applicable, ensuring mutual agreements between the unit of certification and the smallholders on who runs the internal control system (ICS), who holds the certificates, and who holds and sells the certified material.	
	5.1.9 (C) The unit of certification has a grievance mechanism for smallholders and all grievances raised are dealt with in a timely manner.	



## Principle 5: SUPPORT SMALLHOLDER INCLUSION

Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent partnerships.

Criteria	Indicators	ToC Outcomes
5.2	<p>The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.</p>	Inclusive access to benefits
	<p>5.2.1 The unit of certification consults with interested smallholders (irrespective of type) including women or other partners in their supply base to assess their needs for support to improve their livelihoods and their interest in RSPO certification.</p>	
	<p>5.2.2 The unit of certification develops and implements livelihood improvement programmes, including at least capacity building to enhance productivity, quality, organisational and managerial competencies, and specific elements of RSPO certification (including the RSPO Standard for Independent Smallholder).</p>	
	<p>5.2.3 Where applicable, the unit of certification provides support to smallholders to promote legality of FFB production.</p>	
	<p>5.2.4 (C) Evidence exists that the unit of certification trains Scheme Smallholders on pesticide handling.</p>	
	<p>5.2.5 The unit of certification regularly reviews and publicly reports on the progress of the smallholder support programme.</p>	

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
6.1 Any form of discrimination is prohibited. (Continued).	<p><b>6.1.1</b> (C) A publicly available non-discrimination and equal opportunity policy is implemented in such a way to prevent discrimination based on ethnic origin, caste, national origin, religion, disability, gender, sexual orientation, gender identity, union membership, political affiliation or age..</p> <p><b>6.1.2</b> (C) Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' nonpayment of recruitment fees.</p> <p><b>6.1.3</b> The unit of certification demonstrates that recruitment selection, hiring, access to training and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available</p> <p><b>6.1.4</b> Pregnancy testing is not conducted as a discriminatory measure and is only permissible when it is legally mandated. Alternative equivalent employment is offered for pregnant women.</p> <p><b>6.1.5</b> (C) A gender committee is in place specifically to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women.</p> <p><b>6.1.6</b> There is evidence of equal pay for the same work scope.</p>	Human rights upheld; Safe and decent work
6.2 Pay and conditions for staff and workers and for	<p><b>6.2.1</b> (C) Applicable labour laws, union and/or other collective agreements and documentation of pay and conditions are available to the workers in national languages and explained to them in a language they understand.</p>	Human rights upheld; Safe

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW)	<p>6.2.2 (C) Employment contracts and related documents detailing payments and conditions of employment (e.g. regular working hours, deductions, overtime, sick leave, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc. in compliance with national legal requirements) and payroll documents give accurate information on compensation for all work performed, including work done by family members</p> <p>6.2.3 (C) There is evidence of legal compliance for regular working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice and other legal labour requirements.</p> <p>6.2.4 (C) The unit of certification provides adequate housing, sanitation facilities, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible. National laws, or in their absence the ILO Guidance on Workers' Housing Recommendation No. 115, are used. In the case of acquisitions of non-certified units, a plan is developed detailing the upgrade of infrastructure. A reasonable time (5 years) is allowed to upgrade the infrastructure.</p> <p>6.2.5 The unit of certification makes efforts to improve workers' access to adequate, sufficient and affordable food.</p> <p>6.2.6 A DLW is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours.</p> <p>6.2.7 Permanent, full-time employment is used for all core work performed by the unit of certification. Casual, temporary and day labour is limited to jobs that are temporary or seasonal.</p>	and decent work

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
6.3 The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.	<p>6.3.1 (C) A published statement recognising freedom of association and right to collective bargaining in national languages is available and is explained to all workers in languages that they understand, and is demonstrably implemented.</p> <p>6.3.2 Minutes of meetings between the unit of certification with trade unions or workers representatives, who are freely elected, are documented in national languages and made available upon request.</p> <p>6.3.3 Management does not interfere with the formation or operation of registered unions/ labour organisations or associations, or other freely elected representatives for all workers including migrant and contract workers.</p>	Human rights upheld; Safe and decent work
6.4 Children are not employed or exploited.	<p>6.4.1 A formal policy for the protection of children, including prohibition of child labour and remediation is in place, and included into service contracts and supplier agreements.</p> <p>6.4.2 (C) There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure.</p> <p>6.4.3 (C) Young persons may be employed only for non-hazardous work, with</p>	Human rights upheld; Safe and decent work

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
	<p>protective restrictions in place for that work.</p> <p>6.4.4 The unit of certification demonstrates communication about its 'no child labour' policy and the negative effects of child labour, and promotes child protection to supervisors and other key staff, smallholders, FFB suppliers and communities where workers live.</p>	
<p>6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected.</p>	<p><b>6.5.1</b> (C) A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.</p> <p><b>6.5.2</b> (C) A policy to protect the reproductive rights of all, especially of women, is implemented and communicated to all levels of the workforce.</p> <p><b>6.5.3</b> Management has assessed the needs of new mothers, in consultation with the new mothers, and actions are taken to address the needs that have been identified.</p> <p><b>6.5.4</b> A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce.</p>	<p>Human rights upheld; Safe and decent work</p>

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
6.6 No forms of forced or trafficked labour are used	<p><b>6.6.1</b> (C) All work is voluntary and the following are prohibited:</p> <ul style="list-style-type: none"> <li>• Retention of identity documents or passports</li> <li>• Payment of recruitment fees</li> <li>• Contract substitution</li> <li>• Involuntary overtime</li> <li>• Lack of freedom of workers to resign</li> <li>• Penalty for termination of employment</li> <li>• Debt bondage</li> <li>• Withholding of wages</li> </ul> <p><b>6.6.2</b> (C) Where temporary or migrant workers are employed, a specific labour policy and procedures are established and implemented</p>	Human rights upheld; Safe and decent work
6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health.	<p>6.7.1 (C) The responsible person(s) for H&amp;S is identified. There are records of regular meetings between the responsible person(s) and workers. Concerns of all parties about health, safety and welfare are discussed at these meetings, and any issues raised are recorded.</p> <p>6.7.2 Accident and emergency procedures are in place and instructions are clearly understood by all workers. Accident procedures are available in the appropriate language of the workforce. Assigned operatives trained in first aid are present in both field and other operations, and first aid equipment is available at worksites. Records of all accidents are kept and periodically reviewed.</p> <p>6.7.3 (C) Workers use appropriate personal protective equipment (PPE), which is provided free of charge to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, land preparation, and harvesting. Sanitation facilities for those applying pesticides are available, so that workers can change out of PPE, wash and put on their personal clothing.</p> <p>6.7.4 All workers are provided with medical care and covered by accident insurance.</p>	Safe and decent work

## Principle 6: RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
	<p>Costs incurred from work-related incidents leading to injury or sickness are covered in accordance with national law or by the unit of certification where national law does not offer protection.</p> <p>6.7.5 Occupational injuries are recorded using Lost Time Accident (LTA) metrics</p>	

## **PLANET:** CONSERVED, PROTECTED AND ENHANCED ECOSYSTEMS THAT PROVIDE FOR THE NEXT GENERATION



### **Objectives and outcomes**

Ecosystems and their services are protected, restored and resilient, supported by sustainable consumption and production, and sustainable management of natural resources (in line with SDG 15 – sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss). Climate change is addressed through continuous GHG reductions; air and water pollution are controlled. There is greater resilience in our food and fibre production. The water and air are cleaner, and carbon is drawn out of the air to regenerate soils for current and future generations. Inputs decrease while yields are maintained, or even improved

### **Principle 7**

Protect, conserve and enhance ecosystems and the environment



## Principle 7: PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Protect the environment, conserve biodiversity and ensure sustainable management of natural resources.

Critères	Indicateur	Lien dans la TdC
7.1 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques	7.1.1 (C) IPM plans are implemented and monitored to ensure effective pest control.	Pollutions réduites, utilisation des ressources minimisée, productivité optimisée
	7.1.2 Species referenced in the Global Invasive Species Database and CABI.org are not to be used in managed areas, unless plans to prevent and monitor their spread are implemented.	
	7.1.3 There is no use of fire for pest control unless in exceptional circumstances, i.e. where no other effective methods exist, and with prior approval of government authorities. [For NI to define process]	
7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment.	7.2.1 (C) Justification of all pesticides used is demonstrated. Selective products and application methods that are specific to the target pest, weed or disease are prioritised.	Reduced pollution; Resource use minimised,
	7.2.2 (C) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) are provided.	
	7.2.3 (C) Any use of pesticides is minimised as part of a plan, eliminated where possible, in accordance with IPM plans.	
	7.2.4 There is no prophylactic use of pesticides, unless in exceptional circumstances, as identified in national best practice guidelines.	

- 7.2.5 Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, unless in exceptional circumstances, as validated by a due diligence process, or when authorised by government authorities for pest outbreaks.
- The due diligence refers to:
- a) Judgment of the threat and verify why this is a major threat
  - b) Why there is no other alternative which can be used
  - c) Which process was applied to verify why there is no other less hazardous alternative
  - d) What is the process to limit the negative impacts of the application
  - e) e) Estimation of the timescale of the application and steps taken to limit application to the specific outbreak..
- 7.2.6 (C) Pesticides are only handled, used or applied by persons who have completed the necessary training and are always applied in accordance with the product label. All precautions attached to the products are properly observed, applied, and understood by workers (see Criterion 3.6). Personnel applying pesticides must show evidence of regular updates on the knowledge about the activity they carry out.
- 7.2.7 (C) Storage of all pesticides is in accordance with recognised best practices.
- 7.2.8 All pesticide containers are properly disposed of and/or handled responsibly if used for other purposes.
- 7.2.9 (C) Aerial spraying of pesticides is prohibited, unless in exceptional circumstances where no other viable alternatives are available. This requires prior government authority approval. All relevant information is provided to affected local communities at least 48 hours prior to application of aerial spraying.
- 7.2.10 (C) Specific annual medical surveillance for pesticide operators, and

		documented action to treat related health conditions, is demonstrated.	
		7.2.11 (C) No work with pesticides is undertaken by persons under the age of 18, pregnant or breastfeeding women or other people that have medical restrictions and they are offered alternative equivalent work.	
7.3	Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner.	7.3.1 A waste management plan which includes reduction, recycling, reusing, and disposal based on toxicity and hazardous characteristics, is documented and implemented.	Reduced pollution; Resource use minimised,
		7.3.2 Proper disposal of waste material, according to procedures that are fully understood by workers and managers, is demonstrated.	
		7.3.3 The unit of certification does not use open fire for waste disposal.	
7.4	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	7.4.1 Good agricultural practices, as contained in SOPs, are followed to manage soil fertility to optimise yield and minimise environmental impacts.	Reduced pollution; Resource use minimised; Productivity optimised
		7.4.2 Periodic tissue and soil sampling is carried out to monitor and manage changes in soil fertility and plant health.	
		7.4.3 A nutrient recycling strategy is in place, which includes the recycling of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), palm residues and optimal use of inorganic fertilisers.	
		7.4.4 Records of fertiliser inputs are maintained.	
7.5	Practices minimise and control erosion and degradation of soils.	7.5.1 (C) Maps identifying marginal and fragile soils, including steep terrain, are available.	Ecosystems protected; Reduced pollution; Productivity optimised
		7.5.2 There is no extensive replanting of oil palm on steep terrain.	
		7.5.3 There is no new planting of oil palm on steep terrain.	

7.6	Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations	<p>7.6.1 (C) To demonstrate the long-term suitability of land for oil palm cultivation, soil maps or soil surveys identifying marginal and fragile soils, including steep terrain, are taken into account in plans and operations.</p> <p>7.6.2 Extensive planting on marginal and fragile soils, is avoided, or, if necessary, done in accordance with the soil management plan for best practices.</p> <p>7.6.3 Soil surveys and topographic information guide the planning of drainage and irrigation systems, roads and other infrastructure</p>	Ecosystems protected; Resource use minimised; Reduced pollution
7.7	No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly..	<p>7.7.1 (C) There is no new planting on peat regardless of depth after 15 November 2018 in existing and new development areas.</p> <p>7.7.2 Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat.</p> <p><b>PROCEDURAL NOTE:</b> Maps and other documentation of peat soils are provided, prepared and shared in line with RSPO Peatland Working Group (PLWG) audit guidance (see Procedural Note for 7.7.5 below)..</p> <p>7.7.3 (C) Subsidence of peat is monitored, documented and minimised.</p> <p>7.7.4 (C) A documented water and ground cover management programme is in place.</p> <p>7.7.5 (C) For plantations planted on peat, drainability assessments are conducted following the RSPO Drainability Assessment Procedure, or other RSPO recognised methods, at least five years prior to replanting. The assessment result is used to set the timeframe for future replanting, as well as for phasing out of oil palm cultivation at least 40 years, or two cycles, whichever is greater, before reaching the natural gravity drainability limit for peat. When oil palm is phased out, it is replaced with crops suitable for a higher water table (paludiculture) or rehabilitated with natural vegetation.</p>	Ecosystems protected; Reduced pollution; Productivity optimised

	<p><b>PROCEDURAL NOTE:</b> Full details of the RSPO Drainability Assessment</p> <p>Guidelines and related concepts and detailed actions are in the manual currently being fine-tuned/tested by PLWG. A final version should be approved by PLWG in January 2019 and will include additional guidance on the steps to be followed after the decision not to replant as well as implications for other stakeholders, smallholders, local communities and the unit of certification. It is recommended that a further twelve-month methodology trial period is proposed for all related management units (i.e. those with plantations on peat) to utilise the methodology and provide feedback to the PLWG to enable further refinement of procedure as appropriate before January 2020. Units of certification have the option to defer replanting till after the availability of the revised guidelines. Additional guidance on alternative crops and rehabilitation of natural vegetation will be provided by PLWG.</p> <p><b>PROCEDURAL NOTE:</b> PLWG and the Smallholder Interim Group (SHIG) will collaboratively develop guidance for Independent Smallholders [cross links to SHIG and GHG issues].</p> <p>7.7.6 (C) All existing plantings on peat are managed according to the ‘RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat’, version 2 (2018) and associated audit guidance.</p> <p>7.7.7 (C) All areas of unplanted and set-aside peatlands in the managed area (regardless of depth) are protected as “peatland conservation areas”; new drainage, road building and power lines by the unit of certification on peat soils is prohibited; peatlands are managed in accordance with the ‘RSPO BMPs for Management and Rehabilitation of Natural Vegetation Associated with Oil Palm Cultivation on Peat’, version 2 (2018) and associated audit guidance.</p>	
<p>7.8 Practices maintain the quality and availability of surface and groundwater</p>	<p>7.8.1 A water management plan is in place and implemented to promote more efficient use and continued availability of water sources and to avoid negative impacts on other users in the catchment. The plan addresses the following:</p> <ul style="list-style-type: none"> <li>a) The unit of certification does not restrict access to clean water or contribute to pollution of water used by communities</li> </ul>	<p>Ecosystems protected; Reduced pollution; Resource use minimised</p>

		b) Workers have adequate access to clean water.	
		7.8.2 (C) Water courses and wetlands are protected, including maintaining and restoring appropriate riparian and other buffer zones in line with 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).	
		7.8.3 Mill effluent is treated to be in compliance with national regulations. Discharge quality of mill effluent, especially Biochemical Oxygen Demand (BOD), is regularly monitored.	
		7.8.4 Mill water use per tonne of FFB is monitored and recorded.	
7.9	Efficiency of fossil fuel use and the use of renewable energy is optimised.	7.9.1 A plan for improving efficiency of the use of fossil fuels and to optimize renewable energy is in place, monitored and reported.	Ecosystems protected; Reduced pollution; Resource use minimised
7.10	Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emissions..	7.10.1 (C) GHG emissions are identified and assessed for the unit of certification. Plans to reduce or minimise them are implemented, monitored through the Palm GHG calculator and publicly reported.	Reduced pollution
		7.10.2 (C) Starting 2014, the carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development are estimated and a plan to minimise them prepared and implemented (following the RSPO GHG Assessment Procedure for New Development).	
		7.10.3 (C) Other significant pollutants are identified and plans to reduce or minimise them implemented and monitored	
7.11	Fire is not used for preparing land and is prevented in the	7.11.1 (C) Land for new planting or replanting is not prepared by burning	Ecosystème protégée,

managed area.

7.11.2

The unit of certification establishes fire prevention and control measures for the areas directly managed by the unit of certification

réduction de pollution

7.11.3

The unit of certification engages with adjacent stakeholders on fire prevention and control measures

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#### PROCEDURAL NOTE for 7.12

The 2018 RSPO P&C include new requirements to ensure the effective contribution of RSPO to halting deforestation. This will be achieved by incorporating the High Carbon Stock Approach (HCSA) Toolkit in the revised standard.

The RSPO ToC also commits RSPO to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems.

High Forest Cover Countries (HFCCs) urgently require economic opportunities that enable communities to choose their own development path, while providing socio-economic benefits and safeguards.

Adapted procedures will be developed to support the sustainable development of palm oil by indigenous peoples and local communities with legal or customary rights. These will apply in specific HFCCs, and within those, in High Forest Cover Landscapes (HFCLs).

The development of these procedures will be guided by a No Deforestation Joint Steering Group (NDJSG) of RSPO and HCSA members. In HFCCs, RSPO will work through national and local participatory processes with governments, communities and other stakeholders to develop these procedures. A timeframe for these activities is stipulated in the Terms of Reference for the NDJSG and publicly available.

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7.12

Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.

7.12.1

((C) Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests.


Ecosystème protégé

A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document.

7.12.2

(C) HCVs, HCS forests and other conservation areas are identified as follows:

- a) For existing plantations with an HCV assessment conducted by an RSPO-approved assessor and no new land clearing after 15 November 2018, the current HCV assessment of those plantations remains valid

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- b) Any new land clearing (in existing plantations or new plantings) after 15 November 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual. This will include stakeholder consultation and take into account wider landscape-level considerations.

**PROCEDURAL NOTE** for 7.12.2: For details of transitional measures, refer to Annex 5: RSPO transition from HCV assessments to HCV-HCSA assessments.

**7.12.3**

(C) In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases and development by indigenous peoples and local communities with legal or customary rights, taking into consideration regional and national multi-stakeholder processes. Until this procedure is developed and endorsed, 7.12.2 applies.

**PROCEDURAL NOTE** for 7.12.3: There should be demonstrable benefits to the local community; clear recognition of legal and customary lands based on participatory land use planning; development should be proportional to the needs of the local community; with a balance between conservation and development. This procedure will also cover planting on previous or abandoned agricultural land / plantations. All other P&C requirements apply, including FPIC and HCV requirements..

**7.12.4**

(C) Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements. The integrated management plan is reviewed at least once every five years. The integrated management plan is developed in consultation with relevant stakeholders and



includes the directly managed area and any relevant wider landscape level considerations (where these are identified).

- 7.12.5** Where rights of local communities have been identified in HCV areas, HCS forest after 15 November 2018, peatland and other conservation areas, there is no reduction of these rights without evidence of a negotiated agreement, obtained through FPIC, encouraging their involvement in the maintenance and management of these conservation areas.
- 7.12.6** All rare, threatened or endangered (RTE) species are protected, whether or not they are identified in an HCV assessment. A programme to regularly educate the workforce about the status of RTE species is in place. Appropriate disciplinary measures are taken and documented in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect, trade, possess or kill these species..
- 7.12.7** The status of HCVs, HCS forests after 15 November 2018, other natural ecosystems, peatland conservation areas and RTE species is monitored. Outcomes of this monitoring are fed back into the management plan.
- 7.12.8** (C) Where there has been land clearing without prior HCV assessment since November 2005, or without prior HCV-HCSA assessment since 15 November 2018, the Remediation and Compensation Procedure (RaCP) applies..



## NNEXE 1 : DEFINITIONS

Term	Definition	Source
<b>Carbon neutrality</b>	<p>Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO2e) emissions released with an equivalent amount sequestered or offset.</p> <p>(The term “climate neutral” reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)</p>	P&C Review 2018
<b>Child</b>	The term child applies to all persons under the age of 18.	ILO Minimum Age Convention, 1973 (No. 138) Worst Forms of Child Labour Convention, 1999 (No. 182)
<b>Child labour</b>	<p>Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The term applies to:</p> <ul style="list-style-type: none"> <li>• All children under 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182)</li> <li>• All children aged under 12 taking part in economic activity; and</li> <li>• All 12 to 14-year-olds engaged in more than light work.</li> </ul> <p>The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training</p> <p>Those under 18 years old should not engage in hazardous work that might jeopardise their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, there should be restrictions on hours of work</p>	Convention (n ° 138) de l'OIT sur l'âge minimum, 1973

Term	Definition	Source
	and overtime; working at dangerous heights; with dangerous machinery, equipment and tools; transport of heavy loads; exposure to hazardous substances or processes; and difficult conditions such as night work at night..	
<b>Contract substitution</b>	The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.	ILO Report to the Committee examining alleged noncompliance by Qatar of Forced Labour
<b>Contract worker</b>	Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.	ILO, Non-Standard Forms of Employment
<b>Core work</b>	The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organisation.  All agricultural and milling activities are considered core work, e.g. planting, harvesting, fertilising, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.	P&C Review 2018
<b>Debt bondage</b>	The status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined.	UN GA Human Rights Council: Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. July 2016.
<b>Decent living wage</b>	The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.	Adapted from GLWC

Term	Definition	Source
<b>Deforestation</b>	Loss of natural forest as a result of: <ul style="list-style-type: none"> <li>i) conversion to agriculture or other non-forest land use;</li> <li>ii) conversion to a plantation forest; or</li> <li>iii) severe and sustained degradation.</li> </ul>	Draft Accountability Framework Initiativea (AFI) (July 2018). Refer to latest AFI definition
<b>Due diligence</b>	Risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	Draft AFI (July 2018). Always refer to latest AFI definition
<b>Eminent domain and expropriation</b>	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	P&C Review 2018
<b>Extensive replanting on steep terrain</b>	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 ha within the re-planting area.	P&C 2013, Annex 2, NI Guidance
<b>Facilitation payment</b>	Bribes paid to facilitate routine government action [1]. A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty [2].	[1] UK Bribery Act 2010 Guidance [2] UK Serious Fraud Office Bribery Act Guidance
<b>Family farm</b>	A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 ha in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with	P&C, révision 2018

Term	Definition	Source
	education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.	
<b>Food security</b>	Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilisation and stability.	FAO World Food Summit, 1996.  See FAO Policy Brief Issue 2, June 2006 for further detail.
<b>Forced labour</b>	All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily.  This definition consists of three elements: <ol style="list-style-type: none"> <li>1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.</li> <li>2. Menace of any penalty refers to a wide range of penalties used to compel someone to work.</li> <li>3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.</li> </ol>	ILO Forced Labour Definition  ILO, Forced Labour Convention, 1930 (No. 29)  ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (P029)  ILO, Abolition of Forced Labour Convention, 1957 (No. 105)  ILO, Forced Labour Recommendation 2014 (No. 203)
<b>Fragile soil</b>	A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for ‘marginal soil’)	P&C Review 2018

Term	Definition	Source
<b>Gender equal</b>	This refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys.	UN Women, OSAGI Gender Mainstreaming - Concepts and definitions
<b>Greenhouse gas</b>	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO<sub>2</sub> (CO<sub>2</sub>e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxides (N<sub>2</sub>O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulphur hexafluoride (SF<sub>6</sub>).</p>	Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre
<b>Hazardous work</b>	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.” (<a href="https://www.ilo.org/safework/areasofwork/hazardouswork/lang-en/index.htm">https://www.ilo.org/safework/areasofwork/hazardouswork/lang-en/index.htm</a>)</p> <p>Hazardous work is also defined as “any work which is likely to jeopardise children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18..” (<a href="https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm">https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm</a>)</p>	Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)
<b>High Carbon Stock forest</b>	Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit	HCSA website <a href="http://www.highcarbonstock.org">www.highcarbonstock.org</a>
<b>High Forest Cover Country</b>	Countries defined as having >60% forest cover (based on recent, trusted REDD+ and national data); <1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known	RSPO No Deforestation consultancy: HFCC

Term	Definition	Source
(HFCC)	frontier area for oil palm or where major areas have been allocated for development	Proforest, 2018
<b>High Forest Cover Landscape (HFCL)</b>	Landscapes having >80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”	HCSA Toolkit (v2)
<b>High Conservation Value (HCV) areas:</b>	<p>The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):</p> <p><b>HCV 1 – Species diversity;</b> Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species that are significant at global, regional or national levels.</p> <p><b>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL);</b> Large landscape-level ecosystems, ecosystem mosaics and IFL that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p> <p><b>HCV 3 – Ecosystems and habitats;</b> RTE ecosystems, habitats or refugia.</p> <p><b>HCV 4 – Ecosystem services;</b> Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p> <p><b>HCV 5 – Community needs;</b> Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.</p> <p><b>HCV 6 – Cultural values;</b> Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through</p>	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017



Term	Definition	Source
	engagement with these local communities or indigenous peoples.	
<b>Human Rights Defenders (HRD)</b>	Individuals, groups and associations who promote and protect universally recognized human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 Sept 2018)
<b>Independent Smallholder</b>	Individuals, groups and associations who promote and protect universally recognized human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 Sept 2018)
<b>Indigenous peoples</b>	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognises that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	UNDESA, Division for Inclusive Social Development, Indigenous Peoples

Term	Definition	Source
<b>In good faith</b>	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations.	ILO Q&As on business and collective bargaining
<b>Integrated Pest Management (IPM)</b>	IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimise risks to human health and the environment. IPM emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.	P&C2013 FAO 2013 <a href="http://www.fao.org/agriculture/crops/thematic-sitemap/theme/pests/ipm/en/">http://www.fao.org/agriculture/crops/thematic-sitemap/theme/pests/ipm/en/</a>
<b>Intimidation and harassment</b>	Intimidation and harassment include loss of income due to/resulting in organizational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardise the community's honour and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.	P&C Review 2018
<b>ISO standards</b>	Standards developed by the International Organization for Standardization.	P&C Review 2018 <a href="http://www.iso.org">www.iso.org</a>
<b>Land clearing</b>	Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is not	P&C, révision 2018

Term	Definition	Source
	considered new land clearing.	
<b>Landscape</b>	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	IUCN <a href="https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf">https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf</a>
<b>Landscape level</b>	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	HCV-HCSA Assessment Manual 2017
<b>Livelihood</b>	<p>A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.</p> <p>A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.</p> <p>The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.</p> <p>(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from:</p>	P&C 2013

Term	Definition	Source
	<a href="http://www.fao.org/docrep/X0051T/X0051t05.htm">http://www.fao.org/docrep/X0051T/X0051t05.htm</a> ).	
<b>Managed area</b>	The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set-asides.	P&C, révisiew 2018
<b>Management documents</b>	Management documents are documented information and evidence to interact with the RSPO P&C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.	ISO 9001 QMS – <a href="https://advisera.com">https://advisera.com</a>
<b>Marginal soil</b>	A soil that is unlikely to produce acceptable economic returns for the proposed crop at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for ‘fragile soil’.)	P&C Review 2018
<b>Migrant worker</b>	A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.	P&C 2013
<b>Natural ecosystems</b>	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs, and prairies.	P&C Review 2018
<b>New planting</b>	Planned or proposed planting on land not previously cultivated with oil palm.	NPP 2015
<b>Non-hazardous work</b>	See definition for hazardous work	
<b>Operations</b>	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.	P&C 2013
<b>Other conservation</b>	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of	P&C Review 2018

Term	Definition	Source
<b>areas</b>	certification.	
<b>Outgrowers</b>	Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.	P&C 2013
<b>Peat</b>	A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter.	PLWG2 July 2018 Derived from FAO and USDA definition for histosols (organic soils) (FAO 1998, 2006/7; USDA 2014)
<b>Pesticide</b>	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorised into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.	P&C 2013
<b>Plan</b>	A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.	P&C 2013
<b>Plantation</b>	The land on which oil palm is grown. (See also definition for 'managed area'.)	P&C Review 2018
<b>Prophylactic</b>	A treatment or course of action applied as a preventive measure.	P&C 2013
<b>Rare, threatened or endangered</b>	Species as defined by the High Conservation Value Resource Network (HCVRN).	HCVRN Common Guidance for the Identification of HCVs

Term	Definition	Source
<b>(RTE) species</b>		
<b>Recruitment fees</b>	Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e. recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	Dhaka Principles and ILO 181.
<b>Restore</b>	Returning degraded or converted areas within a plantation to a semi-natural state.	P&C 2013
<b>Rights</b>	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <ol style="list-style-type: none"> <li>1. Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State.</li> <li>2. Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations.</li> <li>3. User rights: Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights.</li> <li>4. Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognized by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities to justify their claims, and are best ascertained through participatory mapping with the involvement of neighbouring communities.</li> </ol>	<p>P&amp;C 2013</p> <p>UN Refugees &amp; Migrants, Global Compact for Safe, Orderly and Regular Migration, 2018 World Bank Operational Policy 4.10</p> <p>From FSC Principles &amp; Criteria</p>
<b>Risk assessment</b>	A systematic process of identifying and evaluating the potential risks that may be involved in a projected activity or undertaking.	Adapted from ILO, A 5 step guide for employers,

Term	Definition	Source
	It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.	workers and their representatives on conducting workplace risk assessments, 2014
<b>Scheme Smallholder</b>	<p>Farmers, landowners or their delegates that do not have the:</p> <ul style="list-style-type: none"> <li>• Enforceable decision-making power on the operation of the land and production practices; and/or</li> <li>• Freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (whether and how they organise, manage and finance the land).</li> </ul> <p>(See also smallholder and Independent Smallholder).</p>	SHIG
<b>Significant pollutant</b>	Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertiliser, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.	P&C Review 2018
<b>Site</b>	A single functional unit of an organisation or a combination of units situated at one locality, which is geographically distinct from other units.	RSPO 2017 SCCS Standard
<b>Smallholder</b>	<p>Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 ha in size.</p> <p><b>Scheme Smallholder:</b></p> <p>Farmers, landowners or their delegates that do not have the:</p> <ul style="list-style-type: none"> <li>• Enforceable decision-making power on the operation of the land and production practices; and/or</li> <li>• Freedom to choose how they utilise their lands, type of crops to plant, and how they</li> </ul>	<p>P&amp;C 2013</p> <p>SHIG</p>

Term	Definition	Source
	manage them (whether and how they organise, manage and finance the land).	
	<b>Independent Smallholder:</b> All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.	SHIG
<b>Social and Environmental Impact Assessment (SEIA)</b>	An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimise and mitigate potential negative impacts.	P&C Review 2018
<b>Stakeholders</b>	An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.	P&C 2013
<b>Steep terrain</b>	Areas above 25 degrees or based on a National Interpretation (NI) process.	P&C 2013 Annex 2 Guidance NI
<b>Trafficked labour</b>	Trafficked labour is a form of exploitation that results from the recruitment, transport, transfer, harbouring, and receipt of individuals to perform labour or services through the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.
<b>Transmigrant</b>	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.	P&C 2013
<b>Undue influence</b>	The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.	P&C 2013
<b>Unit of</b>	The unit of certification shall be the mill and its supply base and shall include both directly managed land	RSPO Certification



Term	Definition	Source
<b>certification</b>	(and estates) and Scheme Smallholders and outgrowers, where estates have been legally established with proportions of lands allocated to each.	Systems 2017
<b>Voluntary isolation</b>	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples' territories.	Inter-American Commission on Human Rights, Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas, 2013
<b>Vulnerable groups</b>	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	P&C Review 2018
<b>Water security</b>	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	UN Water, Water Security Infographic
<b>Whistleblower</b>	Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee- employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 September, 2018)

Term	Definition	Source
<b>Worker</b>	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organisation.	P&C Review 2018
<b>Workforce</b>	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.	P&C 2013
<b>Young person</b>	Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”	ILO Minimum Age Convention, 1973 (No. 138), Article 3  ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16

## ANNEXE 2: GUIDANCE

### Principle 1: Behave ethically and transparently

Criteria (new)	Guidance
1.1	<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents comprise the results of FPIC processes, SEIAs, Human Rights Policies including a policy on protection of HRDs/whistleblowers, social programmes avoiding or mitigating negative social impact, social programmes advancing livelihoods, figures of gender distribution within all workers categorised by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programmes for Independent Smallholders, education and health in the communities.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p> <p>Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. The unit of certification should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.</p> <p>For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.</p> <p>The following documents should be available at the unit of certification (but not necessarily limited to) upon request:</p> <ul style="list-style-type: none"><li>○ Land titles/user rights (Criterion 4.4)</li><li>○ Occupational health and safety plans (Criterion 3.6)</li></ul>

	<ul style="list-style-type: none"> <li>○ Plans and impact assessments relating to environmental and social impacts (Criterion 3.4)</li> <li>○ HCV &amp; HCS documentation (Criterion 7.12)</li> <li>○ Pollution prevention and reduction plans (Criterion 7.10)</li> <li>○ Details of complaints and grievances (Criterion 4.2)</li> <li>○ Negotiation procedures (Criterion 4.6)</li> <li>○ Continuous improvement plans (Criterion 3.2)</li> <li>○ Public summary of certification assessment report</li> <li>○ Human Rights Policy (Criterion 4.1)</li> </ul>
1.2	<p>All levels of the operations will include contractors (e.g. those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> <li>○ A respect for fair conduct of business</li> <li>○ A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources</li> <li>○ A proper disclosure of information in accordance with applicable regulations and accepted industry practices.</li> </ul> <p>The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.</p> <p>The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.</p> <p>Commitment to company ethical policies is incorporated in all service contracts.</p> <p>There are due diligence procedures in place for the selection and contracting of recruitment agencies and labour intermediaries or suppliers.</p> <p>Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labour intermediaries or suppliers.</p>

**Principle 2: Behave ethically and transparently**

Critère (new)	Ligne directrice
2.1	<p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO Core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>Contradictions and inconsistencies should be identified, and solutions suggested. Evidence should be incorporated as part of implementation of Criterion 2.3.</p> <p>See Indicator 4.4.1 for requirements on legal ownership or lease and authorised use of customary lands.</p> <p>For Indicator 2.1.2:</p> <p>A 'documented system for ensuring legal compliance' can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operations.</p>
2.2	<p>Contracted parties include:</p> <ul style="list-style-type: none"> <li>• Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour</li> <li>• Short-term contracts; renewable contract</li> <li>• Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterised by a limited duration or a pre-specified event to end the contract</li> <li>• Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialised economies, particularly in jobs associated</li> </ul>

	with the “on-demand” or ‘gig economy”. ( <a href="https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang--en/index.htm">https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang--en/index.htm</a> )
2.3	For consideration of FFB legality, NIs should also consider commonly accepted local practices and customs that are generally accepted to be on a par with legal standing or accepted by authorities (e.g. native courts).

**Principle 3: Behave ethically and transparently**

Criteria (new)	Guidance
3.1	<p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning.</p> <p>For plantations on peat, a longer time frame for the projection of the annual replanting programme is needed per Criterion 7.7.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements. This Criterion is not applicable to Independent Smallholders.</p> <p>The business or management plan should contain:</p> <ol style="list-style-type: none"> <li>1. Attention to quality of planting materials</li> <li>2. Crop projection = Fresh Fruit Bunches (FFB) yield trends</li> <li>3. Mill extraction rates = Oil Extraction Rate (OER) trends</li> <li>4. Cost of production = cost per tonne of Crude Palm Oil (CPO) trends</li> <li>5. Forecast prices</li> <li>6. Financial indicators</li> </ol> <p>Suggested calculation: Trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.</p> <p>Where the specific financial details are not known, an estimate of these amounts, or structures for defining those estimates will be made clear within the contract.</p> <p>Management reviews (Indicator 3.1.3) should include:</p>

	<ol style="list-style-type: none"> <li>1. Results of internal audits</li> <li>2. Customer feedback</li> <li>3. Process performance and product conformity</li> <li>4. Status of preventive and corrective actions</li> <li>5. Follow-up actions from management reviews</li> <li>6. Changes that could affect the management system</li> <li>7. Recommendations for improvement</li> </ol>
3.2	<p>For the action plan for continuous improvement, indicators may include but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Optimising the yield of the supply base.</li> <li>2. Reduction in use of pesticides (Criterion 7.2)</li> <li>3. Environmental impacts (Criteria 3.4, 7.6 and 7.7)</li> <li>4. Waste reduction (Criterion 7.3)</li> <li>5. Pollution and greenhouse gas (GHG) emissions (Criterion 7.10)</li> <li>6. Impacts on communities, workers and smallholders (Principle 6)</li> <li>7. Integrated management of HCV-HCS, peatland and other conservation areas (Criteria 7.7 and 7.12)</li> </ol> <p>Where applicable, review should include Scheme Smallholders.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement</p>
3.3	<p>Mechanisms to check implementation could include documentation of management systems and internal control procedures (see Criterion 2.1).</p> <p>SOP and documentation for mills should include relevant supply chain requirements (see SCCS section under Principle 3).</p> <p>The unit of certification, while working with third party suppliers of FFB on traceability and legality, should use the opportunity to distribute</p>



	suitable information on BMPs.
3.4	<p>The terms of reference of the SEIA should be defined. Ideally, the SEIA should be carried out by accredited independent experts, in order to ensure an objective process. The assessment (SEIA) should include, but is not limited to:</p> <ol style="list-style-type: none"> <li>1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertiliser use, mill operations, roads, drainage and irrigation systems and other infrastructure</li> <li>2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these</li> <li>3. Assessment of the potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems</li> <li>4. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources</li> <li>5. Baseline soil surveys and topographic information, including the identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding</li> <li>6. Analysis of the type of land to be used (forest, degraded forest, peatlands, cleared land, etc.)</li> <li>7. Assessment of land ownership and user rights</li> <li>8. Assessment of current land use patterns</li> <li>9. Assessment of impacts on people's amenity</li> <li>10. Assess impacts on employment, employment opportunities or from changes of employment terms</li> <li>11. A cost-benefit analysis on social aspects</li> <li>12. Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents</li> <li>13. Assessment of salient risk of human rights violations</li> </ol>

	<p>14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities</p> <p>15. Assessment of activities which may impact air quality or generate significant GHG emissions</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake an impact assessment and to plan and operate in accordance with the results.</p> <p>Additional information on SEIA can be found in various external sources such as HCSA Toolkit Module 3 and the International Finance Corporation (IFC)'s Guide to Biodiversity for Private Sector: The Social and Environmental Impact Process.</p> <p>The review of the monitoring and management plan should be done (once every two years) internally or externally.</p> <p>Management documents may comprise social programmes avoiding or mitigating adverse social impact including human rights, social programmes advancing community livelihoods and gender equality, partnership programmes for Independent Smallholders, education and health in the communities.</p> <p>Affected stakeholders are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.</p>
3.6	<p>Refer to National Law/Regulation or ILO Convention 155 for those countries without national Occupational Safety and Health Law/Regulation at a minimum.</p>
3.7	<p><b>Training content:</b> Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation. The programme should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.</p> <p>Training participants: Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.</p> <p>The unit of certification should demonstrate training activities for Scheme Smallholders who provide FFB on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of the unit of</p>

	<p>certification that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations.</p> <p>For individual scheme smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing.</p>
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**Principle 4: Behave ethically and transparently**

Criteria (new)	Guidance
4.1	<p>All levels of operations will include contractors (e.g. those involved in security). The UN Guiding Principles on Business and Human Rights notes that:</p> <p>“The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.”</p> <p>The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See “The corporate responsibility to respect human rights” in the UN Guiding Principles on Business and Human Rights).</p> <p>The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts.</p> <p>The resulting guide will identify the relevant issues on human rights to all RSPO members.</p> <p>Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons.</p>
4.2	<p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation and, where relevant, migrant worker representation. Grievances may be internal (employees) or external.</p> <p>For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the UN Human Rights Commission (HRC) endorsed ‘Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework’, 2011.</p>

4.3	<p>Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.</p> <p>The unit of certification may also seek partnerships from non-governmental organisations (NGOs) and civil society organisations (CSOs) to identify key environmental and/or social issues that are prevalent in the community and develop and implement solutions to address these issues as part of their contributions to sustainable development.</p> <p>Some examples of contributions to local sustainable development could be, but are not limited to:</p> <ul style="list-style-type: none"> <li>a) Poverty reduction</li> <li>b) Access to health and wellbeing</li> <li>c) Access to quality education</li> <li>d) Access to clean water and sanitation</li> <li>e) Conservation or restoration of natural resources</li> <li>f) Gender equality programmes</li> <li>g) Support/enhance/secure food and water security</li> </ul> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.1.</p>
4.4	<p>All indicators will apply to current operations, but there are exceptions for long- established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 4.4.2 and 4.4.3.</p> <p>Where there are legal or customary rights over land, the unit of certification should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criterion 4.5, 4.6 and 4.7. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>This Criterion allows for negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all</p>

	<p>relevant information. The representation of communities should be transparent and in open communication with other community members.</p> <p>Relevant legal arrangements may include negotiated benefit-sharing agreements, joint venture agreements, legal representation on management boards, restrictions on prior land use, co-management arrangements, smallholder contracts, rental and leasehold arrangements, royalty payments, and the implications of land acquisition and permits for community land tenure, use and access rights.</p>
4.5	<p>The unit of certification can, through compliance with RSPO criteria demonstrate its commitment to support the UN Sustainable Development Goals (especially SDGs 2, 6 and 15).</p> <p>The unit of certification should support the implementation of existing national strategies with regard to food and water security, and not contradict them by any of its business activities.</p> <p>The unit of certification should recognise national and/or international natural disaster risk assessments, strategies and maps in the management plan/strategy for the managed areas. The unit of certification should inform suppliers and communities in the concerned region about natural risks and provide support in case of strong adverse natural and human made disasters.</p> <p>This activity should be integrated with the SEIA required by Criterion 3.4.</p> <p>Within the FPIC process, measures to balance potential negative impacts on food and water security for local communities should be discussed and agreed between the unit of certification and the local communities. These measures and their proposed implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.</p> <p>In cases where the availability, access, quality and stability of food and water is negatively affected by the planned operations, mitigation and relief measures should be agreed.</p> <p>Where applicable, in communities resettled in accordance with FPIC, the unit of certification should monitor the food and water security situation through a screening process and, for example, through continuous dialogue, to ensure local food and water security.</p> <p>Efforts should be made to consider population dynamics. The set of measures is to be reviewed regularly (proposed biannually) to reflect on changes in needs and capacities and the resources available.</p> <p>The unit of certification should not restrict access to markets for local communities through its operations.</p> <p>The unit of certification should assess water catchments in order to identify key water risks or shared challenges (see HCV 4). The unit of certification should regularly monitor their operations' impacts on water availability and quality.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites.</p> <p>Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see</p>

	<p>Guidance for Criterion 4.4). Relevant stakeholders include those affected by or concerned with the new plantings.</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p> <p>FPIC is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Members', October 2015).</p>
4.6	<p>Where there is a conflict on the condition of land use as per land title, the unit of certification should show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p> <p>A mechanism should be in place to resolve any conflict (Criteria 4.2 and 4.6).</p> <p>Where operations overlap with other rights holders, the unit of certification should resolve the issue with the appropriate authorities, consistent with Criteria 4.2 and 4.6.</p>

**Principle 5: Behave ethically and transparently**

Critère (new)	Ligne directrice
5.1	<p>Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:</p> <ol style="list-style-type: none"> <li>1. Cost incurred by smallholders where applicable (e.g. fertiliser, seeds, pesticides, transport of FFB, land use permit, land ownership fees, land preparation, labour costs and other costs related to FFB production);</li> <li>2. Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions.</li> </ol> <p>Source: 2012 FAO Guiding Principles Responsible Contract Farming</p> <p>This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.</p> <p>Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should have access to the grievance procedure under Criterion 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>If the unit of certification requires smallholders to change practices to meet the RSPO P&amp;C, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>
5.2	<p>RSPO will develop guidance on smallholder support (a separate RSPO Smallholder Standard is currently under development as of the printing of this standard).</p> <p>The consultation may include collection centres or other parties like representative organisations, where applicable.</p> <p>In particular for Scheme Smallholders, support programmes are based on long term relations.</p> <p>When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken</p>



	<p>into account and are explained to and understood by the smallholders:</p> <ul style="list-style-type: none"><li>• Expected continued supply of FFB to the mill</li><li>• Readiness of smallholders to implement the improvement programmes</li></ul> <p>Specific elements on RSPO certification may include:</p> <ul style="list-style-type: none"><li>• Socialisation on RSPO</li><li>• H&amp;S training</li><li>• FPIC</li><li>• HCV</li></ul> <p>The delivery of the support services can include but is not limited to cooperatives, agents, collection centres and representative organisations.</p>
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**Principle 6: Behave ethically and transparently**

Critère (new)	Ligne directrice
6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p>
6.2	<p>Elements in the calculation of a decent standard of living should include food, water, housing, education, healthcare, transport, clothing and other essential needs, including provision for unexpected effects, in accordance with the GLWC methodology.</p> <p>The list of essential needs (that will be considered for the non-food, non-housing element), and the costs/values associated with these elements, will be provided by the RSPO.</p> <p>Where a GLWC living wage standard, or one that fulfils the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, this should be used as benchmark.</p> <p>Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered.</p> <p>For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC-developed benchmark for the country is in place (see procedural note in Indicator 6.2.6).</p>

	<p>A written policy, committing to payment of a living wage should be in place.</p> <p>The implementation plan should have specific targets, and a phased-implementation process should be in place, including the following:</p> <ul style="list-style-type: none"> <li>• An assessment is conducted to determine prevailing wages and in-kind benefits already being provided to workers</li> <li>• There is annual progress on the implementation of living wages</li> <li>• Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment</li> <li>• The unit of certification may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before an eventual scale-up of the living wage implementation Without disrupting the wage distribution, employers can provide more or better in-kind benefits to increase the living standards of their workers, as long as it is agreed upon by the trade union/worker representatives.</li> </ul>
6.3	<p>The right of staff and workers, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with the unit of certification should be respected, in accordance with Conventions 87 and 98 of the ILO.</p> <p>Collective bargaining is encouraged to include terms and conditions relevant to workers' rights, but also to the workers and families' rights to access health care, education, nutritious food, safety/protection equipment, energy, and could include a clear mechanism of grievances and remedy.</p> <p>Foreign workers should be encouraged to join unions. Where the right to freedom of association and collective bargaining are restricted under law, the unit of certification publishes a statement that facilitates parallel means of independent and free association and bargaining for all such personnel.</p>
6.4	<p>Service contracts and supplier agreements refer to those that the unit of certification enters into and has influence over; rather than for agreements that cover services of infrastructure set up, such as telephone or electricity.</p> <p>The unit of certification should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per ILO Convention 138.</p> <p>Work in family farms, when the farm is contracted to or provides business to another entity, is prohibited. Farm work is only accepted when it is for the family's own consumption.</p> <p>Child labour is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in</p>

	<p>child labour and to suffer its consequences.</p> <p>Age verification documents include a government recognised photographic identification document, where available.</p> <p>Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.</p>
6.5	<p>There should be a clear policy developed in consultation with staff and workers, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>For 6.5.3: The Gender Committee can support the assessment.</p> <p>Adequate space and paid breaks should be provided to enable mothers with infants 24 months or younger to breastfeed or express and store breast milk with privacy.</p>
6.6	<p>Migrant workers should be legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a DLW.</p> <p>Workers may voluntarily want to have their passports or identity documents held by the management for safekeeping purposes. In such cases, the documents should be returned to the workers upon request. There should be evidence of due diligence in applying this to all sub-contract workers and suppliers.</p> <p>National guidance should be used on contract substitution.</p> <p>Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement. This is in accordance with ILO conventions: Forced Labour Convention, 1930 (No. 29) ; Protocol of 2014 to the Forced Labour Convention, 1930 (P029) ; Abolition of Forced Labour Convention, 1957 (No. 105) ; Forced Labour Recommendation, 2014 (No. 203)</p>

The specific labour policy should include:

- Statement of the non-discriminatory practices
- No contract substitution
- Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.
- Decent housing to be provided in accordance with national law or in their absence ILO Recommendation 115
- Fees related to recruitment and hiring of migrant workers

**Principle 7: Behave ethically and transparently**

Critère (new)	Ligne directrice
7.1	<p>The unit of certification should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p> <p>In specific cases for the control of pests and diseases by fire, as per regulations, there should be evidence of prior approval of the controlled burning as specified by the relevant authorities in the ‘Guidelines for the Implementation of the ASEAN Policy on Zero Burning’ 2003, or comparable guidelines or regulations in other regions.</p>
7.2	<p>The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the ‘Research Project on Integrated Weed Management Strategies for Oil Palm’, CABI, April 2011.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders. The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied.</p> <p>Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency use of pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides should be applied, the context and location of the application, the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides..</p> <p>The due diligence should refer to:</p> <ol style="list-style-type: none"> <li>a) Judgment of the threat and verification of why this is a major threat</li> <li>b) Why there is no other alternative which can be used</li> <li>c) Which process was applied to verify that there is no other less hazardous alternative</li> <li>d) What the process is to limit the negative impacts of the applications</li> <li>e) Estimation of the timescale of the application and which steps are taken to limit the application to a singularity.</li> </ol>

	<p>Recognised best practice includes: storage of all pesticides as prescribed in the 'FAO International Code of Conduct on the distribution and use of pesticides' and its guidelines and supplemented by relevant industry guidelines in support of the International Code (see Annex 3).</p>
7.3	<p>The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> <li>• Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li> <li>• Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), in such a way that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to.</li> </ul> <p>The unit of certification is encouraged to improve the waste management in surrounding neighbourhoods.</p> <p>Where there are no options for non-toxic and non-hazardous domestic waste collection by local government services, landfills may be required as a solution for disposal.</p> <p>Where landfills are used, appropriate guidelines should be followed, which includes being:</p> <ul style="list-style-type: none"> <li>• Only for domestic and household waste, where inorganic waste is minimised</li> <li>• Located away from water sources, people and communities, and outside conservation areas</li> <li>• Properly covered, with clear demarcation and signage to avoid disturbance.</li> </ul>
7.4	<p>Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production and should drive to minimise in-organic fertiliser use.</p>
7.5	<p>Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p>
7.6	<p>These activities can be linked to the SEIA (see Criterion 3.4) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development.</p> <p>Soils requiring appropriate practices should be identified (see Criteria 7.6 and 7.7). This information should be used to plan planting programmes,</p>

	<p>etc.</p> <p>Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.</p> <p>Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.</p> <p>Information should be collected on soil suitability by the unit of certification if planning to purchase FFB from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organisations (including NGOs) provide information in order to assist Independent Smallholders to grow oil palm sustainably.</p>
7.7	<p>The unit of certification is encouraged to map the peatlands within the supply base to enable monitoring and promotion of BMPs.</p> <p>For Indicator 7.7.3: For existing plantings on peat, the water table should be maintained at an average of 50 cm (between 40 cm and 60 cm) below ground surface unless required to be higher by national regulations, measured with groundwater piezometer readings, or an average of 60 cm (between 50 cm and 70 cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures (e.g. weirs, sandbags, etc.) in fields, and watergates at the discharge points of main drains.</p> <p>For Indicator 7.7.3: Monitoring of subsidence should be undertaken in all drained peat areas in the plantation including areas adjacent to the plantation where water tables may be impacted by drainage associated with the plantation.</p>
7.8	<p>The water management plan should include:</p> <ul style="list-style-type: none"> <li>• Consideration of relevant stakeholders, their water use, and water resource availability</li> <li>• Taking account of the efficiency of use and renewability of sources</li> <li>• Ensuring that the use and management of water by the unit of certification does not result in adverse impacts on other users within the catchment area, including local communities and customary water users</li> <li>• Aiming to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes</li> <li>• Avoiding contamination of surface and ground water through runoff of soil, nutrients or chemicals, or as a result of inadequate disposal of waste</li> </ul>



	<p>including POME.</p> <p>Refer to the 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).</p> <p>Where national regulations do not specify mill effluent requirements or discharge quality, these should be defined at NI level.</p>
7.9	<p>Renewable energy use per tonne of CPO or palm product in the mill should be monitored and reported.</p> <p>Direct fossil fuel use per tonne of CPO or FFB should be monitored.</p> <p>Energy efficiency should be taken into account in the construction or upgrading of all operations. The unit of certification should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of its operations.</p> <p>This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations. The feasibility of collecting and using biogas should be studied where relevant.</p>
7.10	<p>The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.</p> <p>Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g. optimal fertiliser use, energy efficient transportation, good water management, restoration of peatlands and conservation areas). Reference can be made to the RSPO Compilation of BMPs to Reduce Total Emissions from Palm Oil Production. This Criterion covers plantations, mill operations, roads and other infrastructure including access and perimeter canals and roads.</p>
7.11	<p>Extension/training programmes for smallholders may be necessary.</p>
7.12	<p>For Indicator 7.12.2</p> <p>HCV assessments conducted as part of integrated HCV-HCS assessments, should follow the HCVRN procedures, using HCVRN ALS approved assessors for HCV assessments for new plantings, in line with the current version of the Common Guidance on HCV Identification provided by the HCVRN or national HCV toolkits.</p> <p>NIs of the globally-applicable HCV definitions may be used to assist with implementation of the HCVA. The globally-applicable HCV definitions provided in the Common Guidance take precedence in any cases where a conflict is perceived with a NI.</p> <p>Where landscape level HCV and/or HCS maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.</p>

Further guidance for implementation of 'wider landscape-level considerations' and other natural ecosystems will be developed by the BHCV WG. This will include reference to Key Biodiversity Areas (KBAs), which are identified under a Global Standard (IUCN 2016) and should be identified through an HCV assessment.

**For Indicator 7.12.4**

Refer to relevant guidance documents on RSPO and HCVRN websites.

The integrated management plan should be developed in collaboration with other stakeholders active in that landscape before and during the project implementation. It should be adaptive to changes in HCVs. Evidence of attempted collaboration efforts should be documented and available. Such collaborative plans and areas should include but are not limited to:

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection
- Minimising hydrological impacts to the landscape related to or arising from drainage systems and access roads or canals linked to the plantation

Les zones requises par les communautés touchées pour répondre à leurs besoins fondamentaux, en tenant compte des éventuels changements positifs et négatifs des moyens de subsistance résultant des opérations proposées, devraient être identifiées en consultation avec les communautés et intégrées aux évaluations et plans de gestion de HVC et HCS.

L'unité de certification devrait examiner diverses options de gestion des terres et de régime foncier afin de sécuriser les zones de gestion du VHC de manière à protéger également les droits et les moyens de subsistance des populations locales. Certaines zones sont mieux affectées à la gestion de la communauté et sécurisées par des régimes coutumiers ou légaux; dans d'autres cas, des options de cogestion peuvent être envisagées.

Lorsqu'il est demandé aux communautés de renoncer à leurs droits afin que les entreprises ou les organismes publics puissent protéger ou renforcer les HVC, il convient de veiller à ce que les communautés conservent l'accès à des terres et à des ressources suffisantes pour répondre à leurs besoins fondamentaux; toute renonciation à ces droits doit être soumise à leur CLIP.

**Pour l'indicateur 7.12.7**

Reportez-vous au document Lignes directrices communes sur les HVNCV pour la gestion et la surveillance du VHC

- Ensuring that any legal requirements relating to the protection of species or habitats are met
- Avoiding damage to and deterioration of HCV habitats, for example by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created
- Protecting and managing other conservation areas including watercourses and wetlands, peatlands, riparian zones, and

	<p>steep slopes</p> <ul style="list-style-type: none"> <li>• Controlling any illegal or inappropriate hunting, fishing or collecting activities, and encroachment</li> <li>• Developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).</li> </ul> <p><b>For Indicator 7.12.5</b></p> <p>Decisions will be made in consultation with the affected communities.</p> <p>Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihoods resulting from proposed operations, should be identified in consultation with the communities and incorporated into HCV and HCS assessments and management plans.</p> <p>The unit of certification should consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures; in other cases, co-management options may be considered.</p> <p>Where communities are asked to relinquish rights so that HCVs can be protected or enhanced by the companies or state agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their FPIC.</p> <p><b>For Indicator 7.12.7</b></p> <p>Refer to HCVRN Common Guidance for HCV Management and Monitoring document</p>
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### ANNEX 3A: PRINCIPALES LOIS ET CONVENTIONS INTERNATIONALES APPLICABLES À LA PRODUCTION DE L'HUILE DE PALME

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Ethical Business Conduct	1.1 1.2 2	United Nations Convention against Corruption (2000)			Art. 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest.  Promoting transparency.  Ensuring that companies have sufficient internal auditing controls to prevent corruption.
	1.2 2.1 2.2	Private Employment Agencies Convention 1997 (No 181)				Covers protection for workers who are employed through third party and/or private employment agencies.
Respect for Human Rights	4.1 4.2		Declaration on the Rights of Human Rights Defenders			Contains human rights standards enshrined in other international instruments that are legally binding for the protection of human rights, including HRDs.
Respect for Human Rights	4. 5.				United Nations Guiding Principles on Business and	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organisation size,

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.				Human Rights (2011)	sector of operation or ownership.
	4. 5. 6.	<p>Core International Human Rights Treaties:</p> <ul style="list-style-type: none"> <li>- International Covenant on Civil and Political Rights (ICCPR)</li> <li>- International Covenant on Economic, Social and Cultural Rights (ICESCR)</li> <li>- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD))</li> <li>- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</li> <li>- Convention on the Rights of the Child (CRC)</li> <li>- International Convention on Protection of the Rights of All</li> </ul>			All core human rights treaties	Respect for human rights regardless of age, nationality, gender, race, ethnicity, religion, ability, marital status, sexual orientation and gender identity, political opinion or affiliation, etc.

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		Migrant Workers and Members of Their Families (ICMRW)  - Convention for the Protection of All Persons from Enforced Disappearance (CPED)  - Convention on the Rights of Persons with Disabilities (CRPD)				
Just Land Acquisition	4.	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	4.		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources
	4.	UN Convention on Biological Diversity (1992)			Art 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Public Participation of Affective Communities	4.5			Rio Declaration on Environment and Development (1992)	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
				and Agenda 21		10 combines public participation with public access to information and access to remedial procedures. According to Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both Agenda 21 and the Rio Declaration emphasise the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women.
Fair Representation and Participation of Indigenous and Tribal People	4.2 4.4 4.5 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 6-9	Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their offences according to customary law (compatible with international laws).
	4.4 - 4.8		UN Declaration on the Rights of Indigenous		Art 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
			Peoples (2007)			development.
	4.4 4.5 4.7		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 10, 11(2), 19, 28(1), 29(2) and 32(2)	Right to FPIC to any project affecting their lands as expressed through their own representative institutions
	4.4 4.5 4.7	Convention on the Eliminations of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System.			UN CERD Committee, UN Committee on Social Culture and Economic Rights, Inter American Commission on Human Rights	FPIC for decisions that may affect indigenous people. (This standard has been widely accepted as 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN, WWF).
No Forced Labour	2.2 6.6	ILO Convention 29 (1930) Forced Labour	Protocol of 2014 to the Forced Labour Convention 1930		Art. 5  Art. 1, 2, 4	No concession to companies shall involve any form of forced or compulsory labour.  Provides the measures which should be taken for the avoidance of forced or compulsory labour.
	6.6	ILO Convention 105 (1957)  Abolition of Forced			Art. 1	Not make use of any form of forced or compulsory labour



Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		Labour				
Protection of Children	6.4	ILO Convention 138 (1973) Minimum Age			Art. 1 - 9	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labour			Art. 1 - 7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance..
	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)			Art. 1 - 2	Applicable to children under the age of 14 outside the hours of attendance in school.
	6.4	Convention on the Rights of the Child (CRC), 1989			Art. 32	Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and	6.3	ILO Convention 87 (1948) Freedom of Association			Art. 2 - 11	Freedom to join organisations, federations and confederations of their

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Collective Bargaining		and Protection of Right to Organise				own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	6.3	ILO Convention 98 (1949) Right to Organise and Collective Bargaining			Art. 1 - 4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements.
	6.3	ILO Convention 141 (1975) Rural Workers' Organisations			Art 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom from association; free from interference and coercion.
	6.3	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 8 (1)	The right of everyone to form trade unions and join the trade union of their choice, subject only to the rules of the organisation concerned, for the promotion and protection of their economic and social interests. No restrictions may be placed on the exercise of this right, other than those prescribed by law and which are necessary in a democratic society in the interests of national security, or public order, or for the protection of the rights and freedoms of others.

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.3	Collective Bargaining Convention, 1981 (No 154)			Art 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.
Non- discrimination and Equal Remuneration	6.1	ILO Convention 100 (1951) Equal Remuneration			Art 1-3	Equal remuneration for men and women for work of equal value.
	6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)			Art 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	6.1		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 2, 8(e), 9, 15(2), 16(1),	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
					21(2), 22, 24(1) 29(1), 46(3)	
	6.1	ILO Convention 156 (1981) Workers with Family Responsibility			Art 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.
	2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)			Art 1,2,4- 12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties.
	6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)			Art 1-4	This convention concerns vocational rehabilitation to enable a disabled person to secure, retain, and advance in suitable employment, and thereby to further such person's integration or reintegration into society.
	6.1	International Covenant on Economic, Social and Cultural Rights (ICESCR)			Art 7	Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		(1966				inferior to those enjoyed by men, with equal pay for equal work.  Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
Elimination of Harassment and Abuse in the Workplace	6.5	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)			General Recommendation 35	of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.
Just Employment for Migrants	2.2 6.6					Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	6.6	ILO Convention 143 (1975) Migrant Workers			Art 1-12	Respect basic human rights; protection of illegal migrants from abusive

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		(Supplementary Provisions)				employment; no trafficking in illegal migrants; fair treatment of migrant labour.
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)			Art 11; 21; 25; 26	Prevention of slavery; forced and compulsory labour; on confiscation of identity documents; conditions of work and contractual terms; and freedom of association and right to join trade unions.
Protection of Plantation Workers	6.1	ILO Convention 97 (1949) Migration for Employment			Art 5-91	Protection of members of families of recruited workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.
	6.2	ILO Convention No 11 Rights of Association (Agriculture) 1921			Art 1	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6	ILO Convention on Plantation (1958) (No. 110)			Art 1,2,5,7,8, 11,12-15	This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations.
Working Time for Workers	6.2	ILO Convention No 101 Holidays with Pay (Agriculture) 1952			Art 1,3,5,7-9	Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer.
	6.2	ILO Convention No 47 Forty Hour Week			Art 1	Requires that a member adopts a 40 hour week in a manner that the standard of living is not reduced as a consequence.
Protection of Women's Rights to Work	6.1	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)				<p>Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;</p> <p>Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.</p>

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.1	Maternity Protection Convention 2000 (No. 183)			Art 9	Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work.
	6.5 6.7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art 11 (f)	The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
	6.5	Maternity Protection Convention 2000 (No. 183)			Art 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.  These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
Protection of Tenants and Sharecroppers	4.2			ILO Recommendation 132 (1968) Tenants and Sharecroppers	Art 4-8	Fair rents; adequate payment for crops; provisions for well-being; organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)			Art 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest



Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
						possible living standards
Health and Safety	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture			Art 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.
	3.6 6.7	ILO Convention on Occupational Cancer 1974 (No 139)				Members shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No. 38)			Art 1-6, 13, 17, 20,23	Maintenance of a scheme for invalidity Insurance for workers..
	6.1	Convention on Maternity			Art 2-4	Maternity Protection and benefits

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.2	Protection 2000 (No. 183)				
Control or Eliminate the use of Dangerous Chemicals and Pesticides	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)			Arts 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenze).
	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)			Arts 1-5 et 6	Curb the trade of banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides
			UN Declaration on the Rights of Indigenous Peoples (2007)		Art 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and			Art 1-3	Provides for measures which should be taken for the prevention and control of, and protection against, occupational hazards in the working environment

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		Vibration) 1977				due to air pollution, noise and vibration.
		ILO Convention No 170 on Chemical Convention 1990			Art 2 (c) et Partie IV	Provides for measures to prevent or reduce the incidences of chemically induced illness and injuries at work; and identifies the roles and responsibilities of employers in the context of identification, transfer of chemicals, exposures, operational control, disposal and information dissemination and training.
Right to Food	6.2	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 11	Right to adequate standard of living, including right to food.
Environmental Protection	3.4	UN Convention on Biological Diversity (1992)			Art 14	Environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate. allow for public participation in such procedures.
Conservation of Biodiversity		UN Convention on Biological Diversity (1992)			Art 1 – 18	Conservation of biological diversity and the sustainable use of its components.
GHG Emissions	7.10				Art 1-4	Aimed at stabilising atmospheric concentrations of greenhouse gases to

Theme	Referenced in following P&	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
						avoid "dangerous anthropogenic interference, including in agricultural sector.

## ANNEX 3B: MAJOR LAWS AND REGULATIONS APPLICABLE TO THE PRODUCTION OF PALM OIL IN COTE D'IVOIRE

### PRINCIPLE 1. ACTING IN AN ETHICAL AND TRANSPARENT MANNER

Criterion 1.1: The certification unit provides adequate information to relevant stakeholders on environmental, social and legal issues that are necessary to the RSPO criteria in appropriate languages and forms to allow effective participation in decision-making.

Indicator	Local legal, normative and best practices context Context
1.1.1	<p><u>The documents as specified are inspired by the following legislative texts:</u></p> <p><u>Convention C155/R164 relating to Occupational Safety and Health;</u></p> <p><u>Convention 161/R171 relating to Occupational Health Services;</u></p> <p><u>Convention 187/R197 relating to promotional framework for occupational safety and health.</u></p> <p><u>Framework Law No. 96-766 of 3rd October 1996, on the Environment Code.</u></p> <p><u>Act 2015-532 of 20th July 2015 on the Labour Code and the implementing decrees.</u></p> <p><u>Act 64-290 of 2nd August 1964 on occupational health and safety.</u></p> <p><u>Act 99-477 of 2nd August 1999 on Social Security Code, as amended by Order No. 2012-03 of 11th January 2012.</u></p> <p><u>Act 98-750 of 23rd December 1998 on Rural land Tenure, as amended by Act 2004-412 of 14th August 2004 and Act 2013-655 of 13th September 2013</u></p> <p><u>Act 2014- 390 of 20th June 2014 on sustainable development</u></p> <p><u>Decree 96-894 of 8th November 1996 stipulating the rules and procedures applicable to environmental impact assessments of development projects</u></p> <p><u>Decree 79-643 of 8th August 1979, on the organization of national disaster relief (ORSEC plan)</u></p> <p><u>Decree 71-74 of 16th February 1971 on State-owned and land procedures</u></p> <p><u>Ordinance 2013-662 of 20th September 2013 on competitiveness in Côte d'Ivoire</u></p> <p><u>Pricing mechanism</u></p>

**PRINCIPLE 1. ACTING IN AN ETHICAL AND TRANSPARENT MANNER**

1.1.2	<p><b><u>Act 2016-886 of 8th November 2016 relating to the Constitution of the Republic of Côte d'Ivoire</u></b></p> <p><b>Article 48.</b> - The State of Côte d'Ivoire is an independent and sovereign Republic.</p> <p>The national emblem is the tricolor flag of orange, white, green arranged in vertical stripes and of equal dimensions.</p> <p>The national anthem is the Abidjanese.</p> <p>The motto of the Republic is: Union, Discipline, Labour.</p> <p>The official language is French.</p> <p><b><u>Act 2013-867 of 23rd December 2013 on access to information and public interest documents</u></b></p>
1.1.3	<p><b><u>Act 2016-412 of 15th June 2016 relating to consumption</u></b></p> <p>Book 1 - Consumer information and contract formation          Chapter 1 - General obligation on pre-contractual information Articles 3 and 4          Chapter 2 - Information on delivery times Article 6</p>
1.1.4	<p><b><u>Act 2016-886 of 8th November 2016 relating to the Constitution of the Republic of Côte d'Ivoire.</u></b></p> <p><b>Article 18.</b> -Citizens have the right to information and access to public documents, under the conditions provided for by law.</p> <p><b>Article 19.</b> - Freedom of thought and freedom of expression, including freedom of conscience, philosophical opinion and religious belief or worship, are guaranteed to all. Everyone has the right to freely express and share his or her ideas. (...).</p>
1.1.5	
<p>Criterion 1.2: the certificate unit commits to ethical conduct in all business operations and transactions.</p>	
1.2.1	<p><b><u>Act 2015-532 of 20<sup>th</sup> July 2015 relating to the Labour Code</u></b></p> <p><b><u>The 17th July 1977 Interprofessional collective agreement of Côte d'Ivoire du 17 juillet 1977</u></b></p> <p><b><u>Decree 2009-259 of 6th August 2009 relating to public procurement code</u></b></p>
1.2.2	<p><b><u>Act 2016-412 of the 15th June 2016 relating to consumption</u></b></p>

**PRINCIPLE 1. ACTING IN AN ETHICAL AND TRANSPARENT MANNER**

Title 2: Regulated commercial practices

Chapter 3 - Certification of products and services (Articles 7, 8 and 9)

Act 2017-540 of 3rd August 2017 setting out the rules relating to regulation, control and monitoring of the activities of the rubber tree and Palm oil industries

Inter-ministerial Order No. 026 of 18th January 2007 making it mandatory to fortify edible oils intended for human and animal consumption in Côte d'Ivoire with vitamins A..

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

Criterion 2.1 : There is compliance with all applicable local, national and ratified international laws and regulations.

Indicator	Local legal, normative and best practices context Context
2.1.1	<p>List of relevant national laws on palm oil production:</p> <ul style="list-style-type: none"> <li>☐ Act 2016-886 of 8th November 2016 relating to the Constitution of the Republic of Côte d'Ivoire</li> </ul> <p><b>Land</b></p> <ul style="list-style-type: none"> <li>☐ Act 98-750 of 23 December 1998 on rural land and its implementing regulations;</li> <li>☐ 26<sup>th</sup> July 1932 Decree on reorganization of land ownership in French West Africa</li> <li>☐ Decree 2019-266 of 27th March 2019 setting out the procedures for the application of Act 98-750 of 23th December 1998 on customary rural land ownership;</li> <li>☐ Decree 2019-265 of 27th March 2019 establishing the procedure for consolidating the rights of provisional land concessionaires on Rural Land Tenure;</li> <li>☐ Decree 2019-264 of 27<sup>th</sup> March 2019 on the organization and functions of the Sub-Prefectural Rural Land Management Committees and the Village Rural Land Management Committees;</li> <li>☐ Decree 2019-263 of 27th March 2019 setting out the procedure for delimiting village territories;</li> <li>☐ Order No. 30 MINAGRA of 15<sup>th</sup> May 2001 defining the approval and validation forms for official rural land surveys.</li> <li>☐ Decree No. 139 MINAGRA of 6<sup>th</sup> September 2000 defining rural landed property registration application forms for the issuance of land certificate;</li> <li>☐ Order 140 MINAGRA of 6<sup>th</sup> September 2000 defining long-term rural landed property lease forms for the issuance of land certificate;</li> <li>☐ Order 02 MINAGRA of 8<sup>th</sup> February 2000 regarding official models of the Land Certificate;</li> <li>☐ Decree n°041 MEMID/MINAGRA of 12<sup>th</sup> June 2001 on the constitution and functioning of Rural Land Management Committees;</li> <li>☐ Inter-ministerial Order No. 453 / MINADER / MIS / MIRAH / MEF / MCLU / MMG / MEER / MPEER / SEPMBPE of 1<sup>st</sup> August 2018 setting out the compensation scale for destroyed or planned destruction of crops and other investments in rural areas and killing of</li> </ul>



## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

farm animals;

- ☐ Order No. 085-MINAGRA of 15<sup>th</sup> June 2000 setting the modalities for the preparation and presentation of land property plans of customary rural lands

### Agriculture

- ☐ Law n°63-490 of 21 December 1963 on plant protection
  - Act 63-400 of 26th June 1963 relating to the prevention of fraud in the sale of goods and the falsification prices of food and agricultural products;
  - Act 2015-537 of 20th July 2015 on agricultural guidelines in Côte d'Ivoire
  - Act 98-651 of 7th July 1998 relating to the protection of public health and the environment against the effects of industrial, toxic and nuclear waste and harmful substances;
  - Order 2018-437 of 3rd May 2018 relating to the prevention of illicit marketing and export of agricultural products subject to approval;
  - Decree 61-381 of 1st December 1961 setting out the operational modalities for the control and packaging of agricultural products meant for export, as amended by Decree 90-1170 of 10th October 1990;
  - Decree 63-457 of 7th November 1963 establishing the conditions for the introduction and export of plants and other materials likely to carry organisms that are dangerous to crops;
  - Decree 89-02 of 4th January 1989 relating to the approval, manufacturing, sale and use of pesticides;
  - Decree 159/MINAGRA of 21st June 2004 relating to the prohibition of 67 active ingredients used in the manufacturing of plant protection products used in agriculture;
  - Inter-ministerial Decree 509/MINAGRI/MEMIS of 11th November 2014 relating to the pesticide control, health inspection, monitoring and phytosanitary of the quality of plants, products of plant origin, agricultural products and any other material likely to carry harmful organisms for crops, human and animal health at the entry points of the coun

### Labour

- Act 2010-272 of 30th September 2010 relating to the prohibition of the trafficking and the worst forms of child labour in Côte d'Ivoire;
- Act 99-477 of 2nd August 1999 relating to Social Security scheme, as amended by Order No. 2012-03 of 11th January 2012.
- Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

- Decree 67-265 of 2nd June 1967, Title 3, relating to hazardous work for women and pregnant women;
- Decree 67-321 of 21st July 1967 relating to the codification of the regulatory provisions adopted for the implementation of Title 4 on occupational hygiene and safety;
- Decree 2017-210 of 30th March 2017 on severance package, retirement package and funeral expenses;
- Decree 2017-486 of 26th July 2017 relating to increasing the amount of CNPS (national social security scheme) family allowances
- Decree 2018-272 of 7th March 2018 relating to works that are prohibited for women and pregnant women
- Order 2017-017 MEPS /CAB of 2nd June 2017 determining the list of hazardous work prohibited for children

### Environment

- Act 88-651 of 7th July 1988 relating to the protection of public health and the environment from effects of toxic and nuclear industrial waste and harmful substances, the specificity of which lies in the regional approach to dealing to environmental problems;
- Act 96-766 of 3rd October 1996 relating to the Ivorian Environmental Code;
- Act 98-755 of 23rd December 1998 relating to the Ivorian Water Code;
- Act 2002-102 of 11th February 2002 relating to the establishment, management and financing of national parks and nature reserves;
- Act 2014-132 of 24th March 2014 relating to the Electricity production Code in its article 2;
- Act 2014-390 of 20th June 2014 relating to sustainable development guidance;
- Act 65-255 of 4th August 1965 relating to the protection of wildlife and the practice of hunting, as amended by Act 94-442 of 16th August 1994;
- Act 2016-553 of 26th July 2016 relating to biosafety regime
- Act 88-651 of 7th July 1988 relating the protection of public health and the environment against effects of toxic and nuclear industrial waste and harmful substances...
- 20th October 1926 decree relating to the regulation of unhealthy, uncomfortable or dangerous establishments.
- Decree 94-327 of 9th June 1994 relating the accession of the Republic of Côte d'Ivoire to the Basel Convention
- Decree 97-678 of 3rd December 1997 relating to the protection of the marine and lagoon environment against pollution;
- Decree 98-42 of 28th January 1998 relating to the Emergency Response Plan for the Control of Accidental Pollution at Sea, in Lagoons and in Coastal Areas;

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

- Decree 98-43 of 28th January 1998 relating to BPIs;
- Decree 96-894 of 8th November 1996 setting out the rules and procedures applicable to environmental impact assessments;
- Decree 98-42 of 28th January 1998 to the Emergency Response Plan for the Control of Accidental Pollution at Sea, in Lagoons and in Coastal Areas;
- Decree 2005-03 of 6th January 2005 relating to environmental audit;
- Decree 2005-726 of 28th December 2005 relating to the Republic of Côte d'Ivoire's accession to the Kyoto Protocol on the United Nations Framework Convention on Climate Change, adopted on 11th December 1997;
- Decree 2008-44 of 21st February 2008 approving the Contract for the leasing of the urban public drinking water supply service in Côte d'Ivoire;
- Decree 2013-41 of 30th January 2013 relating to the strategic environmental assessment of policies, plans and programmes;
- Decree 2012-1047 of 24th October 2012 setting out the terms and conditions for the application of the polluter-pays principle as defined by Act 96-766 of 3rd October 1996 regarding the Ivorian Environment Code
- Decree 2013-327 of 22nd May 2013 prohibiting the production, import, marketing, holding and use of plastic bags;
- Decree 2017-125 of 22nd February 2017 relating to air quality;
- Decree 97-393 of 9th July 1997 relating to the establishment and functions of a public administrative establishment called the National Environment Agency (ANDE)
- Order 011-64 of 4th November 2008 relating to the control of liquid discharges and emissions from Classified Installations for the Protection of the Environment (ICPE);

### **Forest**

- Act 2014-427 of 14th July 2014 relating to the Ivorian Forest Code
- Decree 94-368 of 1st July 1994 relating to reforms on logging activities amending Decree 66-421 of 15 September 1966 regulating the exploitation of timber and cabinet-making woods, building, firewood and charcoal woods.
- Decree 66-428 of 15th September 1966 establishing procedures for the classification and downgrading of State-owned forests;
- Decree 78-231 of 15th March 1978 establishing the management methods for State-owned Forests;
- Decree 2013-815 of 26th November 2013 prohibiting illegal sawmilling;
- Decree 2013-816 of 26th November 2013 prohibiting the exploitation, cutting, transportation marketing and export of timber and cabinet-making from natural forests taken above the 8th parallel;

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

- Decree 2013-508 of 25th July 2013 prohibiting the exploitation, cutting, transport, marketing and exploitation of pterocarpus spp, commonly known as oak wood
- Decree 90-503 of 20th June 1990 relating to the processing and export of wood into logs and lumbered timber;
- Decree 66-122 of 31st March 1966 determining the so-called protected forest species;
- Decree 2012-1049 of 24th October 2012 establishing, organizing and operating the National Commission for the Reduction of GHG Emissions from Deforestation and Forest Degradation;
- Decree 66-52 of 8th March 1966 establishing procedures for authorised burning;
- Decree 58 MINEF CAB of 6th February 2013, prohibiting logging above the 8th parallel (Probable failure to strike at the second approval under the title of Decree 80-70, it repeals Decree 72-543 and not Decree 72-548)
- Order 402 MINEF DGEF DPIF of 26th March 2013 relating to the enhancement of measures to prohibition of the exploitation of timber and cabinet-making woods above the 8th parallel
- Order 1072/MINEF of 13th July 2009 clarifying the modalities for the exploitation, circulation and transfer of timber in Côte d'Ivoire
- 69 MINEF MININTER MINAGRA of 4th May 1999 amending Order 055 MINAGRA/INT of 29th March 1995 establishing the consultative commission that allocates the forest exploitation areas - Repeals and replaces Order 055 MINAGRA/INT
- Order MINAGRA of 13th February 1992 entrusting SODEFOR with the management of all classified forests;
- 628 MINEF/DGEF/DPIF of 28th June 2013 prohibiting the export of pterocarpus spp, commonly known as "oak wood", in small diameter natural forest species;
- Decision 988 MINEF CAB of 18th October 2012 relating to the enhancement of measures to combat illegal logging above the 8th parallel:
- Decision 65 of 29th March 1995 relating to the monitoring committees for the management of forest exploitation areas;
- Decision 1505 MINEFOR DPF of 7th September 1982 relating to the prohibition of logging in the savannah area of Côte d'Ivoire.

### National Parks

- Act 2013-864 of 23rd December 2013, amending paragraph 2 of Article 9 of Act 2002-102 of 11th February 2002 relating the creation, management and financing of national parks and nature reserves;
- Act 65-255 of 4th August 1965 relating to the protection of wildlife and hunting practices, amended and supplemented by Act 94-442 of 16th August 1994
- Decree 2012-163 of 9th February 2012 defining the procedures for the classification of National Parks and Natural Reserves
- Decree 66-426 of 15th September 1966, relating to the distribution of the net proceeds of fines, confiscations, restitutions, damages, constraints and transactions concerning hunting practices

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

	<p><b><u>Economy</u></b></p> <ul style="list-style-type: none"> <li>▪ Ivorian Civil Code of 2nd February 1933</li> <li>▪ Code of Civil Procedure of 21nd December 1972</li> <li>▪ Ordinance 2018-646 of 1st August 2018 relating to Investment Code</li> <li>▪ Ordinance 2013-662 of 20th September 2013 relating to competition</li> <li>▪ Ordinance 2013-662 of 20th September 2013 relating to general competitions in Côte d'Ivoire</li> <li>▪ Act 98-750 of 23rd December 1998 relating to rural land tenure rural land, as amended by Act 2004-412 of 14th August 2004 and Act 2013-655 of 13th September 2013;</li> <li>▪ Decree 2019-266 of 27th March 2019 setting out Customary Rural Land Tenure application procedures under Act 98-750 of 23rd December 1998</li> </ul>
2.1.2	<ul style="list-style-type: none"> <li>▪ <b><u>Act 2017-540 of 3th August 2017 setting out the rules relating to the regulation, control and monitoring of the activities of the Rubber and Palm oil sectors</u></b></li> <li>▪ <b><u>Decree 2005 - 03 of 6th January 2005 relating to Environmental Audit</u></b></li> </ul> <p>Article 3: Scope and periodicity</p> <p>Article 6: Regulatory Framework</p> <p>Article 8: Environmental audit criteria</p> <p>Article 9: Application of Audit Criteria to the PGE-A</p>
2.1.3	<p><b><u>Act 98-750 of 23rd December 1998 relating to rural land tenure, as amended by Act 2004-412 of 14th August 2004 and Act 2013-655 of 13th September 2013;</u></b></p> <p><b><u>Decree 2019-266 of 27th March 2019 setting the terms and conditions for the application of Customary Rural Land Tenure of Act 98-750 of 23rd December 1998.</u></b></p> <p>Article 6: The Delimitation Documents shall include the following documents</p> <p><b>6.1)</b> A land plan of the property showing neighbouring plots of land. This plan is drawn up by an approved technical operator in accordance with the topographical mapping standards determined by a joint order from the Minister of Agriculture and the Minister for</p>

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

	<p>Land Registry.</p> <p>The plan thus drawn up shall be signed by the approved technical operator.</p> <p><b>6.2)</b> A report on the boundaries shall be prepared by the approved technical operator in accordance with a form established by order of the Minister in charge of Agriculture.</p> <p>This report shall be signed by the parties present and by the authorised technical operator.</p> <p>The establishment of this fact requires sufficient materialization, possibly temporary, in particular by layering, picketing or taping, of the boundaries on the ground, for the purpose of visual recognition by the parties present.</p>
Criterion 2.2 : All subcontractors providing operational services and labour, as well as Fresh Fruit Bunches (FFB), comply with all legal requirements.	
2.2.1	
2.2.2	<b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b>
2.2.3	<p><b><u>CHAPTER 4: Establishment of an employment contract</u></b></p> <p><b><u>DECREE 96-287 of 3rd April 1996 relating to employment contracts</u></b></p> <p>☐ Art. 2: The employment contract must include the following information:</p> <ol style="list-style-type: none"> <li>1. the date and place of establishment of the contract;</li> <li>2. the surname, forenames, profession and home address of the employer;</li> <li>3. the surname, forenames, sex, date and place of birth, parent's name, domicile and nationality of the employee, his occupation or profession;</li> <li>4. the nature and duration of the contract;</li> <li>5. the worker's classification in the professional hierarchy, his salary and salary supplements;</li> <li>6. the job(s) that the employee will be required to handle in the company or its affiliate establishments in Côte d'Ivoire;</li> <li>7. Reference to the regulatory texts or collective agreements that govern all employer-employee relations</li> <li>8. Possibly, the specific clauses agreed between the parties.</li> </ol>
Criterion 2.3: All FFB supplies coming from outside the certification unit originate from legal sources	
2.3.1	<b><u>Act 98-750 of 23rd December 1998 relating to rural land tenure, as amended by Act 2004-412 of 14th August 2004 and Act 2013-655 of</u></b>

## PRINCIPLE 2. OPERATING LEGALLY AND COMPLYING WITH ALL RULES

2.3.2

**13th September 2013;**

**Decree 2019-266 of 27th March 2019 setting the terms and conditions for the application of Customary Rural Land Tenure of Act 98-750 of 23rd December 1998.**

Article 6: The Delimitation Documents shall include the following documents

**6.1)** A land plan of the property showing neighbouring plots of land. This plan is drawn up by an approved technical operator in accordance with the topographical mapping standards determined by a joint order from the Minister of Agriculture and the Minister for Land Registry.

The plan thus drawn up shall be signed by the approved technical operator.

**6.2)** A report on the boundaries shall be prepared by the approved technical operator in accordance with a form established by order of the Minister in charge of Agriculture. This report shall be signed by the parties present and by the authorised technical operator. The establishment of this fact requires sufficient materialization, possibly temporary, in particular by layering, picketing or taping, of the boundaries on the ground, for the purpose of visual recognition by the parties present.

**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

Criterion 3.1: There is an implemented management plan for the certification unit that aims to achieve long-term economic and financial viability.

Indicator	Local legal, normative and best practices context
3.1.1	Côte d'Ivoire has adopted the Uniform Act on the organisation and harmonisation of company accounts, to which the the annexed OHADA accounting system establishes accounting standards, the chart of accounts, bookkeeping rules, the presentation of financial statements and financial information. It covers the personal accounts of companies, natural and legal persons, consolidated and combined accounts, and also criminal provisions.
3.1.2	Act 2014-390 of 20th June 2014 relating to sustainable development
3.1.3	

Criterion 3.2 : Operating procedures are appropriately documented and consistently implemented and monitored.

3.2.1	<p><b><u>Decree 2005 - 03 of 6th January 2005 relating to environmental audit.</u></b></p> <ul style="list-style-type: none"> <li>☐ Article 3: Scope and periodicity</li> <li>☐ Article 6: Regulatory Framework</li> <li>☐ Articles 8 and 9: Audit criteria</li> </ul>
3.2.2	

Criterion 3.3 : The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations

3.3.1	<p><b><u>Decree 2005 - 03 of 6th January 2005 relating to environmental audit.</u></b></p> <ul style="list-style-type: none"> <li>☐ Article 3: Scope and periodicity</li> <li>☐ Article 6: Regulatory Framework</li> <li>➤ Articles 8 and 9: Audit criteria</li> </ul>
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**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

3.3.2	
3.3.3	
Criterion 3.4 : comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations	
3.4.1	<p><u>Act 2016-886 of 8th November 2016 relating to the Ivorian Constitution in its articles 27 and 40</u></p> <p><u>Framework Law 96-766 of 3rd October 1996 relating to the Ivorian Environmental Code under its Articles 20,25,35;</u></p> <p>Decree 96-894 of 8th November 1996 determining the rules and procedures applicable to the conduct environmental impact assessments of development projects, particularly in its Articles 2, 12, 16 and 17 ;</p> <p><u>Decree 98-43 of 28th January 1998, relating to Classified Installations for the Protection of the Environment (ICPE);</u></p> <p><u>Decree 2005-03 of 6th January 2005 relating to Environmental Audit</u> whose articles 2, 12, 16 and 17: identify the characteristics of the studies to be carried out for each type of project, taking into account the environmental impacts, the content of the impact assessment, the need to carry out a public consultation in order to include the contribution of stakeholders and the provisions for their validation by the environmental and social impact assessment office, which is the national authority for the validation of environmental impact assessments for all development project.</p>
3.4.2	<p><u>Decree 96-894 of 8th November 1996 determining the rules and procedures applicable to the conduct environmental impact assessments of development projects</u>, particularly in its Articles 2, 12, 16 and 17.</p> <p><b><u>Decree 2005 - 03 of 6th January 2005 relating to environmental audit.</u></b></p> <ul style="list-style-type: none"> <li>☐ Article 3: Scope and periodicity</li> <li>☐ Article 6: Regulatory Framework</li> <li>☐ Articles 8 and 9: Audit criteria</li> </ul>
3.4.3	<p><b><u>Decree 2005 - 03 of 6th January 2005 relating to environmental audit.</u></b></p> <ul style="list-style-type: none"> <li>☐ Article 3: Scope and periodicity</li> <li>☐ Article 6: Regulatory Framework</li> </ul>

**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

Articles 8 and 9: Audit criteria

Criterion 3.5 : A system for managing human resources is in place

3.5.1

- Act 2010-272 of 30th September 2010 relating to the prohibition of trafficking and the worst forms of child labour in Côte d'Ivoire;
- Act 99-477 of 2nd August 1999 relating to the Social Security Code, as amended by Order 2012-03 of 11th January 2012.
- Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;
- Decree 67-265 of 2nd June 1967, Title 3, relating to hazardous work for women and pregnant women;
- Decree 67-321 of 21st July 1967 relating to the codification of regulatory provisions adopted for the implementation of Title 4 regarding occupational health and safety;
- Decree 2017-210 of 30th March 2017 on severance package, retirement and funeral benefits
- Decree 2017-486 of 26th July 2017 increasing the amount of CNPS (National Social Security Scheme) family allowances
- Decree 009 MEMEASS/CAB of 14th March 2005 determining the list and type of hazardous work prohibited for children under 18 years of age.
- Decree 2018-272 of 7th March 2018 relating to work prohibited for women and pregnant women
- Decree 2013-791 of 20th November 2013 relating to the upward adjustment of the guaranteed minimum wage, abbreviated as SMIG
- DECISION MTCIC.BAC. of 3rd January 1978 Extending the provisions of the Interprofessional Collective Agreement of the Republic of Côte d'Ivoire of 19th July 1977
- DECREE 93-221 of 13th February 1993 establishing a public industrial and commercial entity called the Agency for the Study and Promotion of Employment (AGEPE) and determining its powers, organization and functions
- DECREE 96-192 of 7th March 1996 relating to the conditions for the withdrawal of acquired benefits
- DECREE 96-193 of 7th March 1996 relating to paid employment placement agencies
- DECREE 96-194 of 7th March 1996 relating temporary employment
- DECREE 96-196 of 7th March 1996 relating to the conditions for providing a financial guarantee or surety
- DECREE 96-197 of 7th March 1996 relating to Rules of Procedure
- DECREE 96-198 of 7th March 1996 on the conditions for the termination of an employment contract on grounds of ill-health of the employee
- DECREE 96-200 of 7th March 1996 relating to duration of prior notice for termination of an employment contract
- DECREE 96-201 of 7th March 1996 relating to severance package

**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

	<ul style="list-style-type: none"> <li>- DECREE 96-202 of 7th March 1996 relating to part-time work</li> <li>- DECREE 96-203 of 7th March 1996 relating to working hours</li> <li>- DECREE 96-204 of 7th March 1996 relating to night shift</li> <li>- DECREE 96-205 of 7th March 1996 determining the list and regime governing public holidays</li> <li>- DECREE 96-206 of 7th March 1996 relating to the Committee on Health, Safety and Working Conditions</li> <li>- DECREE 96-207 of 7th March 1996 relating to staff representatives and trades union representatives</li> <li>- DECREE 96-208 of 7th March 1996 relating to conciliation proceedings regarding collective labour dispute</li> <li>- DECREE 96-209 of 7th March 1996 relating to employers obligations</li> <li>- DECREE 96-285 of 3rd April 1996 relating to in-service training</li> <li>- DECREE 96-287 of 3rd April 1996 relating to employment contracts</li> <li>- DRECEE 4810MEFPPS.AGEPE. of 21st April 1997 relating to the Regulation of recruitment and costs of completing for the employment contract form of non-Ivorian staff</li> <li>- DECREE 98-39 of 28th January 1998 relating to the system of paid leave under the Labour Code</li> <li>- DECREE 98-38 of 28th January 1998 relating general measures on occupational Health</li> <li>- DECREE 98-41 of 28th January 1998 relating Collective Labour Agreements</li> </ul>
3.5.2	<ul style="list-style-type: none"> <li>- Decree 96-193 of 7th March 1996 relating paid employment placement agencies</li> <li>- Decree 96-194 of 7th March 1996 relating tp temporary work</li> <li>- Decree 96-200 of 7th March 1996 relating to the duration of prior notice for termination of employment contracts</li> <li>- Decree 96-202 of 7th March 1996 relating to part-time work</li> <li>- Decree 96-203 of 7th March 1996 relating to working hours</li> <li>- Decree 96-204 of 7th March 1996 relating to night shift</li> <li>- Order 4810MEFPPS.AGEPE. of 21st April 1997 Regulating the recruitment and costs of completing the visa form for the employment contract of non-Ivorian staf</li> </ul>
<p><b>3.6 : An occupational health and safety (H&amp;S) plan is documented, effectively communicated and implemented</b></p>	
3.6.1	<p>Occupational health and safety are covered under the 2016 Ivorian Constitution, Articles 9 and 15 of stipulate that every individual has the right to medical care and decent working conditions. In addition, Côte d'Ivoire has ratified conventions and recommendations on occupational health and safety. These include the following among others: `</p>

### PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

- ☐ Convention 13: White Lead (Painting) Convention, 1921 (No. 13)
- ☐ Convention 18: Workmen's Compensation (Occupational Diseases) Convention, 1925
- ☐ Equality of Treatment (Accident compensation) Convention, 1925
- ☐ C041 - Night Work (Women) Convention (Revised), 1934 (No. 41)
- ☐ C045 - Underground Work (Women) Convention, 1935 (No. 45)
- ☐ C081 - Labour Inspection Convention, 1947 (No. 81) C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- ☐ C136 - Benzene Convention, 1971 (No. 136)
- ☐ C138 - Minimum Age Convention, 1973 (No. 138) specified minimum age: 14 years Convention No. C182 on the Worst Forms of Child Labour, 1999
- ☐ C155 / R164 on occupational safety and health, 2015
- ☐ C161/ R171 on occupational health services, 2015
- ☐ C187/ R197 on the promotional framework for occupational safety and health, 2015
- ☐ R3 Anthrax Prevention Recommendation, 1919
- ☐ R020 - Labour Inspection Recommendation, 1923 (No. 20)
- ☐ R144 - Benzene Recommendation, 1971 (No. 144) R194 - List of Occupational Diseases Recommendation, 2002 (No. 194)
- ☐ R053 - Safety Provisions (Building) Recommendation, 1937 (No. 53)
- ☐ R082 - Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)
- ☐ R114 - Radiation Protection Recommendation, 1960 (No. 114)
- ☐ R128 - Maximum Weight Recommendation, 1967 (No. 128)
- ☐ R133 - Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)
- ☐ R147 - Occupational Cancer Recommendation, 1974 (No. 147)
- ☐ R156 - Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
- ☐ R160 - Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)
- ☐ R164 - Occupational Safety and Health Recommendation, 1981 (No. 164)
- ☐ R192 - Safety and Health in Agriculture Recommendation, 2001 (No. 192)
- ☐ R185 - Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)
- R183 - Safety and Health in Mines Recommendation, 1995 (No. 183)
  - ☐ R181 - Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
  - ☐ R177 - Chemicals Recommendation, 1990 (No. 177)
  - ☐ R175 - Safety and Health in Construction Recommendation, 1988 (No. 175)
  - ☐ R172 - Asbestos Recommendation, 1986 (No. 172)

### PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

☐ R171 - Occupational Health Services Recommendation, 1985 (No. 171)

**Act 2015-532 establishing the Labour Code, in its Title IV**, defines the health and safety conditions to be respected during execution of activities

**Article 41.2** stipulates that: To protect the life and health of employees, the employer is required to take all appropriate measures suitable to the conditions in which the business is operated. In particular, the employer shall adapt the facilities and regulate the work process in such a way as to protect the employees from accidents and illness as much as possible

**Article 41.3** stipulates that: Every employer is required to organize health and safety training for newly hired employees, and for those who change jobs or technical positions. The training shall be updated in the event of changes in legislation or regulations,

**Article 41.7** stipulates that: "The employer or its representative shall organize continuous monitoring of compliance with the health and safety rules. Employees shall comply with any instructions given to them, use health and safety devices correctly and refrain from removing or modifying them without the employer's authorization.

**Article 42.1** stipulates that: An Occupational Health and Safety Committee shall be set up in any establishment or business employing more than fifty employees.

**Article 43.1** stipulates that: Every employer shall provide an occupational health service for its employees. The occupational health service exists in two forms:

- ☐ the autonomous medical service;
- ☐ the inter-company medical service.

**Article 44.1** stipulates that a welfare unit shall be created in any company with more than 500 employees, for the benefit of the workers it employs

**Act 99-477 of 2nd August 1999 relating to the Ivorian Social Security Code** defines the responsibilities and conditions for medical care of workers in line of the implementation of the occupational health and safety policy. Its article1 sets out the purpose of the Social Welfare public service department , which is to provide benefits to compensate for the financial consequences of certain risks or situations, in situations such as (i) accidents at work and occupational diseases; (ii) retirement, invalidity and death; (iii) maternity; and (iv) family allowances.

**Act 88-651 of 7th July 1988 relating the Protection of Public Health and the Environment against the effects of industrial, toxic, nuclear and toxic harmful substances, in its article 1:** prohibits, throughout the Ivorian territory, all acts relating to the purchase, sale, import,

### PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

transit, transport, deposit and storage of toxic and nuclear industrial waste and harmful substances

Articles 2 and 3 provide for penalties in the event of breach.

Cote d'Ivoire also has other applicable laws and regulations which include

- ☐ Act 99-477 of 2nd August 1999 relating to the Social Security Code, amended by Order 2012-03 of 11th January 2012
- ☐ Act 98-594 of 14th November 1998 relating to people with disabilities
- ☐ Act 98-593 of 10th November 1998 relating to health protection measures against ionizing radiation and on nuclear protection
- ☐ Act 96-669 of 29th August 1996 relating to the Ivorian Petroleum Code
- ☐ Act 96-766 of 3rd October 1996 relating to the Ivorian Environmental Code
- ☐ Act 95-553 of 18th July 1995 and Act 2014-138 of 14th March 2014 relating to the Mining Code
- ☐ Act 95-15 of 12th January 1995
- ☐ Act 88-651 of 7th July 1988 relating to the protection of public health and the environment against effects of industrial, toxic and nuclear waste

**Decree 96-206 of 7th March 1996 relating to the Hygiene, Health and Working Conditions Committee, the composition, powers and functions of the Hygiene, Safety and Working Conditions Committee.**

**Decree 98-38 of 28th January 1998 relating to occupational health measures**

**Decree 79-643 of 8th August, 1979, relating to the organization of national disaster management plan (ORSEC plan).**

- ☐ Interprofessional collective agreement of 19th July 1977 (Art. 28 et seq.)
- ☐ Decree 98-38 of 28th January 1998 relating to general occupational health measures
- ☐ Decree 98-40 of 28th January 1998 relating to the Technical Advisory Committee
- ☐ Decree 95-307 of 1st March 1995 relating benzene
- ☐ Decree 89-02 of 4th January 1989 relating to the approval, manufacturing, sale and use of pesticides

**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

	<ul style="list-style-type: none"> <li>☐ Decree 67-321 of 21st July 1967 relating to the codification of regulatory decisions t for the application of Title IV "Health and Safety - Medical Service"</li> <li>☐ Decree 67-265 of 2nd June 1967 relating women's work</li> <li>☐ Order 1715 of 20th February 2008 on the granting of approval to medical and paramedical staff of occupational health services</li> </ul>
3.6.2	<p><b><u>Act 99-477 of 2nd August 1999 relating to the Social Security Code</u></b> that defines the responsibilities and conditions for the application of medical care to workers in the context of the implementation of the occupational health and safety policy. Article 1 of the Act sets out the purpose of the public service of the Social Security system, which is to provide benefits to compensate for the financial consequences of certain risks or situations, in respect of (i) accidents at work and occupational diseases; (ii) retirement, disability and death; (iii) maternity; and (iv) family allowances.</p> <p><b><u>Decree 96-206 of 7th March 1996 relating to the Health, safety and Working Conditions Committee, its composition, powers and functions.</u></b></p>
<p>Criterion 3.7 : All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained.</p>	
3.7.1	<p><b><u>Act 2015-532 relating to the Ivorian Labour Code</u></b></p> <p><b>Article 13-23:-</b> A worker is entitled to continuous vocational training and professional development as required to carry out his/her job, with a view to social promotion and adaptation to economic and technological developments.</p> <p><b>Article 41-3:</b> every employer is required to organise health and safety training for newly hired employees, and those who change jobs or technical positions. The training must be updated in the event of changes in legislation or regulations.</p> <p><b><u>Act 99-477 of 2nd August 1999 relating to the Social Security Code</u></b> that defines the responsibilities and conditions for the application of medical care to workers in the context of the implementation of the occupational health and safety policy. Article 1 of the Act sets out the purpose of the public service of the Social Security system, which is to provide benefits to compensate for the financial consequences of certain risks or situations, in respect of (i) accidents at work and occupational diseases; (ii) retirement, disability and death; (iii) maternity; and (iv) family allowances</p> <p><b><u>Decree 96-285 of 3rd April 1996 relating to professional skills development</u></b></p>
3.7.2	<p><b><u>Decree 96-285 of 3rd April 1996 relating to professional skills development</u></b></p>

**PRINCIPLE 3. OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE**

	<p><b>Art.1 - With a view to social promotion and adaptation to economic and technological change, the worker is entitled to benefit from continuous vocational training and professional skills development.</b></p> <p><b>(...)</b></p> <p><b>Continuing vocational training and further training concern all workers, regardless of the types of contract they have with the employer.</b></p>
3.7.3	<p><b><u>Decree 96-285 of 3rd April 1996 relating to professional skills development</u></b></p> <p><b>Art.5 - The employer must by all means determine the training, further training or, where appropriate, professional retraining of its workers.</b></p> <p><b>To this end, the employer may request the intervention of the competent structures and training bodies.</b></p>



**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

Criterion 4.1 : The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders

Indicator	Local legal, normative and best practices context Context
4.1.1	<p>In Côte d'Ivoire, respect for human rights is enforced through laws like:</p> <p><u>Act 2016-886 of 8th November 2016 relating to the Constitution of the Republic of Côte d'Ivoire.</u></p> <p>TITLE I: RIGHTS, FREEDOMS AND DUTIES</p> <p><u>Act 2015-532 of 20th July 2015 relating to the Labour Code. :</u></p> <p>TITLE V: labour unions</p> <p>Chapter 1 to 4</p> <p>-DECREE 96-207 of 7th March 1996 relating to representatives of employees and trade unions</p> <p><u>Interprofessional Collective Agreement of 19th July 1977</u></p> <p>TITLE II: Exercise of the right to organise</p>
4.1.2	<p>The prohibition of the use of violence is enforced through the following laws:</p> <p><b><u>Act 2016-886 of 8th November 2016 relating the Constitution of the Republic of Côte d'Ivoire.</u></b></p> <p>TITLE I: RIGHTS, FREEDOMS AND DUTIES</p> <p><b><u>Act 98-756 of 23rd December 1998 amending and supplementing Act 81-640 of 31st July 1981 establishing the criminal code</u></b></p> <p><b><u>DECREE 96-207 of 7th March 1996 relating representatives of employees and labour unions</u></b></p>
<p>Criterion 4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p>	

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

4.2.1	<p><b><u>Act 2016-886 of 8th November 2016 the Constitution of the Republic of Côte d'Ivoire.</u></b></p> <p>TITLE I: RIGHTS, FREEDOMS AND DUTIES</p> <p><b><u>DECREE 96-207 of 7th March 1996 relating to representatives of employee and labour unions</u></b></p>
4.2.2	
4.2.3	
4.2.4	
<p>Criterion 4.3 : The unit of certification contributes to local sustainable development as agreed by local communities.</p>	
4.3.1	<p>Act 2014-390 of 20th June 2014 relating to sustainable development</p> <p>Titre III : General Principles</p>
<p>Criterion 4.4 : Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent.</p>	
4.4.1	<p>Act 98-750 of 23 December 1998 relating to rural land tenure, as amended by Acts 2004-412 of 14th August 2004 and 2013-655 of 13th September 2013</p> <p>Decree 99-593 of 13th October 1999 relating to the organisation and powers of Rural Land Management Committees</p> <p>Decree 2019-264 of 27th March 2019 relating to organization and powers of the Sub-Prefectural Rural Land Management Committees and the Village Rural Land Management Committees</p> <p>Decree 2019-266 of 27th March 2019 setting the terms and conditions for the implementation of the customary rural land tenure of Act No. 98-750 dated 23rd December 1998</p> <p>Decree 2019-265 of 27th March 2019 setting out the procedure for consolidating the rights of provisional land concessionaires of local land tenure</p> <p>Decree 2019-263 of 27th March 2019 defining the procedure for delimiting village territories</p> <p>Decree 99-594 of 13th October 1999 setting out the terms and conditions for the application of Act 98-750 of 23rd December 1998 relating to Customary Rural Land Tenure</p>

#### PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Decree 2017-145 of 1st March 2017 setting out the conditions for the establishment of industrial units outside industrial areas

Order 212 of 22nd July 2005 relating to the swearing of oath by Commissioners - Investigators of the Ministry of Agriculture;

Order 147/MINAGRA of 9th December 1999 relating to the official model of the application form for investigation leading to the establishment of a Land Certificate and specifying the competence of the sub-prefects

Decree 002/MINAGRA of 8th February 1999 relating to the official models of the Individual Land Certificate and the Collective Land Certificate

Order 85/MINAGRA/MEF of 15th June 2000 setting out the procedures for drawing up and presenting land property plans for the customary rural land tenure

Order 111/MINAGRA of 6th September 2000 defining the minutes of the census of customary rights and the annexed documents

Decree 112/MINAGRA of 6th September 2000 defining the form for the observation of a continuous and peaceful existence of customary rights on a property in the rural area

Decree 139/MINAGRA of 6th September 2000 defining the forms for the application of the registration of a rural property covered by a Land Certificate

Order 140/MINAGRA of 6th September 2000 defining the forms for the application of an emphyteutic lease on a rural property covered by a Land Certificate

Order 030/MINAGRA of 15th May 2001 defining the approval and validation forms for rural land surveys

Order 033/MINAGRA of 28th May 2001 defining the form for the final report on the closing of publicity about the Official Rural Land Surveys

Decree 041/MEMID/MINAG of 12th June 2001 relating to the establishment and functioning of Rural Land Management Committees

Decree 032/MINAGRA/MEF of 4th July 2002 establishing a remuneration structure for the rural landed property delimitation operations and setting out the procedures for its establishment

Order 033/MEF/MINAGRA of 4th July 2002 establishing the stamping scales for Land Certificates and registration fees for land properties

Decree 034 of 4th July, 2002 fixing the modalities of registration onto the approval list of the Technical Operators who can carry out the

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

	<p>operations of delimitation of the land properties under rural land tenure system</p> <p>Decree 55 of 11th July 2003 relating to the organization of the Rural Land Commission.</p> <p>Order 636/MIM/CAB of 28th December 2017 setting out the registration procedures for an industrial unit set up on a land outside industrial areas before the coming into force of Decree 145 of 1st March 2017</p> <p>Decree 637/MIM/CAB of 28th December 2017 establishing the list of activities for which industrial units may be set up</p>
4.4.2	<p>The recognition of customary land rights is provided for under the following laws and regulations:</p> <p>Decree 2019-266 of 27th March 2019 setting out the procedures for the application of Act 98-750 of 23rd December 1998 relating to rural customary land tenure defining the provisions for ensuring the delimitation of land from the land registry Article 6: The delimitation file shall include the documents set out below.</p> <p>6.1) A plan of the property showing the adjacent parcels. This plan is drawn up by the approved technical operator in accordance with the topographical mapping standards laid down by joint order from the Ministry of Agriculture and the Ministry of Land Registry.</p> <p>6.2) A report on the boundaries shall be prepared by the approved technical operator in accordance with a form defined by order from the Minister responsible for Agriculture.</p> <p>This report shall be signed by the parties present and by the authorised technical operator.</p> <p>The establishment of this report requires sufficient materialization, possibly temporary, in particular by layering, picketing or taping, of the boundaries on the ground, for the purpose of visual recognition by the parties present.</p>
4.4.3	<p>Decree 2019-266 of 27th March 2019 setting out the procedures for the application of Act 98-750 of 23rd December 1998</p> <p>Article 6 : The delimitation document shall contain the following information</p> <p>6.1.) A land plan of the property showing neighbouring plots of land. This plan is drawn up by an approved technical operator in accordance with the topographical mapping standards determined by a joint order from the Minister of Agriculture and the Minister for Land Registry.</p>

## PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

4.4.4	
4.4.5	
4.4.6	
<p>Criterion 4.5 : No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p>	
4.5.1	<p>Decree 2019-264 of 27th March 2019 relating to organization and powers of the Sub-Prefectural Rural Land Management Committees and the Village Rural Land Management Committees</p> <p>Decree 2019-266 of 27th March 2019 setting the terms and conditions for the implementation of the customary rural land tenure of Act No. 98-750 dated 23rd December 1998</p> <p>Decree 2019-265 of 27th March 2019 setting out the procedure for consolidating the rights of provisional land concessionaires of local land tenure</p> <p>Decree 2019-263 of 27th March 2019 defining the procedure for delimiting village territories</p> <p>In the event of overlap with other land uses, written evidence of agreements negotiated between the parties concerned must be available. Corresponding management measures agreed by the parties must be identified and put in place.</p>
4.5.2	
4.5.3	
4.5.4	<p>The formal recognition of customary rights and the modalities for consultation, participation and free, prior and informed consent (FPIC) processes in Côte d'Ivoire have occurred in several contexts as follows:</p> <p>In forest management for the identification of areas reserved for customary use during zonal planning required by the Forest Code and for the development of forest management plans</p> <p>During the conduct of environmental and social impact assessments which in Côte d'Ivoire, is done in accordance with <b>Act No. 96-766 of 3rd October 1996</b> relating to the Environment Code, in particular article 35-6 thereof: the principle of participation states that: "Everyone has the right to be informed of the state of the environment and to participate in procedures prior to decisions making likely to have adverse effects</p>

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

	<p>on the environment. »</p> <p><b><u>Decree No. 96-894 of 8th November 1996</u></b> sets out the rules and procedures applicable to Environmental Impact Assessment of development projects, defines the consultation procedures, in particular in point 10 of Annex IV. Public consultation is a mandatory step in public communication: (i) presentation of the project to the people concerned using simple, practical and affordable communication methods; (ii) organisation of public consultations: advance notice must be given by means of posters or other audiovisual means; (iii) reports of the consultation sessions must be signed, where appropriate, by the local authorities, the Minister of Environment, or their representatives.</p> <p><b>Article 16</b> states that: The project subject to the environmental impact assessment shall be the subject of a public inquiry. The environmental impact assessment is made public as part of this investigation and is part of the file.</p>
4.5.5	<p><b><u>Decree No. 96-894 of 8th November 1996 sets out the rules and procedures applicable to Environmental Impact Assessment of development projects</u></b></p> <p><b>Article 12:</b> The environmental impact assessment itself consists of 5 main activities: identification, analysis, evaluation, corrective measures, monitoring and control, which must be reflected in its content, the assessment must include at least the following elements:</p> <p><b>Article 16</b> states that: The project subject to the environmental impact assessment shall be the subject of a public inquiry. The environmental impact assessment is made public as part of this investigation and is part of the file.</p>
4.5.6	
4.5.7	
4.5.8	
<p>Criterion 4.6 : Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p>	
4.6.1	<p><b><u>Law No. 98-750 of December 23, 1998 relating to Rural Land amended by the law 2004-412 of August 14, 2004 and no 2013-655 of 13<sup>th</sup> September 2013;</u></b></p> <p><b><u>The 25th November 1930 Decree on expropriation in the public interest"</u>, and <u>Decree 2014-25 of 22nd January 2014 relating to the purging of customary rights over land in the public interest</u> specifying all that may be expropriated in the public interest stipulates that the Project Affected Persons (PAPs) has a legal or customary property right</b></p> <p><b><u>Decree 2013-224 of 22nd March 2013 purges customary rights for reasons of public interest specifying</u></b></p> <p>☐ under article 6 of the Decree, the purging of customary rights over land giving rise to compensation for holders of these rights,</p>

## PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

	<p>including compensation in cash or in kind.</p> <p>☐ Article 9 states that an administrative commission, set up for the operation, is responsible for identifying the lands concerned and their holders, and proposing compensation (based on the structure set out in Article 7) to the Ministry of Urban Planning and the Ministry of the Economy and Finance in accordance with the provisions of Article 4 of Decree 96-884 of 28th October 1996</p> <p><b><u>Decree No. 2019-265 of 27th March 2019 establishing the procedure for consolidating the rights of provisional land concessionaires under rural land tenure system</u></b>  <u>Decree n°2019-264 of 27th March 2019 relating to the organization and powers of the Sub-Prefectural Rural Land Management Committees and the Village Rural Land Management Committees ;</u>  <u>Decree 2019-263 of 27th March 2019 setting out the procedure for delimiting village territories;</u>  <u>Order 30 MINAGRA of 15th May 2001 defining the approval and validation forms for official rural land surveys.</u>  <u>Decree n°041 MEMID/MINAGRA of 12th June 2001 relating to the constitution and functions of Rural Land Management Committees;</u>  <u>Inter-ministerial Order 453 / MINADER / MIS / MIRAH / MEF / MCLU / MMG / MEER / MPEER / SEPMBPE of 1st August 2018 setting the compensation scale for destroyed or planned destruction of crops and other investments in rural areas and the killing of farm animals</u>  <u>Order 085-MINAGRA of 15th June 2000 Modalities for the preparation and presentation of land property plans in the customary rural land tenure</u></p>
4.6.2	<p><u>The Decree of 25th November 1930 relating to the expropriation in the interest of the public provides for the appearance of affected persons before the Administrative Commission on Expropriation (Art. 9) to reach an amicable settlement on compensation and, in the opposite case, the PAP may refer the matter to the Tribunal which shall establish the expropriation compensation on the basis of an expert opinion, Art. 12 to 16</u></p> <p><u>Decree 2013-224 of 22nd March 2013 relating to the purging of customary land rights for reasons of public interest</u></p> <p>☐ Article 7 sets out the compensation structure</p> <p><u>Decree 2014-25 of 22nd January 2014 purging customary land rights for reasons of public interest in</u></p> <p>☐ amendment to Articles 7, 8 and 11 of Decree 2013-224 of 22nd March 2013 above by specifying the maximum amounts of the purge for the loss of land use rights in the capitals of Districts, Regions, Prefectures or Sub-Prefectures.</p> <p>☐ Article 8 specifies that the costs of purging customary rights for any public utility project are determined by future texts.</p> <p><u>Decree 041 MEMID/MINAGRA of 12th June 2001 relating the constitution and functioning of Rural Land Management Committees;</u>  <u>Inter-ministerial Order 453 / MINADER / MIS / MIRAH / MEF / MCLU / MMG / MEER / MPEER / SEPMBPE of 1st August 2018 setting the compensation structure for the destruction or planned destruction of crops and other investments in rural areas and killing of farm animals</u></p>

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

	<u>Order 085-MINAGRA of 15th June 2000 relating to the modalities for the preparation and presentation of land property plans in the customary rural land tenure</u>
4.6.3	
4.6.4	Decree 95-815 of 29th September 1995 setting the rules for compensation  Inter-ministerial Order 453/MINADER/MIS/MIRA/MEF/MCLU/MMG/MEER/MPEER/SEPMBPE of 1st August 2018 setting the compensation structure for the destruction or planned destruction of crops and other investments in rural areas and the killing of farm animals
Criterion 4.7 : Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements	
4.7.1	Act 98-750 of 23rd December 1998 relating to rural land ownership, amended by Act 2004-412 of 14th August 2004 and Act 2013-655 of 13th September 2013  Decree 2019-264 of 27th March 2019 relating to the organization and powers of the Sub-Prefectural Rural Land Management Committees and the Village Rural Land Management Committees  Decree 2019-266 of 27th March 2019 setting the terms and conditions for the application of the customary rural land under law n°98-750 of 23rd December 1998  Decree n°2019-265 of 27th March 2019 setting the procedure for consolidating the rights of provisional land concessionaires of the rural land tenure  Decree 2019-263 of 27th March 2019 defining the procedure for delimiting village territories  Order n°212 of 22nd July 2005 relating to the oath swearing of submitting the Auditors and Investigators of the Ministry of Agriculture  Order n°147/MINAGRA of 9 December 1999 on the official model of the inquiry request form for the establishment of a Land Certificate and specifying the competence of the sub-prefects  Decree n°002/MINAGRA of 8h February 1999 relating to the official models of the Individual Land Certificate and the Collective Land Certificate  Order n°85/MINAGRA/MEF of 15th June 2000 setting out the procedures for drawing up and presenting land property plans for the customary rural land property



**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

	<p>Order 111/MINAGRA of 6th September 2000 defining the minutes of the census of customary rights and the annexed documents</p> <p>Decree 112/MINAGRA of 6th September 2000 defining the form for the observation of a continuous and peaceful existence of customary rights on a property in the rural area</p> <p>Decree 139/MINAGRA of 6th September 2000 defining the forms for the application of the registration of a rural property covered by a Land Certificate</p> <p>Order 140/MINAGRA of 6th September 2000 defining the forms for the application of an emphyteutic lease on a rural property covered by a Land Certificate</p> <p>Order 030/MINAGRA of 15th May 2001 defining the approval and validation forms for rural land surveys</p> <p>Order 033/MINAGRA of 28th May 2001 defining the form for the final report on the closing of publicity about the Official Rural Land Surveys</p> <p>Decree 041/MEMID/MINAG of 12th June 2001 relating to the establishment and functioning of Rural Land Management Committees</p> <p>Decree 032/MINAGRA/MEF of 4th July 2002 establishing a remuneration structure for the rural landed property delimitation operations and setting out the procedures for its establishment</p> <p>Decree 032/MINAGRA/MEF of 4th July 2002 establishing a remuneration structure for the rural landed property delimitation operations and setting out the procedures for its establishment</p> <p>Decree 034 of 4th July, 2002 fixing the modalities of registration onto the approval list of the Technical Operators who can carry out the operations of delimitation of the land properties under rural land tenure system</p> <p>Decree 55 of 11th July 2003 relating to the organization of the Rural Land Commission.</p>
4.7.2	<p>Decree 032/MINAGRA/MEF of 4th July 2002 establishing a remuneration structure for the rural landed property delimitation operations and setting out the procedures for its establishment</p> <p>Order 033/MEF/MINAGRA of 4th July 2002 establishing the stamping scales for Land Certificates and registration fees for land properties</p> <p>Decree 034 of 4th July, 2002 fixing the modalities of registration onto the approval list of the Technical Operators who can carry out the operations of delimitation of the land properties under rural land tenure system</p> <p>Inter-ministerial Order 453/MINADER/MIS/MIRA/MEF/MCLU/MMG/MEER/MPEER/SEPMBPE of 1st August 2018 setting the compensation structure for the destruction or planned destruction of crops and other investments in rural areas and the killing of farm animals</p>

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

4.7.3	
<p>Criterion 4.8 : The right to use the land is demonstrated and is not legitimately consted by local people who can demonstrate that they have legal customary, or user rights</p>	
4.8.1	<p><b><u>Act No. 2016-886 of 8th November 2016 relating to the constitution of the Republic of Côte d'Ivoire</u></b> which stipulates in its Article 11 that: The right to ownership is guaranteed to all citizens. No one shall be deprived of his property except in the public interest and under the condition of fair and prior compensation.</p> <p>The national land policy is governed by Act No. 98-750 of 23rd December 1998 relating to rural land tenure, amended <b><u>by Acts No. 2004-412 of 14th August 2004 and No. 2013-655 of 13th September 2013</u></b>. This law establishes the foundations of land policy in the rural land area, including:</p> <ul style="list-style-type: none"> <li>- the recognition of a customary rural land right and the validation of the existing management of the sector,</li> <li>- the involvement of village authorities and rural communities in the management of rural land, and particularly in the recognition of customary rights and their transformation into real rights.</li> </ul> <p><b>Article 1</b> of the Act states that rural land is made up of all developed and undeveloped lands, regardless of the nature of the development. It constitutes a national heritage to which any natural or legal person can have access to. The State, local authorities and natural persons may own it." According to the Law, the occupation and ownership of land under the national land ownership policy requires the holding of a title (the occupancy permit, the provisional Concession subject to the rights of third parties, the outright concession, the final concession which concerns land already registered with two modalities: the long lease (18 to 99 years), the concession in full ownership, the Land Certificate, the Land Title). However, the occupation and exploitation of undeveloped land for the purpose of providing housing and food for the occupant and his family shall not be subject to the possession of an administrative title. The customary rights of users are therefore recognized.</p> <p>In short, the Rural Land policy formalizes customary rights and transforms them into modern property rights while respecting customs and traditions. It also secures farms; thus, with it, (i) land has a market value, (ii) landowners can sign written and reliable rental contracts, (iii) young people and women have easier access to land and (iv )there is less conflicts and trust guarantees social cohesion.</p> <p><b><u>Article 2 of Act No. 2014-390 of 20th June 2014 relating to sustainable development</u></b>, defines the fundamental principles of the actions of sustainable development actors. It is intended to clarify: (i) sustainable development policy tools, (ii) integrating sustainable development into the activities of public and private actors, (iii) developing climate change policy tools, (iv) monitoring the economic, social and environmental impacts related to biosecurity, (v) define the sustainable development commitments of sustainable development actors, (vi) reconcile the protection and enhancement of the environment, economic development and social progress, (vii) create the conditions for the rational and sustainable use of natural resources for present and future generations, (viii) regulate the use of living modified organisms.</p> <p><b><u>Order 111/MINAGRA of 6th September 2000 defining the minutes of the census of customary rights and the annexed documents</u></b></p>

**PRINCIPLE 4. RESPECT FOR COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS**

4.8.2	
4.8.3	
4.8.4	

**PRINCIPLE 5. SUPPORT SMALLHOLDER INCLUSION**

Criterion 5.1 : The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses

Indicator	Local legal, normative and best practices context Context
5.1.1	<p><u>Pricing mechanism</u></p> <p><u>Order n°2013-662 of 30th September 2013 relating to competitiveness</u>  <u>Title V Information on prices and sales condition: Articles 25 and 26 and 28</u></p>
5.1.2	
5.1.3	
5.1.4	
5.1.5	<p><b><u>DECREE No. 96-287 of 3rd April 1996 relating to employment contract</u></b></p> <p>Art.1 - The employment contract shall be freely concluded. And subject to the provisions of the Labour Code, it shall be concluded in the manner that contracting parties deem fit to adopt. (...)</p> <p>Art.4 - The employment contract or the letter of employment shall be written in the French language. It must be signed by both the employer and the employee.</p> <p>If one of the parties cannot read or sign, the contract shall indicate that the person concerned has been able to obtain an explanation, where appropriate by means of evidence, of the content of the contract.</p> <p>Art.5 - As soon as it is concluded, the employer shall:</p> <ul style="list-style-type: none"> <li>▪ ensure that any contract or letter of employment is recorded in the employer's register provided for in Article 93.2 of the Labour Code;</li> </ul> <p><u>give a copy of the contract or letter of employment to the employee concerned.</u></p>
5.1.6	<p><u>Order n°2013-662 of 30th September 2013 relating to competitiveness</u>            Article 27</p> <p><u>Act n°2016-412 of 15th June 2016 relating to consumption</u></p> <p>Book 1 - Consumer information and contract formation / Chapter 2 - Information on delivery times</p>
5.1.7	<p><u>Act n°2016-412 of 15th June 2016 relating to consumption</u></p>

**PRINCIPLE 5. SUPPORT SMALLHOLDER INCLUSION**

	Book 1 - Consumer information and contract formation / Chapter 3 - Certification des products and services
5.1.8	
Criterion 5.2 : The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains	
5.2.1	
5.2.2	
5.2.3	
5.2.4	
5.2.5	

## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

Criterion 6.1 : Any form of discrimination is prohibited

Indicator	Local legal, normative and best practices context
6.1.1	<p><b><u>Act 2016-886 of 8th November 2016 the Constitution of the Republic of Côte d'Ivoire.</u></b></p> <p>TITLE I: RIGHTS, FREEDOMS AND DUTIES</p> <p><b><u>Law No. 2015-532 of 20 July 2015 relating to the Labor Code</u></b> .Art.2 - For the purposes of this Code, a worker or employee, regardless of his or her sex, race or nationality, is considered to be any natural person who has undertaken to perform his professional activity for remuneration under the direction and authority of 'Another natural or legal person, public or private, called an employer..</p> <p>In determining the quality of the worker, neither the legal status of the employer nor that of the employee shall be considered</p> <p><b>Artr.11.1.</b> – Employers can hire their workers directly. They may also use the services of the public employment agency and private employment offices or offices. Any vacancy in the workplace must be declared to the public employment agency, published in a national newspaper with wide circulation and possibly any other means of communication.</p> <p>If within one month of the first publication, no national has met the required profile, the employer is authorized to recruit any other candidate. Companies are required to declare their hires and dismissals to the public investment agency.</p> <p><b>Chapter 2</b> : Employment of people with disabilities</p> <p><b><u>Decree No. 2018-456 of 9th May 2018 relating to the employment of persons with disabilities in the private sector</u></b></p> <p><b><u>ORDER No. 4810 MEFPPS AGEPE of 21<sup>st</sup> April 1997 relating to the regulation of recruitment and expenses of the establishment of the visa form for the employment contract of non-Ivorian staff</u></b></p> <p>:Article 1: Prior to joining a company established in Côte d'Ivoire, any worker of another nationality must hold an employment contract or a letter of employment endorsed by the Minister of Employment on a form established for this purpose. The employment contract or the letter of employment must be obtained before the worker's admission on Ivorian territory. Within a maximum of three months from the date of his/her hiring, the non-Ivorian worker must request from the competent administrative services the issuance of a work permit established in their name. This work permit, renewable once a year, is required at all checkpoints operated by the competent administrative services.</p>

## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

6.1.2	<p><b><u>DECREE 96-287 of 3rd April 1996 relating to employment contracts</u></b></p> <p>Art.1 - The employment contract shall be freely concluded. And subject to the provisions of the Labour Code, it shall be concluded in the manner that contracting parties deem fit to adopt. (...)</p> <p>Art. 2: The employment contract must include the following information:</p> <ol style="list-style-type: none"><li>9. the date and place of establishment of the contract;</li><li>10. the surname, forenames, profession and home address of the employer;</li><li>11. the surname, forenames, sex, date and place of birth, parent's name, domicile and nationality of the employee, his occupation or profession;</li><li>12. the nature and duration of the contract;</li><li>13. the worker's classification in the professional hierarchy, his salary and salary supplements;</li><li>14. the job(s) that the employee will be required to handle in the company or its affiliate establishments in Côte d'Ivoire;</li><li>15. Reference to the regulatory texts or collective agreements that govern</li><li>16. all employer-employee relations</li><li>17. Possibly, the specific clauses agreed between the parties</li></ol> <p>Art.4 - The employment contract or the letter of employment shall be written in the French language. It must be signed by both the employer and the employee.</p> <p>If one of the parties cannot read or sign, the contract shall indicate that the person concerned has been able to obtain an explanation, where appropriate by means of evidence, of the content of the contract.</p> <p>Art.5 - As soon as it is concluded, the employer shall:</p> <ul style="list-style-type: none"><li>▪ ensure that any contract or letter of employment is recorded in the employer's register provided for in Article 93.2 of the Labour Code;</li><li>▪ give a copy of the contract or letter of employment to the employee concerned.</li></ul>
6.1.3	
6.1.4	

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

6.1.5	
6.1.6	<p>Act No. 2015-532 of 20 July 2015 relating to the Labour Code</p> <p>TITLE III : SALARY</p> <p>FIRST CHAPTER : Determination of salary</p> <p>Art. 31.2. – Under the conditions laid down in this Title, every employer shall be bound to ensure, for the same work or work of equal value, equal remuneration between employees, irrespective of sex, age, national extraction , Race, religion, public and religious opinion, social origin, membership or non-membership of a trade union</p>
<p>Criterion 6.2 : Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).</p>	
6.2.1	<ul style="list-style-type: none"> <li>- Law 2010-272 of 30 September 2010 prohibiting trafficking and the worst forms of child labour in Cote d'Ivoire;</li> <li>- Law 99-477 of 2 August 1999 on the social welfare code amended by Ordinance 201203 of 11 January 2012.</li> <li>- Law 2015-532 of 20 July 2015 on the Labour Code;</li> <li>- Decree 67-265 of 2 June 1967, in its Title 3 relating to hazardous work for women and pregnant women; Decree 67-321 of 21 July 1967 codifying the regulatory provisions adopted to implement Title 4 on occupational health and safety;</li> <li>- Decree 2017-210 of 30 March 2017 relating to severance pay, retirement allowance and funeral contributions</li> <li>- Decree 2017-486 of 26 July 2017 raising the amount of family allowances paid by the CNPS (National Social Insurance Fund</li>   <li>- Decree No. 2018-272 of 7th March 2018 relating to work prohibited for women and pregnant women</li> <li>- Decree No. 2013-791 of 20th November 2013 relating the increment of the guaranteed national minimum daily wage, in short SMIG</li> <li>- DECREE No. 98-41 of 28th January 1998 relating to Collective Labour Agreements</li> <li>- DECREE No. 98-39 of 28th January 1998 relating paid leave system under the Labour Code</li> <li>- DECREE No. 98-38 of 28th January 1998 relating to General Occupational Health Measures</li> <li>- DECREE 96-192 of 7th March 1996 relating to the conditions for the withdrawal of acquired benefits</li> <li>- DECREE 96-193 of 7th March 1996 relating to paid employment placement agencies</li> <li>- DECREE 96-194 of 7th March 1996 relating temporary employment</li> </ul>



## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

	<p>DECREE 96-196 of 7th March 1996 relating to the conditions for providing a financial guarantee or surety</p> <ul style="list-style-type: none"> <li>- DECREE 96-197 of 7th March 1996 relating to Rules of Procedure</li> <li>- DECREE 96-198 of 7th March 1996 on the conditions for the termination of an employment contract on grounds of ill-health of the employee</li> <li>- DECREE 96-200 of 7th March 1996 relating to duration of prior notice for termination of an employment contract</li> <li>- DECREE 96-201 of 7th March 1996 relating to severance package</li> <li>- DECREE 96-202 of 7th March 1996 relating to part-time work</li> <li>- DECREE 96-203 of 7th March 1996 relating to working hours</li> <li>- DECREE 96-204 of 7th March 1996 relating to night shift</li> <li>- DECREE 96-205 of 7th March 1996 determining the list and regime governing public holidays</li> <li>- DECREE 96-206 of 7th March 1996 relating to the Committee on Health, Safety and Working Conditions</li> <li>- DECREE 96-207 of 7th March 1996 relating to staff representatives and trades union representatives</li> <li>- DECREE 96-208 of 7th March 1996 relating to conciliation proceedings regarding collective labour dispute</li> <li>- DECREE 96-209 of 7th March 1996 relating to employers obligations</li> <li>- DECREE 96-285 of 3rd April 1996 relating to in-service training</li> <li>- DECREE 96-287 of 3rd April 1996 relating to employment contracts</li> <li>- DECREE 93-221 of 13th February 1993 establishing a public industrial and commercial entity called the Agency for the Study and Promotion of Employment (AGEPE) and determining its powers, organization and functions</li> <li>- ORDER No. 4810 MEFPPS AGEPE of 21st April 1997 relating to the regulation of recruitment and expenses of the establishment of the visa form for the employment contract of non-Ivorian staff</li> <li>- Decree 009 MEMEASS/CAB of 14th March 2005 determining the list and type of hazardous work prohibited for children under 18 years of age.</li> <li>- DECISION MTCIC.BAC. of 3rd January 1978 Extending the provisions of the Interprofessional Collective Agreement of the Republic of Côte d'Ivoire of 19th July 1977</li> </ul>
6.2.2	<p><b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b></p> <p>TITLE I : EMPLOYMENT / <b>CHAPTER 4: <i>Establishment of an employment contract</i></b></p>

## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

### DECREE 96-287 of 3rd April 1996 relating to employment contracts

Art.1 - The employment contract shall be freely concluded. And subject to the provisions of the Labour Code, it shall be concluded in the manner that contracting parties deem fit to adopt. (...)

Art. 2: The employment contract must include the following information:

1. the date and place of establishment of the contract;
2. the surname, forenames, profession and home address of the employer;
3. the surname, forenames, sex, date and place of birth, parent's name, domicile and nationality of the employee, his occupation or profession;
4. the nature and duration of the contract;
5. the worker's classification in the professional hierarchy, his salary and salary supplements;
6. the job(s) that the employee will be required to handle in the company or its affiliate establishments in Côte d'Ivoire;
7. Reference to the regulatory texts or collective agreements that govern
8. all employer-employee relations
9. Possibly, the specific clauses agreed between the parties

Art.4 - The employment contract or the letter of employment shall be written in the French language. It must be signed by both the employer and the employee.

If one of the parties cannot read or sign, the contract shall indicate that the person concerned has been able to obtain an explanation, where appropriate by means of evidence, of the content of the contract.

Art.5 - As soon as it is concluded, the employer shall:

- ensure that any contract or letter of employment is recorded in the employer's register provided for in Article 93.2 of the Labour Code;
- give a copy of the contract or letter of employment to the employee concerned.

6.2.3

6.2.4

6.2.5

### Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	CHAPTER : Social Welfare SECTION 1 :AUDITORS
6.2.6	<b><u>Act 2016-886 of 8 November 2016 on the Constitution of the Republic of Côte d'Ivoire</u></b> Article 15:- Every citizen has the right to decent working conditions and fair pay to equal pay. No one may be deprived of their wages, by reason of taxation, beyond a quota whose level is determined by law
6.2.7	
Criterion 6.3 : The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel	
6.3.1	<b><u>Act No. 2016-886 of 8th November 2016 relating to the constitution of the Republic of Côte d'Ivoire</u></b> states that" (...) The right to form associations, political parties or movements, trade unions, companies, social interest institutions and religious communities is guaranteed to all under the conditions laid down by law (...)" . And Chapter 4 of the Labour Code (Law no. 2015-532 of 20th July 2015) regarding the employment of foreign workers (Art. 104): "The recruitment of foreign workers must be subject to a prior employment authorization issued by the Minister of Labour, and must be the subject of an employment contract authorized by the relevant departments in the Ministry of Labour. TITLE VI: REPRESENTATION OF WORKERS IN THE COMPANY - FIRST CHAPTER: Staff representatives and Chapter 2 trade union representatives whose dismissal must be submitted to the labour inspector for his opinion (Art. 61-8). Act No. 2014-390 of 20th June 2014 relating to sustainable development provides for the possibility of creating "agricultural and para-agricultural organisations in the form of associations, cooperative groups, economic interest groups, trade unions, professional organisations for production, processing, marketing, distribution or any other activity" (Art. 26) Decree No. 96-207 of 7th March 1996 relating to representatives of employees and trade union, specifies the rights of trade unions and associations. Companies with more than 10 employees must have employee representatives (Art. 1), who are elected for a term of 2 years (Art. 6),
6.3.2	
6.3.3	
Criterion 6.4 : Children are not employed or exploited	
6.4.1	<b><u>Act 2016-886 of 8th November 2016 the Constitution of the Republic of Côte d'Ivoire.</u></b> Article 16: Child labor is prohibited and punishable by law. It is prohibited to employ a child in an activity that puts them in danger or affects

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	<p>their health, their growth, as well as their physical and mental balance.</p> <p>Article 32: The State is committed to guaranteeing the specific needs of vulnerable persons. It takes the necessary measures to prevent the vulnerability of children, women, mothers, the elderly and persons with disabilities. It is committed to guaranteeing the access of vulnerable persons to healthcare services, education, employment, culture, sports and leisureisirs.</p> <p><b><u>Act 2015-512 relating to the Ivorian Labour Code;</u></b></p> <p>CHAPTER 3</p> <p>Work for Children and women, maternity protection and raising of child</p> <p>Art. 23.1.- The nature of work prohibited to women, pregnant women and children is determined under conditions set by decree.</p> <p>Art. 23.2 - Children shall not be employed in any company before the age of 16 and apprentices before the age of 14, unless otherwise provided by regulation.</p>
6.4.2	
6.4.3	<p><b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b></p> <p><b>Art. 23.13</b> – The Labor Inspector and Social Laws may require examination of women and children under the age of 18 by an occupational physician to verify that the work for which they are responsible does not exceed their strength. Such requisition shall be deemed to have been made at the request of the persons concerned.</p> <p>A woman or child under the age of 18 years cannot be kept in employment so recognized beyond his or her strength and must be assigned to suitable employment. If this is not possible, the contract must be terminated with payment of the notice and dismissal allowances, if applicable.</p>
6.4.4	
<p>Criterion 6.5 : There is no harassment or abuse in the workplace, and reproductive rights are protected.</p>	
6.5.1	<p><b><u>Law No. 2016-886 of 8th November 2016 relating to the constitution of the Republic of Côte d'Ivoire</u></b></p> <p>Article 14. - Everyone has the right to choose their profession or employment freely.</p> <p>Everyone has equal access to public or private employment, according to qualities and skills. It is prohibited to discriminate in respect of</p>

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	<p>access to employment or in the exercise thereof, on the basis of sex, ethnicity or political, religious or philosophical opinions.</p> <p><b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b></p> <p>. Art.5 - No employee, no person in training or training can be punished or dismissed for refusing to be subjected to moral or sexual harassment by an employer, his representative or any person abusing his authority Give orders, uttered threats, imposed coercion or exerted pressure of any kind on this employee.</p> <p>No employee, trainee or trainee may be sanctioned or dismissed for having testified to the acts defined in the preceding paragraph or for the related assets.</p>
6.5.2	<p><b><u>Act 2016-886 relating to the Constitution of the Republic of Côte d'Ivoire</u></b></p> <p>Article 35. - The State and public communities ensure the promotion, development and protection of women. They take the necessary measures to eliminate all forms of violence against women and girls.</p> <p><b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b></p> <p>CI!APITER 3 : Work for Children and women, maternity protection and raising of child</p>
6.5.3	
6.5.4	<p><b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b></p> <p>Title VIII : Labour Disputes</p>
Critère 6.6 : No forms of forced or trafficked labour are used..	
6.6.1	<p><b><u>Collective agreement (III Termination of employment contract)</u></b> and <b><u>Act 2015-532 of 20th July 2015 relating to the Ivorian Labour Code;</u></b> (CHAPTER 8 : Termination of employment contract)</p> <p>Temporary workers Temporary workers" are workers hired on a daily or weekly basis as defined by the Labour Code. Every type of employment shall be subjected to a written contract, which is explained to the worker in French as well as in his or her mother tongue Particularly in CHAPTER 4 : Conclusion of the employment contract in its Articles : Art.14.1. – The contract of employment is an agreement of will by which a natural person undertakes to place his professional activity under the direction and authority of another natural person or a legal person, for remuneration.</p>

## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

Art.14.2. – The contract of employment shall have been entered into freely and, subject to the provisions of this Code, shall be established in such form as the Contracting Parties may adopt.

When written, the contract is free from stamp duties and registration.

Art.14.3. – The contract of employment may be concluded for an indefinite period or for a fixed period, according to the rules defined in chapter 5 of this title.

Art.14.4. – The existence of the contract of employment proves all means

Foreign labour force

In reference to applicable on foreign labour. A foreign worker must have a written contract that will be explained to him/her in French or in his/her mother tongue.

In Côte d'Ivoire, the regulations governing working conditions are defined by the following texts:

**Act 2016-886 relating to the Constitution of the Republic of Côte d'Ivoire:** in its **Article 5** stipulates that : Slavery, human trafficking, forced labor, physical or moral torture, inhumane, cruel, degrading and humiliating treatment, physical violence, female genital mutilation as well as all other forms of degradation of a human being are prohibited.

This same provision is taken up by **Ivorian Labour Code (Act 2015-532 of 20th July 2015 relating to the)** particularly in its Article 3 In its Article 16. It stipulates that : Child labour is prohibited and punishable by law. It is prohibited to employ the child in an activity that endangers him or her or affects his or her health, growth, physical and mental balance.

**Act n°2015-532 of 20 July 2015 relating to the Labour Code** stipulates in its Chapter 4, (Art.11-1): « Employers can hire their workers directly. They may also use the services of the public employment agency and private employment offices or offices. Any vacancy in the workplace must be declared to the public employment agency, published in a national newspaper with wide circulation and possibly any other means of communication.

If within one month of the first publication, no national has met the required profile, the employer is authorized to recruit any other candidate. Companies are required to declare their hires and dismissals to the public employment placement agency

**ORDER No. 4810 MEFPPS AGEPE of 21 April 1997** to regulate the recruitment and expenses of the establishment of the visa form for the employment contract of non-Ivorian staff spells out in: Article 1: Prior to joining a company established in Côte d'Ivoire, any worker of another nationality must hold a contract of employment or a letter of employment endorsed by the Minister of Employment on a form established for this purpose. The employment contract or the letter of employment must be obtained before the worker's admission on Ivorian territory.

Within a maximum of three months from the date of his/her hiring, the non-Ivorian worker must request from the competent administrative services the issue of a work permit established on their behalf. This work permit, renewable once a year, is required at all checkpoints operated by the competent administrative services.

**Article 23.2 stipulates that: children shall not be employed in any company before the age of 16 and apprentices before the age of 14, unless otherwise provided for by regulation, (...) the employer shall keep a register of all persons under 18 employed in his company, each**

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	<b>of whom shall indicate their date of birth.</b>
6.6.2	
Critère 6.7 : L The unit of certification ensures that the working environment under its control is safe and without undue risk to health	
6.7.1	<p>Occupational health and safety are covered under the 2016 Ivorian Constitution, (Law No. 2016-886 of 8<sup>th</sup> November 2016 (art 9 and 15) it stipulate that every individual has the right to medical care and decent working conditions.</p> <p><b>Law n°2015-532 relating to the Labour Code</b> in its title IV defines the health and safety conditions to be respected when carrying out activities</p> <p><b>Article 41.2</b> stipulates that: To protect the life and health of employees, the employer is required to take all appropriate measures suitable to the conditions in which the business is operated. In particular, the employer shall adapt the facilities and regulate the work process in such a way as to protect the employees from accidents and illness as much as possible</p> <p><b>Article 41.3</b> stipulates that: Every employer is required to organize health and safety training for newly hired employees, and for those who change jobs or technical positions. The training shall be updated in the event of changes in legislation or regulations,</p> <p><b>Article 41.7</b> stipulates that: "The employer or its representative shall organize continuous monitoring of compliance with the health and safety rules. Employees shall comply with any instructions given to them, use health and safety devices correctly and refrain from removing or modifying them without the employer's authorization.</p> <p><b>Article 42.1</b> stipulates that: An Occupational Health and Safety Committee shall be set up in any establishment or business employing more than fifty employees.</p> <p><b>Article 43.1</b> stipulates that: Every employer shall provide an occupational health service for its employees. The occupational health service exists in two forms:</p> <ul style="list-style-type: none"> <li>☐ the autonomous medical service;</li> <li>☐ the inter-company medical service.</li> </ul> <p><b>Article 44.1</b> stipulates that a welfare unit shall be created in any company with more than 500 employees, for the benefit of the workers it employs</p> <p><b>Law 99-477 of 2 August 1999 on the Social Security Code</b> defines the responsibilities and conditions for medical care of workers as part of the implementation of the occupational health and safety policy. Its article1 sets out the purpose of the public service of Social Welfare,</p>

**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	<p>which is to provide benefits to compensate for the financial consequences of certain risks or situations, in terms of (i) accidents at work and occupational diseases; (ii) retirement, invalidity and death; (iii) maternity; and (iv) family allowances.</p> <p>.</p> <p><b><u>Decree 96-206 of 7 March 1996 on the Health and Working Conditions Committee sets the composition, duties and functioning of the health, safety and working conditions committee</u></b></p> <p><b><u>Decree 98-38 of 28 January 1998 on occupational hygiene measures</u></b></p>
6.7.2	<p><b><u>Act 2015-532 establishing the Labour Code,</u></b></p> <p>Art. 92. 4 – the employer is obliged to declare to the social welfare institution in charge of the scheme, the labor inspector and the social laws of the jurisdiction and the judicial police officer, as the case may be, within a period Forty-eight hours, any industrial accident or occupational disease found in the undertaking or establishment.</p> <p>The Law 99-477 of 2 August 1999 on the Social Security Code defines the responsibilities and conditions for medical care of workers as part of the implementation of the occupational health and safety policy. Its article1 sets out the purpose of the public service of Social Welfare, which is to provide benefits to compensate for the financial consequences of certain risks or situations, in terms of (i) accidents at work and occupational diseases; (ii) retirement, invalidity and death; (iii) maternity; and (iv) family allowances</p> <p>The Law 88-651 of 7 July 1988 on the Protection of Public Health and the Environment against the effects of industrial, toxic, nuclear and toxic harmful substances, in its article 1, prohibits throughout the territory all acts relating to the purchase, sale, import, transit, transport, deposit and storage of toxic and nuclear industrial waste and harmful substances.</p> <p>Articles 2 and 3 provide for penalties in the event of breach</p> <p>Standard environmental requirements applicable to classified facilities (Annex to the Authorisation Order) CHAPTER TWO: ADMINISTRATIVE PROVISIONS APPLICABLE TO THE WHOLE ESTABLISHMENT. Item 2- Reporting of accidents or incidents: Any accident or incident likely, by its direct consequences or foreseeable development, to affect the interests referred to in Article 1 of</p> <p>Decree No 98-43 of 28th January 1998 shall be reported immediately to the classified installations inspectorate, specifying the likely effects on persons and the environment.</p> <p>The operator then determines the measures envisaged to prevent its repetition based on an analysis of the causes and circumstances of the</p>



**PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS**

	accident, and the instructions in a document sent within 15 days to the facility inspectorate
6.7.3	<p><b><u>Decree 98-38 of 28th January 1998 on occupational health measures</u></b></p> <p><b>ARTICLE 7</b></p> <p>Measures will be taken by the heads of institutions to ensure that workers have potable water for drinking, with a minimum of six litres per worker per day.</p> <p>If this water does not come from public distribution that guarantees it is potable, the labour medical inspector or the Labour and Social Law Inspector of the jurisdiction may give notice to the employer to have the water tested at his own expense.</p> <p><b>ARTICLE 8</b></p> <p>Heads of institutions shall make available wash basins and changing rooms to their staff. Wash basins should be installed in special rooms isolated from the working areas, but placed in their proximity. The provision changing rooms shall be subjected to the same requirements in establishments employing at least ten workers.</p> <p>The floor and walls of these special rooms shall be made of waterproof materials. They must be well ventilated, illuminated, kept constantly clean and cleaned at least once a day. The floor shall be covered with tiles or granito, as well as the walls, to a height of at least two metres.</p> <p>In institutions with mixed staff, there shall be separate facilities for male and female staff.</p> <p>obligations of heads of institutions providing changing rooms for their staff only exists when all or part of their staff are required to change their clothing before performing their work. The changing rooms shall be equipped with individual lockers, lockable or with padlocks. These cabinets, whose doors will be perforated at the top and bottom, must be at least 1.90m high (excluding feet) and must have a shelf for hairdressing. They shall be equipped with a hanger rod and a sufficient number of hangers. The walls must not have any roughness. Work clothes that are wet or soiled with dirty or smelly substances must be stored in a cloakroom in a normal way, the cloakroom's cabinets must have a compartment reserved for these clothes and equipped with two hooks. Identical cabinets shall be made available to personnel who handle powdery, explosive or flammable substances. The cabinets will be thoroughly cleaned at least once a week. The sinks shall have running water, with a tap or orifice for ten people. Soap and towels shall be made available to workers.</p> <p><b><u>DECREE No. 96-206 of 7th March 1996 relating to the Committee on Health, Safety and Working Conditions</u></b></p> <p><b><u>ARTICLE 2</u></b></p>

## PRINCIPLE 6. RESPECT WORKERS' RIGHTS AND CONDITIONS

	<p>The mandate of the Health, Safety and Working Conditions Committee is to:</p> <ul style="list-style-type: none"><li>- contribute to the protection of the health and safety of all workers in the company and to the improvement of their working conditions;</li><li>- carry out an analysis of the occupational risks to which workers may be exposed to, as well as an analysis of working conditions;</li><li>- carry out or participate in inspections of the company in the performance of its mandate, with a view to ensuring the implementation of legislative and regulatory requirements and instructions concerning (...) protective facilities, apparatus and equipment</li><li>- encourage any initiative relating to the promotion of occupational risk prevention, in particular on the safest working methods and procedures, the choice and adaptation of the equipment, apparatus and tools necessary for the work carried out, the layout of workstations and working hours;</li></ul>
6.7.4	<p><b><u>Act No. 99-477 of 2nd August 1999 relating to the Social Security Code</u></b></p> <p><b><u>Decree 67 of 21st July 1967, Title III: Terms and conditions regarding the employer's obligation to provide a medical or health service to its workers</u></b></p> <p>Chapter I: Scope of application</p> <p>Chapter II: Powers of the company Doctor</p> <p>Chapter III: Responsibilities of the company nurse</p> <p>Chapter IV: Medical and health personnel</p> <p>Chapter V: Control measures</p> <p>Chapter VI: Classification of companies with regard to the minimum resources required for medical and health personnel</p> <p>Chapter VII: Minimum requirements for health facilities and equipment imposed on institutions</p>
6.7.5	

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criterion 7.1 : Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM)

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

techniques	
<b>Indicator</b>	<b>Local legal, normative and best practices context</b>
7.1.1	<p>In terms of legislative, phytosanitary protection in Cote d'Ivoire is governed by <b>Decree 89-02 of 4th January 1989 approving the manufacturing</b>, sale and use of pesticides in Cote d'Ivoire as well as <b>Decree 159/MINAGRA of 21st June 2004</b> relating to the prohibition of 67 active ingredients used in the manufacturing of plant protection products applied in agriculture.</p> <p>The Pests and pesticide Management Plan document (PGPP), the Support Project to the Agriculture Sector in Cote d'Ivoire (PSAC), October 2012, Page 55; outlines a national pesticide management plan based on risk assessment and the definition of mitigation measures. The plan targets both smallholders and businesses.</p> <p>The proposed modalities for pesticide use under the PGPP are pest and parasite control through better agro-ecosystem analysis. The Phytosanitary Index (oil palm) lists all phytosanitary products approved by the Government of Cote d'Ivoire, as well as ratified national and international laws that deal with the handling of phytosanitary products</p>
7.1.2	Act 64-490 of 21st December 1964 relating to plant protection (see article 2)
7.1.3	
Criterion 7.2 : . Pesticides are used in ways that do not endanger health of workers, families, communities or the environmen	
7.2.1	<p>Cote d'Ivoire relatively has a strong legislation in the area of chemical management, particularly in pesticide management. This includes but not limited to:</p> <p>The Ivorian Constitution of 2016 in its Article 27;</p> <p>Law 98 755 of 23rd December 1998 relating to Water Code, which aims to protect water against all forms of pollution</p> <p>Law 98 651 of 7th July 1998 on the protection of public health and the environment against the effects of industrial, toxic and nuclear waste and harmful substances</p> <p>Act 96-766 of 3rd October 1996 relating to the Environmental Code;</p> <p>Act 2014-138 of 24th March 2014 relating to the Mining Code</p> <ul style="list-style-type: none"> <li>Act No. 81-640 of 31st July 1981, relating to criminal code and its Articles 328, 429, 433 and 434 defining pollution by the chemicals products and hazardous waste;</li> </ul>

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

	<ul style="list-style-type: none"> <li>• Act No. 2015-532 of 20th July 2015 on the Labour Code, which concerns the chemical safety of workers in factories;</li> <li>• Decree 90-1170 of 10th October 1990 amending Decree 61-381 of 1st December 1961 that set out the operating procedures for the control and packaging of agricultural products for export;</li> <li>• Decree 89-02 of 4th January 1989 relating the approval for the manufacturing, sale and use of pesticides in Côte d'Ivoire;</li> <li>• Decree 97 - 678 of 3rd December 1997 relating to the protection of the marine and lagoon environment against pollution;</li> <li>• Decree 67-321 of 21st July 1967, which concerns the chemical safety of workers in factories in application of the Labour Code.</li> <li>• Order 159/MINAGRA of 21st June 2004 prohibiting 67 active ingredients used in the manufacturing of plant protection products used in agriculture;</li> </ul>
7.2.2	<p><b><u>Decree 89-02 of 4th January 1989 relating to the approval for the manufacturing, sale and use of pesticides in Côte d'Ivoire</u></b></p> <p><b><u>Inter-ministerial Decree 509/MINAGRI/MEMIS of 11th November 2014</u></b> governing the control of pesticides, sanitary and phytosanitary inspection and control and the quality of plants, products of plant origin, agricultural products and any other material likely to carry harmful organisms for crops, human and animal health at the entry points of to the national territory.</p> <p><b><u>Circular 1751/MPMBPE/DGD of 18th January 2016 relating to the import of active substances, pesticides and plant protection products</u></b></p>
7.2.3	<b><u>Decree 89-02 of 4th January 1989 relating to the approval for the manufacturing, sale and use of pesticides in Côte d'Ivoire</u></b>
7.2.4	
7.2.5	Regulation 04/2009/CM/UEMOA of 29th March 2009 relating to the harmonization of rules governing the marketing and control of pesticides within WAEMO region
7.2.6	Regulation 04/2009/CM/UEMOA of 29th March 2009 relating to the harmonization of rules governing the marketing and control of pesticides within WAEMO region (see article 29)
7.2.7	
7.2.8	<p>Law 96-766 of 3 October 1996 relating to the Environment Code. -</p> <p>Decree 89-02 of 04 January 1989 approving the manufacture, sale and use of pesticides in Cote d'Ivoire(see Article 17)</p>
7.2.9	

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

7.2.10	Act 2015-532 of 20th July 2015 relating to the Labour Code, which concerns chemical safety of workers in factories;
7.2.11	Act 2015-532 of 20 July 2015 relating to the Labour Code that sets out the minimum working age
Criterion 7.3 : Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner	
7.3.1	<p>Waste management is regulated through Act 96-766 relating to the Environmental Code in its articles:</p> <p><b>Article 27:</b> The burial of non-toxic waste in the ground and subsoil can only be carried out after authorisation and subject to compliance with the technical requirements and special rules defined by decree.</p> <p><b>Article 28:</b> Waste disposal must comply with applicable standards and be designed in such a way as to facilitate its recycle. To this end, the structures concerned are required to:</p> <ul style="list-style-type: none"> <li>- Develop and disseminate knowledge of appropriate techniques;</li> <li>- Conclude contracts organizing the reuse of waste;</li> <li>- Regulate manufacturing methods</li> </ul> <p>Many legal dispositions for the protection of the environment have been taken by several decrees. These include, among others: --<b>Decree No. 98-42 of 28th January 1998 relating to the organization of an emergency plan</b> to combat pollution from all sources or threats of pollution that could lead to massive or dangerous spills at sea, in lagoon waters and on the coast, of products or substances likely to cause major damage in the aquatic environment and coastal areas;</p> <ul style="list-style-type: none"> <li>▪ Act 98-755 of 23rd December 1998 relating to the Water Code;</li> <li>• Act 2002-102 of 11th February 2002 relating to the establishment, management and financing of national parks and nature reserves</li> <li>• Decree 96-894 of 8th November 1996 determining the rules and procedures applicable to environmental impact assessments;</li> <li>• Decree 2005-03 of 6th January 2005 relating to environmental auditing</li> <li>• Decree 2012-1047 of 24th October 2012 setting the modalities for implementing the polluter-pays principle as defined by the Act 96-766 of 3rd October 1996 relating to the Environment Code</li> <li>• Decree 2012-988 of 10th October 2012 relating to the creation, powers, organisation and functioning of the Risk Reduction and Disaster Management Platform;</li> <li>• Decree 2012-1049 of 24th October 2012 relating to the establishment, organization and operation of the National Commission on the Reduction of Greenhouse Gas Emissions attributable to Deforestation and Forest Degradation</li> </ul>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<ul style="list-style-type: none"> <li>• Decree No. 2013-22 of 9th January 2013 on the modalities of authorizing officials and agents of national parks and natural reserves and water and forests as judicial police officers;</li> <li>• Decree 2013-41 of 30 January 2013 on Strategic Environmental Assessment of Policies, Plans and Programs;</li> <li>• Decree 2013-327 of 22nd May 2013 prohibiting the production, importation, marketing, possession and use of plastic bags.</li> </ul>
7.3.2	<p>STANDARD ENVIRONMENTAL REQUIREMENTS APPLICABLE TO FACILITIES CLASSIFIED FOR ENVIRONMENTAL PROTECTION (Annex to the Authorisation Order)</p> <p>CHAPTER SEVEN : TECHNICAL PROVISIONS RELATING TO RISK PREVENTION :</p> <p>5- Staff training:</p> <p>The person in charge of the establishment shall ensure there is training on safety and on the constitution for his staff, if necessary, of intervention teams.</p> <p>Special training shall be provided for personnel assigned to the operation or supervision of installations who , in the event of a fire outbreak, could well endanger the safety of persons or the environment (e. g. handling flammable liquids or toxic products).</p>
7.3.3	<p>STANDARD ENVIRONMENTAL REQUIREMENTS APPLICABLE TO FACILITIES CLASSIFIED FOR ENVIRONMENTAL PROTECTION (Annex to the Authorisation Order)</p> <p>CHAPTER THREE : TECHNICAL PROVISIONS RELATING TO AIR POLLUTION</p> <p>3.2. Open burning</p> <p>Open burning is strictly prohibited</p>
<p>Criterion 7.4 : Practices main soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.</p>	
7.4.1	<p>National regulations on environmental assessments and management are governed by the <b>Act 2016-886 of November 8, 2016</b> establishing the <b>Ivorian Constitution</b>, in its <b>Articles 27 and 40</b>, which recommend that all organizations gets an environmental policy that integrates environmental protection, the right to a healthy environment and the fight against pollution.</p> <p><b>The Framework Law 96-766 of 3rd October 1996 establishing the Environment Code</b>, in its Articles 20, 25 and 35, requires any developer of environmental development activity to identify potential risks and to take measures to control or substitute high risk tasks with less</p>

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

dangerous ones. All measures taken must contribute to the preservation of biodiversity and natural resources and take into account the opinions of the people in order to contribute to decision-making on the preservation of the environment.

**The Decree 96-894 of 8th November 1996 determining the rules and procedures applicable to environmental impact assessments of development projects**, in its Articles 2, 12, 16 and 17, identifies the characteristics of studies to be carried out for each type of project, taking into account the environmental impacts, the content of the impact study, the need for holding public consultation so as to take into account the stakeholders' contribution and measures for their validation by the environmental and social impact study office, which is the national authority responsible for validating environmental impact assessment of any development project.

**Decree 98-43 of 28th January 1998 relating to Facilities Classified for Environmental Protection (ICPE)**, defines activities that require authorization and/or declaration.

**Decree 2005-03 of 6th January 2005, relating to Environmental Audit**, which defines in its Article 2, the conditions for periodically assessing the impact that all or part of the activities, operating procedures or the existence of an organization or structure is likely, directly or indirectly, to have on the environment;

It should be noted that, in accordance with Decree 96-894 of 8th November 1996 determining the rules and procedures applicable to environmental impact assessments of development projects, these are subject to:

- environmental impact assessment (Projects referred to in Article 2, paragraph 1)
  - 1 Agriculture:
    - a) Rural land consolidation project; DRAFT
    - b) Clearing and projects for the allocation of uncultivated land or semi-natural areas to intensive farming in an area greater than 999 ha.
  - evidence of environmental impact (Projects referred to in Article 5)
  - 2 Forest management:
    - (a) Reforestation operations covering an area between 100 ha and 999 ha
    - (b) Clearing and plans for the use of uncultivated land or semi-natural areas with intensive agricultural use covering an area of between 100 ha and 999 ha
- Article 98-755 of 23 December 1998 relating to the Water Code** which seeks to ensure there is protection of water against all forms of pollution;
- Act 98 651 of 7th July 1998 relating to the protection of public health and the environment against the effects of industrial, toxic and**

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<p><b>nuclear waste and harmful substances;</b></p> <p>Decree 97 - 678 of 3rd December 1997 relating to the protection of the marine and lagoon environment against pollution; The Environment Code of 3rd October 1996;</p> <p><b>Law 96,553 of 18 July 1996 on the Mining Code</b>, which, among other things, provides for rational use of chemicals, particularly mercury; Decree 90-1170 of 10th October 1990 amending the Decree 61-381 of 1st December 1961, laying down the procedures for control and packaging of agricultural products for export;</p> <p><b>Decree 89-02 of 4th January 1989 approving the manufacture, sale and use of pesticides in Cote d'Ivoire;</b> The Labour Code, which covers the chemical safety of workers in factories</p> <p><u><b>Decree 67-321 of 21 July 1967</b></u>, relating to the chemical safety of workers in factories</p> <p>ORDER 01164/MINEF/MINEF/CIAPOL/SDIIC of 4th November 2008 relating to the regulation of the Releases and Emissions from Facilities Classified for Environmental Protection,</p> <p>STANDARD ENVIRONMENTAL REQUIREMENTS APPLICABLE TO FACILITIES CLASSIFIED FOR ENVIRONMENTAL PROTECTION (Annex to the Authorisation Order)</p> <p>CHAPTER SIX : TECHNICAL PROVISIONS RELATING TO INDUSTRIAL WASTE MANAGEMENT</p> <p>1 – Definition and rules</p> <p>2 - Storage and transportation:</p> <p>3- Disposal :</p> <p>4- Controls</p>
7.4.2	
7.4.3	STANDARD ENVIRONMENTAL REQUIREMENTS APPLICABLE TO FACILITIES CLASSIFIED FOR ENVIRONMENTAL PROTECTION (Annex to the Authorisation Order)



**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<p><b>Article six:</b> Discharge of waste effluents or sludge is prohibited (4):</p> <ul style="list-style-type: none"> <li>- less than 50 metres from any house or premises occupied by third parties, approved camp grounds or stadiums: this distance shall be increased to 100 metres should there be an odorous wastewater:</li> <li>- less than 50 metres from points of the collection of water intended for consumption by human communities or individuals and, beyond, under the conditions laid down in the law authorising water collection;</li> <li>- less than 35 metres from the banks of water bodies;</li> <li>- Apart from lands usually cultivated and grasslands or forests under use;</li> <li>- in areas with steep slopes;</li> <li>- during heavy rains;</li> <li>- less than 500 meters from aquatic sites;</li> <li>- by air-spraying using fine mist generating devices, where the effluents are likely to contain pathogenic micro-organisms;</li> </ul> <p>(5)A discharge record shall be made available to the inspectorate of classified facilities. It shall contain the following information:</p> <ul style="list-style-type: none"> <li>- Discharge dates;</li> <li>- Volumes of effluent or sludge discharged and the analytical series to which they relate;</li> <li>- dumping areas;</li> <li>- Nature of crops.</li> </ul> <p>An Agronomic monitoring and a complete assessment of the amount of effluent or sludge, fertilizers and, where applicable, heavy metals spread per plot or group of plots, shall be made annually.</p>
7.4.4	
Critère 7.5 :. No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly	
7.5.1	Soil and subsoil are covered by the Environmental Code, especially the Act 96-766 of 3rd October 1996 relating to the Environment Code. Its Articles 10,11 and 12 provide as follows:

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<p>(i) <b>Article 10:</b> The soil and subsoil are natural resources to be preserved from all forms of degradation and of which the sustainable use must be promoted.</p> <p>The soil and subsoil must be used in a way that respects the collective interests attached to their preservation. As such, right of ownership must be exercised without adversely affecting the general interest. Property documents must establish the rights and obligations of the holder with regard to soil protection.</p> <p>(ii) <b>Article 11:</b> Soils must be allocated for uses consistent with their properties. The use of space for non-reversible purposes shall be limited as rationally as possible.</p> <p>(iii) <b>Article 12:</b> Any project of development and use of land for agricultural, industrial or urban purposes, any project of exploration or exploitation of raw materials in the subsoil are subject to prior authorisation under the conditions laid down by decree. (Act 07/2014 of 1<sup>st</sup> August 2014 relating environmental protection and the preservation and use of natural resources - Chapter 4, Article 2). This law requires that: - Land users (including for agricultural purposes) must carry out any work necessary to the prevention of soil erosion, floods and landslides where appropriate.</p> <p>Article 3 of Act 98-755 of 23rd December 1998 on the Water Code stresses the following provisions</p> <ul style="list-style-type: none"> <li>▪ Physical or legal persons, whether public or private, carrying out an activity related to water resources;</li> <li>▪ hydraulic structures and facilities;</li> <li>▪ classified facilities in accordance with applicable laws and regulations;</li> <li>▪ unclassified facilities, works and activities carried out for domestic or other purposes, by any physical or legal person, whether public or private and resulting in the use of surface water or groundwater, whether it is returned or not, or in changes to spills, discharges, or direct or indirect, chronic or episodic, and even non-polluting discharges or deposits..</li> </ul> <p>Article 12 stipulates that: the use of water from public water bodies and the construction of hydraulic structures or facilities shall be subject, as the case may be, to prior authorization or declaration.</p>
7.5.2	In Côte d'Ivoire, the land chosen for oil palm cultivation is flat land with a slight slope of less than or equal to 15 ° (36.4%).

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

However, oil palm developments are allowed in areas with steeper slopes than this limit. Thus, the slopes between 9 and 25 degrees on which plantations are established must be arranged so as to ensure the conservation of the soil, that is to say should normally be on the terrace. Other measures for soil conservation, such as the establishment of platforms, should be installed where necessary depending on the fragility of the soils considered.

Fragile soils are defined as peat-type soils, mangrove sites and other wetlands.

- Steep slopes that should be avoided are those of 25 degrees or more. Soil conservation measures (terraces, platforms, cover crops, etc.) must be applied to land having steep downward slopes between 9 and 25 degrees.

The suitability of the soil must be determined using crops and environmental criteria. Those identified as marginal and/or problematic should be avoided if the soil cannot be improved through farm management inputs.

- Problematic and marginal soils may include sandy soils, soils with low organic matter content and soils rich in potential or actual sulphate. The suitability of these soils is also influenced by other factors, including precipitation, terrain and management practices. These areas can only be developed for new plantings provided that appropriate best management practices are in place. Otherwise, extensive planting should be avoided on these soils.
- Fragile soils, on which the extension of oil palm plantations should be avoided, include peaty soils, mangrove sites and other wetlands.
- In any planted area with an area greater than 25 ha and containing a steep area (25°), the area planted on this steep area must not exceed 1% of the total area of the new plantation.
- Limited planting on steep terrain: individual steep areas of less than 25 ha each and must not exceed 1% of the total area of the new plantation.

Extension of plantations on fragile soils: The total area of plantations on fragile soils in a new development must not exceed 100 ha. Assuming that small producers have fewer options, for projects of 50 ha or less, the fragile soil should not exceed 20% of the total area.

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

7.5.3

In Côte d'Ivoire, the land chosen for oil palm cultivation is flat land with a slight slope of less than or equal to 15 ° (36.4%). However, oil palm developments are allowed in areas with steeper slopes than this limit. Thus, the slopes between 9 and 25 degrees on which plantations are established must be arranged so as to ensure the conservation of the soil, that is to say should normally be on the terrace. Other measures for soil conservation, such as the establishment of platforms, should be installed where necessary depending on the fragility of the soils considered.

Fragile soils are defined as peat-type soils, mangrove sites and other wetlands

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- Fragile soils, on which the extension of oil palm plantations should be avoided, include peaty soils, mangrove sites and other wetlands.
- In any planted area with an area greater than 25 ha and containing a steep area (25°), the area planted on this steep area must not exceed 1% of the total area of the new plantation.
- Limited planting on steep terrain: individual steep areas of less than 25 ha each and must not exceed 1% of the total area of the new plantation.

Extension of plantations on fragile soils: The total area of plantations on fragile soils in a new development must not exceed 100 ha. Assuming that small producers have fewer options, for projects of 50 ha or less, the fragile soil should not exceed 20% of the total area.

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criterion 7.6 : Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.

7.6.1	<p>Soil and subsoil are covered by the Environmental Code, especially the Act 96-766 of 3rd October 1996 relating to the Environment Code. Its Articles 10,11 and 12 provide as follows:</p> <p>(iv) <b>Article 10:</b> The soil and subsoil are natural resources to be preserved from all forms of degradation and of which the sustainable use must be promoted.</p> <p>The soil and subsoil must be used in a way that respects the collective interests attached to their preservation. As such, right of ownership must be exercised without adversely affecting the general interest. Property documents must establish the rights and obligations of the holder with regard to soil protection.</p> <p>(v) <b>Article 11:</b> Soils must be allocated for uses consistent with their properties. The use of space for non-reversible purposes shall be limited as rationally as possible.</p> <p>(vi) <b>Article 12:</b> Any project of development and use of land for agricultural, industrial or urban purposes, any project of exploration or exploitation of raw materials in the subsoil are subject to prior authorisation under the conditions laid down by decree. (Act 07/2014 of 1<sup>st</sup> August 2014 relating environmental protection and the preservation and use of natural resources - Chapter 4, Article 2). This law requires that: - Land users (including for agricultural purposes) must carry out any work necessary to the prevention of soil erosion, floods and landslides where appropriate.</p> <p>Article 3 of Act 98-755 of 23rd December 1998 on the Water Code stresses the following provisions</p> <ul style="list-style-type: none"><li>▪ Physical or legal persons, whether public or private, carrying out an activity related to water resources;</li><li>▪ hydraulic structures and facilities;</li><li>▪ classified facilities in accordance with applicable laws and regulations;</li><li>▪ unclassified facilities, works and activities carried out for domestic or other purposes, by any physical or legal person, whether public or private and resulting in the use of surface water or groundwater, whether it is returned or not, or in changes to spills, discharges, or direct or indirect, chronic or episodic, and even non-polluting discharges or deposits..</li></ul> <p>Article 12 stipulates that: the use of water from public water bodies and the construction of hydraulic structures or facilities shall be subject,</p>
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**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	as the case may be, to prior authorization or declaration.
7.6.2	<p>In Côte d'Ivoire, the land chosen for oil palm cultivation is flat land with a slight slope of less than or equal to 15 ° (36.4%). However, oil palm developments are allowed in areas with steeper slopes than this limit. Thus, the slopes between 9 and 25 degrees on which plantations are established must be arranged so as to ensure the conservation of the soil, that is to say should normally be on the terrace. Other measures for soil conservation, such as the establishment of platforms, should be installed where necessary depending on the fragility of the soils considered.</p> <p>Fragile soils are defined as peat-type soils, mangrove sites and other wetlands.</p> <ul style="list-style-type: none"> <li>▪ Steep slopes that should be avoided are those of 25 degrees or more. Soil conservation measures (terraces, platforms, cover crops, etc.) must be applied to land having steep downward slopes between 9 and 25 degrees.</li> </ul> <p>The suitability of the soil must be determined using crops and environmental criteria. Those identified as marginal and/or problematic should be avoided if the soil cannot be improved through farm management inputs.</p> <ul style="list-style-type: none"> <li>▪ Problematic and marginal soils may include sandy soils, soils with low organic matter content and soils rich in potential or actual sulphate. The suitability of these soils is also influenced by other factors, including precipitation, terrain and management practices. These areas can only be developed for new plantings provided that appropriate best management practices are in place. Otherwise, extensive planting should be avoided on these soils.</li> <li>▪ Fragile soils, on which the extension of oil palm plantations should be avoided, include peaty soils, mangrove sites and other wetlands.</li> <li>▪ In any planted area with an area greater than 25 ha and containing a steep area (25°), the area planted on this steep area must not exceed 1% of the total area of the new plantation.</li> <li>▪ Limited planting on steep terrain: individual steep areas of less than 25 ha each and must not exceed 1% of the total area of the new plantation.</li> </ul> <p>Extension of plantations on fragile soils: The total area of plantations on fragile soils in a new development must not exceed 100 ha. Assuming that small producers have fewer options, for projects of 50 ha or less, the fragile soil should not exceed 20% of the</p>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	total area.
7.6.3	
Criterion 7.7 : No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly.	
7.7.1	<p>Soil and subsoil are covered by the Environmental Code, especially the <b>Act 96-766 of 3rd October 1996 relating to the Environment Code</b>. Its Articles 10,11 and 12 provide as follows:</p> <p>(vii) <b>Article 10:</b> The soil and subsoil are natural resources to be preserved from all forms of degradation and of which the sustainable use must be promoted.</p> <p>The soil and subsoil must be used in a way that respects the collective interests attached to their preservation. As such, right of ownership must be exercised without adversely affecting the general interest. Property documents must establish the rights and obligations of the holder with regard to soil protection.</p> <p>(viii) <b>Article 11:</b> Soils must be allocated for uses consistent with their properties. The use of space for non-reversible purposes shall be limited as rationally as possible.</p> <p>(ix) <b>Article 12:</b> Any project of development and use of land for agricultural, industrial or urban purposes, any project of exploration or exploitation of raw materials in the subsoil are subject to prior authorisation under the conditions laid down by decree. (<b>Act 07/2014 of 1<sup>st</sup> August 2014 relating environmental protection and the preservation and use of natural resources</b> - Chapter 4, Article 2). This law requires that: - Land users (including for agricultural purposes) must carry out any work necessary to the prevention of soil erosion, floods and landslides where appropriate.</p> <p><b>Article 3 of Act 98-755 of 23rd December 1998 on the Water Code</b> stresses the following provisions</p> <ul style="list-style-type: none"> <li>▪ Physical or legal persons, whether public or private, carrying out an activity related to water resources;</li> <li>▪ hydraulic structures and facilities;</li> <li>▪ classified facilities in accordance with applicable laws and regulations;</li> <li>▪ unclassified facilities, works and activities carried out for domestic or other purposes, by any physical or legal person, whether public or private and resulting in the use of surface water or groundwater, whether it is returned</li> </ul>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<p>or not, or in changes to spills, discharges, or direct or indirect, chronic or episodic, and even non-polluting discharges or deposits..</p> <p>Article 12 stipulates that: the use of water from public water bodies and the construction of hydraulic structures or facilities shall be subject, as the case may be, to prior authorization or declaration.</p>
7.7.2	
7.7.3	
7.7.4	
7.7.5	
7.7.6	
7.7.7	
Critère 7.8 : Practices maintain the quality and availability of surface and groundwater	
7.8.1	<p><b>Act 96-766 of 3 October 1996 relating to the Environment Code stipulates that:</b></p> <p><b>Article 13:</b> Points of collection of water intended for human consumption shall be surrounded by a protection perimeter as set out under Article 51 herein.</p> <p>Any activity likely to adversely affect water quality is prohibited or may be regulated within the protection perimeters.</p> <p><b>Article 14:</b> Water management can be contracted out by way of concession. The concession holder shall be responsible for the quality of the water distributed in accordance with the standards in force.</p> <p><b>Article 15:</b> Occupants of a catchment basin and/or water users may form associations for the protection of the environment.</p> <p><b>Article 25:</b> Wastewater discharged shall be of such quality as to enable the receiving environments to meet the objectives assigned to them. Discharge of wastewater into the public sewerage system shall not affect the conservation of the structures or the management of such systems.</p> <p><b>Article 51:</b> Protection perimeters shall be established for the conservation or restoration of the following areas:</p> <ul style="list-style-type: none"> <li>- Ecosystems; - Forests, woodlands, protected species and areas;</li> <li>- Monuments, sites and landscapes;</li> <li>- Hydrologic and water quality systems;</li> </ul>



## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

- Coastal areas.

Act 98-755 of 23 December 1998 relating to the Water Code stipulates in its articles:

**Article 8:** Water resources shall be used under conditions determined by the laws and regulations in force and the provisions of this Law establishing the Water Code, subject to the respect of rights previously acquired on the public hydrologic domain as defined in Article 11 herein concerning the rights of third parties

**Article 12:** Water collection from the public hydrologic domain and development of hydrologic structures or facilities shall be subject, as the case may be, to authorisation or prior declaration.

**Article 17:** The right to use water from hydrologic facilities and structures and the operation of such facilities and structures shall be subject to the obligation not to infringe the rights of local residents and to return the water in such a way that it can be reused.

**Article 45:** Water wastage is forbidden. The authority may, by way of regulation, determine the conditions to be imposed on private individuals, public and private networks and facilities, so as to avoid such wastage.

**Article 49:** Any discharge of wastewater into the receiving environment shall comply with the standards in force

**ORDER 01164/MINEF/MINEF/CIAPOL/SDIIC of 4th November 2008 regulating to Releases and Emissions from Facilities Classified for Environmental Protection**, especially in its Criteria 2.1 and 5.6, defining the threshold values for effluent release into the receiving environment:

**ARTICLE 4:** subject to specific provisions governing some activities, particularly:

- petroleum product refineries
- slaughterhouse-type animals
- processing of animal by-products in slaughterhouses
- tanneries
- breweries

Waste water discharged into the natural environment shall comply with the following concentration limit values, according to the maximum allowable daily flows:

- **1°. Flow rate:** The authorizing order sets the maximum daily flow rate of discharges based on the flow rate of the receiving water body.

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

- **2°. Hydrogen potential (pH):** The pH of the effluent discharged must be between 5.5 and 8.5 or 5.5 - 9.5 in the case of chemical treatment..

**3°. Temperature:** It must be less than or equal to 40°C.

**4°. Suspended solids (SS):** With regard to suspended solids and organic matter, the decree sets two levels of purification:

☐ **Level A:** 80 % reduction on BOD5 and SS; 75 % reduction on COD, nitrogen and phosphorus substances;

☐ **Level B:** it is based on flow rates. 150 mg/l if the allowed maximum daily flow rate does not exceed 15 kg/d; above 15 kg/d, the permitted concentration is 50 mg/l.

**5°. Biological Oxygen Demand (BOD5):** Biological Oxygen Demand (BOD5) for an unsettled effluent is 150 mg/l if the allowed maximum daily flow rate does not exceed 50 kg/d, the permitted concentration is 100 mg/l.

**6°. Chemical Oxygen Demand (COD):** Chemical Oxygen Demand (COD) for an unsettled effluent is 500 mg/l if the allowed maximum daily flow rate does not exceed 150 kg/d, the permitted concentration is 300 mg/l. However, different concentration or flux limit values, as described below, may be set by the authorizing order for specific cases, including where the receiving environment’s self-cleaning capacity is inadequate

**7°. Nitrogen:** Nitrogen (comprising of organic nitrogen, ammonia nitrogen and oxidized nitrogen): 50 mg/l of monthly average concentration where the allowable maximum daily flow rate is equal to or greater than 100 kg/d.

**8°. Phosphorus (total phosphorus):**

15 mg/l of monthly average concentration where the allowed maximum daily flow rate is equal to or greater than 30 kg/d.

However, different concentration limit values may be set in the authorizing order for specific cases, including when taking into account the characteristics of the receiving environment (highly polluted or intended for specific uses).

**9°. Oils and Fats:** 30mg/l of monthly average concentration if the allowed maximum daily flow rate does not exceed 5kg/d; above 5kg/d the permitted concentration is 10mg/l.

**10°. Other substances:** with regard to other substances must comply with the following concentration limit values:

N°	PARAMETER	CONCENTRATION
1	Phenols	0.3 mg/l if release exceeds 3 g/d
2	Hexavalent Chromium	0.1 mg/l if release exceeds 1 g/d
3	Cyanide	0.1 mg/l if release exceeds 1 g/d

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

4	Lead (Pb)	0.5 mg/l if release exceeds 5 g/d
5	Copper (Cu)	0.5 mg/l if release exceeds 5 g/d
6	Chrome (Cr)	0.5 mg/l if release exceeds 5 g/d
7	Nickel (Nickel (Ni)	0.5 mg/l if release exceeds 5 g/d
8	Zinc (Zn)	2 mg/l if release exceeds 20 g/d
9	Manganese (Mn)	1 mg/l if discharge exceeds 10 g/d
10	Tin (Sn)	2 mg/l if release exceeds 20 g/d
11	Iron, aluminium and compounds (Fe+Al)	5 mg/l if release exceeds 20 g/d
12	Total Hydrocarbons	10 mg/l if release exceeds 100 g/d
13	Fluorine and compounds (F)	15 mg/l if release exceeds 150 g/d
14	<p>Toxic, bio-accumulative or environmentally harmful substance (taken at exit of workshop i.e. at the final discharge, in flow and cumulative concentrations</p> <ul style="list-style-type: none"> <li>▪ Substances listed in Annex I.a</li> <li>▪ Substances listed in Annex I. b</li> <li>▪ Substances listed in Annex I. c. 1</li> <li>▪ Substances listed in Annex I. c. 2</li> </ul>	<p>0.05 mg/l if the release exceeds 0.5g/d;                      1.5 mg/l if the release exceeds 1g/d                      4 mg/l if the release exceeds 10g/d The authorizing decision sets the discharge limit values if the discharge exceeds 10 g/d.</p>

For substances not covered herein, European Community standards are used as reference limit values for discharges

**Article six:** Discharge of waste effluents or sludge is prohibited (4):

- less than 50 metres from any house or premises occupied by third parties, approved camp grounds or stadiums: this distance shall be increased to 100 metres should there be an odorous wastewater:
- less than 50 metres from points of the collection of water intended for consumption by human communities or individuals and, beyond, under the conditions laid down in the law authorising water collection;
- less than 35 metres from the banks of water bodies;
- Apart from lands usually cultivated and grasslands or forests under use;
- in areas with steep slopes;
- during heavy rains;

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<ul style="list-style-type: none"> <li>- less than 500 meters from aquatic sites;</li> <li>- by air-spraying using fine mist generating devices, where the effluents are likely to contain pathogenic micro-organisms;</li> </ul> <p>(5)A discharge record shall be made available to the inspectorate of classified facilities. It shall contain the following information:</p> <ul style="list-style-type: none"> <li>- Discharge dates;</li> <li>- Volumes of effluent or sludge discharged and the analytical series to which they relate;</li> <li>- dumping areas;</li> <li>- Nature of crops.</li> </ul> <p>An Agronomic monitoring and a complete assessment of the amount of effluent or sludge, fertilizers and, where applicable, heavy metals spread per plot or group of plots, shall be made annually.</p>														
7.8.2	<p>All permanent watercourses, wetlands and water bodies must have buffer zones of natural local vegetation.</p> <p>All other permanent natural water bodies must have a buffer zone of 100 m on each side.</p> <table border="1" data-bbox="356 874 1169 1109"> <thead> <tr> <th>Stream width (in m)</th> <th>Width of buffer zone (m)</th> </tr> </thead> <tbody> <tr> <td>1 – 5</td> <td>5</td> </tr> <tr> <td>5 – 10</td> <td>10</td> </tr> <tr> <td>10 – 20</td> <td>20</td> </tr> <tr> <td>20 – 40</td> <td>40</td> </tr> <tr> <td>40 – 50</td> <td>50</td> </tr> <tr> <td>&gt;50</td> <td>100</td> </tr> </tbody> </table> <p>(source RSPO P&amp;C November 2013 annex 2)</p>	Stream width (in m)	Width of buffer zone (m)	1 – 5	5	5 – 10	10	10 – 20	20	20 – 40	40	40 – 50	50	>50	100
Stream width (in m)	Width of buffer zone (m)														
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## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

environment:

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**ARTICLE 4:** subject to specific provisions governing some activities, particularly:

- petroleum product refineries
- slaughterhouse-type animals
- processing of animal by-products in slaughterhouses
- tanneries
- breweries

Waste water discharged into the natural environment shall comply with the following concentration limit values, according to the maximum allowable daily flows:

- **1°. Flow rate:** The authorizing order sets the maximum daily flow rate of discharges based on the flow rate of the receiving water body.
- **2°. Hydrogen potential (pH):** The pH of the effluent discharged must be between 5.5 and 8.5 or 5.5 - 9.5 in the case of chemical treatment..
- **3°. Temperature:** It must be less than or equal to 40°C.
- **4°. Suspended solids (SS):** With regard to suspended solids and organic matter, the decree sets two levels of purification:
  - ☐ **Level A:** 80 % reduction on BOD5 and SS; 75 % reduction on COD, nitrogen and phosphorus substances;
  - ☐ **Level B:** it is based on flow rates. 150 mg/l if the allowed maximum daily flow rate does not exceed 15 kg/d; above 15 kg/d, the permitted concentration is 50 mg/l.
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**7°. Nitrogen: Nitrogen** (comprising of organic nitrogen, ammonia nitrogen and oxidized nitrogen): 50 mg/l of monthly average concentration

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

where the allowable maximum daily flow rate is equal to or greater than 100 kg/d.

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15 mg/l of monthly average concentration where the allowed maximum daily flow rate is equal to or greater than 30 kg/d.

However, different concentration limit values may be set in the authorizing order for specific cases, including when taking into account the characteristics of the receiving environment (highly polluted or intended for specific uses).

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11	Iron, aluminium and compounds (Fe+Al)	5 mg/l if release exceeds 20 g/d
12	Total Hydrocarbons	10 mg/l if release exceeds 100 g/d
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14	Toxic, bio-accumulative or environmentally harmful substance (taken at exit of workshop i.e. at the final discharge, in flow and cumulative concentrations  <ul style="list-style-type: none"> <li>▪ Substances listed in Annex I.a</li> <li>▪ Substances listed in Annex I. b</li> <li>▪ Substances listed in Annex I. c. 1</li> <li>▪ Substances listed in Annex I. c. 2</li> </ul>	0.05 mg/l if the release exceeds 0.5g/d; 1.5 mg/l if the release exceeds 1g/d 4 mg/l if the release exceeds 10g/d The authorizing decision sets the discharge limit values if the discharge exceeds 10 g/d.

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	For substances not covered herein, European Community standards are used as reference limit values for discharges
7.8.4	
Criterion 7.9 : Efficiency of fossil fuel use and the use renewal energy is optimised.	
7.9.1	
Criterion 7.10 : Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emission	
7.10.1	<ul style="list-style-type: none"> <li>- Law 88-651 of 7th July 1988 relating to the protection of public health and the environment against effects of toxic and nuclear industrial waste and harmful substances;</li> <li>- Law 96-766 of 3rd October 1996 relating to the Environment Code;</li> <li>- Law 98-755 of 23rd December 1998 relating to the Ivorian Water Code;</li> <li>- Law 95-553 of 17th July 1995 relating to the Ivorian Mining Code</li> <li>- Law 2005-521 of 27th October 2005 entitling the President of the Republic to authorize the State of Cote d'Ivoire to accede to the Kyoto Protocol relating to the United Nations Framework Convention on Climate Change, adopted on 11th December 1997 in Kyoto.</li> </ul> <p>At the regulatory level, key implementing regulations include:</p> <ul style="list-style-type: none"> <li>- Decree 66-422 of 15th September 1966 establishing the procedures and classification of forests zones;</li> <li>- Law 70-489 of 3rd August 1970 on the Petroleum Code (amended on 31 May 1996)</li> <li>- Decree 93-31 of 24th January 1973, establishing the National Environment Commission;</li> </ul>
7.10.2	
7.10.3	<b><u>Decree 2012-1049 of 24 October 2012 on the establishment, organization and operation of the National Commission on the Reduction of Greenhouse Gas Emissions from Deforestation and Forest Degradation;</u></b>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<p><b><u>Decree 2017-125 of 22 February 2017 on air quality</u></b></p> <p><b>Chapter 1 : General Provisions</b></p> <p><b>Chapitre 2 : Maximum limit values for ambient air quality parameters</b></p> <p><b>Art5.</b> Subject to the general provisions specific to certain activities, the gaseous effluents from classified installations must comply with the following limit values according to the maximum authorised hourly flow</p>
Criterion 7.11 : Fire is not used for preparing land and is prevented in the managed area.	
7.11.1	
7.11.2	
7.11.3	<p>Decree 2012-988 of 10th October 2012 on the creation, powers, organisation and functioning of the Risk Reduction and Disaster Management Platform Decree 98-43 of 28th January 1998 on facilities classified for environmental protection</p> <p><b>STANDARD ENVIRONMENTAL REQUIREMENTS APPLICABLE TO FACILITIES CLASSIFIED FOR ENVIRONMENTAL PROTECTION (Annex to the Authorisation Order)</b></p> <p>CHAPTER THREE : TECHNICAL PROVISIONS RELATING TO AIR POLLUTION</p> <p>3.2. Open burning</p> <p>Open burning is strictly prohibited</p>
Criterion 7.12 : Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced.	
7.12.1	<p>- Law 65-255 of 4th August 1965 relating to the protection of wildlife and hunting practices;</p> <p>Law 65-425 of 20<sup>th</sup> December 1965 relating to the Forestry Code, as amended by Law 66-37 of 7th March 1966 relating to the Financial Management Act 1966, Article 14 of the Fiscal Annex; Act 2014-427 of 14th July 2014 relating to the Ivorian Forest Code</p>



## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

	<ul style="list-style-type: none"> <li>- Law 88-651 of 7th July 1988 on the protection of public health and the environment against the effects of toxic and nuclear industrial waste and harmful substances;</li> <li>- Law 96-766 of 3rd October 1996 relating to the Environment Code;</li> <li>- Law. 98-388 of 2nd July 1998 setting out the general rules on national public establishments and establishing categories of public establishments and repealing the Law 80-1070 of 13<sup>th</sup> September 1980;</li> <li>- Law 98-755 of 23rd December 1998 relating to the Ivorian Water Code;</li> <li>- Law 2005-553 of 17th July 1995 relating to the Ivorian Mining Code</li> <li>- Law 2002-102 of 11th February 2002 relating to the creation, management and financing of national parks and nature reserves;</li> <li>- Law 2005-521 of 27th October 2005 entitling the President of the Republic to authorize the State of Cote d'Ivoire to accede to the Kyoto Protocol relating to the United Nations Framework Convention on Climate Change, adopted on 11 December 1997 in Kyoto.</li> </ul> <p>At the regulatory level, key implementing regulations include: Decree 60-365 of 2 November 1960 establishing the Nation Committee for Nature Protection; Decree 66-422 of 15 September 1966 establishing the State-owned forest development corporation named Société pour le Développement des plantations forestières (SODEFOR); This corporation later became a public company with an industrial and commercial status; then Decree 93-206 of 3rd February 1993 restored its status of state-owned corporation named Société de Développement des Forêts (SODEFOR);</p> <ul style="list-style-type: none"> <li>- Decree 66-428 of 15th September 1966 defining the procedures for the classification and decommissioning of forests;</li> <li>- Law 70-489 of 3<sup>rd</sup> August 1970 relating to the Petroleum Code (amended on 31st May 1996)</li> <li>- Decree 93-31 of 24th January 1973, establishing the National Environment Commission;</li> <li>- Order 003 SEPN cab of 20th February 1974, banning hunting throughout Cote d'Ivoire</li> </ul>
7.12.2	<p>Referring to the existing documents on HVC in Côte d'Ivoire: The HVC identification process should also refer to the Generic Guide for the Identification of HVCs (HCVRN, 2013) and Common Guidance for the Management and Monitoring of HCVs (HCVRN, 2014). <a href="https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415">https://www.hcvnetwork.org/resources/folder.2006-09-29.6584228415</a></p> <p>The types of protected areas defined by the Ivorian Forest Code include, as per Law 2014- 427 of 14<sup>th</sup> July on the Forestry Code:</p> <ul style="list-style-type: none"> <li>- Integral nature reserves;</li> <li>- Zoological gardens;</li> </ul>

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

- National parks;
  - Hunting reserves;
  - Biosphere reserves;
- World Heritage Sites
- 
- Law 65-255 of 4th August 1965 relating to the protection of wildlife and hunting practices;
- Law 65-425 of 20<sup>th</sup> December 1965 relating to the Forestry Code, as amended by Law 66-37 of 7th March 1966 relating to the Financial Management Act 1966, Article 14 of the Fiscal Annex; Act 2014-427 of 14th July 2014 relating to the Ivorian Forest Code
- Law 88-651 of 7th July 1988 on the protection of public health and the environment against the effects of toxic and nuclear industrial waste and harmful substances;
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  - Law. 98-388 of 2nd July 1998 setting out the general rules on national public establishments and establishing categories of public establishments and repealing the Law 80-1070 of 13<sup>th</sup> September 1980;
  - Law 98-755 of 23rd December 1998 relating to the Ivorian Water Code;
- Law 95-553 of 17th July 1995 on the Mining Code
- Law 2002-102 of 11th February 2002 on the creation, management and financing of national parks and nature reserves;
- Law 2005-521 of 27th October 2005 entitling the President of the Republic to authorize the State of Cote d'Ivoire to accede to the Kyoto Protocol relating to the United Nations Framework Convention on Climate Change, adopted on 11<sup>th</sup> December 1997 in Kyoto.

## PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

	<p>At the regulatory level, key implementing regulations include:</p> <p>Decree 60-365 of 2nd November 1960 establishing the National Committee for Nature Protection;</p> <p>Decree 66-422 of 15th September 1966 establishing the State-owned forest development corporation named Société pour le Développement des plantations forestières (SODEFOR); This corporation later became a public company with an industrial and commercial character; then Decree 93-206 of 3rd February 1993 restored its status of state-owned corporation named Société de Développement des Forêts (SODEFOR);</p> <p>Decree 66-428 of 15th September 1966 defining the procedures for the classification and decommissioning of state-owned forests;</p> <p>Law 70-489 of 3rd August 1970 relating to the Petroleum Code (amended on 31st May 1996)</p> <p>Decree 93-31 of 24th January 1973, establishing the National Environment Commission;</p> <p>- Order 003 SEPN cab of 20 February 1974, banning hunting throughout Cote d'Ivoire;</p>
7.12.3	
7.12.4	<p><b>Conservation areas.</b></p> <p><b>Law 2014-427 of 14th July 2014 relating to the Ivorian Forest Code</b></p> <p><b>Protected areas:</b></p> <p>There are fourteen (14) national parks and natural reserves of 2,100,000 ha, two (2) of which are classified as biosphere reserves (Comoé and Taï), three (3) World Heritage sites (Comoé, Taï and Nimba) and 1 RAMSAR site (Azagny): <a href="http://oipr.ci/index.php/presentation/qui-sommes-nous/a-propos">www.http://oipr.ci/index.php/presentation/qui-sommes-nous/a-propos</a></p> <p><b>Classified forests :</b></p> <p><b>SODEFOR manages 236 classified forests covering 4,262,368 ha,</b></p> <p>List of classified forests in Côte d'Ivoire (<b>4,262,368 ha</b>): <a href="http://www.sodefor.ci/pdf/List_fc.pdf">http://www.sodefor.ci/pdf/List_fc.pdf</a></p>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

**RAMSAR sites :**

Name of the site	Date of classification	Region	Surface area (ha)	Coordinates
<a href="#">Complexe Sassandra-Dagbego</a>	<a href="#">18th October 2005</a>	<a href="#">Bas-Sassandra</a>	10.551	04°58'N 006°02'W
<a href="#">Fresco</a>	<a href="#">18th October 2005</a>	<a href="#">Sud-Bandama</a>	15.507	05°07'N 005°36'W
<a href="#">Grand-Bassam</a>	<a href="#">18th October 2005</a>	<a href="#">Sud-Comoé</a>	40.210	05°21'N 003°46'W
<a href="#">Îles Ehotilé-Essouman</a>	<a href="#">18th October 2005</a>	<a href="#">Sud-Comoé</a>	27.274	05°07'N 003°12'W
<a href="#">N'Ganda N'Ganda</a>	<a href="#">18th October 2005</a>	<a href="#">Sud-Comoé</a>	14.402	05°10'N 003°24'W
<a href="#">Parc national d'Azagny</a>	<a href="#">27th February 1996</a>	<a href="#">Région des Lagunes</a>	19.400	05°12'N 004°53'W

Sources : List established under the RAMSAR Convention3

**Riparian areas:**

Act 98-755 of 23th December 1998 relating to the Ivorian Water Code covers all activities related to water, including human water supply, agricultural water supply, water management in wetlands, and water facilities and institutions for the transportation or production of hydroelectricity

- immediate protection perimeter (10 to 30 metres)
- the close protection perimeter (100 m to 2 km)
- the remote protection perimeter (watershed)

**Water bodies:**

The Ivorian hydrographic network consists of four major basins (Comoé (1,100 km long and generates a watershed area of 78,000 km<sup>2</sup>), Bandama (97,500 km<sup>2</sup>, between 3° 50' and 7° west longitude). Latitude of 5° and 10° 20' north), Sassandra (it drains from North to South over a 75 000 km<sup>2</sup> basin) and Cavally) of about ten small coastal basins (Tano, Bia, Mé, Boubou, Agnéby, Niouniourou, San-Pédro, Néro, Méné, Tabou) and Niger basins (Bagoé and Baoulé).

**Heritage Sites:** <https://whc.unesco.org/fr/etatsparties/ci/>

**PRINCIPLE 7. PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT**

	<b>Water catchment areas :</b> Côte d'Ivoire: Act No. 98-755 of 23rd December 1998 relating to the Ivorian Water Code
7.12.5	
7.12.6	DECREE 96-197 of 7th March 1996 relating to Rules of Procedure
7.12.7	
7.12.8	

#### **ANNEX 4 – IMPLEMENTATION PROCEDURE FOR INDICATOR 2.3.2**

Where the unit of certification has smallholder suppliers, for existing RSPO certified mills, the time requirement to fulfil this Criterion for all their smallholder suppliers is three years from [15<sup>th</sup> of November 2018]. For mills that are not yet certified/ mills going for first year of certification, the time requirement is three years from initial point of certification for their smallholder suppliers

## ANNEX 5 – TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

<p>Criterion 7.12 requires that new land clearing after 15th November 2018 (i.e. adoption of the P &amp; C at GA15) must be preceded by an HCV-ACS assessment.</p> <p>The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. This Annex shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.</p>	<p><b>NO NEW LAND CLEARING SCENARIOS:</b></p> <ul style="list-style-type: none"><li>- Existing certified plantations, with valid HCV assessment approved before 15th November 2018<ul style="list-style-type: none"><li>o Going for recertification → HCV assessment is acceptable</li><li>o Replanting → HCV assessment is acceptable</li></ul></li><li>- Existing plantations, not yet certified at 15 November 2018, going for initial certification<ul style="list-style-type: none"><li>o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required</li><li>o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable<ul style="list-style-type: none"><li>▪ Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009<sup>1</sup>, will be accepted.</li></ul></li><li>o HCV assessment submitted to ALS but pending approval before 15 November 2018<ul style="list-style-type: none"><li>→ If passes ALS process, then the approved HCV assessment is acceptable;</li><li>→ If fails ALS process, new combined HCV-HCS assessment required</li></ul></li><li>o Replanting → ALS approved HCV is acceptable</li></ul></li></ul>
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<sup>1</sup> Date de première publication de la liste des évaluateurs des HVC approuvés par la RSPO.

## **ANNEX 5 – TRANSITION FROM HCV TO HCV–HCS ASSESSMENT**

### **NEW LAND CLEARING SCENARIOS:**

- In new plantations and in existing uncertified units, land clearing after 15 November 2018

o Without existing HCV assessment

→ New combined HCV-HCS required

o HCV assessment conducted, but not yet submitted to ALS before 15 November 2018

→ New combined HCV-HCS required

o HCV Assessment submitted to ALS but pending approval before 15 November 2018

→ If passes ALS process, then the approved HCV assessment is acceptable;

→ If fails ALS process, new combined HCV-HCS assessment required

o NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018

→ALS Approved HCV assessment is acceptable

- In existing certified plantations (certified before 15 November 2018), with land clearing after 15<sup>th</sup> November 2018 → New combined HCV-HCS required

o If area to be cleared is exclusively pasture, infrastructure, agriculture or monocrop tree plantations which have not been abandoned for more than three years → valid HCV assessment + LUCA to demonstrate that no clearing of native vegetation occurred without prior HCV assessment is acceptable