

# RSPO Standards Review (2022-2023)

## Term of References & Review Process

### 1. Background

The RSPO Principles & Criteria (P&C) 2018 and the RSPO Independent Smallholder Standard 2019 are the main standards for companies that produce palm oil, and independent smallholders that produce fresh fruit bunches (FFB).

In line with ISEAL best practices, ensuring the standards remain relevant and reflect stakeholder understanding of good sustainability practices, the RSPO is initiating a major review process of the RSPO Principles & Criteria (P&C) 2018 and the RSPO Independent Smallholder Standard 2019; as well as exploring the development of standard applicable for the medium grower and scheme smallholder. The review process is targeted to start in March 2022, with a targeted completion by November 2023.

The review also aims to make recommendations on which elements of the revised P&Cs should be applied to non-grower members of the RSPO as part of their shared responsibility to promote sustainable palm oil.

### 2. Standards review objectives

The objective of this process is to review and streamline the production standard to ensure continued relevance and effectiveness in demonstrating that palm oil produced and sold as RSPO-certified Sustainable Palm Oil (CSPO) are credible and inclusive.

The review process also aims to address the following concerns raised to strengthen the credibility of the RSPO certification scheme:

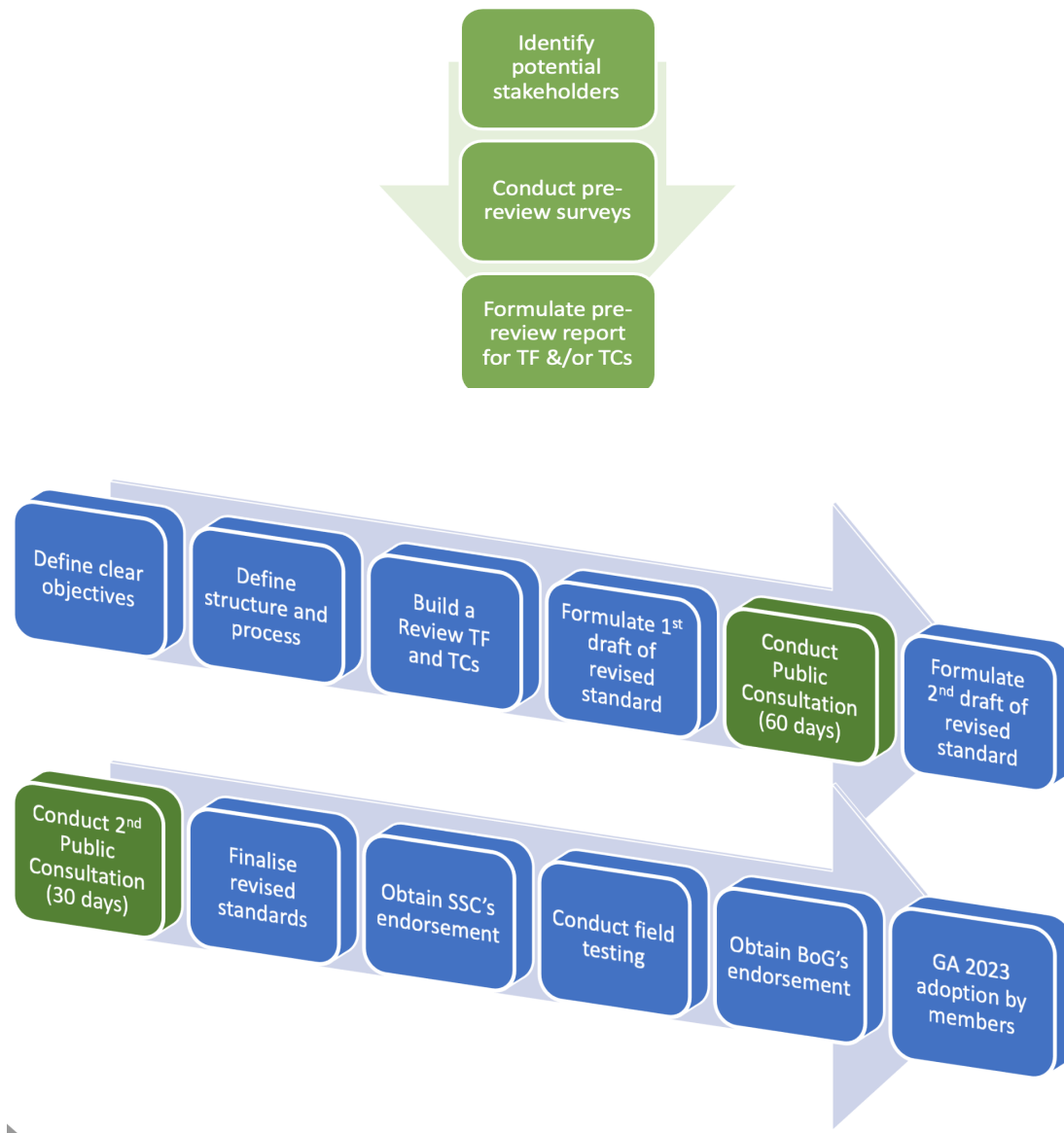
- **Learning from member experience** by reviewing how the current standard has been implemented and audited and focusing on addressing weaknesses, problematic issues and areas of uncertainty
- **Inadequate competency and resources amongst producers** in implementing the Standards and sustainability through exploring where there are challenges to the current Standards and new ways to assess risks, ensure robust implementation and compliance and monitor progress. The focus should be as much on how well or not that current Standard is implemented as whether it needs to be changed

- **Balancing Standard comprehensiveness and complexity** through ensuring a focus on emerging and priority issues and improving implementation feasibility or applicability of the criteria and indicators for specific types or categories of producers (i.e., plantation, medium grower, smallholder).
- **Ensuring the desired impact is achieved** through focusing on developing out-come oriented standards rather than process ones
- **Unclear interpretations and uncertainties** about the true intention of the standard through ensuring consistent interpretation and guidance at the level for which it is intended (auditability).
- **Shortening the time lags** between the adoption of the revised Standard and its implementation by growers through the development of relevant guidance documents supporting implementation towards full compliance as the Standard is revised.
- **Inadequate competencies and resources in the assurance systems** through understanding the meaningful data collection point for impact measuring and compliance monitoring, eventually towards a risk-based approach for an outcome-based standard. The focus should be as much on how well or not that current Standard is implemented as whether it needs to be changed
- **Aligning approaches within the RSPO to other initiatives** through ensuring that the Standards learn from other initiatives but where possible deliver against parallel requirements such as ESG reporting etc.
- **Supporting Shared Responsibility** by recommending which elements of the standard should be applied to other members of the RSPO.

### 3. The review process

The review process shall be guided by the RSPO Standard Operating Procedure for Standard Setting and Review (2020) and ISEAL Code of Good Practice - Setting Social and Environmental Standards, V6 (2014).

The following flowchart illustrates the general steps of the review process:



The review process is grouped into 7 key categories:

## 1) Preparatory Stage

- a) BoG endorsement of review objectives, structure, and process.
- b) BoG endorsement of the review ToR (including ToR of TF and TC).
- c) Conduct pre-review survey and review of implementation of ISH Standard.
- d) Conduct Assurance Gap Analysis directing focus on implementation and auditability of the standard
- e) Identify implementing challenges of existing standards (criteria/indicator level)
- f) Identify emerging issues including developments in the certification world (such as risk-based approaches, landscape certification, block chain, new audit approaches)

- g) Establish the coordination team (refer subsection 4.4)
- 2) Establishment of Steering Group, TF and TCs
  - a) Establishment of Steering Group made up of the RSPO CEO and co-chairs of SSC, ASC, SHSC and MDSC
  - b) Appointment of a balanced TF.
  - c) Selection and establishment of themed TCs
  - d) Call for an express interest of TC members.
- 3) TF Preparatory
  - a) Appointment of TC members by TF
  - b) Develop initial draft of key definitions, certification approaches/system, and priority issues - including initial draft overarching Principles and Criteria
  - c) Identify potential for alignment to other initiatives (i.e., ESG) and emerging issues
  - d) Identify priority criteria for development of outcome-based indicators
- 4) TC Deliberation
  - a) Develop indicators based on the overarching Principles and Criteria provided by TF.
  - b) Revise indicators based on comments received from the public consultation processes.
  - c) Document follow-up action needs (i.e., develop guidance document) after the adoption of developed revised indicators.
- 5) TF Decision (Draft Revised Standard)
  - a) Develop revised standards guided by TC proposals
  - b) Develop a final revised standards and recommend for SSC endorsement
  - c) Document follow-up action needs, recommendations, and opportunities to be explored by the RSPO after the revision process.
- 6) Consultation (two rounds of public consultation)
  - a) Conduct consultation with all stakeholders (virtual and/or physical).
  - b) Collate all comments received for TC deliberation.
- 7) Approval Stage
  - a) Conduct field testing
  - b) Obtain SSC endorsement
  - c) Obtain BoG endorsement
  - d) Table for GA adoption

#### 4. The governance structure

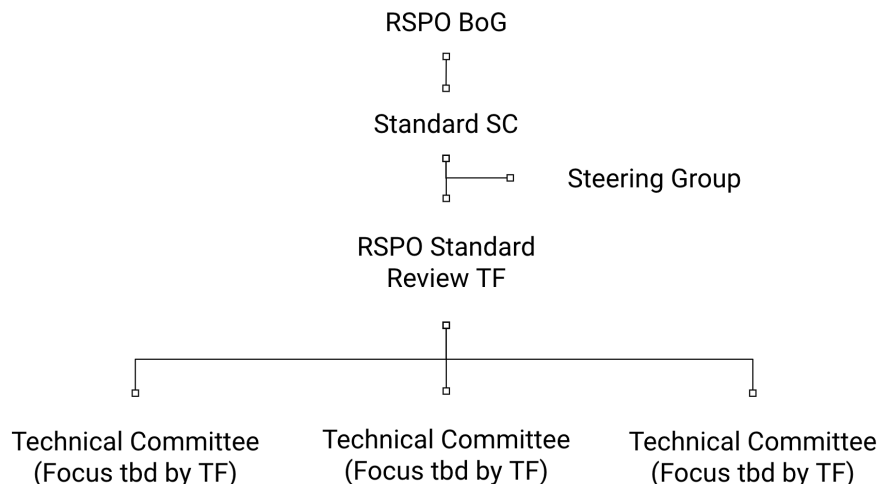
The RSPO BoG will request the Standards Standing Committee to establish a Steering Group (SG) for the P&C revision process. The SG will ensure the participation of representatives (two co-chairs) from SCs (Assurance, Markets, Standards and Smallholder) within the RSPO alongside the CEO to ensure a coordinated, comprehensive and joined-up approach to the review.

The SG will establish a Standard Review Task Force (TF) to deliver on the tasks and responsibilities outlined in the TF Terms of Reference (TOR) in Section 5 below. The TF will oversee the whole revision process till the completion of a revised RSPO Standard endorsed by the BoG and eventually tabled to the 20th General Assembly (GA 2023) for members adoption. The Standard Review Task Force is the body that assigns tasks to, and receives proposals from, a range of thematic Technical Committees and makes consensus recommendations regarding the standard’s content and revision to the Standards Standing Committee. The TFs role is to prepare initial draft revised standards for public consultation and then to amalgamate stakeholder input and integrate it into revisions of those draft revised standards (refer to TFs ToR in Section 6). The TF will be facilitated by an external appointed expert.

A range of Technical Committees (TCs) will be established to assist in the formulation of the revised standard - in particular the development of indicators, guidance etc to ensure the overarching Principles and Criteria are deliverable on the ground. The TCs will be made up of participants with expertise in specific types or categories of producers and/or issues to be covered in the revision. Their proposals will be tabled to the Standard Review Task Force (TF) for decision-making. The number and focus of the TCs is to be determined by the Taskforce.

The final recommended revised Standards shall be checked by the Steering Group who will have ultimate decision-making powers on issues where consensus could not be reached by the TF. The RSPO Standard Standing Committee (SSC) will ensure that the appropriate requirements outlined in the RSPO Standard Setting SOP have been complied with and shall then be recommended for BoG endorsement.

Refer Chart 1 below for a simple illustration of the governance structure.



**Note.**  
To avoid duplication of debates and any potential conflict of interest in the final decision-making process made by the SGC, SG members shall not also sit on the TF (following Clause 4.1.6 of the RSPO Standard Setting SOPs).

## 4.1. Composition of SG, TF and TCs

**The Standards Review Steering Group (SG)** will comprise the CEO of the RSPO Secretariat and the co-chairs (or representatives) of the Standards, Assurance, Markets Development and Smallholders Standing Committees.

**The Standard Review Taskforce (TF)** shall comprise a balanced (50/50) representation between growers and supply chain members (including NGOs). The TF will be made up of representatives of the different stakeholders with an interest in palm oil and will have 24 members divided between the following three interest groups:

- **Palm oil producers** – 12 members including representatives of owners and managers of large plantations and their associations, smallholder growers and their associations. Members will be drawn from Malaysia (3), Indonesia (3), Rest of the World (3) and the Smallholder and Outgrower (3).
- **Supply chain and investors** – 6 members including representatives of processors, refiners, traders, manufacturers using oil palm, retailers, and financial institutions.
- **Non-governmental organisations (NGOs)** – 6 members comprising 3 from national and international environmental/conservation NGOs and 3 from social NGOs/civil societies.

**The Technical Committees (TCs)** may comprise fewer representatives and do not necessarily need to be in the same balanced ratio as the TF since they are not tasked with making decisions on the revisions of the Standard but rather proposing solutions as asked by the TF. TF members can participate in TCs, but not all TC members will automatically be TF members. TCs will be focused on issues relevant to the revision of the standard - such as different types/sizes of producers - smallholders, medium growers and large growers, or different issues such as labour, biodiversity, risk-based approaches etc. The focus and number of TCs will be determined by the Taskforce. TCs may also include subject matter experts including representatives from assurance and certification bodies to be determined by members of TF and at the request of TCs at their respective kick-off meetings. Subject matter experts include academics, industrial and technical experts relating to environmental, biodiversity, social, human rights, labours, health and safety, chemicals, supply chain etc. The size of individual TCs should be kept within limits to ensure their smooth functioning. The composition of the TCs should be managed to ensure that there is a balance of those directly impacted by changes to the standard ('implementers') with other stakeholders. The TF can limit the size of and participation in the TCs if needed

Subject matter experts and representatives from ASI and/or certification bodies do not and cannot represent any sector nor participate in any decision making through the entire standard review process.

## 4.2. Accountability

Appointed TF and TCs members are expected to adhere to the rules and regulations of this ToR, the Code of Conduct for TF and TCs members of the RSPO Standards Review (refer to Annex 1) and are expected to donate sufficient time to thoroughly fulfill their duties as outlined in the work plan (refer to Annex 2).

Subject matter experts, representatives from certification bodies, and observers are also expected to adhere to the Code of Conduct for the RSPO Standards Review.

The TF and TCs are accountable to the RSPO. TF and/or TCs member(s), subject matter experts, representatives from certification bodies, and/or observers may be asked to leave the group by the Standard SG, if they are not fulfilling their duties properly or breaches the Code of Conduct. The term of TF and TCs members ends with the submission of the final draft of the deliverables to the Board of Governors, after the Standard SG's review and recommendation for approval and the SSCs agreement.

### **4.3. Deliberation and decision making**

For the Taskforce (TF) to meet and deliberate, there must be a quorum, defined as a minimum of 3 out of 4 TF members. The Coordination Team (refer to subsection 4.4 below) will strive to select meeting dates and venues that allow for full participation of all TF members.

All TF members must participate in each point of decision-making. If any of the member(s) is not present for a decision, then a provisional decision may be made, subject to endorsement by the absent member(s). Quorum is required for any provisional decisions, and full member participation is preferred.

The TF shall make every effort possible to take decisions by consensus. Consensus shall mean:

*“General agreement characterised by the absence of sustained opposition to substantial issues by any TF/TC member with voting rights and by a process seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments.”*

If the TF is not able to reach a consensus for any specific issue or criteria, the TF shall refer the matter to the Steering Group, who shall seek to resolve the issue in question by consensus.

Technical Committees (TCs) can meet when not quorate but should endeavour to ensure sufficient participation of relevant members to allow work to be done. The Coordination Team will strive to select meeting dates and venues that allow for full participation of all TC members.

The TC shall strive to reach consensus on its proposals to the TF but do not have to. Instead, they can offer a range of proposals with the pros and cons of each clarified to allow the TF to make decisions.

Subject matter experts and representatives from certification bodies do not and cannot represent any sector nor participate in any decision making through the entire standard review process.

The Coordination Team member(s), RSPO Secretariat, RSPO Supporting Bodies members who are not a member of the TF or TCs (Standing Committees/Working Groups/ Task Forces) and any other supportive personnel shall not participate in any decision-making.

Should the SG not be able to resolve the matter and result in deadlock, they shall defer it to the BoG, who in turn, shall aim to resolve it by consensus. Should the BoG not be able to resolve the matter and result in deadlock, it shall be brought to the General Assembly.

Where a decision goes through this escalated decision-making process, the previous language and understanding applies until such time as a new decision is reached. The final decision and a summary of deliberations in arriving at the decision on the matter shall be clearly communicated to all members of the whole governance structures and be made public (through the RSPO website) by the RSPO Secretariat.

#### **4.4. Coordination Team**

A Coordination Team, consisting of RSPO Secretariat and, externally appointed facilitation team, proofreaders, translators and document designers will be established to provide support to respective TF and TCs in fulfilling the tasks and responsibilities.

The RSPO Secretariat team involved are:

**CEO** to provide oversight on all phases of the process until the final endorsement by the RSPO BoG and members adoption at the General Assembly (GA 2023).

**Director, Standard Development and Head, Standard Design & Innovation**, to:

- Establish, manage, and administer the TF.
- Lead the coordination team.
- Administer the process, keep track of the work plans and timelines, and inform the rest of the participating bodies of the work plan milestones and upcoming deadlines.
- Prepare and launch the public consultations.
- Prepare and launch the pilot testing of the final draft of revised standards and capture the outcomes.
- Provide the TF and TCs with all necessary materials and information.
- Coordinate the drafting of the different versions of the draft revised standards with the facilitation team.
- Coordinate the compilation of feedback from the public consultations and prepare summaries for the TF and TCs with the facilitation team.
- Striving to ensure that the TF achieves consensus between conflicting aspects and parties.
- Ensure that the TF and TCs operate responsibly and in accordance with its Terms of Reference, Code of Conduct, and applicable procedures.
- Ensure the development process is guided closely by the RSPO Standard Operating Procedures for Standard Setting and Review (RSPO Standard Setting SOP).
- Report to the CEO.
- Coordinate with other RSPO Secretariat staff related to the development process to seek expertise as necessary.
- Coordinate with RSPO Secretariat Communication Team managing all communication needs and aspects of the development process, with internal and external stakeholders.



**Secretariat Coordinators** for TCs will be appointed to supervise the process and to support the TCs in reaching their deliverables, with support from the facilitation team. The appointed Secretariat Coordinators for the respective TCs shall have expertise in the particular focus of the relevant TC.

An external **Facilitation Team** shall be appointed by the RSPO Secretariat to:

- Plan and coordinate all TF and TCs conference calls and in-person meetings.
- Moderate and facilitate TF and TCs conference calls and in-person meetings.
- Ensure the smooth running (keep the agenda on-track) of all meetings (physical and virtual) to achieve its objectives.
- Ensure an inclusive and participatory meeting environment.
- Document discussions, decisions, meeting outputs, inflection points, and meeting minutes (documentation support).
- Drafting of the different versions of the draft revised standards.
- Record keeping of all documents.

#### **4.5. Work plan and time commitment**

The SG, TF and TCs will be established after the approval of this ToR. The expected start-date for the SG is late January, for the TF is early February and TCs is later in March 2022, with a targeted completion date for all outputs by June-July 2023 for BoG approval in October 2023. Endorsed revised RSPO Standard to be tabled for member adoption in November 2023.

An estimated timetable is provided in Annex 2. The timetable and the detailed work plan will be updated as necessary. The SG, TF and TCs are likely to conduct most of their work via e-mail or similar means of electronic communication (e.g., MS Teams, Gotomeeting, Zoom conference calls), TF and TC virtual meetings and calls, as well as one-on-one, sub-group, and/or smaller group calls when required. Considering the ongoing COVID pandemic, if in person meetings cannot be held due to travel restrictions, they will be replaced by virtual meetings.

#### **4.6. Financial support**

RSPO is an international not-for-profit membership organization with limited funding. Participation in the SG, TF and TCs takes place on a voluntary non-paid basis.

If required, RSPO will cover reasonable travel and accommodation expenses related to the work plan upon submissions of the respective invoices and receipts, and if expenses are agreed upon in advance.

RSPO is unable to pay fees for time spent participating in the SG, TF and/or TCs or expenses incurred during consultation, e-mail, and telephone discussions.

#### **4.7. Language**

The working language is English. Interpreters may be requested by the TCs only, depending on the needs.

All drafts for public consultation shall be translated into Bahasa Indonesia, Spanish, French and Thai. All drafts for public consultation, as well as other documents, may also be translated into other languages if deemed necessary, and be requested by the TF, depending on resource availability.

The English version of all documents developed from this process shall always prevail in case of any discrepancy or inconsistency between the English version and other translated versions.

## **5. Terms of Reference for the RSPO Standards Review Steering Group (SG)**

### **5.1. Objectives**

The objective of the Standard Review Steering Group (SG) is to ensure a balanced and comprehensive review of the RSPO P&Cs is undertaken by the TF and to make decisions in the event that consensus cannot be achieved within the TF level.

### **5.2. Tasks and responsibilities of the SG**

The SG will ensure that the review and revision of the P&Cs is informed by the needs and knowledge of the wider RSPO and membership. The SG will also act as the ultimate decision-making body where the TF has been unable to reach consensus.

Tasks and responsibilities of Steering Group (SG) include:

1. Ensure that participants in the TF represent that full range and balance of views within the RSPO membership.
2. Provide high-level approach and standard-revision guidance to TF.
  - a. Clarify the role, responsibilities, and decision-making structures of the review process and of the RSPO in reviewing, revising, and approving normative documents/ requirements.
  - b. Provide guidance relating to organisational definitions, system, structure, process, and procedures.
  - c. Provide guidance on the focus of the review on key issues including emerging and critical issues, impact monitoring and contributing to SDG and ESG reporting.
3. Seek to resolve any decisions where the TF has been unable to reach consensus on.
4. Seek to address any relevant procedural concerns raised during the review
5. Review the final recommendations and proposals from the TF to ensure that they represent a comprehensive review of the standards and that they address the relevant issues raised.

SG's decisions taken on complaints received shall be disclosed, at least to the interested parties through the Secretariat.

### **5.3. Member appointment & representation**

The SG will comprise 9 members made up of CEO of the RSPO Secretariat and the co-chairs of the Standards, Assurance, Markets Development and Smallholder Standing Committees.

SC's can appoint other representatives from their SC membership if the co-chairs are unable to attend.

### **5.4. Time Commitment**

The SG will meet at least three times over the whole duration of the review process (date to be scheduled). The SG is expected to meet regularly should there be any complaints received.

Complaint is to be lodged through the Secretariat, which the SG shall be informed within 3 working days upon receipt.

## **6. Terms of Reference for the RSPO Standard Review Task Force (TF)**

### **6.1. Objectives**

The objective of the Standard Review Task Force (TF) is to review and streamline RSPO production standards to ensure continued relevance and effectiveness in demonstrating that palm oil produced as RSPO-certified Sustainable Palm Oil (CSPO) are credible and inclusive. Refer to Annex 3 for a list of provisional issues that could be part of the P&C revision.

In this context, the TF shall be guided by the following principles:

- Focus on outcomes and actions that maintain system integrity, transparency, and credibility.
- Focus on outcomes to ensure that the standards deliver intended impacts.
- Ensure the revised Standards for its intended users.
- Improve the content quality, ensuring relevance and feasibility, understandability, and simplicity.
- Harness new technologies in the design and implementation of sustainable palm oil.
- Enable and improve impact assessment and monitoring & evaluation of outcomes.

### **6.2. Tasks and responsibilities of Taskforce (TF)**

The TF is the main decision-making and consensus building element of the revision process. It will direct the TCs to undertake the work needed and make recommendations to the SSC based on the proposals made to the TF by the individual TCs.

Tasks and responsibilities of Task Force (TF) include:

1. Review and revise organisational Standards, definitions, systems, structure, procedures, and processes, including making finalised recommendations on overarching Principles & Criteria:

- a. Review and revise RSPO production Standard Principles and Criteria, including undertaking a SWOT analysis of the current standards
  - b. Review and revise the definitions of different types of growers.
  - c. Review and revise the certification approaches and options for different types of growers.
  - d. Make recommendations on which elements of the revised Principles and Criteria should apply to downstream operators as part of their shared responsibility requirements. The TF is not required to propose how they should be applied (eg: specific indicators, measures of compliance etc.) since there is a SRWG tasked with doing this.
  - e. Make recommendation on a risk-based certification approach
2. Review and finalise producer-types specific Indicators based on proposals from TCs.
    - a. Ensure implementation feasibility
    - b. Explore and if desirable incorporate a risk-based approach to implementing and assessing compliance against the Standard
    - c. Develop outcome-based metrics
    - d. Explore how the Standard could assist in delivering Landscape scale outcomes and impacts
    - e. Other to be decided by the TF
  3. Provide high-level approach and standard-revision guidance to TCs.
    - a. Clarify the role, responsibilities, and decision-making structures of the review process and of the RSPO in reviewing, revising, and approving normative documents/ requirements.
    - b. Provide guidance relating to organisational definitions, system, structure, process, and procedures.
    - c. Provide guidance on the focus of emerging and critical issues, impact monitoring and contributing to SDG and ESG reporting.
    - d. Designate TCs for specific tasks and endorse memberships of TCs
    - e. Assign specific work to be undertaken by TCs
  4. Ensure consistency:
    - a. Of terms and definitions used across TCs.
    - b. Of the overarching key Principles and Criteria of the RSPO Standard; and
    - c. With existing RSPO relevant normative requirements.
  5. Document follow-up action needs, recommendations, and opportunities to be explored by the RSPO after the revision process.
  6. Revert to the SG on any issues which the TF does not reach consensus on.

### **6.3. Member appointment & representation**

A call for expression of interest to participate in the TF will be launched by the RSPO Secretariat early in 2022. Each category will nominate their Representative(s) accordingly to be a member of the TF. The Representative, as the TF member, joins on behalf of the constituent group. Each member of the TF shall be an RSPO Member.

The TF member shall nominate an alternate. Where a TF member is unable to be present at a meeting, the nominated alternate may represent the substantive member. A single alternate member may represent multiple substantive members only where the substantive members represent the same sector. To limit meeting size and maximise participant efficiency if the substantive is available alternates will not normally attend TF meetings

Where alternate members are present with substantive members at a physical meeting, alternate members are not allowed to actively participate and shall take on the role of observers who can be asked to contribute.

Switching between substantive and alternate members within a physical meeting can only take place after a verbal statement made from whomever is acting as the main representative, and recognition from the facilitators during the meeting.

Where alternate members are representing substantive members, he/she must make clear to the TF which constituent he/she is representing. He/she is also responsible for communicating any decision made to the constituent.

### **6.4. Individual responsibilities**

Each individual member of the TF will be responsible for:

- Actively participating in all meetings and electronic discussions of the TF.
- Members are expected to play an active role in representing their constituent's interests, including ensuring that consultation within its constituent are carried out and putting forth the concerns, comments, or ideas to the group. TF members should not represent only the views or interests of their own organisation
- Consulting with interested parties within its constituent, who are not directly represented in the TF and ensuring that their views are expressed within the discussions. Members are there to represent an interest group within the RSPO, rather than just their own interests. Therefore, it is very important that each member of the group discusses draft versions of the recommendations of verification arrangements, particularly any complex or contentious issues, with a range of their peers from within the RSPO.
- Seeking to build consensus within the TF on how to address any issues which arise.

- To avoid possible conflicts, each TF member shall sign the Code of Conduct (CoC) (see Annex 2) drawn up for this specific exercise. The signed CoC must be forwarded to the RSPO Secretariat for records.

## 6.5. General conduct

The revision process is likely to include a number of contentious issues and it is the TF that is tasked with finding a consensus on these. TF members should at all times be respectful of the opinions of other TF members and of the right of each member to share their expertise and opinions with the Group. TF members are requested to respect at all times the authority of the facilitators and the RSPO Secretariat to assist the Standard Review process.

## 6.6. Time commitment

An estimated timetable is provided in Annex 2. The timetable and the detailed work plan will be updated as necessary. The expected start-date for the Task Force is early March 2022, with a targeted completion date for all outputs by July 2023 for piloting testing and eventually the BoG approval in early October 2023.

Under the current circumstances, only three in-person (face-to-face) meetings are envisaged (if possible): 2nd TF meeting to formulate the first draft of revised Standard for 1st public consultation; 3rd TF meeting to formulate the second draft of revised Standard for 2nd public consultation; and 4th TF meeting to formulate the final draft of revised Standard.

A series of virtual meeting calls is also envisaged for the period of March 22 to June 23 in between physical TF meetings. If in-person meetings cannot be held due to travel restrictions, they will be replaced by virtual meetings.

## 7. Terms of Reference for Technical Committees (TCs)

### 7.1. Objectives

The objective of the Technical Committees (TCs) is to develop revised producer-types specific Indicators, any means of measuring compliance and identify any additional guidance of implementation procedures needed in order to ensure the continued relevance and effectiveness in demonstrating that palm oil produced as RSPO-certified Sustainable Palm Oil (CSPO) are credible and inclusive.

In this context, the TC shall be guided by the following principles:

- Focus on outcomes and actions that maintain system integrity, transparency, and credibility.
- Focus on outcomes to ensure that the standards deliver intended impacts.
- Ensure the revised Standards is formulated for its intended users.
- Improve the content quality, ensuring relevance and feasibility, understandability, and simplicity.

- Harness new technologies in the design and implementation.
- Enable and improve impact assessment and monitoring & evaluation of outcomes.

## **7.2. Tasks and responsibilities of Technical Committees (TCs)**

The TCs are where the 'work' of the Standard revision process will be happening. They will be tasked with developing proposed solutions to achieve the objectives. They will endeavour to develop consensus proposals for the TF to consider - but that will not always have to be necessary.

Tasks and responsibilities of Technical Committees (TCs ) include:

1. Analyse, discuss, and propose draft revised Indicators relevant to the main types of producer groups (large, medium, and small):
  - a. Review the guidance provided by TF
  - b. Propose, review or revise indicators specific to producer-type
  - c. Ensure the effectiveness, feasibility, and inclusiveness
  - d. Focus on outcome oriented and risk-based approaches
  - e. Assess risks and viability of proposed changes
  - f. Incorporate options for new technologies
  - g. Increase consistency and practicality of compliance checks by auditors/CB
  - h. Consider feedback gathered during public consultation
2. Propose how compliance with indicators can/will be assessed - e.g., means of verification, self-reporting etc.
3. Propose how a risk-based approach to implementing and assessing compliance might work for different grower types and monitoring of outcomes/ impacts
4. Propose the outline of any further guidance, instructions etc. required by the RSPO to ensure the revised standards are implementable
5. Develop provisions for conducting pilot tests and transitioning between existing and revised standards.
6. Participating in stakeholder outreach, information-sharing forums, and TC deliberation, as needed.
7. Consider feedback gathered during public consultation.
8. Document follow-up actions needs and opportunities to be explored.
9. Undertake any other relevant work assigned to them by the TF

## **7.3. Member appointment & representation**

The TCs will likely be smaller groups of stakeholders than the TF and the need for strict balanced representation and consensus is not absolute since they are tasked to propose solutions for the TF to decide on. This aims to allow the TCs to work quickly and focus on developing practical solutions rather than debating underlying approaches and principles.

Members of the TC may or may not be an RSPO Member. The opportunity will be for external parties and experts to participate in the TCs to ensure that the skills and experience needed are available. Each TC shall at least have two grower representatives and should aim to ensure that they are not dominated by stakeholders who are not directly impacted by changes to the P&Cs.

A call for expressions of interest to be a member of TCs will be launched by the Secretariat for TF considerations. Appointment of TCs members will be by the TF after its initial meeting. TC participants will be selected based on their skills and experience according to the requirements of the tasks allocated to each TC:

- Experience of implementing and/or assessing compliance to standards, preferably experience relating to RSPO Standards, in the relevant types of growers (small, medium, and large).
- Experience in implementing and/or assessing RSPO key assessments (i.e., HCV/HCS, SEIA, Peat Drainability, GHG, etc), in the relevant types of growers (small, medium, and large).
- Experience in different and novel approaches - risk-based, use of new technologies, landscape/jurisdictional scale, etc.
- Ability to provide specific technical input on the RSPO assurance system and its implementation at different levels (mill and supply base, group, and smallholders).

#### **7.4. Individual responsibilities**

Each individual member of the TC will be responsible for:

- Actively participating in all meetings and electronic discussions of the TC.
- Seeking to build consensus within the TC on how to address any issues which arise.
- To avoid possible conflicts, each TC member shall sign the Code of Conduct (CoC) (see Annex 1) drawn up for this specific exercise. The signed CoC must be forwarded to the RSPO Secretariat for records.

#### **7.5. General conduct**

The revision process is likely to include a number of contentious issues. TC members should at all times be respectful of the opinions of other TC members and of the right of each member to share their expertise and opinions with the Group. TC members are requested to respect at all times the authority of the facilitators and the RSPO Secretariat to assist the Review process.

TCs are not required to develop a single, consensus proposal to the TF and if that is not possible, they should seek to explain the pros and cons of the proposals they do make to allow the TF to make an informed decision.



## 7.6. Time commitment

An estimated timetable is provided in Annex 2. The timetable and the detailed work plan will be updated as necessary. The expected start-date for the TC is late March 2022, with a targeted completion date for all outputs by June 2023 for TF deliberation and decision in July 2023.

Under the current circumstances, only two in-person (face-to-face) meetings are envisaged (if possible): a meeting after the first public consultation to review the comments and to revise the draft (September 2022) and another one following the second public consultation to formulate the final recommendations of the revised criteria and indicators (Jun 2023).

A series of virtual meeting calls is envisaged for the period of March 22 to June 2023 in between physical TC meetings. If in person meetings cannot be held due to travel restrictions, they will be replaced by virtual meetings.

## Annex 1. Code of Conduct Policy Statement

### **Code of Conduct Policy Statement – RSPO Standards Review (Task Force/ Technical Committee Member)**

#### **1. Code of Conduct**

##### **1.1 Introduction**

The Roundtable on Sustainable Palm Oil (hereafter RSPO) is committed to ensure that stakeholder consultations and its relevant processes are conducted with the utmost professionalism within a supportive, constructive, objective, ethical and responsive framework. To this end, the RSPO Secretariat wishes to ensure that it and all members of the RSPO convened RSPO Standard Review Task Force and Technical Committees (TF and TCs) abide by the rules of participation as prescribed in this Code of Conduct Policy.

All TF and TCs members are expected to read, understand and subsequently apply the standards of conduct outlined herein.

The TF and TCs members shall at all times ensure that their participation is consistent with and reinforces the positive public image of the RSPO.

All TF and TCs members are urged to participate in all discussions and deliberations with confidence and to express their views unreservedly and openly. This is particularly applicable to all meetings and discussions (physical or virtual). All members shall observe the proper decorum in all discussions and meetings and shall respect the views and opinions of fellow TF and TCs members.

In the spirit of working together in an amicable, solution oriented and constructive fashion in pursuit of the objectives of the TF and TCs, any member of the TF or TCs who has a bona fide personal grievance shall refer such grievance to the RSPO Secretariat and the Chairperson of the Standards Review TF by writing formally to the same outlining the nature of the grievance.

Failure by any member of the TF and TCs to comply with the Code of Conduct policy may result in the removal of the said member from the TF and/or TCs after the breach or failure is referred to the TF and the RSPO Secretariat and a consensus is reached.

This Code of Conduct also applies to all observers invited to Standards Review TF discussions, meetings and other forms by which the Standards Review TF conducts its business.

##### **1.2 Confidentiality**

As a general rule, all TF and TCs members must respect and maintain the confidentiality of the information gained/submitted/obtained/shared/revealed/becomes privy to by virtue of membership in the TF and TCs. This includes information in tangible or intangible form, orally or in writing, wherever and whenever made in furtherance of the RSPO Standard Review & Process Terms of Reference.

More specifically:-

- Any information owned or generated by the RSPO Secretariat which is not limited to notes, presentations or discussion papers is to remain confidential. Any member of the TF and TCs who wishes to make such information public or provide the information to a third party shall first secure the prior written consent of the RSPO Secretariat and state the reasons for wanting to make such information public or available to 3rd parties.
- If any member of TF and/or TCs wishes to make public or reveal to a 3rd party any information supplied by another member of the TF and/or TCs, he/she shall seek the prior written consent of the member of the TF and/or TCs that so supplied such information.
- Where information in any form is made available, submitted or derived by/from Companies in furtherance of the work of TF and/or TCs it shall remain confidential. Any member of the TF and/or TCs who wishes to make such information public or provide such information to a 3rd party shall first secure the prior written consent of the Company that generated/submitted the said information. In such cases where the TF and/or TCs member has secured such written consent, a copy of the same shall be furnished to the RSPO Secretariat as proof of the consent so secured.
- Information that is deemed sensitive by the RSPO Secretariat such as violations of the RSPO P&C by Companies (whether proven or not), complaints or grievances lodged against a company, any pending matters in relation to mediation and arbitration, negotiations or settlements by companies in relation to any violations shall remain strictly confidential.
- Members that have direct relations with implicated stakeholders or are (potential) parties to the complaints, disputes, settlements and negotiations being discussed shall inform the parties and recuse themselves from discussions about such specific cases.
- Information that is excluded from confidentiality includes any information which the member of the TF and TCs can demonstrate is already within public domain or is rightfully obtained from a 3rd party without breach of any obligation/rights to/of the owner/3rd party.
- Where TF and TCs members have an obligation to share information related to the rights of the affected communities with them and with the organisations providing them with support, they may do so provided that they also inform the RSPO Secretariat and discuss it with the RSPO member concerned. This applies to information that RSPO members are required to share with affected stakeholders in line with RSPO's first Principle.

### 1.3 Conflict of Interest

The RSPO Secretariat expects all members of TF and TCs to perform their duties as outlined in the Terms of Reference with the utmost integrity, objectivity and independence. Members of the TF and TCs shall take care that their action/s will not conflict or be seen to conflict with the objectives of the TF and TCs.

If under any circumstance, a member of the TF or TCs senses that a course of action that they have pursued, or are presently pursuing or contemplating pursuing may place them in a situation of conflict with the objectives of the Standard review and of TF and TCs, the member shall take immediate steps to make this possible conflict known to the RSPO Secretariat and the other TF or TCs members respectively.

In view of the fact that the Terms of Reference of the TF and TCs which provides the overarching framework of the responsibilities of the Standard Review Process and Structure, each member shall not provide any **unsolicited** documents, communicate in a manner, nor pursue any action that can be

construed as making a potential bid, tender, providing proof of eligibility or making a business proposal to the TF, TCs or the RSPO Secretariat.

### 1.4 Outside Task Force or Technical Committee Activities

All TF and TCs members understand that there is shared responsibility to ensure the good professional image and credibility of the RSPO and the Standard Review TF and TCs; and to further ensure that no member causes any reputational damage to the same.

In the event a need arises to communicate publicly or to stakeholders on outcomes or decisions made by the TF, members will ensure the accuracy of the information and that the interpretation of all outcomes and decisions of the TF are consistent with the consensus reached within the TF.

In dealings with anyone outside of the TF and/or TCs, each member shall take care to not do or say anything in a manner that would undermine or compromise the decision making and consensus building processes within the TF, TCs or the ultimate consensus itself.

## 2. Exclusion of Liability

The members of the TF, TCs and all other persons such as observers, technical advisors and consultants to the Standard Review Process are put on notice that the RSPO Secretariat under no circumstances will be held responsible for any loss or damage arising from the breach by a member of the TF, TCs or observers, technical advisors and consultants to the Standard Review Process, of any of the provisions contained in this Code of Conduct Policy Statement.

## 3. Code of Conduct Declaration

I....., acknowledge that I have received and read a copy of this Code of Conduct Policy Statement, have understood all of its terms, and agree to abide by the provisions contained therein.

\_\_\_\_\_

[Name]

\_\_\_\_\_

[Signature]

\_\_\_\_\_

[Date]

\_\_\_\_\_

[Sector]



## Annex 2. Work plan

	2021		2022												2023											
	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	
Approval of Structure and Process																										
Endorsement of TF and TCs ToR																										
Deploy Review Process Website																										
Announce the initiation of Review Process																										
Announce the establishment of TF																										
Conduct pre-review surveys																										
Deploy pre-review survey																										
Conduct Independent Review of RISS																										
Recuriting members of TF and nomination of TCs																										
Prepare pre-review report																										
1st TF meeting																										
Announce update of review process																										
Prepare preparatory reports for TCs																										
Kick-off TCs meetings																										
TCs meetings/calls (1st draft recommendations)																										
2nd TF meeting (1st draft revised standards)																										
Announce 1 PC (proofread, translation & design)																										
1st public consultation on Draft 1 (60days)																										
TCs meetings/calls (2nd draft recommendations)																										
3rd TF meeting (2nd draft revised standards)																										
Announce 2 PC (proofread, translation & design)																										
2nd public consultation on Draft 2 (30days)																										
TCs meetings/calls (final draft recommendations)																										
4th TF meeting (final draft revised standards)																										
SSC endorsement (final draft revised standards)																										
Announce final draft of revised standards																										
Ground pilot testing (final revised standards)																										
BoG Endorsement																										
GA 2023 adoption																										

## Annex 3 - Provisional content of P&C revision:

The following represents the initial proposal for the scope and content of the P&C revision. These have been generated through discussions with a range of RSPO bodies and stakeholders. The TF will decide which of these to take forward.

### What sort of standard and revision do we want:

- There is wide support for a single overarching set of common Principles & Criteria to establish a common framework for certified sustainable palm oil – with different Indicators, guidance and instruction documents for different ‘categories’ of producers – Larger plantations, mid-sized growers, Group and individual SH, etc
- The RSPO is aware that the priority is to address the current challenges to the RSPO and our own Assurance Gap Analysis and so we should focus on implementation and auditability of the standard over changing the P&Cs per se
- Focus on those parts of the standard that are problematic
- We want to reduce complexity – so the TF should consider if we should focus the standard on fewer critical and priority/impactful indicators
- Also to focus where possible on delivering outcomes rather than requiring processes
- Develop a standard that encourages and supports operators to deliver bigger impacts at the landscape and community level as well as at the plantation and workforce/neighbours level - learning from the emerging jurisdictional approaches;
- The TF could also consider developing risk-based approaches to identifying risks and auditing outcomes?
- Consider the implications of new technologies and remote sensing including in relation to the restrictions on auditing presented by the pandemic? Our critics can build complaints cases using Google Earth – can we build better implementation and auditing with new IT?
- Explore self-auditing by growers?
- We need to understand what is happening in the rest of the world - horizon scanning of other standards (palm oil and other commodities), COP outcomes, UN processes including the SDGs, ESG and CSR changes etc
- There should be better alignment between the P&Cs and shared responsibility requirements for other RSPO members downstream