

RSPO Principles and Criteria for Sustainable Palm Oil Production

Ecuador National Interpretation

Using the International Generic Criteria as the basis of this National Interpretation for Ecuador

Ecuador National Interpretation Task Force
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Preamble

Sustainable palm oil production is comprised of 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, and the accompanying Indicators and Guidance.

The first set of Principles & Criteria, Indicators and Guidance (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. After five years of application by RSPO members, P&C 2007 were reviewed in 2012-2013 by the RSPO Principles and Criteria Review Taskforce.

The objective of the review was to improve the relevance and effectiveness of the Principles and Criteria for its members and in achieving the vision and mission of the RSPO. The review process followed ISEAL best practices, including two public consultations and four physical Taskforce meetings and resulted in the production of the revised RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2013).

In line with ISEAL best practices, this document (RSPO P&C 2013) will be completely reviewed again and subsequently submitted for ratification by the General Assembly of RSPO by November 2018. Prior to the revision in 2018, any changes to the standard must be through recommendation made by the appointed RSPO working group or Taskforce and approved by the General Assembly of the RSPO.

One of the main issues addressed in the review was the recommendations of the RSPO greenhouse gas (GHG) working group. Acknowledging both the importance of the issue and the current challenges of determining emissions, the RSPO has revised an existing Criterion on monitoring and reporting GHG emissions from existing operations and developed a new Criterion on minimising net GHG emissions from new planting developments. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodologies. Therefore, growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting against both of these Criteria. During the implementation period the RSPO will further develop and improve the RSPO carbon assessment and reporting tools. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO. These revisions demonstrate the RSPO's commitment to developing credible requirements relating to GHG emissions.

Looking to the future, the RSPO Principles and Criteria Review Taskforce urges the Executive Board to engage with all grower country governments with the objective of addressing the problem of stateless persons (especially children and women) in the industry.

Also looking forward, the growers and millers within the RSPO commit to a process whereby they aim to source third party Fresh Fruit Bunches from identified, legal and responsible sources. The RSPO Principles and Criteria Review Taskforce strongly encourages the RSPO Executive Board to resource and support a process for developing tools and methodologies that can help them achieve these aims.

This document (RSPO P&C 2013) defines Indicators and Guidance for each Criterion. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met. Guidance consists of useful information to help the grower/miller and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Specific Guidance has also been included for certain Indicators for clarity, as well as specific points to be addressed in National Interpretations. In most cases guidance for smallholder production has been removed to other documents that specify standards for that sector

['Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009].

This document (RSPO P&C 2013) is effective after ratification by the RSPO General Assembly (May 2013). As stated under the RSPO Certification System, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2013 within 12 months after the date of ratification (April 2014). Certificate holders must be fully compliant with the new version of an NI within one year of it being completed (April 2015).

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2013 is effective immediately after ratification (May 2013) and shall be used for any new certification activities after the ratification date. In cases where there is no NI the RSPO secretariat as requested by the P&C Review Taskforce has developed generic guidance in this document on issues identified as needing clarification in P&C 2013.

Already certified entities can continue to be certified after the date of ratification (May 2013) and before the completion of any relevant NI by conducting Annual Surveillance Assessments (ASA) against P&C 2007, but shall demonstrate compliance to the new RSPO P&C 2013 at the following ASA.

Necessary revision shall be made to other RSPO normative documents and guidance to ensure consistency with the wordings of RSPO P&C 2013.

Key international laws and conventions applicable to the production of palm oil are set out in Annex 1. Annex 2 provides the additional generic guidance and definitions on selected Criteria for countries where no National Interpretation exists.

The RSPO and its members recognize, support and commit to follow the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labour Organization's Declaration on Fundamental Principles and Rights at Work [<http://www.ilo.org/declaration/lang-en/index.htm>].

This document identifies the 69 major indicators proposed by the RSPO Criteria Taskforce, and endorsed by RSPO Board of Governors on 15 November 2013.

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

Source: Principles and Criteria for the production of sustainable palm oil.

National Interpretation of Ecuador

Ecuador is a mega diverse country and has one of the most unique ecosystems in the world. It has a complex geography that incorporates three geographical regions: the Pacific coast, the majestic valleys, including the farthest point from the center of the earth, the Chimborazo volcano, and to the east, the vast expanse of the Amazon region. The different trophic niches characterized by temperature, humidity, biological and evolutionary factors have created the perfect setting for the concentration of life and expresses itself in a very high biodiversity that makes Ecuador a beautiful country.

In this context, Ecuador has developed palm oil plantations since the early 1950s. Today, it ranks second in oil palm production in Latin America and is the seventh largest producer worldwide. Its output is based on the hard work of more than 7,500 producers who qualify mostly as independent producers. They are the heart of the oil palm industry in Ecuador, providing one of the most important sources of agricultural employment that generate thousands of direct and indirect jobs, and is also a source of social development.

The development of oil palm plantations in Ecuador has been based on a framework of respect for nature and society, the country has a large number of applicable regulations for the farming of palm oil, however to take into account the sustainable development of the cultivation and the legacy for future generations Ecuador should enter with a system of environmentally responsible and intelligent agriculture. Therefore it has been decided to adopt the RSPO Principles and Criteria and create the National Interpretation, with the objective of generating an agriculture that is ecologically adequate, economically viable, socially just and culturally appropriate.

In this context, this document represents the National Interpretation of the RSPO international norm for Ecuador. The National Interpretation Technical Team (ETIN—its Spanish acronym) led the process of National Interpretation of the RSPO standard, with the support and facilitation of NES Naturaleza. ETIN was formed, in compliance with RSPO requirements, of representative actors of the oil palm production network such as members of the supply chain, representatives of small, medium and large producers, social and environmental NGOs, and Ministries of the State, who acted as permanent advisors in the process.

The revision, analysis and adaptation of the Principles and Criteria and the Group Certification Guide (document applicable for small producers) for the national context was accomplished in seven meetings of the technical subgroups (environmental, social and productive), seven board meetings and five extended ETIN meetings. These documents were validated and accepted by consensus, where all the elements in which reference is made to the National Interpretation within the generic Principles and Criteria were analyzed and incorporated.

The National Interpretation for the production of sustainable palm oil in the Republic of Ecuador is, therefore, the result of the active participation of each of the ETIN members and constitutes an effort of all the social actors and stakeholders involved in the palm oil network to contribute to sustainable development in Ecuador.

This document identifies the 69 major indicators (M) proposed by the RSPO and the corresponding minor indicators (m) according with the RSPO P&C 2013.



PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
1.1	<p>Growers and millers provide 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.</p>	<p>Indicators:</p> <p>1.1.1 (m) There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to stakeholders for effective participation in decision making.</p> <p>1.1.2 (M) Records of requests for information and responses shall be maintained.</p> <p>Specific Guidance:</p> <p>For 1.1.1: Evidence must be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>For 1.1.1: The relevant aspects are those defined as participative according to the current legislation and with the RSPO norm (Criteria 2.3, 5.1 and 6.1).</p> <p>For 1.1.2: The storage time of documents (registries, archives, etc.) must be in agreement with the nature and relevance of the document and fulfilling the applicable national legislation.</p> <p>Guidance:</p> <p>Growers and millers must have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe of up to 20 business days to respond to requests for information. Growers and millers must respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers must ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See Criterion 6.2 on consultation.</p> <p>See Criterion 4.1 on SOPs.</p>



PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO. PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
<p>1.2 Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.</p>	<p>Indicators:</p> <p>1.2.1 (M) Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none">• Land titles/user rights (Criterion 2.2);• Occupational health and safety plans (Criterion 4.7);• Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8);• HCV documentation (Criteria 5.2 and 7.3);• Pollution prevention and reduction plans (Criterion 5.6);• Details of complaints and grievances (Criterion 6.3);• Negotiation procedures (Criterion 6.4);• Continual improvement plans (Criterion 8.1);• Public summary of certification assessment report;• Human Rights Policy (Criterion 6.13). <p>Guidance:</p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports. The auditors will comment on the sufficiency 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 must 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 must have access to relevant information. Examples of information where disclosure could result in potential negative environmental or social</p>



PRINCIPLE 1: COMMITMENT TO TRANSPARENCY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
1.3	Growers and millers commit to ethical conduct in all business operations and transactions.	<p>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.</p> <p>Growers and millers must 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>Indicators: 1.3.1 (m) There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.</p> <p>Guidance: All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy must include as a minimum:</p> <ul style="list-style-type: none">• A respect for fair conduct of business;• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources;• A proper disclosure of information in accordance with applicable regulations and accepted industry practices. <p>The policy must be set within the framework of the UN Convention against Corruption, in particular Article 12.</p>



PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO. PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

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

Indicators:

- 2.1.1 (M) Evidence of compliance with relevant legal requirements shall be available.
- 2.1.2 (m) A documented system, which includes written information on legal requirements, shall be maintained.
- 2.1.3 (m) A mechanism for ensuring compliance shall be implemented.
- 2.1.4 (m) A system for tracking any changes in the law shall be implemented.

Specific Guidance:

For 2.1.4: The systems used for tracking any changes in laws and regulations must be appropriate to the scale of the organisation.

Guidance:

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. agrochemical 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.

Key international laws and conventions are set out in Annex 1

Contradictions and inconsistencies must be identified and solutions must be suggested.



PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO. PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
2.2 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>Indicators:</p> <p>2.2.1 (M) The documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p>2.2.2 (m) Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p>2.2.3 (m) Where there are, or have been disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants must be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p>2.2.4 (M) There must be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</p> <p>2.2.5 (m) For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighboring communities where applicable).</p> <p>2.2.6 (M) To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p> <p>Specific Guidance:</p> <p>For 2.2.2: Plantation operations must cease on land planted beyond the legally determined area and there must be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6: Company policy must prohibit the use of mercenaries and paramilitaries in their operations. Company policy must prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p> <p>Guidance</p> <p>The different forms of land tenure in Ecuador are presented in Annex: Description of land tenure forms in Ecuador</p> <p>Where there is a conflict on the ownership of the land and property rights by title and/or possession rights, growers must show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p> <p>A mechanism must be in place to resolve any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>



PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO. PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

2.3

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.

Indicators:

- 2.3.1 (M) Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).
- 2.3.2 (m) In the case that legal, customary or use of other users rights exist, copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:
- a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;
 - b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;
 - c) Evidence that the legal, economic, environmental and social implications for 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 company's title, concession or lease on the land.
- 2.3.3 (m) In the case that legal, customary or use of other users rights exist, all relevant information shall be available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.
- 2.3.4 (M) The evidence must be available to show that communities are represented through institutions or representatives of their own choosing, including legal advice.



PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS

NO. PRINCIPLES AND CRITERIA

INDICATORS/GUIDANCE

Specific Guidance:

For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.

Guidance:

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 2.3.1 and 2.3.2.

Where there are legal or customary rights over land, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This Criterion must be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these must be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).

This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and voluntary, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities shall be transparent and in open communication with other community members. Adequate time should be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is a long-term benefit for all parties.

Companies must be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').

Growers and millers should refer to the current RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies')



PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
3.1	There is an implemented management plan that aims to achieve long-term economic and financial viability.	<p>Indicators:</p> <p>3.1.1 (M) A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2 (m) An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p> <p>Specific Guidance:</p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none">• Attention to quality of planting materials;• Crop projection = Fresh Fruit Bunches (FFB) yield trends;• Mill extraction rates = Oil Extraction Rate (OER) trends;• Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends;• Forecast prices;• Financial indicators. <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need of a low yield during major replanting programmes).</p> <p>Guidance:</p> <p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management shall be able to demonstrate attention to economic and financial viability through long-term management planning. There shall be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to the Management System Requirements and Guidance for Group Certification of FFB production.)</p> <p>Growers must 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 (refer to the Management System Requirements and Guidance for Group Certification of FFB production.)</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.1	Operating procedures are appropriately documented, consistently implemented and monitored.	<p>Indicators:</p> <ul style="list-style-type: none">4.1.1 (M) Standard Operating Procedures (SOPs) for estates and mills shall be documented.4.1.2 (m) A mechanism to check consistent implementation of procedures shall be in place.4.1.3 (m) Records of monitoring and any actions taken shall be maintained and available, as appropriate.4.1.4 (M) The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB). <p>Specific Guidance: For 4.1.1 and 4.1.4: SOP and documentation for mills must include relevant supply chain requirements (see current RSPO Supply Chain Certification Standard).</p> <p>Guidance: Mechanisms to check the implementations could include documentation management systems and internal control procedures.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>
4.2	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained	<p>Indicators:</p> <ul style="list-style-type: none">4.2.1 (m) There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield.4.2.2 (m) Records of fertiliser inputs shall be maintained.4.2.3 (m) There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.4.2.4 (m) A nutrient recycling strategy shall be implemented, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.3	Practices minimise and control erosion and degradation of soils.	<p>Guidance: 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.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD,</p> <p>Indicators:</p> <p>4.3.1 (M) Maps of any fragile soils shall be available.</p> <p>4.3.2 (m) A management strategy shall be in place for plantations on slopes above the limit established by the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD and RSPO Guidelines for Cultivation on Steep Slopes (this strategy needs to be soil and climate specific).</p> <p>4.3.3 (m) A road maintenance programme shall be in place.</p> <p>4.3.4 (M) Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5 (m) Drainability assessments shall be required prior to replanting on peat to determine the long- term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6 (M) A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils) according to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p> <p>Specific Guidance:</p> <p>For 4.3.3: This indicator is applicable to palm growers with their own roads.</p> <p>For 4.3.4: For existing plantations on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) 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 (Criteria 4.4 and 7.4).</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans must be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters must consider ceasing replanting and implementing rehabilitation.</p> <p>Guidance: Plantations on peat must be managed at least to the current standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat' (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and must be adopted, where appropriate. These should include practices like ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of re planting</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.4	Practices maintain the quality and availability of surface and ground water.	<p>Indicators:</p> <p>4.4.1 (m) An implemented water management plan shall be in place.</p> <p>4.4.2 (M) Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3 (m) Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p>4.4.4 (m) Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p> <p>Specific Guidance:</p> <p>For 4.4.1: The water management plan will comply with the current national legislation and especially consider:</p> <ul style="list-style-type: none">• Take account of the efficiency of use and renewability of sources;• Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users;• Guarantees that local communities, workers and their families are not affected in order to have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes;• Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME). <p>For 4.4.2: Refer to the current 'RSPO Manual on Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'.</p> <p>Guidance:</p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.5	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p>Indicators:</p> <p>4.5.1 (M) Implementation of Integrated Pest Management (IPM) plans shall be monitored. 4.5.2 (m) Training of those involved in IPM implementation shall be demonstrated.</p> <p>Guidance:</p> <p>Growers must apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals, according to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p> <p>Native species must be used in biological control where possible.</p>
4.6	Pesticides are used in ways that do not endanger health or the environment	<p>Indicators:</p> <p>4.6.1 (M) Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available. 4.6.2 (M) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided. 4.6.3 (M) Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines. 4.6.4 (m) 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, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>4.6.5 (M) Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate personal safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).</p> <p>4.6.6 (M) Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).</p> <p>4.6.7 (m) Application of pesticides shall be by proven methods that minimise risk and impacts.</p> <p>4.6.8 (M) Pesticides shall be applied aerially only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p> <p>4.6.9 (m) Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated; including provision of appropriate information materials (see Criterion 4.8).</p> <p>4.6.10 (m) Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p>4.6.11 (M) Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p>4.6.12 (M) No work with pesticides shall be undertaken by pregnant or breast-feeding women.</p> <p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification must consider less harmful alternatives and IPM.</p> <p>Specific guidance for 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>Specific guidance for 4.6.6: 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 1).</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.7	An occupational health and safety plan is documented, effectively communicated and implemented.	<p>Guidance: The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the 'Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011'. Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to the current RSPO guide for smallholders).</p> <p>For the eradication of plants with basal stem rot (BSR) it will be possible to use paraquat and/or some other type of pesticide that is approved by the competent authority - Agrocalidad), according to the current Manual of Eradication of Basal Stem Rot (BSR) of the Oil Palm, authored by ANCUPA and AGROCALIDAD..</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p> <p>Indicators:</p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 (M) A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2 (M) All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p>4.7.3 (M) All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8).Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>4.7.4 (M) The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5 (m) Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6 (M) All workers shall be provided with medical care, and covered by accident insurance.</p> <p>4.7.7 (M) Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics</p> <p>Specific Guidance for 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p>Guidance:</p> <p>Growers and millers must ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers must ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status. The health and safety plan must also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>Refer to the Annex of Laws, Conventions and Treaties for the revision of the labor regulations issued by the Ministry of Work of Ecuador.</p>



PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
4.8	All staff, workers, smallholders and contract workers are appropriately trained.	<p>Indicators:</p> <p>4.8.1 (M) A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2 (m) Records of training for each employee shall be maintained.</p> <p>Guidance:</p> <p>Workers must 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 must include productivity and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training must be given to all staff and workers by growers and millers to enable them to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers must be selected for their ability to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers must demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (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 growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (refer to the current RSPO guide for smallholders). For individual 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 (refer to the current RSPO guide for smallholders).</p> <p>The appropriate qualifications for occupational training qualifications will be identified to the norm approved by the Ministry of Labor.</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.1	<p>Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.</p>	<p>Indicators:</p> <p>5.1.1 (M) An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2 (m) Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3 (m) This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p> <p>Guidance:</p> <p>The EIA must cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> • Building new roads, processing mills or other infrastructure; • Putting in drainage or irrigation systems; • Replanting and/or expansion of planting areas; • Management of mill effluents (Criterion 4.4); • Clearing of remaining natural vegetation; • Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7). <p>An environmental impact evaluation must be done in the format established by the current environmental legislation for its approval by the national environmental authority.</p> <p>Environmental impacts must be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and on the basic services for people (Criterion 6.1), within the area of influence established by the EIA according to the current environmental norm.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures in accordance with the provisions of the existing legislation..</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to the current RSPO guide for smallholders).</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.2	<p>The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.</p>	<p>Indicator:</p> <p>5.2.1 (M) Information shall be collated in a High Conservation Value (HCV) assessment that includes the planted area and the landscape (such as wildlife corridors).</p> <p>5.2.2 (M) Where rare, threatened or endangered (RTE) species, including endemic species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3 (m) There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4 (m) Where a management plan has been created there shall be ongoing monitoring:</p> <ul style="list-style-type: none"> • The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported; • Outcomes of monitoring shall be fed back into the management plan. <p>5.2.5 (m) Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p> <p>Specific Guidance:</p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by the grower or miller; • Conservation status (e.g. IUCN category, red list), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller; • Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller; <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> • Ensuring that any legal requirements relating to the protection of the species or habitat are met; • Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<ul style="list-style-type: none"> Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by wild felines). <p>For 5.2.5: If a negotiated agreement cannot be reached, there must be evidence of sustained efforts to achieve such an agreement. These could include facilitation, mediation, third party arbitration or others (see Criteria 2.3, 6.3 and 6.4).</p> <p>Guidance: This information gathering must include checking available biological records and, if applicable, consultation with governmental entities, research institutes and interested NGOs. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.</p> <p>Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.</p> <p>Note: Operators need to 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 can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained 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 relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3), and in accordance with what is established in the current national legislation.</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.3	Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.	<p>Indicators:</p> <p>5.3.1 (M) All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2 (M) All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3 (m) A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p> <p>Guidance:</p> <p>The waste management and disposal plan must conform to the current environmental norm and include measures for:</p> <ul style="list-style-type: none">• Identifying and monitoring sources of waste and pollution.• 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).• Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers must 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), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions must be affixed to the package. The use of fire for waste disposal is prohibited.



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.4	Efficiency of fossil fuel use and the use of renewable energy is optimised.	<p>Indicators:</p> <p>5.4.1 (m) A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.</p> <p>Guidance:</p> <p>Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill must be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) must be monitored.</p> <p>Energy efficiency must be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This must include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.5	The use of fire for preparation of the soil or replanting is avoided except in specific situations, as defined by the Environmental Authority in the Ministerial Agreement number 061	<p>Indicators:</p> <p>5.5.1 (M) The use of fire for preparation of the soil or replanting is avoided except in specific situations, as determined by the National Authority according to the Ministerial Agreement number 061.</p> <p>5.5.2 (m) Where fire has been used for preparing soil for replanting, there shall be evidence of prior approval of the controlled burning as determined by the Competent Environmental Authority in the Ministerial Agreement number 061.</p> <p>Guidance:</p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution must be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
5.6	<p>Preamble</p> <p>Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p>	<p>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.</p> <p>Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</p> <p>Indicators:</p> <p>5.6.1 (M) An assessment of all polluting activities shall be conducted, including gaseous emissions; particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2 (M) Significant pollutants and greenhouse gas (GHG) emissions shall be identified and plans to reduce or minimise them implemented.</p> <p>5.6.3 (m) A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p> <p>Specific Guidance:</p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These must be responsive to context and any changes must be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st, 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including soil use practices) can be used as a monitoring tool.</p>



PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the soil use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GEI will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>Guidance:</p> <p>Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.1	<p>Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.</p>	<p>Indicators</p> <p>6.1.1 (M) A social impact assessment (SIA) including records of meetings shall be documented.</p> <p>6.1.2 (M) There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p>6.1.3 (M) Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</p> <p>6.1.4 (m) The plans shall be reviewed as a minimum once every two years and updated as necessary in those cases where the review has determined that changes should be made to current practices. There shall be evidence that the revision includes the participation of affected parties.</p> <p>6.1.5 (m) Particular attention shall be paid to the impacts of smallholder schemes (where they exist).</p> <p>Guidance:</p> <p>The grower must carry out the identification of social impacts according to the processes of environmental regularization with the participation of affected parties, including women and migrant workers who have regularized their permanence in the country according to the current norm, under the considerations of the current national legislation. The involvement of independent experts will be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</p> <p>Participation in this context means that affected parties 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> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none">• Access and use rights;• Economic livelihoods (e.g. paid employment) and working conditions;• Subsistence activities;• Cultural and religious values;• Health and education facilities;• Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force that has regularized its permanence in the country in accordance with the current norm. <p>The review can be done (once every two years) internally or externally.</p> <p>The Ecuadorian constitution guarantees equal rights for national and foreign individuals. Ecuador counts on a normative framework for the migratory regularization of individuals. The labor code clearly establishes the illegality of contracting people who are not regularized.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.2	There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.	<p>Indicators:</p> <p>6.2.1 (M) Consultation and communication procedures shall be documented.</p> <p>6.2.2 (m) A management official responsible for these issues shall be nominated.</p> <p>6.2.3 (m) A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained.</p> <p>Guidance:</p> <p>Decisions that the growers or mills are planning to make must be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These will consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications must take into account, the differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration will be given to involve third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>The national legislation takes into account mechanisms and/or communication processes that must be fulfilled.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.3	<p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p>	<p>Indicators:</p> <p>6.3.1 (M) The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.</p> <p>6.3.2 (M) Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p> <p>Specific Guidance:</p> <p>For 6.3.1: The system must aim to reduce the risks of reprisal.</p> <p>Guidance:</p> <p>See also to Criterion 1.2.</p> <p>Conflict resolution mechanisms will be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints will be dealt with by mechanisms established by the company in its complaints and grievance procedure with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme small producers and small independent producers, refer to the current RSPO Guidance for small producers.</p> <p>Where a resolution is not found mutually, it is recommended to follow the guidelines of the Law of Arbitration and Mediation of the Republic of Ecuador, and complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed 'Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework', 2011.</p> <p>Each business unit will establish mechanisms for the reception and management of complaints and claims where a registration system is taken into account and the anonymity of the claimant is guaranteed when requested.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.4	<p>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>Indicators:</p> <p>6.4.1 (M) A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2 (m) A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of recently established and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p>6.4.3 (M) The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p> <p>Specific Guidance:</p> <p>For 6.4.2: Companies will make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in small producer schemes.</p> <p>Guidance:</p> <p>According to the article 56 of the Ecuadorian Constitution communities, peoples, indigenous nationalities, Afro-Ecuadorian people, the Montubio people and communes are part of Ecuador, unique and indivisible state.</p> <p>This criterion shall be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.5	<p>Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.</p>	<p>Indicators:</p> <p>6.5.1 (M) Documentation of pay and conditions shall be available.</p> <p>6.5.2 (M) Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3 (m) In accordance with the Regulation of Health and Occupational Safety established by law, growers and millers shall provide adequate housing, water supplies, and medical services to national standards or above where no such public facilities are available or accessible and facilitate access to education.</p> <p>6.5.4 (m) Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p> <p>Guidance:</p> <ul style="list-style-type: none"> • Ecuador counts on a vital minimum salary, which is obligatory for all the national territory, that is reviewed annually by the competent authority and is indexed to the inflation. • The fulfillment of the legal minimum standards will be demonstrated with the existence of: payrolls, contracts, affiliation to the obligatory social security insurance and fulfillment of the obligations established by the Ministry of Labor. • Refer to Ministerial Agreement 060 that defines the Contracting of Workers of the Oil Palm Sector. • Under no circumstance will forced labor be used according to conventions 29 and 105 of the ILO and others. • Verification of the efforts to obtain adequate nutrition must be made in accordance with the plans of Health and Occupational Safety regulated by law.



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.6	<p>The employer 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>	<p>Indicators:</p> <p>6.6.1 (M) A published statement in local languages recognising freedom of association shall be available.</p> <p>6.6.2 (m) Minutes of meetings with main trade unions or workers representatives shall be documented.</p> <p>Guidance:</p> <p>The right of employees, including migrant and recently established workers and contract workers, to form associations and bargain collectively with their employer must be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, will be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>Migrant workers will have the right to the same working conditions as ecuadorian workers, taking into account their migratory status, according to the current legislation in Ecuador.</p> <p>The document of declaration can be made as a sworn statement before a public notary where the commitment of the employer to fulfill the rights of the workers is established in accordance with the current Ecuadorian legislation.</p> <p>Indicators:</p> <p>6.7.1 There shall be documentary evidence that minimum age requirements are met.</p>
6.7	<p>Children are not employed or exploited.</p>	<p>Guidance:</p> <p>The Ecuadorian legislation through the Labor Code establishes that the minimum working age is 16 years, considering a maximum of 6 hours daily and a weekly workload of 30 hours and it will be organized in such a way so as not to limit the right to an effective education and in addition, for purposes of remuneration, the provisions established in Art. 119 of the Labor Code and in Agreement 138 of the ILO will be applied. Night work for minors less than 18 years of age is prohibited. The prohibitions mentioned in the Code of Childhood and Adolescence will be followed, as well work prohibitions for adolescents as determined by the National Council of Childhood and Adolescence.</p> <p>Please refer to the current RSPO Guidance for small producers.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.8	Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.	<p>Indicators:</p> <p>6.8.1 (M) A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p>6.8.2 (M) Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p>6.8.3 (m) It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p> <p>Guidance:</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 must not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>The term caste is not applicable in the Ecuadorian reality since the Constitution (Art.66-numeral 4) establishes the equality of all citizens before the law and prohibits any kind of discrimination.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.9	There is no harassment or abuse in the work place, and reproductive rights are protected.	<p>Indicators:</p> <p>6.9.1 (M) A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2 (M) A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 (m) A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p> <p>Specific Guidance:</p> <p>For 6.9.1 and 6.9.2: These policies must include education and awareness of the workforce without gender differentiation. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which will include representatives from all areas of work, will address such issues as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; 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 6.9.2: see Indicator 4.6.12.</p> <p>Guidance:</p> <p>A clear policy must be developed in consultation with employees, contract workers and other relevant stakeholders, and the policy must be publicly available. Progress in implementing the policy must be regularly monitored, and the results of monitoring activities will be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights will be respected</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.10	Growers and millers deal fairly and transparently with smallholders and other local businesses.	<p>Indicators:</p> <p>6.10.1 (m) Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p>6.10.2 (M) Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p>6.10.3 (m) Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p>6.10.4 (m) Agreed payments shall be made in a timely manner.</p> <p>Guidance:</p> <p>Transactions with small producers will 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 4.2) should also be considered; where it is not practicable to recycle wastes to small producers, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Small producers will have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for out growers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require small producers to change their practices to meet the RSPO Principles and Criteria, advance payments for FFB could be considered to cover the costs of such changes.</p> <p>The regulatory framework applicable, includes anti trust regulations contained in a statutory law that regulates market and power control.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.11	Growers and millers contribute to local sustainable development where appropriate.	<p>Indicators:</p> <p>6.11.1 (m) Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 (m) Where there are scheme small producers, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p> <p>Guidance:</p> <p>Contributions to local development will be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation must be based on the principles of transparency, openness and participation, and will encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference must always be given to members of local communities. Positive discrimination must not be recognised as conflicting with Criterion 6.8. Efforts must be made to identify independent smallholders in the supply base.</p> <p>Where sourcing of fruit is from identified independent smallholders, efforts must be made to contribute to the improvement of their farming practices.</p> <p>The companies will contribute to local development through their policies of social responsibility while keeping in mind the exclusive role of the State.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.12	No forms of forced or trafficked labour are used.	<p>Indicators:</p> <p>6.12.1 (M) There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 (m) Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p>6.12.3 (M) Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p> <p>Specific Guidance:</p> <p>For 6.12.1: Workers must enter into employment voluntarily and freely, without the threat of a penalty, and will have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy must include:</p> <ul style="list-style-type: none">• 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 living conditions to be provided. <p>Guidance</p> <p>Migrant workers must be legalised, and a separate employment agreement will be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage.</p> <p>Passports must only be voluntarily surrendered.</p> <p>There must be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance must be used on contract substitution.</p>



PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
6.13	Growers and millers respect human rights.	<p>Indicators: 6.13.1 (M) A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p> <p>Guidance: See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p>Note: From the UN Guiding Principles on Business and Human Rights: “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” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.1	<p>A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantations or operations, or expanding existing ones, and the results incorporated into planning, management and operations.</p>	<p>Indicators:</p> <p>7.1.1 (M) An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 (m) Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 (m) Where the development includes an out-grower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p> <p>Specific Guidance</p> <p>For 7.1.1 The Environmental and Social Evaluation corresponds to that determined by the National Environmental Authority.</p> <p>Guidance: See also Criteria 5.1 and 6.1. The terms of reference are defined by the National Environmental Authority and impact assessment is carried out by accredited independent consultants, in order to ensure an objective process. Both activities can be done by the same body. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs must be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>The potential impacts of all major proposed activities will be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none">• Assessment of the impacts of all major planned activities, including plantation, mill operations, roads and other infrastructure;• Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;• Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;• Identification of watercourses and wetlands and assessment of potential effects on hydrology and soil subsidence of planned developments. Measures will be planned and implemented to maintain the quantity, quality and access to water and soil resources;<ul style="list-style-type: none">○ Baseline soil surveys and topographic information, including the identification of steep slopes as defined in the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;○ Analysis of type of land—of the vegetation cover in the area where the plantation is developed (forest, degraded forest, cleared land);○ Analysis of property, land ownership and user rights;○ Analysis of current land use patterns;○ 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;○ Identification of activities which may generate significant GHG emissions. <p>Plans and field operations will be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts. For small scheme producers, the scheme management is responsible for addressing compliance with this criterion. For individual smallholders, this criterion will not be applied. For land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken. The National Interpretation will identify the relevant accreditations for independent consultants.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.2	Soil surveys and topographic information are used for site planning in the establishment of new plantations, and the results are incorporated into plans and operations.	<p>Indicators:</p> <p>7.2.1 (M) Soil suitability maps or soil surveys adequate to establish the long-term suitability of soil for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p>7.2.2 (m) Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p> <p>Guidance:</p> <p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but it is not required to be done by independent experts.</p> <p>Soil suitability maps or soil surveys must be appropriate to the scale of operation and include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices must be identified (see Criteria 4.3 and 7.4). This information will be used to plan planting programmes, etc. Measures must 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. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location Companies 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> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTINGS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.3	New plantations since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.	<p>Indicators:</p> <p>7.3.1 (M) There shall be evidence that no new plantations have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantations shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 (M) A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new plantations. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 (m) Dates of soil preparation and commencement shall be recorded.</p> <p>7.3.4 (M) An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 (m) Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p> <p>Specific Guidance:</p> <p>For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>Guidance: This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments will be conducted according to the National Interpretation of the HCV criteria or according to the current Global HCV Toolkit if a National Interpretation is not available (see Definitions).</p> <p>Developments must actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development must not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>Where landscape level HCV maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government soil use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Once established, new developments should comply with Criterion 5.2.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.4	Extensive plantation on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	<p>Indicators:</p> <p>7.4.1 (m) Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p>7.4.2 (M) Where limited plantation on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p> <p>Guidance:</p> <p>This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils must be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>As a tool for mapping it is feasible to use satellite ortho- photos obtained from cartographic governmental platforms, such as those developed by the Ministry of Agriculture, Livestock, Aquaculture and Fisheries (MAGAP)</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.5	<p>No new plantations are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. 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>Indicators:</p> <p>7.5.1 (M) Evidence must be 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 grower/miller is signed and ratified by these local peoples.</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p>Guidance:</p> <p>This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantations are considered to be acceptable, management plans and operations must maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantations.</p> <p>Free, prior and informed consent (FPIC) is a guiding principle and must be applied to all RSPO members throughout the supply chain. Refer to the current RSPO approved FPIC guidance.</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.6	<p>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 free, prior and informed consent and negotiated agreements.</p>	<p>Indicators:</p> <p>7.6.1 (M) Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2 (M) A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3 (M) A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p>7.6.4 (m) Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5 (m) The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6 (m) Evidence shall be available that the affected communities and rights holders have access to 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>Specific Guidance:</p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p>Guidance:</p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1).</p> <p>Refer to the current RSPO approved FPIC guidance.</p> <p>It is important to note that on the basis of what is determined in Art. 57 of the Constitution of the Republic of Ecuador, where it is recognized and guaranteed to the communes, communities, indigenous peoples and nationalities in accordance with the Constitution and with the covenants, agreements, declarations, and other international human rights instruments, to preserve the imprescriptible ownership of their communal lands which are inalienable, non sizeable and indivisible, the acquisition of land and relinquishment of rights specified in the criterion is not applicable.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.7	No use of fire in the preparation of new plantations other than in specific situations, as identified by the Environmental Authority in the Ministerial Agreement number 061	<p>Indicators:</p> <p>7.7.1 (M) There shall be no soil preparation by burning other than in specific situations, as determined by the National Authority according to the Ministerial Agreement number 061.</p> <p>7.7.2 (m) In exceptional cases where fire has to be used for preparing soil for planting, there shall be evidence of prior approval of the controlled burning as specified by the Competent Environmental Authority in the Ministerial Agreement number 061.</p> <p>Specific Guidance:</p> <p>For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Guidance:</p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This will be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
7.8	Preamble	<p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p> <p>Indicators:</p> <p>7.8.1 (M) The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2 (m) There shall be a plan to minimise net GHG emissions which takes into account the avoidance of new plantations in areas with high carbon stocks and/or sequestration options.</p>
7.8	New plantation developments are designed to minimise net greenhouse gas emissions.	<p>Specific Guidance:</p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantations (Carbon Assessment Tool for New Oil Palm Planting) will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantations.</p>



PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
		<p>Parties seeking to use an alternative tool for new plantations will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantations on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers must plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p> <p>Guidance This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation. Public reporting is desirable, but remains voluntary until the end of the implementation period. During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the carbon assessment tool for new plantations of RSPO, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers must ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, soil use and land use change emissions under Criterion 5.6.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>



PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY

NO.	PRINCIPLES AND CRITERIA	INDICATORS/GUIDANCE
8.1	<p>Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.</p>	<p>Indicators: 8.1.1 (M) The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of pesticides (Criterion 4.6); • Environmental impacts (Criteria 4.3, 5.1 and 5.2); • Waste reduction (Criterion 5.3); • Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8); • Social impacts (Criterion 6.1); • Optimising the yield of the supply base. <p>Guidance: Growers will have a system of best practices in accordance 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 continual improvement.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>

DEFINITIONS

Environmental Impact Assessment: A process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

Family farm: 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 hectares in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.

Grower: The person or entity that owns and/or manages an oil palm development.

High Conservation Value (HCV) Areas: The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):

HCV 1 – Species diversity. Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.

- **HCV 2 - Landscape-level ecosystems and mosaics.** Large landscape-level ecosystems and ecosystem mosaics 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.

- **HCV 3 - Ecosystems and habitats.** Rare, threatened, or endangered ecosystems, habitats or refuges.

- **HCV 4 - Critical ecosystem services.** Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.

- **HCV 5 - Community needs.** 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.

- **HCV 6 - Cultural values.** 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.

Note: RSPO will develop coherent guidance for standardised identification, management and monitoring (and other types of relevant guidance) of HCVs which would include guidance for compatibility of national toolkits as necessary

Integrated Pest Management (IPM): 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 minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms. (FAO 2013: <http://www.fao.org/agriculture/crops/core-themes/theme/pests/ipm/en/>)

ISO Standards: Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

Livelihood: 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.

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.

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.

(Compiled from various definitions of livelihoods from DfID, IDS and FAO and academic texts from:

<http://www.fao.org/docrep/X0051T/X0051t05.htm>).

Miller: A person or entity that operates a Palm Oil Mill.

Natural vegetation: Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

Operations: All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.

Operator: A person or entity that runs a business, machine, facility etc.

Origin of fresh fruit bunch (FFB): Source of FFB entering a mill (see Indicator 4.1.4). RSPO members acknowledge the need for responsible operators to practise due diligence in sourcing of FFB from third parties to reduce the risk that unsustainable products are entering the certified supply chain. However it is also recognised that there are significant challenges in tracing all such supplies back to their point of origin. Therefore, as a minimum the mill must record the particulars of the party from which the FFB was sourced at the mill gate.

Note: As stated in the preamble, the millers will commit to a process whereby they aim to source third party FFB from identified, legal and responsible sources.

Outgrowers: Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

Pesticide: Substances or mixture of substances intended for

preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.

Plan – 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.

Plantation: The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.

Primary Forest: A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. (From FAO Second Expert Meeting On Harmonizing Forest- related Definitions for Use by Various Stakeholders, 2001, http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm).

Note: National interpretations should consider whether a more specific definition is required.

Prophylactic: A treatment or course of action applied as a preventive measure.

Restore: Returning degraded or converted areas within the plantation to a semi-natural state.

Rights are legal, social, or ethical principles of freedom or entitlement:

- **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. (From World Bank Operational Policy 4.10 - <http://go.worldbank.org/6L01FZTD20>).
- **Legal rights:** Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations
- **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. (From FSC Principles & Criteria: <https://ic.fsc.org/download.revised-fsc-pc-v-5-0-high-resolution.a-871.pdf>)
- **Demonstrable rights** are those rights that are demonstrated through participatory user mapping as part of an FPIC process.

Note: Where there is a national interpretation, these rights shall

be further defined taking into account national obligations, constitutions, local laws and regulations, consistent with the generic definitions, including development of adequate guidance on a process to avoid or resolve any conflicts between customary rights (as defined above) and the nationally recognised customary rights.

Undue influence: 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.

Workforce: The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.

Migrant worker: 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.

Stakeholders: 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.

Small Producers: Farmers who grow oil palm, sometimes along with other subsistence crops, where the family provides the majority of the labor, the farm provides the main source of income, and where the planted area of oil palm is generally less than 75

hectares in size. Small producers can be small scheme producers, small independent producers or Community producers.

Small associated or scheme producers: Those who are a part of and find themselves linked to an extraction plant through a contractual or commercial relationship and/or agricultural extension. Based on this link, the extraction plant can be involved in the administration of the plantation.

Small independent producers: Those who can make their own administrative, agronomic, environmental, and social decisions in an autonomous manner, although they could have a commercial relationship with the extraction plant, and receive technical and/or agricultural extension assistance. These small producers can be part of cooperatives, associations or any other type of organization

Local population: Any type of human settlement that could find itself directly affected by the activities of an organization.

Community land: It is defined as community property or collective land ownership, land of communes, communities, or indigenous peoples and nationalities present in the national territory and recognized under this category. Community land is imprescriptible, inalienable, inembargable and indivisible according to that established in the Constitution of the Republic of Ecuador.

Community producers: Farmers who grow oil palm within land recognized under the category of community.

Annex 1: Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which should be taken into account as appropriate in developing national interpretations. National Interpretations shall identify which of the listed international standards and/or conventions have been ratified and when in the relevant country. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally.

Principles	International Standards	Key Provisions	Summary Of Protections
Ethical business conduct	United Nations Convention Against Corruption (2000)	Article 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct for business activities and preventing conflicts of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent corruption.
Respect for human rights	United Nations Guiding Principles on Business and Human Rights (2011) International Bill of Human Rights • Universal Declaration of Human Rights (1948) • International Covenant on Civil and Political Rights • International Covenant on Economic, Social and Cultural Rights	Principles 11 - 24 Articles 1 – 30 Articles 1 – 27 Articles 1 – 15	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership.
Just Land Acquisition	UN Declaration on the Rights of Indigenous Peoples (2007) UN Convention on Biological Diversity (1992) UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 13 - 19 Articles 25, 26 Article 10(c)	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. Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources. Protect and encourage customary use of biological resources in accordance with traditional practices.

Annex 1: Key international laws and conventions applicable to the production of palm oil

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Principles	International Standards	Key Provisions	Summary Of Protections
Fair Representation and Participation of Indigenous and Tribal Peoples	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007).	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination 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 Cultural and Economic Rights, Inter- American Commission on Human Rights.	Free Prior Informed Consent for decisions that may affect indigenous peoples. (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).
No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.

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Principles	International Standards	Key Provisions	Summary Of Protections
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour.	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 2- 11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.

Annex 1: Key international laws and conventions applicable to the production of palm oil

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Principles	International Standards	Key Provisions	Summary Of Protections
Non- Discrimination and Equal Remuneration	<p>ILO Convention 100 (1951) Equal Remuneration</p> <p>ILO Convention 111 (1958) Discrimination (Employment and Occupation)</p> <p>UN Declaration on the Rights of Indigenous Peoples (2007)</p>	<p>Articles 1-3</p> <p>Articles 1-2</p> <p>Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)</p>	<p>Equal remuneration for men and women for work of equal value.</p> <p>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.</p> <p>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.</p>
Just employment of Migrants	ILO Convention 97 (1949) Migration for Employment	Articles 1 - 12	<p>Provision of information; no obstacles to travel; provision of health care; non- discrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.</p> <p>Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.</p>
Protection of Plantation Workers	ILO Convention 110 (1958) Plantations	Articles 5 - 91	Protection of members of families of recruited workers; protection of 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.

Annex 1: Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which should be taken into account as appropriate in developing national interpretations. National Interpretations shall identify which of the listed international standards and/or conventions have been ratified and when in the relevant country. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally.

Principles	International Standards	Key Provisions	Summary Of Protections
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety wrt workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 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 Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides (1985, Revised 2002)	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Articles 1, 5 and 6	Curb trade in 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)	Articles 21(1), 23, 24, 29(3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.

Annex 1: Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which should be taken into account as appropriate in developing national interpretations. National Interpretations shall identify which of the listed international standards and/or conventions have been ratified and when in the relevant country. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally.

Annex 2: National laws applicable to the production of palm oil

PRINCIPLE 1. COMMITMENT TO TRANSPARENCY

PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
1.1	<p>Growers and millers provide 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.</p>	<p>Indicators:</p> <p>1.1.1 There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to stakeholders for effective participation in decision making.</p> <p>1.1.2 Records of requests for information and responses shall be maintained.</p> <p>Specific Guidance:</p> <p>For 1.1.1: Evidence must be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>For 1.1.1: The relevant aspects are those defined as participative according to the current legislation and with the RSPO norm (Criteria 2.3, 5.1 and 6.1).</p> <p>For 1.1.2: The storage time of documents (registries, archives, etc.) must be in agreement with the nature and relevance of the document and the fulfilling the applicable national legislation.</p> <p>Guidance:</p> <p>Growers and millers must have a Standard Operating Procedure (SOP) to respond constructively to stakeholders, including a specific timeframe of up to 20 business days to respond to requests for information. Growers and millers must respond constructively and promptly to requests for information from stakeholders. Growers and millers must ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See Criterion 6.2 on consultation.</p> <p>See Criterion 4.1 on SOPs.</p>	<p>• Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008.</p> <p>Arts. 16 - 17- 57- 60- 91- 208- 321- 323- 436</p> <p>• Organic Law on Transparency and Access to Public Information, Official Register Supplement No. 337 of May 18, 2004.</p> <p>Arts. 2- 8- 9- 10- 20- 21- 22.</p> <p>• Organic Law of Citizen Participation. Official Register Supplement No. 175 of April 20, 2010.</p> <p>Arts. 3- 4- 87- 96- 97- 99- 100</p> <p>• National Plan for Good Living 2013-2017. Resolution N ° CNP-002-2013. Official Registration Supplement No. 78 of September 11, 2013.</p> <p>OBJECTIVE N° 2</p> <p>• Organic Law of Jurisdictional Guarantees and Constitutional Control. Official Register Second Supplement No. 52 of October 22, 2009.</p> <p>Arts. 39- 47</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

1.2	Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.	<p>Indicators:</p> <p>1.2.1 Publicly available documents shall include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> • Land titles/user rights (Criterion 2.2); • Occupational health and safety plans (Criterion 4.7); • Plans and impact assessments relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8); • HCV documentation (Criteria 5.2 and 7.3); • Pollution prevention and reduction plans (Criterion 5.6); • Details of complaints and grievances (Criterion 6.3); • Negotiation procedures (Criterion 6.4); • Continual improvement plans (Criterion 8.1); • Public summary of certification assessment report; • Human Rights Policy (Criterion 6.13). <p>Guidance:</p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports. The auditors will comment on the sufficiency 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 must 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 must 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.</p>	<ul style="list-style-type: none"> • General Organic Code of Processes. Official Register Supplement No. 506 of May 22, 2015 (which will come into full force in May 2016). Art.8 • Organic Code of Territorial Organization, Autonomy and Decentralization. Official Registration Supplement No. 303 of October 19, 2010. Art.303-362 • Unified Text of Secondary Environmental Legislation (TULAS) Executive Decree No. 3516 March 31, 2003. Arts. 44-45-46 • Unique System of Environmental Management (SUMA, Book VI, on Environmental Quality, Decree No. 3516) • Law on Environmental Management Official Register Supplement No. 418 of September 10, 2004. Arts.12- 28-29 • Law on Companies. Official Register N° 312 of November 5, 1999. Arts. 440

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>Growers and millers must 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>	
1.3	<p>Growers and millers commit to ethical conduct in all business operations and transactions.</p>	<p>Indicators: There shall be a written policy committing to a code of ethical conduct and integrity in all operations and transactions, which shall be documented and communicated to all levels of the workforce and operations.</p> <p>Guidance: All levels of the operations will include contracted third parties (e.g. those involved in security).</p> <p>The policy must include as a minimum:</p> <ul style="list-style-type: none"> • A respect for fair conduct of business; • A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources; • A proper disclosure of information in accordance with applicable regulations and accepted industry practices. <p>The policy must be set within the framework of the UN Convention against Corruption, in particular Article 12.</p>	<ul style="list-style-type: none"> • Labor Code, Official Register Supplement 167 of 16 December 2005. Arts.44-45 • Organic Code of Production, Trade and Investment. Official Register Supplement No. 351 of December 29, 2010.. Art.59 • Organic Monetary and Financial Code. Book II. Official Register Supplement 215 of February 22, 2006. Art. 48 • Organic Law of Regulation and Control of Market Power. Official Registration Supplement No. 555 of October 13, 2011. Arts. 4 -2 – 7 - 9 - 25 - 26 - 27 - 71. • Reformatory Law for Equitable Tax in Ecuador. Official Register Supplement 242 of December 29, 2007. Art.29 • Organic Law of the Regime of Food Sovereignty. Official Register Supplement No. 583 of May 05, 2009. Arts. 2- 21 • State Policies for the Agricultural Sector. Executive Decree 1419. Official Register No. 281 of May 31, 2006.

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

PRINCIPLE 2: COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS			
PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
2.1	There is compliance with all applicable local, national and ratified international laws and regulations.	<p>Indicators:</p> <p>2.1.1 Evidence of compliance with relevant legal requirements shall be available.</p> <p>2.1.2 A documented system, which includes written information on legal requirements, shall be maintained.</p> <p>2.1.3 A mechanism for ensuring compliance shall be implemented.</p> <p>2.1.4 A system for tracking any changes in the law shall be implemented.</p> <p>Specific Guidance: For 2.1.4: The systems used for tracking any changes in laws and regulations must be appropriate to the scale of the organisation.</p> <p>Guidance: 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. agrochemical 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). Even more, 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 must be identified and solutions must be suggested.</p>	<ul style="list-style-type: none"> • Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008. Art. 57- 60- 66- 282- 321- 323- 376 • Civil Code, Official Register Supplement 46, June 24, 2005. Arts.3 -6 • Organic Law of Citizen Participation. Official Register Supplement No. 175 of April 20, 2010. Art. 2 • Organic Code of Territorial Organization, Autonomy and Decentralization, Official Register Supplement No. 303 of October 19, 2010. Art.3 • Intellectual Property Law, Official Register 426 of November 29, 2006. Art.1 • Law of Uncultivated Lands and Colonization. Official Register Supplement No. 315 of April 16, 2004 Art.1, 9, 27,28, 21, 29, 34 • Verification Instruction Plans for Management of Exploitation of Properties. Official Register Supplement No. 270 of June 18, 2014. Art. 3 • Adjudication Instruction Lands of the State's Forest Heritage. Ministerial Agreement No. 265. Official Register N ° 206 of 7 November 2007. Arts.2- 3- 5- 14-20. • Delimitation and Declaration of Reserve Zones and National Parks, Ministerial Agreement No. 322. Official

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Register N ° 69 of 20 November 1979.

Art. 1

- Integral Criminal Code. Official Registration Supplement No. 180 of February 10, 2014

Art. 201

- Civil Code, Official Register Supplement 46, June 24, 2005.

Art.599, 600, 603, 622, 658, 718.

- Civil Procedure Code, Official Register Supplement 58, July 12, 2005. Art. 668

- Organic Code of Territorial Organization, Autonomy and Decentralization. Official Registration Supplement No. 95 of October 19, 2010.

Arts. 103, 308, 436, 447, 524

- Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock, Executive Decree No. 3609 Official Register Supplement 1, March 20, 2003. (Arts. 23, 25, 26,34, 39)

- Law on Agrarian Development. Official Registration Supplement No. 315, April 16, 2004.

Art.3, 12, 24, 43, 44, 46, 50,52

- Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008.

Arts. 32, 33, 34, 46.1, 47.5, 325, 326, 327, 369

- Code of Childhood and Adolescence. Official Register No. 737 of January 3, 2003.

Art.65

- Integral Criminal Code. Official Registration Supplement No. 180 of February 10, 2014.

Art. 242, 243, 244

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- Labor Code, Official Register Supplement 167 of 16 December 2005
Arts. 1-40-42-45
- Social Security Law. Official Register Supplement No. 465 of November 30, 2001.
Art. 5
- Safety and Health Regulations for Workers. Executive Decree 2393. Official Register No. 565 of November 17, 1986.
Art. 6-11-12.
- Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008..
Arts. 32, 262, 263, 267, 320, 396, 410
- Law on Plant Health. Official Register Supplement No. 315 of April 16, 2004.
Art. 1, 4, 16, 17
- Organic Health Law. Official Register Supplement No. 423 of December 22, 2006
Art. 8-66
- Regulation for the Management of Solid Waste. Agreement No. 14630 Official Record 991 of 3 August 1992.
Art. 1-12-95
- Organic Law on Water Resource Use and Utilization of Water. Official Registration Supplement. Official Registration Supplement 305 of August 6, 2014.
Art. 12 inc.6
- Law on Agricultural Promotion and Development. Supreme Decree 3289. Official Register N ° 792 of March 15, 1979.
Art. 1
- Ecuadorian Ecosystem Policy. Ministerial Agreement No.

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

64. Official Registration N ° 60 of 5 November 2009.
Art. 1
- Unified Text of Secondary Legislation of MAGAP. Executive Decree 3609. Official Register Supplement 1 of March 20, 2003.
Art. 4
 - Unified Text of Secondary Legislation From the Ministry of Agriculture and Livestock, Ministerial Agreement 177 R.O. 154, August 25, 2003.
Art. 2
 - Regulation to the Law on Narcotic and Psychotropic Substances. Official Register Supplement 637 of March 7, 1991.
Art. 42
- Control Regulation of Substances Subject to Inspection and Medications. Official Register N ° 521 of 04 February 2009.
Art. 1
- Pesticide Marketing and Employment Law. Official Register Supplement 315 of April 16, 2004.
Art. 1-2
 - National Standard for Registration and Control of Chemical Pesticides. Official Registration 796 of September 25, 2012.
Art. 3-5
 - INEN Standard 2 -176 Water Quality - Sampling
 - INEN Standard 1-108 Drinking Water
 - INEN Standard 2-226 Water. Water Quality. Sampling. Design of sampling programs.
 - INEN Standard Vegetable and Animal Oils and Fats

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Determination of Insoluble Impurities, 2180-99

- INEN Standard, African Palm Fat Requirements, 30-1974.
- NEN Standard, Edible Fats and Oils Sampling, 1973-08.
- INEN Standard, Edible Fats and Additives, 46-1973.
- INEN Standard, Edible Fats and Oils Determination of adulterations, 44-1973.
- INEN Standard, Edible Fats and Oils Determination of Acidity, 38-1973
- INEN Standard, Edible Fats and Oils Determination of Relative Density, 35-1973
- INEN Standard, Edible Fats and Oils Determination of Unsaponifiable Matter, 41-1973.
- INEN Standard, Edible Fats and Oils Determination of Heat Loss, 39-1973
- INEN Standard, Edible Fats and Oils Determination of Color, 473-1980.
- INEN Standard, Edible Fats and Oils Determination of the Saponification Index, 40-1973.
- INEN Standard, Edible Fats and Oils Determination of the Iodine Index, 37-1973.
- INEN Standard, Edible Fats and Oils Determination of the Melting Point, 474-1980.
- INEN Standard, Edible Fats and Oils Determination of Title, 43-1973

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

- INEN Standard, Edible Fats and Oils Rancidity Test, 45-1973.
- INEN Standard, Edible Fats and Oils, Packaging and Labeling, 06-1973.
- INEN Standard, Edible Fats and Oils Preparation of the WIJS Solution, 36-1973.
- INEN Standard, Edible Fats and Oils Determination of the Refraction Index, 42-1973.
- INEN Standard, Edible Fat Products. Definitions and Classification, NTE-INEN 7-1973.
- INEN Standard, Packaged Liquid Products. Procedure for Inspection and Testing of Constant Net Content Packages, 482-1980.
- Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008.
Arts. 14, 15, 66.27, 83, 276, 395, 396, 397, 398, 399
- National Plan for Good Living 2013-2017. Resolution No. CNP-002-2013 Objective 7. Official Register Supplement No. 78 of September 11, 2013.
Objective 7
- Environmental Management Law, R.O.S. 418. 10 September 2004 Art. 1
- Law on Prevention and Control of Environmental Pollution, R.O.S. 418, 10 September 2004.
Art. 2-12-13
- Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI, on Environmental Quality.
Art. 1-2-4

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Annex 1-2-3-4

- Procedure for Register of Hazardous Waste Generators. Ministerial Agreement No. 26. Official Register Supplement No. 334 of May 12, 2008.
Art. 1-2
- Maximum Emission Limits in Hydrocarbons. Ministerial Agreement N ° 91. Official Registration 430 January 2007
Art. 1-2-3
- Operational Manual of the Regulation for the Prevention and Control of Environmental Pollution Originated by Noise Emission. Agreement No. 7789.
Art. 1
- Law on the Forest and Conservation of Natural Areas and Wildlife, Official Register Supplement No. 418 of September 10, 2004.
Art. 1
- Organic Law of Citizen Participation. Official Register Supplement No. 175 of April 20, 2010.
Art. 2
- Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008.
Arts.15, 396, 397
- Organic Law of Land Transport, Traffic and Road Safety, Official Register Supplement No. 398 of August 7, 2008.
Art. 1-2
- Regulation to Land Transportation, Traffic and Road Safety Law. Official Registration Supplement No. 731 of June 25, 2012.Art. 1
- INEN 2-204 Environmental Management of Vehicles
- NEN 2- 207 Environmental management. Air. Motor

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

vehicles. Permissible emission limits for mobile land diesel sources

- Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008.
Arts. 52- 276-284-302-396

- Organic Law of Popular and Solidarity Economy of the Financial System, Official Register 444, May 10, 2011.
Art. 2-3

- Organic Code of Production, Trade and Investment, Official Register Supplement No. 351, December 29, 2010.
Art. 1-3

- Stockholm Convention on Persistent Organic Pollutants, R.O. 381, July 20, 2004. Art. 1-3

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, R.O.S. 153, November 25, 2005.
Art. 1

- Vienna Convention for the Protection of the Ozone Layer, R.O. 397, 16 March 1990.
Art. 2

- United Nations Framework Convention on Climate Change, R.O. 562, 7 November 1994.
Art. 2

- Convention for the Protection of Plant Varieties, R.O. 109 July 16, 1997.
Art. 1-3

- Decision 562/03 Guidelines for the preparation, adoption and application of Technical Regulations in the Member Countries of the Andean Community and at Community level, R.O. 162, 4 September 2003.
Art. 2-3

- Decision 436/98 Andean Standard for the Registration and Control of Chemical Pesticides for Agricultural Use, R.O. 23

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			September 10, 1998. Article 1
2.2	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>Indicators:</p> <p>2.2.1 The documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p>2.2.2 Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p>2.2.3 Where there are, or have been existed disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants must be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p>2.2.4 There shall be an absence of significant land conflict, unless requirements for acceptable conflict resolution processes (see Criteria 6.3 and 6.4) are implemented and accepted by the parties involved.</p> <p>2.2.5 For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p> <p>2.2.6 To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence in maintaining peace and order in their current and planned operations.</p> <p>Specific Guidance:</p> <p>For 2.2.2: Plantation operations must cease on land planted beyond the legally determined area and there must be specific plans in place to address such issues for associated smallholders.</p> <p>For 2.2.6: Company policy must prohibit the use of mercenaries and paramilitaries</p>	<p>Law of Uncultivated Lands and Colonization. Official Register Supplement No. 315 of April 16, 2004. Arts.1- 9- 27-28- 21- 29- 34.</p> <p>Verification Instruction Plans for Management of Exploitation of Properties. Official Register Supplement No. 270 of June 18, 2014. Art. 3</p> <p>Adjudication Instruction Lands of the State's Forest Heritage. Ministerial Agreement No. 265. Official Register N ° 206 of 7 November 2007. Arts.2- 3- 5- 14-20.</p> <p>Delimitation and Declaration of Reserve Zones and National Parks, Ministerial Agreement No. 322. Official Register N ° 69 of 20 November 1979. Art.1</p> <p>Integral Criminal Code. Official Registration Supplement No. 180 of February 10, 2014. Art. 201</p> <p>Arbitration and Mediation Law R.O. 417 of November 29,</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>in their operations. Company policy must prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13). Guidance The different forms of land tenure in Ecuador are presented in Annex:Description of land tenure forms in Ecuador.</p> <p>Where there is a conflict on the ownership of the land and property rights by title and/or possession rights, growers must show evidence that necessary action has been taken to resolve the conflict with relevant parties.</p> <p>A mechanism must be in place to resolve any conflict (Criteria 6.3 and 6.4). Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p>	<p>2006.Art. 1-43</p> <p>Regulation of operation of the Mediation Directorate of MAGAP. R.O. 836 of October 29, 2012 Art. 2</p>
2.3	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>Indicators:</p> <p>2.3.1 Maps of an appropriate scale showing the extent of recognised legal, customary or user rights (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p> <p>2.3.2 In the case that legal, customary or use of other users rights exist, copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available and shall include:</p> <ul style="list-style-type: none"> a) Evidence that a plan has been developed through consultation and discussion with all affected groups in the communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making; b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken; c) Evidence that the legal, economic, environmental and social implications for 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 company's title, concession or lease on the land. <p>2.3.3 In the case that legal, customary or use of other users rights exist, all relevant information shall be available in appropriate forms and languages, including</p>	<p>Law of Uncultivated Lands and Colonization. Official Register Supplement No. 315 of April 16, 2004.</p> <p>Arts.1- 9- 27-28- 21- 29- 34.</p> <p>Verification Instruction Plans for Management of Exploitation of Properties. Official Register Supplement No. 270 of June 18, 2014.. Art. 3</p> <p>Adjudication Instruction Lands of the State's Forest Heritage. Ministerial Agreement No. 265. Official Register N ° 206 of 7 November 2007. Arts.2- 3- 5- 14-20.</p> <p>Delimitation and Declaration of Reserve Zones and National Parks, Ministerial Agreement No. 322. Official Register N ° 69 of 20 November 1979. Art.1</p> <p>Integral Criminal Code. Official Registration Supplement No. 180 of February 10, 2014. Art. 201</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

assessments of impacts, proposed benefit sharing, and legal arrangements.

2.3.4 The evidence must be available to show that communities are represented through institutions or representatives of their own choosing, including legal advice.

Specific Guidance:

For 2.3.4: Evidence should be available from the companies, communities or other relevant stakeholders.

Guidance:

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 2.3.1 and 2.3.2.

Where there are legal or customary rights over land, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This Criterion must be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these must be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).

This Criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and voluntary, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members. Adequate time must be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements must be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is a long-term benefit for all parties.

Companies must be especially careful where they are offered lands acquired from the State by its invoking the national interest (also known as 'eminent domain').

Growers and millers should refer to the current RSPO approved FPIC guidance ('FPIC and the RSPO: A Guide for Companies')

Organic Code of Territorial Organization, Autonomy and Decentralization. Official Registration Supplement No. 95 of October 19, 2010.

Art. 57

Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock, Executive Decree No. 3609 Official Register Supplement 1, March 20, 2003.

Art. 2

Law on Agrarian Development. Official Registration Supplement No. 315, April 16, 2004.

Art. 27

Annex 2: National laws applicable to the production of palm oil

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PRINCIPLE 3: COMMITMENT TO LONG-TERM ECONOMIC AND FINANCIAL VIABILITY.			
PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
3.1	There is an implemented management plan that aims to achieve long-term economic and financial viability	<p>Indicators:</p> <p>3.1.1 A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p> <p>Specific Guidance:</p> <p>For 3.1.1: The business or management plan should contain:</p> <ul style="list-style-type: none"> • Attention to quality of planting materials; • Crop projection = Fresh Fruit Bunches (FFB) yield trends; • Mill extraction rates = Oil Extraction Rate (OER) trends; • Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends; • Forecast prices; • Financial indicators. <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need of a low yield during major replanting programmes).</p> <p>Guidance:</p> <p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management shall be able to demonstrate attention to economic and financial viability through long-term management planning. There shall be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Criteria 6.10 and 6.11). For scheme smallholders the content will vary from that suggested (refer to the Management System Requirements and Guidance for Group Certification of FFB production.)</p> <p>Growers must have a system to improve practices in line with new information and</p>	<p>Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008. Arts.308- 309- 310- 320- 385</p> <p>Organic Law of Citizen Participation. Official Register Supplement No. 175 of April 20, 2010. Art.70</p> <p>National Plan for Good Living 2013-2017. Resolution N ° CNP-002-2013. Official Registration Supplement No. 78 of September 11, 2013. OBJECTIVE N° 9 and 10.</p> <p>Organic Code of Territorial Organization, Autonomy and Decentralization, Official Register Supplement No. 303 of October 19, 2010. Arts.134-135</p> <p>Organic Code of Production, Trade and Investment. Official Register Supplement No. 351 of December 29, 2010. Arts. 3-5- 22- 24- 104.</p> <p>Organic Law of Regulation and Control of Market Power. Official Register Supplement No. 555 of October 13, 2011. Arts. 4. NUM. 9, 9-10- 11- 29 LIT.h.</p> <p>Reformatory Law for Tax Equity in Ecuador. Official Register Supplement 242 of December 29, 2007. Arts.159- 180 LIT. i. 182-183</p> <p>Integral Criminal Code. Official Registration Supplement No. 180 of February 10, 2014..</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

	<p>techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements.</p> <p>This Criterion is not applicable to independent smallholders (refer to the Management System Requirements and Guidance for Group Certification of FFB production.)</p>	<p>Art.222</p> <p>Labor Code, Official Register Supplement 167 of December 16, 2005.</p> <p>Arts. 42- 43- 80- 87- 97,1- 100- 112</p> <p>Law on Companies. Official Register N° 312 of November 5, 1999.</p> <p>Arts. 3- 4- 5- 6- 16- 19- 20.</p> <p>Commercial Code. Official Register Supplement No. 1202 of August 20, 1960.</p> <p>Art. 22- 23- 24- 38- 141.</p> <p>Organic Monetary and Financial Code. Book I and Book II. Official Register Supplement 215 of February 22, 2006..</p> <p>Arts. 114- 153-155</p> <p>• Tributary Code. Official Register Supplement No. 38 of June 14, 2005.</p> <p>Arts.16-17-19-20-24-25-26-27-35-36-39.</p> <p>• Organic Law of Internal Tax Regime. Official Register Supplement No. 463 of November 17, 2004.</p> <p>Arts. 3- 4- 4.3- 9.1- 9.2- 9.3- 11- 12- 17-18- 19- 20- 21.</p> <p>• Regulation for application Internal Tax Regime Law. Official Register No. 209 of June 8, 2010</p> <p>Arts. 2- 4- 7- 9- 10- 15- 22- 47- 48- 49- 55-56 -57 -59- 71- 72- 93.</p>
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Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

PRINCIPLE 4: USE OF APPROPRIATE BEST PRACTICES BY GROWERS AND MILLERS			
PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
4.1	Operating procedures are appropriately documented, consistently implemented and monitored.	<p>Indicators:</p> <p>4.1.1 Standard Operating Procedures (SOPs) for estates and mills shall be documented.</p> <p>4.1.2 A mechanism to check consistent implementation of procedures shall be in place.</p> <p>4.1.3 Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p>4.1.4 The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p> <p>Specific Guidance:</p> <p>For 4.1.1 and 4.1.4: SOP and documentation for mills must include relevant supply chain requirements (see current RSPO Supply Chain Certification Standard).</p> <p>Guidance:</p> <p>Mechanisms to check the implementations could include documentation management systems and internal control procedures.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <p>Art. 262: Regional autonomous governments: 7) promotion of productive activities</p> <p>Art. 263: Provincial Governments: 4) environmental management 6) promote agricultural activity 7) promote provincial productive activities</p> <p>Art. 267: Rural Parochial Governments: 4) encourage the development of community productive activities, preservation of biodiversity and protection of the environment</p> <p>Art. 320: Production, in any of its forms, shall be subject to principles and standards of quality, sustainability, systemic productivity, labor valuation and economic and social efficiency.</p> <p>Art. 396: The actors of the processes of production, distribution, commercialization and use of goods or services will assume the direct responsibility to prevent any environmental impact, to mitigate and repair the damages it has caused, and to maintain a system of permanent environmental control.</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Art. 410: State Support: development of agricultural practices, protect and promote food sovereignty.

National Biodiversity Strategy as State Policy, D.E. 2232, R.O. 11, 30 January 2007.

State Policies for the Agricultural Sector, D.E. 1419, R.O. 281, May 31, 2006.
CHAPTER III Sectoral Policies 3.1-3.2-3.3-3-4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12

Organic Law of the Regime of Food Sovereignty, R.O.S. 583, May 5, 2009.
Arts. 6 - 10 - 11- 13 -14 – 15.

Law on Agricultural Promotion and Development, D.S 3289
R.O. 792 03/15/1979.
Arts. 6

Plant Health Law, R.O.S. 315, April 16, 2004.Arts. 6- 14-15-21-26

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Unified Text of MAGAP Secondary Legislation.

Title II.- Arts. 2-3-4

Title III.-Arts. 4-5-6-10-11

Title IV.-Arts. 14-24

Regulation for the Management of Solid Waste, Agreement No. 14630, August 3, 1992.

Art. 7 - 9- 38 -39- 91 -92 - 105- 134 - 135

Organic Law on Health, R.O.S. 423, 22 December 2006.

Art. 8-9

Law on Environmental Management, R.O.S No. 418, September 10, 2004.

Arts. 20-21-23-40-42

Organic Law on Water Resource Use and Use of Water, R.O.S. 305, August 6, 2014.

Arts. 18-19-20-69-70-106

Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. DE. 3516, R.O.S. 3516, 31 March 2003.

Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.

Regulations for the Application of the Law on Narcotic and Psychotropic Substances, D.E. 2145, R.O. S. 637, 7 March 1991.

Arts. 39-40-43-44

Regulation for the Control of Substances Subject to Inspection and Medicines, R.O. 521, February 4, 2009.

Arts 3-4-5

Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004.

Arts. 10-12-13-14-18-20

Adjudication Instruction Lands of the State's Forest

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Heritage. Ministerial Agreement No. 265. Official Register N ° 206 of 7 November 2007 Arts. 3-4-5-6-7-21-22.</p> <p>National Standard for Registration and Control of Chemical Pesticides, AGROLOCALIDAD Resolution 173, R.O. 796, September 25, 2012. Arts.10-11-12-13-14-15-16-38-39.</p> <p>Revaluation of Chemical Pesticides for Agricultural Use, AGROLOCALIDAD Resolution 118, R.O. 69 of November 18, 2009. Arts. 2-3-4</p> <p>Industrialization Recycling and Treatment of Solid and Liquid Waste, Ministerial Agreement 397, R.O.S. 71, November 20, 2009 Art.2</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009. Art. 38.</p>
4.2	Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	<p>Indicators:</p> <p>4.2.1 There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield.</p> <p>4.2.2 Records of fertiliser inputs shall be maintained.</p> <p>4.2.3 There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p> <p>4.2.4 A nutrient recycling strategy shall be implemented and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008: Art.: Regional autonomous governments: 7) portion of productive activities Art.263 Provincial Governments: 4) environmental management 6) promote agricultural activity 7) promote provincial productive activities Art. 267: Rural Parochial Governments: 4) encourage the development of community productive activities, preservation of biodiversity and protection of the environment</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Guidance:

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.

Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.

Art. 320: Production, in any of its forms, shall be subject to principles and standards of quality, sustainability, systemic productivity, labor valuation and economic and social efficiency.

Art. 396: The actors of the processes of production, distribution, commercialization and use of goods or services will assume the direct responsibility to prevent any environmental impact, to mitigate and repair the damages it has caused, and to maintain a system of permanent environmental control.

- Art. 410: State support: development of agricultural practices, protect and promote food sovereignty.

National Biodiversity Strategy as State Policy, D.E. 2232, R.O. 11, 30 January 2007.

State Policies for the Agricultural Sector , D.E. 1419, R.O. 281, May 31, 2006.

CHAPTER III. On sectoral policies 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12

Organic Law of the Regime of Food Sovereignty, R.O.S. 583, May 5, 2009.

Arts. 6 - 10 - 11- 13 -14 – 15

Law on Agricultural Promotion and Development, D.S 3289 R.O. 792 03/03/1979.

Arts. 6

Plant Health Law, R.O.S. 315, April 16, 2004 .

Arts. 6- 14-15-21-26

Unified Text of MAGAP Secondary Legislation. Titles II, III, IV, V.

Regulation for the Management of Solid Waste, Agreement No. 14630, August 3, 1992.

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

Art. 7 - 9- 38 -39- 91 -92 - 105- 134 - 135

Organic Law on Health, R.O.S. 423, December 22, 2006.
Art. 8-9

Law on Environmental Management, R.O.S No. 418,
September 10, 2004.
Arts. 20-21-23-40-42

Organic Law on Water Resource Use and Use of Water,
R.O.S. 305, August 6, 2014.
Arts. 18-19-20-69-70-106

Unified Text of Secondary Environmental Legislation of the
Ministry of the Environment, Book VI. D.E.. 3516, R.O.S.
3516, 31 March 2003.
Art. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67

Regulations for the Application of the Law on Narcotic and
Psychotropic Substances, D.E. 2145, R.O. S. 637, 7 March
1991.
Arts. 39-40-43-44

Regulation for the Control of Substances Subject to
Inspection and Medicines, R.O. 521, February 4, 2009.
Arts. 3-4-5

Pesticide Marketing and Employment Law, Codification 11
R.O.S. 315, April 16, 2004.
Arts. 10-12-13-14-18-20

Adjudication Instruction for State Forest Heritage Land,
Ministerial Agreement 265, R.O. 206 7 November 2007.
Arts. 3-4-5-6-7-21-22.

National Standard for Registration and Control of Chemical
Pesticides, AGROLOCALIDAD Resolution 173, R.O. 796,
September 25, 2012.

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

			<p>Arts. 10-11-12-13-14-15-16-38-39.</p> <p>Revaluation of Chemical Pesticides for Agricultural Use, AGROLOCALIDAD Resolution 118, R.O. 69 of 18 November 2009.</p> <p>Arts. 2-3-4</p> <p>Industrialization Recycling and Treatment of Solid and Liquid Waste, Ministerial Agreement 397, R.O.S. 71, November 20, 2009.</p> <p>Art. 2</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N° 108. R.O.S. No. 90, December 17, 2009.</p> <p>Art. 4-7-10-11-12</p>
4.3	Practices minimise and control erosion and degradation of soils	<p>Indicators:</p> <p>4.3.1 Maps of any fragile soils shall be available.</p> <p>4.3.2 A management strategy shall be in place for plantations on slopes above the limit established by the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD and RSPO Guidelines for Cultivation on Steep Slopes (this strategy needs to be soil and climate specific).</p> <p>4.3.3 A road maintenance programme shall be in place.</p> <p>4.3.4 Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p>4.3.5 Drainability assessments shall be required prior to replanting on peat to determine the long- term viability of the necessary drainage for oil palm growing.</p> <p>4.3.6 A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils) according to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD,</p> <p>Specific Guidance:</p> <p>For 4.3.3: This indicator is applicable to palm growers with their own roads.</p> <p>For 4.3.4: For existing plantations on peat, the water table should be maintained at</p>	<p>Unique System of Environmental Management, Resolution 757, R.O. 394, December 11, 2014. Arts. 1-3</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E. 3516, R.O.S. 3516, 31 March 2003.</p> <p>Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004</p> <p>Arts. 10-12-13-14-18-20</p> <p>Unified Text of MAGAP Secondary Legislation. Book II. Arts. 2-3-4</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N° 108. R.O.S. No. 90, December 17, 2009.</p> <p>Art. 4-11-12-38</p>

Annex 2: National laws applicable to the production of palm oil

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an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) 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 (Criteria 4.4 and 7.4).

For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans must be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters must consider ceasing replanting and implementing rehabilitation.

Guidance:

Plantations on peat must be managed at least to the current standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat' (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).

Techniques that minimise soil erosion are well known and must be adopted, where appropriate. These should include practices like ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replantations.

Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.

Annex 2: National laws applicable to the production of palm oil

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4.4	Practices maintain the quality and availability of surface and ground water.	<p>Indicators:</p> <p>4.4.1 An implemented water management plan shall be in place.</p> <p>4.4.2 Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones (refer to national best practice and national guidelines) shall be demonstrated.</p> <p>4.4.3 Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p>4.4.4 Mill water use per tonne of Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p> <p>Specific Guidance:</p> <p>For 4.4.1: The water management plan will comply with the current norm and especially consider:</p> <ul style="list-style-type: none"> • Take account of the efficiency of use and renewability of sources; • Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users; • Guarantees that local communities, workers and their families are not affected in order to have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes ; • Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME). <p>For 4.4.2: Refer to the current 'RSPO Manual on Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat'.</p>	<p>Organic Law on Water Resource Use and Use of Water, R.O.S. 305, August 6, 2014Arts. 18-19-20-69-70-106</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.. 3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Arts. 20-21-23-40-42</p> <p>Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock. D.E.. 3609. R.O.S. 1. 20 March 2003. Arts. 2-3-4 Title III.- Arts. 4-5-6-10-11 Title IV.- Arts. 14 – 24</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009.Art. 13-14-24</p>

Annex 2: National laws applicable to the production of palm oil

The following is a listing of the national laws applicable to the production of palm oil in Ecuador.

		<p>Guidance:</p> <p>Growers and millers should address the effects of their use of water and the effects of their activities on local water resources.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	
4.5	Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p>Indicators:</p> <p>4.5.1 Implementation of Integrated Pest Management (IPM) plans shall be monitored.</p> <p>4.5.2 Training of those involved in IPM implementation shall be demonstrated.</p> <p>Guidance:</p> <p>Growers must apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals, according to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p> <p>Native species must be used in biological control where possible.</p>	<p>Decision 436/98 Andean Standard, Andean Subregional Integration Agreement, for the Registration and Control of Chemical Pesticides for Agricultural Use Arts. 8-9-10-13-15.</p> <p>Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004 Arts. 10-12-13-14-18-20</p> <p>Law on Agricultural Promotion and Development, D.S 3289 R.O. 792 March 15, 1979 Arts. 6</p> <p>State Policies for the Agricultural Sector, D.E. 1419, R.O. 281, May 31, 2006 CHAPTER III.-On sectoral policies 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12</p> <p>Regulations for the Application of the Law on Narcotic and Psychotropic Substances, D.E. 2145, R.O.S. 637, 07 March 1991 Arts. 39-40-43-44</p> <p>Regulation for the Control of Substances Subject to Inspection and Medicines that Contain them. CONSEP Resolution 7, R.O. 521, 22 November 2011. Art. 3-4-5</p> <p>Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004 Arts. 10-12-13-14-18-20</p>

Annex 2: National laws applicable to the production of palm oil

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			<p>Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock. D.E.. 3609. R.O.S. 1. 20 March 2003. Title II.- Arts. 2-3-4 Title III.-Arts. 4-5-6-10-11 Title IV.-Arts. 14 - 24</p> <p>National Standard for Registration and Control of Chemical Pesticides, AGROLOCALIDAD Resolution 173, R.O. 796, September 25, 2012 Arts.10-11-12-13-14-15-16-38-39.</p> <p>Revaluation of Chemical Pesticides for Agricultural Use, AGROCALIDAD Resolution 118, R.O. 69 of 18 November 2009 Arts. 2-3-4</p> <p>Organic Law on Health, R.O.S. 423, 22 December 2006.Art. 8-9 Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009.Art. 12</p>
4.6	Pesticides are used in ways that do not endanger health or the environment	<p>Indicators:</p> <p>4.6.1 Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.</p> <p>4.6.2 Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p>4.6.3 Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.</p> <p>4.6.4 Pesticides that are categorised as World Health Organisation Class 1A or</p>	<p>Decision 436/98 Andean standard, Andean Subregional Integration Agreement for the Registration and Control of Chemical Pesticides for Agricultural Use Arts. 8-9-10-13-15.</p> <p>Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004 Arts. 10-12-13-14-18-20</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Art. 20-21-23-40-42</p> <p>Law on Agricultural Promotion and Development, D.S 3289 R.O. 792 March 15, 1979Arts. 6</p>

Annex 2: National laws applicable to the production of palm oil

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	<p>1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, except in specific situations identified in national Best Practice guidelines. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p> <p>4.6.5 Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate personal safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).</p> <p>4.6.6 Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).</p> <p>4.6.7 Application of pesticides shall be by proven methods that minimise risk and impacts.</p> <p>4.6.8 Pesticides shall be applied aurally only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p> <p>4.6.9 Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated; including provision of appropriate information materials (see Criterion 4.8).</p> <p>4.6.10 Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p>4.6.11 Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p>4.6.12 No work with pesticides shall be undertaken by pregnant or breast-feeding women.</p> <p>Specific Guidance:</p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification must consider less harmful alternatives and IPM.</p>	<p>State Policies for the Agricultural Sector, D.E. 1419, R.O. 281, May 31, 2006 CHAPTER III.- On the sectorial policies . Arts. 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12</p> <p>Regulations for the Application of the Law on Narcotic and Psychotropic Substances, D.E. 2145, R.O.S. 637, 07 March 1991 Arts. 39-40-43-44</p> <p>Regulation for the Control of Substances Subject to Inspection and Medicines that Contain them. CONSEP Resolution 7, R.O. 521, 22 November 2011.</p> <p>Pesticide Marketing and Employment Law, Codification 11 R.O.S. 315, April 16, 2004 Arts. 10-12-13-14-18-20</p> <p>Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock. D.E.. 3609. R.O.S. 1. 20 March 2003.</p> <p>National Standard for Registration and Control of Chemical Pesticides, AGROLOCALIDAD Resolution 173, R.O. 796, September 25, 2012. Arts.10-11-12-13-14-15-16-38-39.</p> <p>Revaluation of Chemical Pesticides for Agricultural Use, AGROCALIDAD Resolution 118, R.O. 69 of 18 November 2009 Arts. 2-3-4</p> <p>Organic Law on Health, R.O.S. 423, 22 December 2006.Art. 8-9</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. DE. 3516, R.O.S.</p>
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Annex 2: National laws applicable to the production of palm oil

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		<p>Specific guidance for 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>Specific guidance for 4.6.6: 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 1).</p> <p>Guidance:</p> <p>The RSPO has identified some examples of alternatives to pesticide 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 (refer to the current RSPO guide for smallholders).</p> <p>For the eradication of plants with basal stem rot (BSR) it will be possible to use paraquat and/or some other type of pesticide that is approved by the competent authority - Agrocalidad), according to the current Manual of Eradication of Basal Stem Rot (BSR) of the Oil Palm, authored by ANCUPA and AGROCALIDAD.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	<p>3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009.Art.15-16-18-20-33-36-37 .</p>
4.7	An occupational health and safety plan is documented, effectively communicated and implemented..	<p>Indicators:</p> <p>The health and safety plan shall cover the following:</p> <p>4.7.1 A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.</p> <p>4.7.2 All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.</p> <p>4.7.3 All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8).Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008</p> <ul style="list-style-type: none"> - Article 32: Right to Health is transversal to the right to water, food, education, physical culture, work, social security, healthy environment and good living. - Article 33: Right to Work - Art. 34: Right to Social Security - Art. 46.1: Prohibition of work for children and adolescents - Article 47.5: Right to work of the disabled - Art. 325: Forms of work: under dependency or autonomous relationship - Art. 327: Prohibition of precarious work, labor intermediation, outsourcing, hourly hiring

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		<p>potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.</p> <p>4.7.4 The responsible person/persons shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.</p> <p>4.7.5 Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.</p> <p>4.7.6 All workers shall be provided with medical care, and covered by accident insurance.</p> <p>4.7.7 Occupational injuries shall be recorded using Lost Time Accident (LTA) metrics</p> <p>Specific Guidance:</p> <p>For 4.7.7: The National Interpretation will define the metrics for LTA. For countries where there are no national interpretations, the growers will determine their own metrics.</p> <p>Guidance:</p> <p>Growers and millers must ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. Growers and millers must ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. All indicators apply to all workers regardless of status. The health and safety plan must also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>Refer to the Annex of Laws, Conventions and Treaties for the revision of the labor regulations issued by the Ministry of Work of Ecuador.</p>	<p>- Art. 356: Principles of the Right to Work - Art. 369: Compulsory universal insurance</p> <p>Regulations for the Operation of Medical Business Services, Ministerial Agreement No. 1404, June 6, 1979 Arts. 4-5-10-18.</p> <p>Regulation to the Andean Instruction of Safety and Health at Work. Resolution 957. R.O.S. 28. 12 March 2008. Arts. 3-7-8-11.</p> <p>Labor Code R.O.S. 167. 16 December 2005. Arts.42-43-138-407-412-420-428-436.</p> <p>Social Security Law. Law 55. R.O.S. 465. 30 November 2001. Arts.75-91.</p> <p>Safety and Health Regulations for Workers. D.E.. 2393. R.O. 565. 17 November 1986. Arts.11-12-13-14-15-16.</p> <p>Regulation of the System of Audit of Work Risks. Resolution IESS 333. R.O.S. 319. 12 November 2010. Arts.8-9.</p> <p>Instruction of the Regulation to the System of Audits of Work Risks. Resolution IESS 536. R.O. 520. August 25, 2011. Art.7 -14.</p> <p>Safety Regulations for Construction and Public Works. A.M. 174. R.O.S. 249. 10 January 2008.. Arts.7-8-9-10-14-15-17-18-19</p> <p>• Instruction to the Registry of Hygiene and Safety Regulations and Committees. A.M. 141. R.O. 540. 19</p>
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			August 2015. Art. 3-5-6-7-9-10
4.8	All staff, workers, smallholders and contract workers are appropriately trained.	<p>Indicators:</p> <p>4.8.1 A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p>4.8.2 Records of training for each employee shall be maintained.</p> <p>Guidance:</p> <p>Workers must 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.</p> <p>Training must be given to all staff and workers by growers and millers to enable them to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Contract workers must be selected for their ability to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of the RSPO Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers must demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (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 growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (refer to the current RSPO guide for smallholders).For individual smallholder operations, training records should not be required for their workers, but</p>	<p>Safety and Health Regulations for Workers. DE. 2393. R.O. 565. 17 November 1986.Arts.11-12-13-14-15-16</p> <p>Regulation of the System of Audit of Work Risks. Resolution IESS 333. R.O.S. 319. 12 November 2010. Arts.8-9.</p> <p>Instruction of the Regulation to the System of Audits of Work Risks. Resolution IESS 536. R.O. 520. August 25, 2011. Art.7 -14.</p> <p>Safety Regulations for Construction and Public Works. A.M. 174. R.O.S. 249. 10 January 2008. Arts.7-8-9-10-14-15-17-18-19.</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009.Art. 34-35-36-37-40 and annex 12.</p>

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		<p>anyone working on the farm should be adequately trained for the job they are doing (refer to the current RSPO guide for smallholders).</p> <p>The appropriate qualifications for occupational training qualifications will be identified to the norm approved by the Ministry of Labor.</p>	
PRINCIPLE 5: ENVIRONMENTAL RESPONSIBILITY AND CONSERVATION OF NATURAL RESOURCES AND BIODIVERSITY			
PRINCIPLES	CRITERION	INDICATORS AND GUIDES	LEGAL IDENTIFICATION
5.1	<p>Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.</p>	<p>Indicators:</p> <p>5.1.1 An environmental impact assessment (EIA) shall be documented.</p> <p>5.1.2 Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p>5.1.3 This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p> <p>Guidance:</p> <p>The EIA must cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> • Building new roads, processing mills or other infrastructure; • Putting in drainage or irrigation systems; • Replanting and/or expansion of planting areas; • Management of mill effluents (Criterion 4.4); • Clearing of remaining natural vegetation; • Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7). <p>An environmental impact evaluation must be done in the format established by the current environmental legislation for its approval by the national environmental authority.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 262 - 263- 267 - 320 -396-410.</p> <p>National Biodiversity Strategy as State Policy, D.E. 2232, R.O. 11, 30 January 2007. Strategic Line 1 and 2</p> <p>State Policies for the Agricultural Sector, D.E. 1419, R.O. 281, May 31, 2006 CHAPTER III.- On the sectorial policies.3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-3.10-3.11-3.12</p>

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		<p>Environmental impacts must be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and on the basic services for people (Criterion 6.1), within the area of influence established by the EIA according to the current environmental norm.</p> <p>Stakeholder consultation has a key role in identifying environmental impacts. The inclusion of consultation should result in improved processes to identify impacts and to develop any required mitigation measures in accordance with the provisions of the existing legislation</p> <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results (refer to the current RSPO guide for smallholders).</p>	
5.2	<p>The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced.</p>	<p>Indicator:</p> <p>5.2.1 Information shall be collated in a High Conservation Value (HCV) assessment that includes the planted area and the landscape (such as wildlife corridors).</p> <p>5.2.2 Where rare, threatened or endangered (RTE) species, including endemic species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p>5.2.3 There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p>5.2.4 Where a management plan has been created there shall be ongoing monitoring: <ul style="list-style-type: none"> • The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported; • Outcomes of monitoring shall be fed back into the management plan. </p> <p>5.2.5 Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these rights.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.. 3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Forest Law and Conservation of Natural Areas and Wildlife, R.O. S. 418, September 10, 2004 Arts. 7-8-12-14-15-22</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004. Arts. 20-21-23-40-42</p> <p>Ecuadorian Ecosystems Policy, Ministerial Agreement 64, R.O. 60, 5 November 2009. Art. 1</p> <p>State Policies for the Agricultural Sector. CHAPTER III. On the sectorial policies. 3.1-3.2-3.3-3.4-3.5-3.6-3.7-3.8-3.9-</p>

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3.10-3.11-3.12

Specific Guidance:

For 5.2.1: This information will cover:

- Presence of protected areas that could be significantly affected by the grower or miller;
- Conservation status (e.g. IUCN category, red list), legal protection, population status and habitat requirements of rare, threatened, or endangered (RTE) species that could be significantly affected by the grower or miller;
- Identification of HCV habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller;

For 5.2.2: These measures will include:

- Ensuring that any legal requirements relating to the protection of the species or habitat are met;
- Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;
- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by wild felines).

For 5.2.5: If a negotiated agreement cannot be reached, there must be evidence of sustained efforts to achieve such an agreement. These could include facilitation, mediation, third party arbitration or others (see Criteria 2.3, 6.3 and 6.4).

Guidance:

This information gathering must include checking available biological records and, if applicable, consultation with governmental entities, research institutes and interested NGOs. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.

Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.

Note:

Operators need to consider a variety of land management and tenure options to

Delimitation and Declaration of Reserve Zones and National Parks, Ministerial Agreement 322, R.O. 69, 20 November 1979
Arts. 2-3-4-5-6-7-8

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		<p>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 can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained 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 relinquishment of rights must be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3), and in accordance with what is established in the current national legislation.</p>	
5.3	<p>Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.</p>	<p>Indicators:</p> <p>5.3.1 All waste products and sources of pollution shall be identified and documented.</p> <p>5.3.2 All chemicals and their containers shall be disposed of responsibly.</p> <p>5.3.3 A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p> <p>Guidance:</p> <p>The waste management and disposal plan must conform to the current environmental norm and include measures for:</p> <ul style="list-style-type: none"> Identifying and monitoring sources of waste and pollution. 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). Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers must 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), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions must be affixed to the package. The use of fire for waste disposal is prohibited. 	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <p>- Art. 14: Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest.</p> <p>- Art. 66. The following rights of persons are recognized and guaranteed:</p> <p>27) The right to live in a healthy environment that is ecologically balanced, pollution-free and in harmony with nature.</p> <p>- Art. 83: Ecuadorians have the following duties and obligations:</p> <p>6) To respect the rights of nature, preserve a healthy environment and use natural resources rationally, sustainably and durably.</p> <p>- Art. 395: Environmental principles:</p> <p>1) Sustainable development model</p> <p>2) Implementation of environmental management policies in a transversal way in the national territory.</p> <p>3) Active participation (people, communities and nationalities affected) in planning the planning, execution and control of</p>

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any activity that generates environmental impacts.

4) Interpretation more favorable to the protection of nature.

- Art. 396: Responsibility for environmental damage is objective. All damage to the environment, in addition to the respective penalties, shall also entail the obligation of integrally restoring the ecosystems and compensating the affected persons and communities. Each one of the players in the processes of production, distribution, marketing and use of goods or services shall accept direct responsibility for preventing any environmental impact, for mitigating and repairing the damages caused, and for maintaining an ongoing environmental monitoring system.

- Art. 397: Right of State Repetition against the operator of the activity that produced the damage the obligations that entails integral reparation in accordance with the law. The State must:

3) Regulate the production, import, distribution, use and final disposal of toxic and dangerous materials to people or the environment

4) Ensure the intangibility of protected natural areas. Management and administration Of protected natural areas will be borne by the State.

- Art. 398: Prior consultation with the community

- Art. 399: Decentralized National System of Environmental Management: Defender of the environment and nature

Law on Environmental Management, R.O.S No. 418, September 10, 2004
Arts. 20-21-23-40-42

Law on Prevention and Control of Environmental Pollution
11/09/2004
Arts. 3-12-13-14-16

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			<p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book V. D.E. 3516, R.O.S. 3516, 31 March 2003. Art. 20-21-24-35-39</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Art. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67</p> <p>Ministerial Agreement 026 (MAE) Procedures for Registration of Hazardous Waste Generators. R.O.S. 334. 12 May 2008. Art. 2</p>
5.4	Efficiency of fossil fuel use and the use of renewable energy is optimised.	<p>Indicators: 5.4.1 A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.</p> <p>Guidance: Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill must be monitored. Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) must be monitored. Energy efficiency must be taken into account in the construction or upgrading of all operations. Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This must 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 if possible.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 - Art. 15: The State shall promote, in the public and private sectors, the use of environmentally clean technologies and nonpolluting and low-impact alternative sources of energy. Energy sovereignty shall not be achieved to the detriment of food sovereignty nor shall it affect the right to water. - Art. 414: The State shall adopt adequate and cross-cutting measures for the mitigation of climate change, by limiting greenhouse gas emissions, deforestation, and air pollution; it shall take measures for the conservation of the forests and vegetation; and it shall protect the population at risk.</p> <p>State Policy, Adaptation and Mitigation to Climate Change, Executive Decree 1815, R.O. 636 of July 17, 2009. Arts.2-3</p> <p>Institutional Framework for Environmental Incentives. A.M. 140. R.O.S. 387. 04 November 2015. Arts.8-9-10-12-13-15-21-22-23</p> <p>Organic Law of the Public Service of Electric Energy. R.O.S.418. January 16 2015. Arts.25.</p>

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			National Plan for Good Living 2013-2017. Resolution 2. R.O.S. 78. 11 September 2013. Objectives 3-7-8
5.5	The use of fire for preparation of the soil or replanting is avoided except in specific situations, as defined by the Environmental Authority in the Ministerial Agreement number 061	<p>Indicators:</p> <p>5.5.1 The use of fire for preparation of the soil or replanting is avoided except in specific situations, as determined by the National Authority according to the Ministerial Agreement number 061.</p> <p>5.5.2 Where fire has been used for preparing soil for replanting, there shall be evidence of prior approval of the controlled burning as determined by the Competent Environmental Authority in the Ministerial Agreement number 061.</p> <p>Guidance:</p> <p>Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution must be required for use of fire on peat. This should be subject to regulatory provisions under respective national environmental legislation.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p>	<p>Environmental Management Law, Supplement of R.O. No. 418, September 10, 2004.Arts. 20-21-23-40-42</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67</p> <p>Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock. D.E.3609. R.O.S. 1. 20 March 2003. Title II.-Arts. 2-3-4 Title III.-Arts. 4-5-6-10-11 Title IV.-Arts. 14 – 24</p> <p>Fire Protection Law. R.O. 815. 19 April 1979. Art. 15</p> <p>General Regulation of the Fire Protection Law. A.M. 596. R.O. 834. May 17, 1979 Art.15</p>
		<p>Preamble</p> <p>Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008: Art. 414: The State shall adopt adequate and cross-cutting measures for the mitigation of climate change, by limiting greenhouse gas emissions, deforestation, and air pollution; it shall take measures for the conservation of the forests and</p>

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5.6	Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.	<p>It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.</p> <p>Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.</p> <p>Indicators:</p> <p>5.6.1 An assessment of all polluting activities shall be conducted, including gaseous emissions; particulate/soot emissions and effluent (see Criterion 4.4).</p> <p>5.6.2 Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p> <p>5.6.3 A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p> <p>Specific Guidance:</p> <p>For 5.6.2: Plans will include objectives, targets and timelines. These must be responsive to context and any changes must be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including soil use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the soil use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p> <p>During the implementation period, reporting on GEI will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p>	<p>vegetation; and it shall protect the population at risk..</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Law of Environmental Management, R.O.S No. 418, September 10, 2004 Arts. 20-21-23-40-42</p>
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		<p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>Guidance:</p> <p>Where practically feasible, operations should follow best management practices to measure and reduce emissions.</p> <p>Advice on this is available from the RSPO.</p>	
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PRINCIPLE 6: RESPONSIBLE CONSIDERATION OF EMPLOYEES AND OF INDIVIDUALS AND COMMUNITIES AFFECTED BY GROWERS AND MILLERS

PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
6.1	Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	<p>Indicators:</p> <p>6.1.1 A social impact assessment (SIA) including records of meetings shall be documented.</p> <p>6.1.2 There shall be evidence that the assessment has been done with the participation of affected parties.</p> <p>6.1.3 Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</p> <p>6.1.4 The plans shall be reviewed as a minimum once every two years and updated as necessary in those cases where the review has determined that changes should be made to current practices. There shall be evidence that the revision includes the participation of affected parties.</p> <p>6.1.5 Particular attention shall be paid to the impacts of smallholder schemes (where they exist).</p> <p>Guidance:</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Regulation to the Andean Instruction of Safety and Health at Work. Resolution 957. R.O.S. 28. 12 March 2008. Arts. 3-7-8-11.</p> <p>Labor Code. R.O.S. 167. 16 December 2005. Arts.42-43-138-407-412-420-428-436.</p> <p>Safety and Health Regulations for Workers. D.E.2393. R.O. 565. 17 November 1986. Arts.11-12-13-14-15-16</p> <p>Regulation of the System of Audit of Risks of the Work. IESS Resolution 333. R.O.S. 319. 12 November 2010. Arts.8-9</p>

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The grower must carry out the identification of social impacts according to the processes of environmental regularization with the participation of affected parties, including women and migrant workers who have regularized their permanence in the country according to the current norm, under the considerations of the current national legislation. The involvement of independent experts will be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.

Participation in this context means that affected parties 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.

Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.

Plantation and mill management may have social impacts (positive or negative) on factors such as:

- Access and use rights;
- Economic livelihoods (e.g. paid employment) and working conditions;
- Subsistence activities;
- Cultural and religious values;
- Health and education facilities;
- Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force that has regularized its permanence in the country in accordance with the current norm.

The review can be done (once every two years) internally or externally.

The Ecuadorian constitution guarantees equal rights for national and foreign individuals. Ecuador counts on a normative framework for the migratory regularization of individuals. The labor code clearly establishes the illegality of contracting people who are not regularized

Instruction of the Regulation to the System of Audits of Work Risks. IESS Resolution 536. R.O. 520. August 25, 2011.

Art.7 -14

• Safety Regulations for Construction and Public Works. A.M. 174. R.O.S. 249. 10 January 2008.

Arts.7-8-9-10-14-15-17-18-19

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6.2	There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.	<p>Indicators:</p> <p>6.2.1 Consultation and communication procedures shall be documented.</p> <p>6.2.2 A management official responsible for these issues shall be nominated.</p> <p>6.2.3 A list of stakeholders, records of all communication, including confirmation of receipt and those efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained.</p> <p>Guidance:</p> <p>Decisions that the growers or mills are planning to make must be made clear, so that local communities and other interested parties understand the purpose of the communication and/or consultation.</p> <p>Communication and consultation mechanisms should be designed in collaboration with local communities and other affected or interested parties. These will consider the use of appropriate existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications must take into account, in case it is necessary, the differential access to information by women as compared to men, village leaders as compared to day labourers, new versus established community groups, and different ethnic groups.</p> <p>Consideration will be given to involve third parties, such as disinterested community groups, NGOs, or government (or a combination of these), to facilitate smallholder schemes and communities, and others as appropriate, in these communications.</p> <p>The national legislation takes into account mechanisms and/or communication processes that must be fulfilled..</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Labor Code. R.O.S. 167. 16 December 2005. Arts.42-43-138-407-412-420-428-436</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Arts. 20-21-23-40-42</p> <p>Safety and Health Regulations for Workers. D.E.2393. R.O. 565. 17 November 1986. Arts.11-12-13-14-15-16</p> <p>Regulation of the System of Audit of Risks of the Work. IESS Resolution 333. R.O.S. 319. 12 November 2010. Arts.8-9.</p> <p>Social Security Law R.O.S 465 November 30, 2001Arts.75-91</p> <p>Instructions for application Regulation System Risk audit SART. Resolution of the IESS High Council R.O. 164 of April 5, 2010 Art.7 -14</p> <p>Regulation of the Medical Services of the Companies Ministerial Agreement 1404 R.O. 698 of 25 October 1978 Arts. 4-5-10-18.</p>

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6.3	There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.	<p>Indicators:</p> <p>6.3.1 The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.</p> <p>6.3.2 Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p> <p>Specific Guidance:</p> <p>For 6.3.1: The system must aim to reduce the risks of reprisal.</p> <p>Guidance:</p> <p>See also to Criterion 1.2.</p> <p>Conflict resolution mechanisms will be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints will be dealt with by mechanisms established by the company in its complaints and claims procedure, with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>For scheme small producers and small independent producers, refer to the current RSPO Guidance for small producers.</p> <p>Where a resolution is not found mutually, it is recommended to follow the guidelines of the Law of Arbitration and Mediation of the Republic of Ecuador, and complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed ‘Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework’, 2011.</p> <p>Each business unit will establish mechanisms for the reception and management of complaints and claims where a registration system is taken into account and the anonymity of the claimant is guaranteed when requested.</p>	<p>Law of Arbitration and Mediation, R.O. 417, December 14, 2006Arts. 2-3-4-5-6</p> <p>Organic Law of Citizen Participation, R.O.S. 175 20 April 2010</p> <p>Arts. 7-8-9-10-11-12</p>

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6.4	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>Indicators:</p> <p>6.4.1 A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p>6.4.2 A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of recently established and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p> <p>The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p> <p>Specific Guidance:</p> <p>For 6.4.2: Companies will make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in small producer schemes.</p> <p>Guidance:</p> <p>According to the article 56 of the Ecuadorian Constitution communities, peoples, indigenous nationalities, Afro-Ecuadorian people, the Montubio people and communes are part of Ecuador, unique and indivisible state.</p> <p>This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <ul style="list-style-type: none"> - Article 57: Collective rights: § No. 4 property not taxable, tax exemption § No.5 maintain possession of lands and ancestral territories / Free award § No. 6 use, usufruct, administration and conservation of natural resources § No. 7 prior, free and informed consultation - Article 60: Collective ownership of communes - Article 66: Right to freedom: the right to property - Art. 282: Use and access to land with social and environmental function - Art. 321: Public, private, state, associative, cooperative, mixed public and social function - Art. 323: Expropriation: public utility or social and national interest - Art. 376: Expropriation of municipalities for conservation of the environment. <p>Convention on Indigenous and Tribal Peoples No. 169, R.O. 206 of June 7, 1999 Arts. 3-4-5-14-18-19</p>
6.5	Pay and conditions for employees and for contract workers always meet at	<p>Indicators:</p> <p>6.5.1 Documentation of pay and conditions shall be available.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p>

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	<p>least legal or industry minimum standards and are sufficient to provide decent living wages.</p>	<p>6.5.2 Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>6.5.3 In accordance with the Regulation of Health and Occupational Safety established by law, growers and millers shall provide adequate housing, water supplies, and medical services to national standards or above where no such public facilities are available or accessible, and facilitate access to education.</p> <p>6.5.4 Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p> <p>Guidance Ecuador counts on a vital minimum salary, which is obligatory for all the national territory, that is reviewed annually by the competent authority and is indexed to the inflation.</p> <p>The fulfillment of the legal minimum standards will be demonstrated with the existence of: payrolls, contracts, affiliation to the obligatory social security insurance and fulfillment of the obligations established by the Ministry of Labor.</p> <p>Refer to Ministerial Agreement 060 that defines the Contracting of Workers of the Oil Palm Sector.</p> <p>Under no circumstance will forced labor be used according to conventions 29 and 105 of the ILO and others.</p> <p>Verification of the efforts to obtain adequate nutrition must be made in accordance with the plans of Health and Occupational Safety regulated by law.</p>	<p>Labor Code, Official Register Supplement 167, December 16, 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Constitutional Mandate 8, Elimination and Prohibition of Outsourcing, Legislative Decree 8 R.O.S. 330. May 6, 2008. Arts. 2-3-4-5-6-7.</p>
6.6	<p>The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom</p>	<p>Indicators:</p> <p>6.6.1 A published statement in local languages recognising freedom of association shall be available.</p> <p>6.6.2 Minutes of meetings with main trade unions or workers representatives shall be documented.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Labor Code, Official Register Supplement 167, December 16, 2005 Arts.42-43-138-407-412-420-428-436</p>

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	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>Guidance:</p> <p>The right of employees, including migrant and recently established workers and contract workers, to form associations and bargain collectively with their employer must be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, will be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>Migrant workers will have the right to the same working conditions as Ecuadorian workers, taking into account their migratory status, according to the current legislation in Ecuador.</p> <p>The document of declaration can be made as a sworn statement before a public notary where the commitment of the employer to fulfill the rights of the workers is established in accordance with the current Ecuadorian legislation.</p>	
6.7	Children are not employed or exploited.	<p>Indicators:</p> <p>6.7.1 There shall be documentary evidence that minimum age requirements are met.</p> <p>Guidance:</p> <p>The Ecuadorian legislation through the Labor Code establishes that the minimum working age is 16 years, considering a maximum of 6 hours daily and a weekly workload of 30 hours and it will be organized in such a way so as not to limit the right to an effective education and in addition, for purposes of remuneration, the provisions established in Art. 119 of the Labor Code and in Agreement 138 of the ILO will be applied. Night work for minors less than 18 years of age is prohibited. The prohibitions mentioned in the Code of Childhood and Adolescence will be followed, as well as work that is prohibited work prohibitions for adolescents as determined by the National Council of Childhood and Adolescence.</p> <p>Please refer to the current RSPO Guidance for small producers.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Art. 46.1: Prohibition of work for children and adolescents</p> <p>Code of Children and Adolescents, R.O. 737, January 3, 2003 Arts. 82-83.-84-85-86-87-88-89-90-91-92</p> <p>Labor Code, Official Register Supplement 167, December 16, 2005 Arts.42-43-138-407-412-420-428-436</p> <p>National Plan for Good Living 2013-2017. Resolution 2. R.O.S. 78. 11 September 2013. Objective 9</p>
	Any form of discrimination based on race, caste,	<p>Indicators:</p> <p>6.8.1 A publicly available equal opportunities policy including identification of</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 32-33-34-46,1-47,5-325-327-356-369.</p>

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6.8	national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.	<p>relevant/affected groups in the local environment shall be documented.</p> <p>6.8.2 Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p>6.8.3 It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p> <p>Guidance: 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 must not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>The term caste is not applicable in the Ecuadorian reality since the Constitution (Art.66-numeral 4) establishes the equality of all citizens before the law and prohibits any kind of discrimination.</p>	<p>Labor Code, Official Register Supplement 167, December 16, 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Social Security Law. Law 55. R.O.S. 465. 30 November 2001. Arts.75-91</p> <p>Safety and Health Regulations for Workers. D.E.2393. R.O. 565. 17 November 1986. Arts.11-12-13-14-15-16.</p> <p>Regulation of the System of Audit of Risks of the Work. IESS Resolution 333. R.O.S. 319. 12 November 2010. Arts.8-9</p> <p>Regulation of the Andean Instruction of Safety and Health at Work. Resolution of the Andean Secretariat 957 Arts. 3-7-8-11.</p>
6.9	There is no harassment or abuse in the work place, and reproductive rights are protected.	<p>Indicators:</p> <p>6.9.1 A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.2 A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p>6.9.3 A specific grievance mechanism which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Labor Code, Official Register Supplement 167, December 16, 2005 Arts.42-43-138-407-412-420-428-436</p> <p>Safety and Health Regulations for Workers. D.E.2393. R.O.</p>

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		<p>Specific Guidance: For 6.9.1 and 6.9.2: These policies must include education and awareness of the workforce without gender differentiation. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which will include representatives from all areas of work, will address such issues as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; 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 6.9.2: see Indicator 4.6.12.</p> <p>Guidance: A clear policy must be developed in consultation with employees, contract workers and other relevant stakeholders, and the policy must be publicly available. Progress in implementing the policy must be regularly monitored, and the results of monitoring activities will be recorded. Notwithstanding national legislation and regulation, reproductive rights will be respected</p>	<p>565. 17 November 1986. Arts.11-12-13-14-15-16</p> <p>Regulation of the System of Audit of Risks of the Work. IESS Resolution 333. R.O.S. 319. 12 November 2010. Arts.8-9</p>
6.10	Growers and millers deal fairly and transparently with smallholders and other local businesses.	<p>Indicators:</p> <p>6.10.1 Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p>6.10.2 Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p> <p>6.10.3 Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent.</p> <p>6.10.4 Agreed payments shall be made in a timely manner.</p> <p>Guidance: Transactions with small independent producers will 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 4.2) should also be considered; where it is not</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Forest Law and Conservation of Natural Areas and Wildlife, R.O. S. 418, September 10, 2004. Arts. 7-8-12-14-15-22</p> <p>Organic Law of Control of Market Power. R.O. 555 of October 13, 2011. Art. 4. paragraph.9. 9-10-11- 29 section.h.</p> <p>Regulation to the Organic Law of Control of Market Power, R.O. 697. D.E. 1152 of May 7, 2012. Art. 7-8</p>

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		<p>practicable to recycle wastes to small producers, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Small producers will have access to the grievance procedure under Criterion 6.3 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>The need for a fair and transparent pricing mechanism is particularly important for out growers who are contractually obliged to sell all FFB to a particular mill.</p> <p>If mills require small producers to change their practices to meet the RSPO Principles and Criteria, advance payments for FFB could be considered to cover the costs of such changes.</p> <p>The regulatory framework applicable, includes anti trust regulations contained in a statutory law that regulates market and power control.</p>	
6.11	Growers and millers contribute to local sustainable development where appropriate.	<p>Indicators:</p> <p>6.11.1 Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p>6.11.2 Where there are scheme small producers, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p> <p>Guidance:</p> <p>Contributions to local development will be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation must be based on the principles of transparency, openness and participation, and will encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference must always be given to members of local communities. Positive discrimination must not be recognised as conflicting with Criterion 6.8.</p> <p>Efforts must be made to identify independent smallholders in the supply base.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <p>- Art. 14: The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognized.</p> <p>Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest.</p> <p>- Art. 275.- The development structure is the organized, sustainable and dynamic group of economic, political, socio-cultural and environmental systems which underpin the achievement of the good way of living (sumak kawsay).</p> <p>The State shall plan the development of the country to assure the exercise of rights, the achievement of the objectives of the development structure and the principles enshrined in the Constitution. Planning shall aspire to social and territorial equity, promote cooperation, and be participatory, decentralized, deconcentrated and transparent.</p>

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		<p>Where sourcing of fruit is from identified independent smallholders, efforts must be made to contribute to the improvement of their farming practices.</p> <p>The companies will contribute to local development through their policies of social responsibility while keeping in mind the exclusive role of the State.</p>	<p>The good way of living shall require persons, communities, peoples and nationalities to effectively exercise their rights and fulfill their responsibilities within the framework of interculturalism, respect for their diversity, and harmonious coexistence with nature.</p> <p>- Art. 276.- The development structure shall have the following objectives: 1. To improve the quality of life and life expectancy, and enhance the capacities and potential of the population within the framework of the principles and rights provided for by the Constitution. 2. To build a fair, democratic, productive, mutually supportive and sustainable economic system based on the egalitarian distribution of the benefits of development and the means of production, and on the creation of decent, stable employment. 3. To foster participation and social monitoring, acknowledging the diverse identities and promoting their equitable representation, at all stages of governance. 4. To restore and conserve nature and maintain a healthy and sustainable environment ensuring for persons and communities equitable, permanent and quality access to water, air and land, and to the benefits of ground resources and natural assets. 5. To guarantee national sovereignty, promote Latin American integration and boost strategic insertion into the global context, which contributes to peace and a democratic, equitable world system. 6. To promote balanced, equitable land use planning, integrating and coordinating socio-cultural, administrative, economic and management activities and bolstering the unity of the State. 7. To protect and promote cultural diversity and to respect its spaces of reproduction and exchange; to restore, preserve and enhance social memory and cultural heritage.</p> <p>- Art. 277.- The general duties of the State in order to achieve the good way of living shall be:</p> <p>1. To guarantee the rights of people, communities and nature..</p> <p>- Art. 278.- To achieve the good way of living, it is the duty of</p>
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			people and communities, and their various forms of organization: 1. To participate in all stages and spaces of public management and national and local development planning, and in the execution and control of the fulfillment of development plans at all levels. 2. To produce, exchange and consume goods and services with social and environmental responsibility.
6.12	No forms of forced or trafficked labour are used.	<p>Indicators:</p> <p>6.12.1 There shall be evidence that no forms of forced or trafficked labour are used.</p> <p>6.12.2 Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p>6.12.3 Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p> <p>Specific Guidance:</p> <p>For 6.12.1: Workers must enter into employment voluntarily and freely, without the threat of a penalty, and will have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.3: The special labour policy must include:</p> <ul style="list-style-type: none"> • 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 living conditions to be provided. <p>Guidance</p> <p>Migrant workers must be legalised, and a separate employment agreement will be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage.</p> <p>Passports must only be voluntarily surrendered.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 32-33-34-46,1-47,5-325-327-356-369.</p> <p>Labor Code, Official Register Supplement 167, December 16, 2005. Arts.42-43-138-407-412-420-428-436</p> <p>Social Security Law. Law 55. R.O.S. 465. 30 November 2001. Arts.75-91</p>

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		There must be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance must be used on contract substitution.	
6.13	Growers and millers respect human rights.	<p>Indicator:</p> <p>6.13.1 A policy to respect human rights shall be documented and communicated to all levels of the workforce and operations (see Criteria 1.2 and 2.1).</p> <p>Guidance:</p> <p>See also Criterion 6.3. All levels of operations will include contracted third parties (e.g those involved in security).</p> <p>Note:</p> <p>From the UN Guiding Principles on Business and Human Rights: “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” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 11-18-27-41-53-67-83</p> <p>National Human Rights Plan. D.E.1527. R.O. 346. 24 June 1998. Arts. 1-5-15</p> <p>Inter-American Convention on Human Rights. A.M. 202. R.O. 801. 06 August 1984. Arts. 4-5-6-7-8-9-10-11-12-13-14-15</p> <p>Universal Declaration of Human Rights. R.A. 1948. December 10, 1948. Arts. 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15</p>
PRINCIPLE 7: RESPONSIBLE DEVELOPMENT OF NEW PLANTATIONS			
PRINCIPLE	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION

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<p>7.1</p>	<p>A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantations or operations, or expanding existing ones, and the results incorporated into planning, management and operations.</p>	<p>Indicators:</p> <p>7.1.1 An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p>7.1.2 Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p>7.1.3 Where the development includes an outgrower scheme, the impacts of the scheme and the implications of the way it is managed shall be given particular attention.</p> <p>Specific Guidance:</p> <p>For 7.1.1 The Environmental and Social Evaluation corresponds to that determined by the National Environmental Authority.</p> <p>Guidance:</p> <p>See also Criteria 5.1 and 6.1.</p> <p>The terms of reference are defined by the National Environmental Authority and impact assessment is carried out by accredited independent consultants, in order to ensure an objective process. Both activities can be done by the same body. A participatory methodology including external stakeholder groups is essential to the identification of impacts, particularly social impacts. Stakeholders such as local communities, government departments and NGOs must be involved through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>It is recognised that oil palm development can cause both positive and negative impacts. These developments can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities will be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <p>- Art. 398: All state decision or authorization that could affect the environment shall be consulted with the community, which shall be informed fully and on a timely basis. The consulting subject shall be the State. The law shall regulate prior consultation, public participation, time-limits, the subject consulted and the appraisal and objection criteria used with regard to the activity that is being submitted to consultation</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003.</p> <p>Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Arts. 20-21-23-40-42</p>
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- Assessment of the impacts of all major planned activities, including plantation, mill operations, roads and other infrastructure;
- Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;
- Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;
- Identification of watercourses and wetlands and assessment of potential effects on hydrology and soil subsidence of planned developments. Measures will be planned and implemented to maintain the quantity, quality and access to water and soil resources;
- Baseline soil surveys and topographic information, including the identification of steep slopes as defined in the Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;
- Analysis of type of land—of the vegetation cover in the area where the plantation is developed (forest, degraded forest, cleared land);
- Analysis of property, land ownership and user rights;
- Analysis of current land use patterns;
- 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;
- Identification of activities which may generate significant GHG emissions.

Plans and field operations will be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development may not proceed because of the magnitude of potential impacts.

For small scheme producers, the scheme management is responsible for addressing compliance with this criterion. For individual smallholders, this criterion will not be applied.

For land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.

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		<p>The National Interpretation will identify the relevant accreditations for independent consultants. For land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.</p> <p>The National Interpretation will identify the relevant accreditations for independent consultants.</p>	
7.2	<p>Soil surveys and topographic information are used for site planning in the establishment of new plantations, and the results are incorporated into plans and operations.</p>	<p>Indicators:</p> <p>7.2.1 Soil suitability maps or soil surveys adequate to establish the long-term suitability of soil for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p>7.2.2 Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p> <p>Guidance:</p> <p>These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but it is not required to be done by independent experts.</p> <p>Soil suitability maps or soil surveys must be appropriate to the scale of operation and include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices must be identified (see Criteria 4.3 and 7.4). This information will be used to plan planting programmes, etc. Measures must 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. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information on soil suitability will be based on official information issued by the competent authorities,</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Arts. 262 - 263- 267 - 320 -396-410</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003.Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Arts. 20-21-23-40-42</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009. Art. 4-7-10-11.</p>

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		and it must be obtained by the small independent producers.	
		Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD	
7.3	New plantations since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.	<p>Indicators:</p> <p>7.3.1 There shall be evidence that no new plantations have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantations shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p>7.3.2 A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new plantations. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p>7.3.3 Dates of soil preparation and commencement shall be recorded.</p> <p>7.3.4 An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p>7.3.5 Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p> <p>Specific Guidance: For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Adjudication Instruction for Land of the State's Forest Heritage, R.O. S. 418, September 10, 2004 Arts. 3-4-5-6-7-21-22.</p> <p>Forest Law and Conservation of Natural Areas and Wildlife. Coding 17, R.O. Supplement 418 of September 10, 2004. Art. 7-8-9-10-11-13</p> <p>Law on Environmental Management, R.O.S No. 418, September 10, 2004 Art. 20-21-23-40-42</p> <p>Unified Text of Secondary Legislation of the Ministry of Agriculture and Livestock. D.E.3609. R.O.S. 1. 20 March 2003. Title II.-Arts. 2-3-4 Title III.-Arts. 4-5-6-10-11 Title IV.-Arts. 14 - 24</p>

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		<p>Decisions will be made in consultation with the affected communities.</p> <p>Guidance: This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments will be conducted according to the National Interpretation of the HCV criteria or according to the current Global HCV Toolkit if a National Interpretation is not available (see Definitions).</p> <p>Developments must actively seek to utilise previously cleared and/or degraded land on mineral soil. Plantation development must not put indirect pressure on forests through the use of all available agricultural land in an area.</p> <p>Where landscape level HCV maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government soil use plans.</p> <p>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Once established, new developments should comply with Criterion 5.2.</p>	
7.4	Extensive plantation on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	<p>Indicators:</p> <p>7.4.1 Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p>7.4.2 Where limited plantation on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008:</p> <p>- Art. 409: Soil conservation, especially its fertile layer, is a matter of public interest and national priority. A regulatory framework shall be established for its protection and sustainable use to prevent its degradation, in particular as a result of pollution, desertification, and erosion. In areas</p>

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		<p>Guidance: This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils must be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	<p>affected by processes of degradation and desertification, the State shall develop and promote forestation, reforestation, and revegetation projects that avoid single-crop farming and preferably use native species adapted to the area.</p> <p>-Art. 410: The State shall provide farmers and rural communities with support for soil conservation and restoration, as well as for the development of farming practices that protect and promote food sovereignty.</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009. Art. 10-11-12.</p>
7.5	<p>No new plantations are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. 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>Indicators: 7.5.1 Evidence must be 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 grower/miller is signed and ratified by these local peoples.</p> <p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p>Guidance: This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 7.1.</p> <p>Where new plantations are considered to be acceptable, management plans and operations must maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantations.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Art. 57: No. 7 Prior and Informed Consultation Art.57</p> <p>Convention on Indigenous and Tribal Peoples No. 169 ILO, R.O. 206 of June 7, 1999. Arts. 3-4-5-14-18-19</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p>

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		<p>Free, prior and informed consent (FPIC) is a guiding principle and must be applied to all RSPO members throughout the supply chain. Refer to the current RSPO approved FPIC guidance.</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p>	
7.6	<p>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 free, prior and informed consent and negotiated agreements.</p>	<p>Indicators:</p> <p>7.6.1 Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p>7.6.2 A system for identifying people entitled to compensation shall be in place.</p> <p>7.6.3 A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p>7.6.4 Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p>7.6.5 The process and outcome of any compensation claims shall be documented and made publicly available.</p> <p>7.6.6 Evidence shall be available that the affected communities and rights holders have access to 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>Specific Guidance:</p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p>Guidance:</p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance. This requirement includes indigenous peoples (see Annex 1).</p> <p>Refer to the current RSPO approved FPIC guidance</p> <p>Note: It is important to note that on the basis of what is determined in Art. 57 of the Constitution of the Republic of Ecuador, where it is recognized and guaranteed to the communes, communities, indigenous peoples and nationalities in accordance</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008 Art. 57: No. 7 Prior and Informed Consultation</p> <p>Convention on Indigenous and Tribal Peoples No. 169 ILO, R.O. 206 of June 7, 1999.</p> <p>Arts. 3-4-5-14-18-19</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003.</p> <p>Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p>

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		with the Constitution and with the covenants, agreements, declarations, and other international human rights instruments, to preserve the imprescriptible ownership of their communal lands which are inalienable, non sizeable and indivisible, the acquisition of land and relinquishment of rights specified in the criterion is not applicable.	
7.7	No use of fire in the preparation of new plantations other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.	<p>Indicators:</p> <p>7.7.1 There shall be no soil preparation by burning other than in specific situations, as determined by the National Authority according to the environmental legislation.</p> <p>7.7.2 In exceptional cases where fire has to be used for preparing soil for planting, there shall be evidence of prior approval of the controlled burning as specified by the Competent Environmental Authority</p> <p>Specific Guidance: For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Guidance: Fire will be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and exceptional levels of caution are required for use of fire on peat. This will be subject to regulatory provisions under respective national environmental legislation. Extension/training programmes for smallholders may be necessary.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p> <p>Environmental Management Law, Supplement of R.O. No. 418, September 10, 2004 Arts. 20-21-23-40-42.</p> <p>Fire Protection Law, R.O. 815 of April 19 1979. Art. 15</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009. Art. 15-16-17-23-33</p>
		<p>Preamble</p> <p>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate</p>	<p>Constitution of Ecuador, R.O. No. 499, October 20, 2008. Arts. 262 - 263- 267 - 320 -396-410.</p> <p>Unified Text of Secondary Environmental Legislation of the Ministry of the Environment, Book VI. D.E.3516, R.O.S. 3516, 31 March 2003. Arts. 1-7-9-22-23-24-25-26-28-48-50-61-62-64-67.</p>

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<p>7.8</p>	<p>Los desarrollos de nuevas siembras plantaciones están diseñados para minimizar las emisiones de gases de efecto invernadero netas</p>	<p>RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</p> <p>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</p> <p>Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).</p> <p>Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.</p> <p>Indicators:</p> <p>7.8.1 The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p>7.8.2 There shall be a plan to minimise net GHG emissions which takes into account the avoidance of new plantations in areas that have soil with high carbon stocks and/or sequestration options.</p> <p>Specific Guidance:</p> <p>For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantations (Carbon Assessment Tool for New Oil Palm Planting) will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantations.</p>	<p>State Policy: The National Strategy for Climate Change. A.M. 95 R. Supplement 9, of June 17, 2013.</p> <p>Environmental Management Law, Supplement of R.O. No. 418, September 10, 2004 Arts. 20-21-23-40-42.</p> <p>Guide to Good Agricultural Practices. Agrocalidad Resolution N ° 108. R.O.S. No. 90, December 17, 2009. Art. 4-5-40</p>
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Parties seeking to use an alternative tool for new plantations will have to demonstrate its equivalence to the RSPO for endorsement.

For 7.8.2: Growers are strongly encouraged to establish new plantations on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.

Growers and millers must plan to implement RSPO best management practices for the minimization of emissions during the development of new plantations.

Guidance:

This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.

Public reporting is desirable, but remains voluntary until the end of the implementation period.

During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the carbon assessment tool for new plantations of RSPO, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.

Thereafter growers and millers must ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.

Once established, new developments should report on-going operational, soil use and land use change emissions under Criterion 5.6.

Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil

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		Palm, authored by AGROCALIDAD.	
PRINCIPLE 8: COMMITMENT TO CONTINUAL IMPROVEMENT IN KEY AREAS OF ACTIVITY			
PRINCIPLES	CRITERIA	INDICATORS AND GUIDANCE	LEGAL IDENTIFICATION
8.1	Growers and millers regularly monitor and review their activities, and develop and implement action plans that allow demonstrable continual improvement in key operations.	<p>Indicators:</p> <p>8.1.1 The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of pesticides(Criterion 4.6); • Environmental impacts (Criteria 4.3, 5.1 and 5.2); • Waste reduction (Criterion 5.3); • Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8); • Social impacts (Criterion 6.1); • Optimising the yield of the supply base. <p>Guidance:</p> <p>Growers will have a system of best practices in accordance 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 continual improvement.</p> <p>Refer to the current Guide to Best Agricultural Practices for the Cultivation of Oil Palm, authored by AGROCALIDAD.</p>	<p>Constitution of the Republic of Ecuador, Official Register No. 499, October 20, 2008. Art.310-313- 337</p> <p>State Policy: The National Strategy for Climate Change. A.M. 95 R. Supplement 9, of June 17, 2013.</p> <p>Organic Law of Citizen Participation. Official Register Supplement No. 175 of April 20, 2010.Art.70.</p> <p>National Plan for Good Living 2013-2017. Resolution N ° CNP-002-2013. Official Register Supplement No. 78 of September 11, 2013. OBJECTIVE N ° 8 -9-10</p> <p>Organic Code of Production, Trade and Investment. Official Register Supplement No. 351 of December 29, 2010. Art. 3-5- 22-24-24</p> <p>Organic Law of Regulation and Control of Market Power. Official Register Supplement No. 555 of October 13, 2011. Art. 4. Paragraph 9. 9-10-11- 29 section.h .</p> <p>Reformatory Law for Tax Equity in Ecuador. Official Register Supplement 242 of December 29, 2007. Art.159-180 paragraph i. 182-183</p> <p>•Integral Criminal Code. Official Registration Supplement</p>

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No. 180 of February 10, 2014..
Art.222.
• Law of Agricultural Promotion and Development. Official Register No. 792 of March 15, 1979.
Arts. 5 -55.

• State Policies for the Agricultural Sector. Executive Decree 1419. Official Register No. 281 of May 31, 2006.
Art. 1-2

Annex 3

Legal concept on the feasibility to subscribe contracts with the palm producers for the effect of RSPO certification

Executive summary

The implementation of a strategy for the adoption of the RSPO standards (Roundtable for Sustainable Palm Oil) in the production of African palm at national level entails significant changes in the traditional productive and managerial vision of the business. These standards as known in the industry, aim to improve the levels of fulfillment of the current environmental, labor, social and community norms at national and international level, and a substantial improvement of the productive processes so that they are compatible with the principles of sustainability of the Roundtable for Sustainable Palm Oil (RSPO).

In the implementation of these standards, some modalities are found to opt for certification. On the one hand there are “independent” producers (without contractual bond with the extractor plant) and on the other, “associated” producers with which a contractual bond with the extractor plant exists. On this latter modality it is required to establish with clarity the scope of the link that aims at the establishment of long-term relationships with the suppliers of the fruit to be certified, with a clear understanding that this predictability and stability over time aims to strengthen the relationships between the palm oil processing companies and the suppliers of the fruit in such a way that technical assessments can be undertaken to improve the productive, labor, and environmental agricultural practices.

If it is understood in this way, that the processes of RSPO certification are carried out within the framework of a partner relationship with the fruit suppliers, which determines a change of practice in the industry and which must be assimilated in the most suitable way to the interests of the fruit suppliers, and of the companies and the industry in general, based on a clear understanding that the new forms of association benefit all, and in the present case taking into account the new regulatory powers of the state in the matter of control of the markets.

The system of rights and protection of the guarantees of the freedom of labor, association and production

In relation to the current guarantee system that we find in our Political Constitution, referred to as the Rights of Freedom in Art. 66 numeral 15, the right to develop economic activities, in individual or collective form, in accordance with the principles of solidarity, social and environmental responsibility, and in continuation in numeral 16, is the establishment of the right to the freedom of contracting, a right that has formed part of our system of constitutional protection for several decades. These two regulations, that constitute inalienable rights, are found within the regime of state guarantees, thus no legislation can contradict them, by virtue of the principle of constitutional supremacy, since they would lack legal effectiveness, that is to say, they would have no effect.

Of the analyzed legal texts¹ it is clear that the mechanisms of association and anticipated contracting within the strategies necessary to implement RSPO certification, supported by a stable commitment with a legal basis between suppliers of fruit and the companies, in no manner are related to the conducts described on disloyal practices in article 335 of the constitutional text. Also, of the analysis of the preceding text and connected articles it is clear that the mechanisms of association and anticipated contracting within the strategies necessary to implement RSPO certification, supported by a stable commitment with a legal basis between fruit suppliers and the companies, in no manner are related to the conducts described on disloyal practices that are a matter of state intervention.

On the other hand, that established in article 336 of the constitutional charter that talks about distortions in intermediation, also mentions the promotion of sustainability in which the RSPO strategy would be advisable.

With respect to the case of the two fundamental rights mentioned previously, including the right to develop economic activities, in individual or collective form, in accordance with the principles of solidarity, social and environmental responsibility, and, the right to the freedom of contracting, governing constitutional principles that point to these rights can be exercised, promoted and demanded in individual or collective form before the competent authorities; these authorities

¹ Includes the freedom of hiring contained in articles 1453 y 1454 of the Civil Code.

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have the obligation to guarantee their fulfillment in agreement with that provided in article 11 of the same constitutional text.

Also, all practices designed exclusively to obtain unjustified advantages to the detriment of a supplier are prohibited. However, in the case of agreements where both parties benefit, and freely and voluntarily accept the conditions, and where they do not cause damage to third parties, they are protected by the stipulations in article 11 of the Constitution². Likewise, exclusive sales contracts, provided they are justified by the benefit of the counterparty and its free acceptance, do not seem to represent a problem in the light of the provisions of article 12 of the following Statutory Law of Regulation and Control of the Power of the Market that establishes some conditions for exceptions:

Art. 12.- Exemptions to the prohibition.- The agreements are exempt of the prohibition contained in the preceding article that contribute to the improvement of production or commercialization and distribution of goods and services or to promote technical or economic progress, without the need for prior authorization, as long as all the following conditions are fulfilled:

The powers of control and monitoring, and oversight and control of the Superintendency of Control of the Market are ample to issue norms of obligatory character through resolutions, but they cannot alter or innovate the existing legal provisions and regulations issued by the Regulation Board, according to that established in article 37 of the Statutory Law of Regulation and Control of the Power of the Market.

Anyhow, it should be mentioned that the Regulation to the Statutory Law of Regulation and Control of the Power of the Market establishes a provision on the confidentiality of the information submitted in the course of an investigation that must be requested by the stakeholder. And with respect to the evaluation of the breaches, these will apply according to what is stated in article 4 of said regulation, a system of case by case analyses evaluating if such conducts and activities have the purpose or effect, actually or potentially, to prevent, restrict, falsify or distort the competition, or to undermine economic efficiency, and the general well-being or rights of the consumers or users.

The system of state protection provided to safeguard sustainable and ecologically balanced production

For the correct understanding of this subject it is essential to recall the Code of the Production, which is intended to regulate the productive process in the stages of production, distribution, interchange, commerce, consumption, management of externalities, and productive investments aimed at achieving good living.

In agreement with article 3, the intention of this law is to generate and consolidate the regulations that harness, impel and stimulate the production of greater added value, that establishes the conditions to increase productivity and promotes the transformation of the productive matrix, facilitating the implementation of productive development tools that will generate quality jobs and balanced development that is equitable, eco-efficient, sustainable, and with care for nature.

In the Constitution of 2008, in article 66 numeral 27, the right for people to live in a healthy environment that is ecologically balanced, free of contamination, and in harmony with nature are established. In article 14, the right of the population to live in a healthy environment that is ecologically balanced, with guaranteed sustainability and good living (sumak kawsay), is recognized. In addition, public interest in the preservation of the environment, conservation of the ecosystems, biodiversity and integrity of the genetic patrimony of the country, prevention of environmental damage and the recovery of degraded natural areas are declared.

While the environmental provisions in constitutional matters are extensive, it is worthwhile to look at those that deal with environmental protection, particularly in reference to that which guarantees environmental protection as a sustainable model of development, of which the RSPO system of certification is a part.

² Art. 11 no. 1 The rights can be exercised, promoted and enforced individually or collectively before the competent authorities; these authorities will guarantee their fulfillment. Art. 11 no. 3. For the exercise of rights and constitutional guarantees, no conditions or requirements will be demanded that are not established in the Constitution or the law.

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Final appreciation and recommendations

- ✓ To offer this legal concept, it has been necessary to start from the supreme norm. The issue that is of concern in reference to the structuring of associations of providers with stability and exclusivity on the part of the processing companies could be interpreted as a disloyal or distortive practice, and it is not a minor concern in the current circumstances. Nevertheless, of the analysis that has been done, as much with respect to the competences of the Superintendency of Control of the Markets as well as the provisions of the Statutory Law of Regulation and Control of the Market, it can be concluded that the creation of these associative structures are totally justified in the demands of the RSPO standards and that they have not been created for a different purpose that could configure one of the types analyzed, finding in this the justification that the norm addresses.
- ✓ In addition, our constitutional system in article 82 has emphasized that the right to legal security is based on respect for the Constitution and the existence of previous legal norms that are clear, public, and applied by the competent authorities. This is with respect to the possible extensive interpretations of undefined types like ones that are of this law, that lack concretion, calculation formulas and references that can guarantee security in the fulfillment of this law.
- ✓ Additionally, the institutions of the State, their organisms, dependencies, public servants and the people who act by virtue of a state power shall exercise only the competences and powers that are given in the Constitution and the law. They have the duty to coordinate actions for the fulfillment of its purposes and make effective the privilege and exercise of the rights recognized in the Constitution. That is to say that the rights protected by article 66 numeral 27 (freedom of contracting) must be guaranteed by all the civil servants of the State administration, and in case of doing so, a basis for protective action will exist in addition to the administrative and contentious methods contained in the law.
- ✓ The posed contractual adjustment is not complex, especially because the breaches to the Law of Regulation and Control of Markets are determined by the practice, spirit and absence of a valid justification, rather than by the structure through which it operates.
- ✓ The objective and last aim of RSPO certification resides in the protection and strengthening of the collective right to a healthy and ecologically balanced environment through fulfilling one of the postulates of the constitution, that of ecologically sustainable production, which is one of the guarantees most strongly protected by our legal system, through multiple legal and constitutional provisions. This said, it would seem that this strategy finds its justification in another constitutional right of equal hierarchy and value to that protected by the Law of Regulation and the Control of the Power of the Market, and it will be complex to verify that these associative arrangements are made with the purpose of guaranteeing the dominant position in a market, or that it intends to obstruct the competition, with disloyal or distortive practices.
- ✓ Finally, it will not be foreign to the good practices of the RSPO that among companies and associations of fruit producers -that are constituted with the intention of deciding on RSPO certification-, that all the agreements are documented and formalized, not only the initial ones, but all types of communications that are maintained between the parties, so that any investigative event on the part of the authority has minimum margins for speculation and subjective judgments.

Annex 4

Description of Legal Forms of Land Tenure.

		CÓDIGO CIVIL	LEY DE TIERRAS	
Dominio	Ocupación	Por la ocupación se adquiere el dominio de las cosas que no pertenecen a nadie, y cuya adquisición no está prohibida por las leyes ecuatorianas, o por derecho internacional. (Artículo 622)	Propiedad	a) Propiedad estatal. Constituida por las tierras de propiedad de las entidades del sector público, incluyendo las tierras rurales que formando parte del territorio nacional, carecen de dueño. (Artículo 85)
	Accesión	La accesión es un modo de adquirir por el cual el dueño de una cosa pasa a serlo de lo que ella produce, o de lo que se junta a ella. Los productos de las cosas son frutos naturales o civiles. (Artículo 659)		b) Propiedad privada. La adquirida por los particulares, personas naturales o jurídicas provenientes de adjudicaciones realizadas por el Estado o adquiridas en la forma prevista en la legislación civil. (Artículo 85)
	Tradición	La tradición es un modo de adquirir el dominio de las cosas, y consiste en la entrega que el dueño hace de ellas a otro, habiendo, por una parte, la facultad e intención de transferir el dominio, y por otra, la capacidad e intención de adquirirlo. (Artículo 686)		c) Propiedad asociativa. La adquirida para uso y aprovechamiento por las distintas formas de organización social reconocidas legalmente bajo el principio de solidaridad. (Artículo 85)
	Sucesión por Causa de Muerte			d) Propiedad cooperativa. La obtenida por las organizaciones del sistema cooperativo nacional, contempladas en el régimen de la economía popular y solidaria. (Artículo 85)
	Prescripción	Es un modo de adquirir las cosas ajenas, o de extinguir las acciones y derechos ajenos, por haberse poseído las cosas, o no haberse ejercido dichas acciones y derechos, durante cierto tiempo, y concurriendo los demás requisitos legales. (Artículo 2392)		e) Propiedad mixta. La adquirida en copropiedad por el Estado y una persona natural o jurídica, nacional o extranjera, de conformidad con la Ley; y, (Artículo 85)
				f) Propiedad comunitaria. La que ha sido adjudicada y titulada en favor de comunas, comunidades, pueblos y nacionalidades. (Artículo 85)
Poseción	Mera Tenencia	Es la que se ejerce sobre una cosa, no como dueño, sino en lugar o a nombre del dueño. El acreedor prendario, el secuestre, el usufructuario, el usuario, el que tiene el derecho de habitación, son meros tenedores de la cosa empeñada, secuestrada, o cuyo usufructo, uso o habitación les pertenecen. (Artículo 729)	Adjudicación	Es el acto administrativo público de disposición o enajenación de tierras rurales, a través del cual el Estado transfiere y titula el dominio de un predio de su patrimonio, en favor de la persona natural que ha estado en posesión agraria de tierra rural estatal y que ha cumplido los requisitos determinados en esta Ley y su reglamento. (Artículo 59)

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	Posesión Efectiva	En el momento de deferirse la herencia, la posesión de ella se confiere por el ministerio de la ley al heredero, pero esta posesión legal no habilita al heredero para disponer en manera alguna de un inmueble, mientras no preceda; la inscripción del testamento, si lo hubiera. Sin ésta no podrá el heredero disponer por sí solo de los inmuebles hereditarios. (Artículo 704)	Contrato de administración productiva	Es el contrato agrario para producción de alimentos por el cual, una persona natural o jurídica legalmente constituida, contrata el uso de la tierra bajo propiedad o posesión a fin de realizar determinadas actividades productivas en la tierra o manejo de recursos renovables; por un período determinado, a cambio del pago de una renta o intercambio justo previamente acordado, bajo condición de que el administrador cumpla con la función social y la función ambiental de la propiedad. (Artículo 93)
	Usufructo	El derecho de usufructo es un derecho real que consiste en la facultad de gozar de una cosa, con cargo de conservar su forma y sustancia, y de restituirla a su dueño, si la cosa no es fungible; o con cargo de devolver igual cantidad y calidad del mismo género, o de pagar su valor, si la cosa es fungible. (Artículo 778)		
	Nuda propiedad	La propiedad separada del goce de la cosa, se llama mera o nuda propiedad. (Artículo 599)		
	Arrendamiento	Arrendamiento es un contrato en que las dos partes se obligan recíprocamente, la una a conceder el goce de una cosa, o a ejecutar una obra o prestar un servicio, y la otra a pagar por este goce, obra o servicio un precio determinado, salvo lo que disponen las leyes del trabajo y otras especiales. (Artículo 1856)	Contrato Asociativo Agrario	Es aquel contrato en el cual una persona natural o jurídica legalmente constituida, se obliga a entregar a otra un predio rural con o sin plantaciones, sembríos o elementos de trabajo, por un plazo mínimo de cuatro años, para el aprovechamiento agrícola en cualquiera de sus especializaciones, con el objeto de repartirse periódica y equitativamente sus frutos. (Artículo 94)
	Comodato	Comodato o préstamo de uso es un contrato en que una de las partes entrega a la otra gratuitamente una especie, mueble o raíz, para que haga uso de ella, con cargo de restituir la misma especie después de terminado el uso. (Artículo 2077)	Del contrato agrario de compraventa.	Es aquel contrato de compraventa de predios con aptitud agropecuaria o forestal, que han sido adjudicados por la Autoridad Agraria Nacional, podrán enajenarse una vez cumplido el plazo en que se encontraban prohibidos de enajenar y se haya realizado el pago del valor de la tierra. Para transferir la propiedad agraria se requiere que esta se encuentre singularizada, de conformidad con la normativa técnica que dicte la Autoridad Agraria Nacional. (Artículo 95)
			Contrato agrario de compraventa de producción.	Por medio del contrato de compraventa de producción o cosecha el productor campesino, individualmente o en asociación, vende la cosecha a un comprador, antes, durante y después de la siembra Incluye el volumen, calidad, tiempo y lugar determinado de entrega, condiciones del pago, el mismo que debe ser adecuado y justo. Incluye además como condición del contrato el cumplimiento de la función social y la función ambiental. La cantidad del producto cosechado puede ser incierta con tal que el acto o contrato fije las reglas o condiciones que lo determinen. El contrato de compraventa de producción, no puede establecer condiciones que afecten el uso de la tierra rural, su función social y función ambiental y

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				los derechos laborales de las y los trabajadores que cumplen el objeto del contrato. (Artículo 96)
			Del contrato agrario de arrendamiento.	<p>Es el contrato por el cual el propietario o poseedor legítimo de tierra rural da en arrendamiento a otra persona, natural o jurídica, un predio para su aprovechamiento agrario a cambio de una pensión establecida por las partes, la ley o la costumbre, con la obligación de restituirlo a su dueño al vencimiento del plazo contractual.</p> <p>La o el propietario y la o el arrendatario serán responsables solidariamente de producir la tierra de acuerdo con su aptitud natural, asegurando que la propiedad cumpla su función social y función ambiental. Debe garantizar con buenas prácticas de manejo de suelos que posibiliten la sostenibilidad de la función ambiental de la tierra en arriendo.</p> <p>La o el arrendatario tiene los derechos de uso y goce, acceso a agua de riego, legalmente adquiridos así como los de tránsito y servidumbre que se han establecido a favor del predio arrendado. (Artículo 97)</p>
			Del contrato de permuta agraria.	Permuta agraria es un contrato susceptible de tutela y amparo administrativo en que las partes se obligan mutuamente a dar una propiedad de tierra rural por otra. (Artículo 99)