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Roundtable on Sustainable Palm Oil

**NATIONAL INTERPRETATION FOR RSPO PRINCIPLES
AND CRITERIA OF ECUADOR
(DRAFT FOR PUBLIC CONSULTATION PROCESS)**



Roundtable on Sustainable Palm Oil

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PRINCIPLES AND CRITERIA FOR SUSTAINABLE PALM OIL

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.

These criteria and guidance were applied for an initial pilot implementation period up to November 2007, and were reviewed at the end of this period. The objective of the pilot implementation period was to enable field testing of the principles and criteria, and thereby allow guidance to be improved. The development of more detailed guidance for application of the principles and criteria by smallholders, an important aspect of this, is still ongoing. During this initial period, national interpretations have also been drafted. .

This Document defines indicators and guidance for each criterion. Indicators are specific pieces of objective evidence that 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 means in practice, including in some cases specific guidance for national interpretation of the criterion and for application by smallholders.

This document will be completely reviewed within five years. Within that period, the Executive Board may approve specific amendments.

The RSPO Criteria Working Group (CWG) recommend to the Executive Board that RSPO urgently establish a working group to consider all issues relating to Greenhouse Gas emissions, in terms of their relevance to the oil palm sector. This may include the development of amendments to the RSPO Principles, Criteria, Indicators and Guidance, which should then be reviewed within one year after adoption. The CWG recommend that this Working Group includes a balanced, representative selection of interested parties from the CWG, and co-opts technical expertise with specialist knowledge in the field. The Working Group should develop a draft within six months including a public consultation, before submitting an amended text to the Executive Board.

The RSPO Criteria Working Group note that RSPO made a commitment in March 2006 that a project would be initiated to identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results were to be collated and reported by November 2007. The RSPO Criteria Working Group now notes that this project has not even been commenced, and requests that this situation is urgently addressed, such that this project is commissioned as soon as possible, and undertaken with a completion date not later than November 2008.



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Principles and Criteria for Sustainable Palm Oil Production

Principle 1: Commitment to transparency

| CRITERION | INDICATORS AND GUIDANCE |
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| <p>Criterion 1.1</p> <p>Oil palm growers and millers provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages & forms to allow for effective participation in decision making.</p> | <p>Indicators:</p> <p>Records of requests and responses must be maintained.</p> <p>Guidance:</p> <p>Growers and millers should respond constructively and promptly to requests for information from stakeholders.</p> <p>See criterion 1.2 for requirements relating to publicly available documentation.</p> <p>See also criterion 6.2 relating to consultation.</p> |
| <p>Criterion 1.2</p> <p>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>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Documents that must be publicly available include, but are not necessarily limited to:</p> <ul style="list-style-type: none"> • Land titles/user rights (criterion 2.2). • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievances (6.3). • Negotiation procedures (6.4). • Continuous improvement plan (8.1). |



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| | <p>Guidance:</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>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 wish to maintain as private.</p> <p>For national interpretation, specific approaches to personal privacy safeguards, including any legal requirements, should be considered.</p> |
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Principle 2: Compliance with applicable laws and regulations

| CRITERION | INDICATORS AND GUIDANCE |
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| <p>Criterion 2.1</p> <p>There is compliance with all applicable local, national and ratified international laws and regulations.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Evidence of compliance with relevant legal requirements. • A documented system, which includes written information on legal requirements. • A mechanism for ensuring that they are implemented. • A system for tracking any changes in the law. <p>The systems used should be appropriate to the scale of the organization.</p> <p>Guidance:</p> <p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes, but is not limited to, regulations governing land tenure and land-use rights, labor, agricultural practices (e.g., chemical use), environment (e.g., wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country’s obligations under international laws or conventions (e.g. the Convention on Biodiversity, CBD). Furthermore, where countries have provisions to respect customary law, these must be taken into account.</p> <p>For small-scale producers the focus should be on the grower having adequate knowledge of the main legal requirements and implementing them.</p> <p>Key international laws and conventions are set out in Annex 1. [amended to include UN Declaration on Rights of Indigenous people]</p> <p>For national interpretation, all relevant legislation should be identified, and any particularly important requirements identified. Contradictions and inconsistencies should be identified and solutions suggested.</p> |
| <p>Criterion 2.2</p> | <p>Indicators:</p> |



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| <p>The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.</p> | <ul style="list-style-type: none"> • Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land. • Evidence that legal boundaries are clearly demarcated and visibly maintained. • Where there are, or have been, disputes, additional proof of legal acquisition of title and that fair compensation has been made to previous owners and occupants; and that these have been accepted with free prior and informed consent. • Absence of significant land conflict, unless requirements for acceptable conflict resolution processes (criteria 6.3 and 6.4) are implemented and accepted by the parties involved. <p>Guidance:</p> <ul style="list-style-type: none"> • For any conflict or dispute over the land, the extent of the disputed area should be mapped out in a participatory way. • Where there is a conflict on the condition of land use as per land title, growers should show evidence that necessary action has been taken to resolve the conflict with relevant parties. • Ensure a mechanism to solve the conflict (Criteria 6.3 and 6.4) • All operations should cease on land planted beyond the legal boundary. <p>For national interpretations, any customary land use rights or disputes which are likely to be relevant should be identified.</p> |
| <p>Criterion 2.3</p> <p>Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Maps of an appropriate scale showing extent of recognized customary rights (criteria 2.3, 7.5 and 7.6) • Copies of negotiated agreements detailing process of consent (criteria 2.3, 7.5 and 7.6) <p>Guidance:</p> <p>Where lands are encumbered by legal or customary rights, the grower must demonstrate that these rights are understood and are not being threatened or reduced. This criterion should be considered in conjunction</p> |

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| | <p>with criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these are best established through participatory mapping exercises involving affected and neighboring communities.</p> <p>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 entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Communities must be permitted to seek legal counsel if they so choose. Communities must be represented through institutions or representatives of their own choosing, operating transparently 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 should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.</p> <p>For national interpretations, any commonly encountered situations should be identified. For definition of 'customary rights', see definitions.</p> |
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Principle 3: Commitment to long-term economic and financial viability

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| <p>Criterion 3.1</p> <p>There is an implemented management plan that aims to achieve long-term economic and financial viability.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • A documented business or management plan (minimum 3 years). • Annual replanting program, where applicable, projected for a minimum of 5 years with yearly review. <p>Guidance:</p> <p>Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management must be able to demonstrate attention to economic and financial viability through long-term management planning.</p> <p>The business or management plan may contain:</p> <ul style="list-style-type: none"> • Attention to quality of planting materials. • Crop projection = FFB yield trends. • Mill extraction rates = OER trends. • Cost of Production = cost per ton of CPO trends. • Forecast prices. • Financial indicators. • Suggested calculation – trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programs). • <p>For smallholder management schemes the content would vary from that suggested.</p> <p>Growers should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management will be expected to provide their members with information on significant improvements.</p> |



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| | This criterion is not applicable to individual smallholders. |
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Principle 4: Use of appropriate best practices by growers and millers

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| <p>Criterion 4.1</p> <p>Operating procedures are appropriately documented and consistently implemented and monitored.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Standard Operating Procedures for estates and mills are documented • A mechanism to check consistent implementation of procedures is in place. <p>Records of monitoring & the actions taken are maintained.</p> <p>Guidance:</p> <p>For individual smallholders working practices will have to be consistent with documented procedures provided by customers or smallholder organizations.</p> <p>For national interpretation, national codes of practice or Best Management Practices (BMPs) should be referenced.</p> |
| <p>Criterion 4.2</p> <p>Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Records of fertilizer inputs are maintained. • Evidence of periodic tissue and soil sampling to monitor changes in nutrient status. • A nutrient recycling strategy should be in place. <p>Guidance:</p> <ul style="list-style-type: none"> • Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Managers should ensure that best agricultural practice is followed. Nutrient efficiency must take account of the age of plantations and soil conditions. The nutrient recycling strategy should include EFB, POME, palm residues after replanting and any use of biomass for by-products or energy production. |



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| | <p>Smallholders should be able to demonstrate that they have an understanding of the techniques required to maintain soil fertility and that they are being implemented.</p> <p>National interpretation should identify the range of appropriate techniques.</p> |
| <p>Criterion 4.3</p> <p>Practices minimize and control erosion and degradation of soils.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Maps of fragile soils must be available. • A management strategy should exist for plantings on slopes above a certain limit (needs to be soil and climate specific). • Presence of road maintenance program. • Subsidence of peat soils should be minimized under an effective and documented water management program. • A management strategy should be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulfate soils) <p>Guidance:</p> <p>Techniques that minimize soil erosion are well-known and should be adopted, wherever appropriate. This may include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.</p> <p>For existing plantings on peat, water table should be maintained at a mean of 60cm (within a range of 50-75cm) below ground surface through a network of appropriate water control structures e.g. weirs, sandbags, etc. in fields, and Watergates at the discharge points of main drains (see also Criterion 4.4 and 7.4).</p> <p>Smallholders should be able to demonstrate that they have an understanding of the techniques required to manage their soils and that they are being implemented.</p> <p>National interpretation should refer to national guidance, and identify the best management practices and appropriate techniques for maintaining soil quality in local conditions, including guidance on soil types, and any appropriate performance thresholds, such as maximum acceptable slope gradient for planting.</p> |

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| <p>Criterion 4.4</p> <p>Practices maintain the quality and availability of surface and ground water.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • An implemented water management plan. • Protection of water courses and wetlands, including maintaining and restoring appropriate riparian buffer zones. • Monitoring of effluent BOD. • Monitoring of mill water use per ton of FFB. <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. The Water Management Plan may include:</p> <ul style="list-style-type: none"> • Taking account of the efficiency of use and renewability of sources. • Ensuring that the use of water does not result in adverse impacts on other users. • Avoiding contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME. • Appropriate treatment of mill effluent and regular monitoring of discharge quality, which should be in compliance with national regulations. <p>National interpretation should refer to national guidelines or best practice and where appropriate include performance thresholds for requirements such as the size and location and methods of restoration of riparian strips or acceptable maximum runoff levels.</p> |
| <p>Criterion 4.5</p> <p>Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • An IPM plan is documented and current. • Monitoring extent of IPM implementation including training. • Monitoring of pesticide toxicity units (a.i./LD 50 per ton of FFB or per hectare). <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to</p> |

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| | <p>smallholders.</p> <p>Guidance:</p> <p>Growers should apply recognized IPM techniques, incorporating cultural, biological, mechanical or physical methods to minimize use of chemicals.</p> <p>Native species should be used in biological control wherever possible.</p> <p>National interpretation should provide further guidance on what practices are most appropriate for a particular country, and where needed, on practices which are appropriate to smallholders.</p> |
| <p>Criterion 4.6</p> <p>Agrochemicals are used in a way that does not endanger health or the environment. There is no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines. Where agrochemicals are used that are categorized as World Health Organization Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Justification of all agrochemical use. • Records of pesticide use (including active ingredients used, area treated, amount applied per ha and number of applications). • Documentary evidence that use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat, is reduced and/or eliminated. • Use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species should be used where available. However, measures to avoid the development of resistance (such as pesticide rotations) are applied. • Chemicals should only be applied by qualified persons who have received the necessary training and should always be applied in accordance with the product label. Appropriate safety equipment must be provided and used. All precautions attached to the products should be properly observed, applied, and understood by workers. Also see criterion 4.7 on health and safety. • Storage of all chemicals as prescribed in FAO or GIFAP Code of Practice (see Annex 1). All chemical containers must be properly disposed of and not used for other purposes (see criterion 5.3). • Application of pesticides by proven methods that minimize risk and impacts. Pesticides are applied aerially only where there is a documented justification. |

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| | <ul style="list-style-type: none"> • Proper disposal of waste material, according to procedures that are fully understood by workers and managers. Also see criterion 5.3 on waste disposal. • Specific annual medical surveillance for pesticide operators, and documented action to eliminate adverse effects. • No work with pesticides for pregnant and breast-feeding women. <p>Guidance:</p> <p>National interpretation should consider: statutory requirements concerning pesticide use, lists of legally prohibited agrochemicals, agrochemical residues that should be tested for and the appropriate levels of residues, and best management practices for pesticide use or sources of information on these.</p> <p>Note: RSPO will urgently identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat.</p> |
| <p>Criterion 4.7</p> <p>An occupational health and safety plan is documented, effectively communicated and implemented.</p> | <p>Indicators:</p> <p>The health and safety plan covers the following:</p> <ul style="list-style-type: none"> • A health and safety policy, which is implemented and monitored. • All operations where health and safety is an issue have been risk assessed and procedures and actions are documented and implemented to address the identified issues. All precautions attached to products should be properly observed and applied to the workers. • All workers involved in the operations have been adequately trained in safe working practices (see also criterion 4.8). Adequate and appropriate protective equipment should be available to laborers at the place of work to cover all potentially hazardous operations, such as pesticide application, land preparation, harvesting and, if it is used, burning. • The responsible person should be identified. There are records of regular meetings between the responsible person and workers where concerns of all parties about health, safety and welfare are discussed. Records detailing the occurrence and issues raised should be kept. • Accident and emergency procedures should exist and instructions should be clearly understood by |

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| | <p>all workers. Accident procedures should 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 should be available at worksites. Records should be kept of all accidents and periodically reviewed. Workers should be covered by accident insurance.</p> <ul style="list-style-type: none"> Recording of occupational injuries. Suggested calculation: Lost Time Accident (LTA) rate (either specify acceptable maximum, or demonstrate downward trend). <p>Guidance:</p> <p>Growers and millers should ensure that the workplaces, machinery, equipment, transport and processes under their control are safe and without undue risk to health.</p> <p>Growers and millers should ensure that the chemical, physical and biological substances and agents under their control are without undue risk to health when appropriate measures are taken. A safe and healthy working environment should be provided for all workers whether they are employees or contractors. The health and safety plan should also reflect guidance in ILO Convention 184 (see Annex 1).</p> <p>For individual smallholders, a more informal approach to documentation and record keeping is acceptable, provided that working practices for all workers are safe.</p> <p>For national interpretation, all legal requirements together with any local or national guidance on safe working practice in agriculture should be identified and used. It will also be important to identify what constitutes a 'hazardous' operation in the local context.</p> |
| <p>Criterion 4.8</p> <p>All staff, workers, smallholders and contractors are appropriately trained.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> A formal training program that includes regular assessment of training needs and documentation of the program. Records of training for each employee are kept. <p>The training program should be appropriate to the scale of the organization.</p> <p>Guidance:</p> <p>Training should be given to all staff and workers by growers and millers to enable them to fulfill their jobs</p> |

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| | <p>and responsibilities in accordance with documented procedures, and in compliance with the requirements of these principles, criteria and guidance.</p> <p>Contractors should be selected for their ability to fulfill their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these principles, criteria and guidance.</p> <p>Workers on smallholder plots also need adequate training and skills and this can be achieved through extension activities of growers or mills that purchase fruit from them, by smallholders' organizations, or through collaboration with other institutions and organizations. For smallholders training records should not be required but anyone working on the farm should be adequately trained for the job they are doing.</p> <p>For national interpretation, appropriate occupational training qualifications should be identified.</p> |
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Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

| CRITERION | INDCATORS AND GUIDANCE |
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| <p>Criterio 5.1</p> <p>Aspectos de siembra y administración de las plantas de beneficio, incluyendo renovación que tienen impactos ambientales, y se han elaborado, implementado y monitoreado planes para mitigar los impactos negativos y promover los positivos, con el fin de demostrar una mejora continua.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documented impact assessment. • Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change should be developed. <p>Guidance:</p> <p>Environmental impact assessment should 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 or expansion of planting area. • Disposal of mill effluents (see criterion 4.4); • Clearing of remaining natural vegetation. <p>Impact assessment may be a non-restrictive format e.g. ISO 14001 EMS and/or EIA report incorporating elements spelt out in this criterion and raised through stakeholder consultation. Documented management action plans addressing issues raised from the above impact assessment, which is monitored annually.</p> <p>Environmental impacts may be identified on soil and water resources, air quality (see criterion 5.6), biodiversity and ecosystems, and people’s amenity (see criterion 6.1 for social impacts), both on and off-site.</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.</p> <p>It is important that where activities, techniques or operations change over time, identifications of impacts, and any required mitigation, are updated as necessary.</p> |



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| | <p>For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results. Individual smallholders would not be expected to undertake formal impact assessments (unless there is a legal requirement) but should have a good understanding of the potential negative impacts of their activities and appropriate mitigation techniques.</p> <p>National interpretation should consider any national legal requirements together with any other issues that are not required by law but are nevertheless important, e.g. Independent SEIA for replanting may be desirable under specific situations.</p> |
| <p>Criterion 5.2</p> <p>The status of rare, threatened or endangered species and 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 their conservation taken into account in management plans and operations.</p> | <p>Indicators:</p> <p>Information should be collated that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors). This information should 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 status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the grower or miller. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller. <p>If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations 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 applicable habitats. • Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants). <p>Guidance:</p> |

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| | <p>This information gathering should include checking available biological records and consultation with relevant government departments, research institutes and interested NGOs if appropriate. Depending on the biodiversity values that are present, and the level of available information, some additional field survey work may be required.</p> <p>For individual smallholders, a basic understanding of any applicable species or habitats, together with their conservation needs, will be sufficient.</p> <p>For national interpretation, appropriate sources of information include government or international lists of threatened species ('red data lists'), national wildlife protection legislation, authorities responsible for protected areas and species, or relevant NGOs.</p> |
| <p>Criterion 5.3</p> <p>Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documented identification of all waste products and sources of pollution • Safe disposal of pesticide containers. • Having identified wastes, a waste management and disposal plan must be developed and implemented, to avoid or reduce pollution. <p>Guidance:</p> <p>The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> • Identifying and monitoring sources of waste and pollution. • Improving the efficiency of resource utilization and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programs). • Appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of or cleaned in an environmentally and socially responsible way (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 to human health. The disposal instructions on manufacturer's labels should be adhered to. |

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| | <p>Smallholders should adopt appropriate measures to dispose of hazardous chemicals and their containers.</p> <p>National interpretation could include, as appropriate: details of relevant national laws or policies, a list of waste types which must be considered, any types of disposal which are not acceptable (e.g. untreated waste water may not be discharged directly into streams or rivers – refer to criterion 4.4), existing best practice guidelines on recycling and reuse of nutrients, managing effluent ponds, increasing mill extraction efficiency and appropriate disposal of wastes.</p> |
| <p>Criterion 5.4</p> <p>Efficiency of energy use and use of renewable energy is maximized.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Monitoring of renewable energy use per ton of CPO or palm product in the mill. • Monitoring of direct fossil fuel use per ton of CPO (or FFB where the grower has no mill). <p>Guidance:</p> <p>Growers and mills should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by contractors, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p> |
| <p>Criterion 5.5</p> <p>Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documented assessment where fire has been used for preparing land for replanting. <p>Guidance:</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled. Use of fire on peat soils should be avoided.</p> <p>Extension/training programs for smallholders may be necessary.</p> |

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| | <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p> |
| <p>Criterion 5.6</p> <p>Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • An assessment of all polluting activities must be conducted, including gaseous emissions, particulate/soot emissions and effluent (see also criterion 4.4). Significant pollutants and emissions must be identified and plans to reduce them implemented. • A monitoring system must be in place for these significant pollutants which goes beyond national compliance. • The treatment methodology for POME is recorded. <p>Note: RSPO needs to address all issues relating to Greenhouse Gas emissions, as set out in the Preamble to this document.</p> |



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Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and mills

| CRITERION | INDICATORS AND GUIDANCE |
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| <p>Criterion 6.1</p> <p>Aspects of plantation and mill management, including replanting, that have social impacts 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 continuous improvement.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • A documented social impact assessment including records of meetings. • Evidence that the assessment has been done with the participation of affected parties. 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. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices. • Particular attention paid to the impacts of out grower schemes (where the plantation includes such a scheme). <p>Guidance:</p> <p>Identification of social impacts should be carried out by the grower with the participation of affected parties, including women and migrant workers as appropriate to the situation.</p> <p>The involvement of independent experts should be sought where this is considered necessary to ensure that all impacts (both positive and negative) are identified.</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.</p> <p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> |

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| | <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 labor force. <p>Individual smallholders will not be required to conduct formal social impact assessments.</p> <p>As social impacts are particularly dependent on local social conditions, national interpretation should identify the important issues, and methodologies for collecting data and using the results. This should include adequate consideration of the impacts on the customary or traditional rights of local communities and indigenous people, where these exist (see also criteria 2.3 and 6.4).</p> |
| <p>Criterion 6.2</p> <p>There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documented consultation and communication procedures. • A nominated management official responsible for these issues. • Maintenance of a list of stakeholders, records of all communication and records of actions taken in response to input from stakeholders. <p>Guidance:</p> <p>Decisions that the growers or mills are planning to make should 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 should consider the use of existing local mechanisms and languages. Consideration should be given to the existence/formation of a multi-stakeholder forum. Communications should take into account differential access to information of women as compared to men, village leaders as compared to day laborers, new versus established community groups, and different ethnic</p> |

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| | <p>groups.</p> <p>Consideration should be given to involving 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>For individual smallholders, this criterion does not apply.</p> <p>National interpretation should consider issues such as appropriate levels of consultation and the types of organizations or individuals that should be included.</p> |
| <p>Criterion 6.3</p> <p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • The system resolves disputes in an effective, timely and appropriate manner. • Documentation of both the process by which a dispute was resolved and the outcome. • The system is open to any affected parties. <p>Guidance:</p> <p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints may be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation. Grievances may be internal (employees) or external.</p> <p>For smallholder schemes, the company or associations will be responsible for this. Individual smallholders should not be expected to have a documented system, but must be able to show that they respond constructively to any issue or complaint.</p> |
| <p>Criterion 6.4</p> <p>Any negotiations concerning compensation for loss of legal or customary rights are dealt with</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation. |

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| <p>through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p> | <ul style="list-style-type: none"> • A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. This takes into account gender differences in the power to claim rights, ownership and access to land; differences of trans migrants and long-established communities; differences in ethnic groups’ proof of legal versus communal ownership of land. • The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available. <p>Guidance:</p> <p>This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance.</p> |
| <p>Criterion 6.5</p> <p>Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documentation of pay and conditions. • Labor 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) are available in the languages understood by the workers or explained carefully to them by a management official. • Growers and millers provide adequate housing, water supplies, medical, educational and welfare amenities to national standard or above, where no such public facilities are available or accessible (not applicable to smallholders). <p>Guidance:</p> <p>Where temporary or migrant workers are employed, a special labor policy should be established. This labor policy would state the non-discriminatory practices; no contract substitution; post arrival orientation program to focus especially on language, safety, labor laws, cultural practices etc; decent living conditions to be provided. Migrant workers are legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers, and international standards. Deductions do not jeopardize a decent living wage.</p> <p>Forced labor is not used (see ILO conventions 29 and 105, Annex 1).</p> |

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| <p>Criterion 6.6</p> <p>The employer respects the right 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> <ul style="list-style-type: none"> • A published statement in local languages recognizing freedom of association. • Documented minutes of meetings with main trade unions or workers representatives. <p>Guidance:</p> <p>The right of employees and contractors to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labor Organization.</p> <p>Labor laws and union agreements or in their absence, direct contracts of employment detailing payments and other conditions, are available in the languages understood by the workers or explained carefully to them by a management official.</p> |
| <p>Criterion 6.7</p> <p>Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programs. Children are not exposed to hazardous working conditions.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Documentary evidence that minimum age requirement is met. <p>Guidance:</p> <p>Growers and millers should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed, with the stated exception of family farms. The minimum age of workers will not be less than stated under national regulations.</p> <p>Smallholders should allow work by children only if permitted by national regulations. The minimum age of workers should be not less than 15 years, or the minimum school leaving age, or the minimum age permitted under national regulations, where higher.</p> <p>Smallholders should allow work by children only if permitted by national regulations.</p> <p>[The RSPO Criteria Working Group urges the Executive Board to engage with the Malaysian, Indonesian and Philippines Gov.'s to engage with the problem of stateless persons (especially children and women).]</p> |

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| <p>Criterion 6.8</p> <p>Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment. • Evidence that employees and groups including migrant workers have not been discriminated against. <p>Guidance:</p> <p>The grievance procedures detailed in 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> |
| <p>Criterion 6.9</p> <p>A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • A policy on sexual harassment and violence and records of implementation. • A specific grievance mechanism is established. <p>Guidance:</p> <p>There should be a clear policy developed in consultation with employees, contractors and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>A gender committee specifically to address areas of concern to women may be requested to comply with the criteria. This committee, to have representatives from all areas of work, will consider matters such as; trainings on women’s rights, counseling 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>Criterion 6.10</p> <p>Growers and mills deal fairly and transparently</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB shall be publicly available. |

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| <p>with smallholders and other local businesses.</p> | <ul style="list-style-type: none"> • Pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation). • Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent. • Agreed payments shall be made in a timely manner. <p>Guidance:</p> <p>Transactions with smallholders should consider issues such as the role of middle men, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (under 4.2) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported might be made via the FFB price.</p> <p>Smallholders must 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 middle men 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 smallholders to change practices to meet the RSPO criteria, consideration must be given to the costs of such changes, and the possibility of advance payments for FFB could be considered.</p> |
| <p>Criterion 6.11</p> <p>Growers and millers contribute to local sustainable development wherever appropriate.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Demonstrable contributions to local development that are based on the results of consultation with local communities. <p>Guidance:</p> <p>Contributions to local development should be based on the results of consultation with local communities. See also criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the</p> |

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| | <p>different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognized as conflicting with Criterion 6.8.</p> <p>National interpretation should consider specific parameters or thresholds such as use of local and national goods and services where possible, whether a certain percentage of the plantation's profit/turnover should be used for social development projects, and minimum quotas for local employment.</p> |
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Principle 7: Responsible development of new plantings

| CRITERION | INDICATORS AND GUIDANCE |
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| <p>Criterion 7.1</p> <p>A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Independent impact assessment, undertaken through a participatory methodology including external stakeholder groups. • Appropriate management planning and operational procedures. • Where the development includes an out grower scheme, the impacts of the scheme and the implications of the way it is managed should be given particular attention. <p>Guidance:</p> <p>See also criteria 5.1 and 6.1.</p> <p>The terms of reference should be defined and impact assessment should be carried out by accredited independent experts, in order to ensure an objective process. Both should not 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 should be involved, through the use of interviews and meetings, and by reviewing findings and plans for mitigation.</p> <p>The potential impacts of all major proposed activities should be assessed prior to development. The assessment should include, in no order of preference, as a minimum:</p> <ul style="list-style-type: none"> • Assessment of the impacts of all major planned activities, including planting, 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. |



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| | <ul style="list-style-type: none"> • Identification of watercourses and assessment of potential effects on hydrology by planned developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. • Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting. • Analysis of type of land to be used (forest, degraded forest, cleared land). • Analysis of land ownership and user rights. • Analysis of current land use patterns. • Assessment of potential social impact on surrounding communities of a plantation, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents. <p>Assessment of above and below ground carbon storage is important but beyond the scope of an EIA. Note: This aspect will be considered by an RSPO Greenhouse Gas Working Group (See Preamble).</p> <p>Plans and field operations should be developed and implemented to incorporate the results of the assessment. One potential outcome of the assessment process is that the development should not proceed, because of the magnitude of potential impacts.</p> <p>For smallholder schemes, the scheme management should do this. For individuals, it does not apply. National interpretation should identify the relevant accreditations for independent experts.</p> <p>National interpretation should consider setting a minimum threshold of the size of new plantings, e.g. 50 ha, above which an SEIA is required. Consider listing unacceptable negative social impacts (e.g., displacement, loss of the food security of local people, etc.) in the national context.</p> |
| <p>Criterion 7.2</p> <p>Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation should be available. • Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure should be available. |

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| | <p>Guidance:</p> <p>These activities may be linked to the SEIA (7.1) but need not be done by independent experts. Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, rooting depth, moisture availability, stoniness, fertility and long-term soil sustainability. Soils unsuitable for planting or those requiring special treatment should be identified. This information should be used to plan planting programs, etc. Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.</p> <p>Assessing soil suitability is also important for small-scale producers, particularly where there are significant numbers operating in a particular location. Information may be collected and provided by a smallholder organization or mill that purchases FFB from individual smallholders.</p> <p>National interpretation should specify the local or national code of practice or other guidelines that should be followed; or set out what ‘good practice’ constitutes within the local and national context.</p> |
| <p>Criterion 7.3</p> <p>New plantings since November 2005, have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • An HCV assessment, including stakeholder consultation, is conducted prior to any conversion. • Dates of land preparation and commencement are recorded. <p>Guidance:</p> <p>This activity could be integrated with the SEIA required by 7.1. 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 after this date. High Conservation Values (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 must include consultation with</p> |

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| | <p>local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the National Interpretation of the HCV criteria, or according to the Global HCV Toolkit if a National Interpretation is not available [see Definitions].</p> <p>Development should actively seek to utilize previously cleared and/or degraded land. Plantation development should 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 land use plans.</p> <p>National interpretation should refer to existing national definitions of HCVs (or where these do not exist refer to definitions in the annex) or equivalent land use/conservation plans or consider how growers and the audit team can identify High Conservation Values. This may involve collaboration with other bodies.</p> <p>For definition of 'High Conservation Values', see definitions.</p> |
| <p>Criterion 7.4</p> <p>Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.</p> | <p>Indicators:</p> <ul style="list-style-type: none"> • Maps identifying marginal and fragile soils, including excessive gradients and peat soils, should be available. • Where limited planting on fragile and marginal soils is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts. <p>Guidance:</p> <p>This activity may be integrated with the SEIA required by 7.1. Planting on extensive areas of peat soils and other fragile soils should be avoided (see also Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation. (Criterion 5.5).</p> <p>National interpretation should consider including specific controls and thresholds, such as slope limits, listing</p> |

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| | <p>soil types that on which planting should be avoided (especially peat soils), the proportion of plantation area that can include marginal/fragile soils, and/or definitions of ‘extensive’, ‘marginal’ and ‘fragile’.</p> |
| <p>Criterion 7.5</p> <p>No new plantings are established on local peoples’ land without their free, prior and informed consent, 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>Refer 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 SEIA required by 7.1.</p> <p>Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see guidance for 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p> |
| <p>Criterion 7.6</p> <p>Local people 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> <ul style="list-style-type: none"> • Documented identification and assessment of legal and customary rights. • Establishment of a system for identifying people entitled to compensation. • Establishment of a system for calculating and distributing fair compensation (monetary or otherwise). • Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development. • The process and outcome of any compensation claims should be documented and made publicly available. • This activity should be integrated with the SEIA required by 7.1. <p>Guidance:</p> <p>Refer also to 2.2, 2.3 and 6.4 and associated guidance.</p> |

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| <p>Criterion 7.7</p> <p>Use of fire in the preparation of new plantings is avoided other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p> | <p>This requirement includes indigenous peoples (see Annex 1).</p> <p>Indicators:</p> <ul style="list-style-type: none"> • No evidence of land preparation by burning. • Documented assessment where fire has been used for preparing land for planting. • Evidence of approval of controlled burning as specified in ASEAN guidelines or other regional best practice. • This activity should be integrated with the SEIA required by 7.1. <p>Guidance:</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks, and with evidence that fire-use is carefully controlled.</p> <p>Extension/training programs for smallholders may be necessary.</p> <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p> |
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Principle 8: Commitment to continuous improvement in key areas of activity

| CRITERION | INDICATORS AND GUIDANCE |
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| <p>Criterion 8.1</p> <p>Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.</p> | <p>Indicators:</p> <p>The action plan for continual improvement should be based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and should include a range of indicators covered by these principles and criteria. As a minimum, these must include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> • Reduction in use of certain chemicals (criterion 4.6). • Environmental impacts (criterion 5.1). • Waste reduction (criterion 5.3). • Pollution and emissions (criterion 5.6). • Social impacts (6.1). <p>Guidance:</p> <p>National interpretation should include specific minimum performance thresholds for key indicators (see also criteria 4.2, 4.3, 4.4, and 4.5). Growers should have a system to improve practices in line with new information and techniques and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement.</p> |

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Definitions

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).

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.

High Conservation Value Forest (HCVF): The forest necessary to maintain or enhance one or more High Conservation Values (HCVs):

- HCV1. Forest areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species).
- HCV2. Forest areas containing globally, regionally or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.
- HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems.
- HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).
- HCV5. Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).
- HCV6. Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

(See: 'The HCVF Toolkit' – available from www.hcvnetwork.org)

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

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

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. National interpretations should consider whether a more specific definition is required. (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).

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

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

Smallholders: Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labor and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size.

Stakeholders: An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organization and the consequences of those activities.

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

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.

Use rights: Rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques.

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Annex 1

| PRINCIPLES | INTERNATIONAL STANDARDS | KEY PROVISIONS | SUMMARY OF PROTECTIONS |
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| Just Land Acquisition | ILO Convention 169 (1989) on Indigenous and Tribal Peoples | Articles 13-19 | Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury. |
| | UN Declaration on the Rights of Indigenous Peoples (2007) | Articles 25-26 | Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources. |
| | UN Convention on Biological Diversity (1992) | Article 10c) | Protect and encourage customary use of biological resources in accordance with traditional practices. |
| Fair Representation and Participation of Indigenous and Tribal Peoples | 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. ¹ | Free, Prior and 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 Labor | ILO Convention 29 (1930) Forced Labor | Article 5 | No concession to companies shall involve any form of forced or compulsory labor. |

¹ For details see www.forestpeoples.org

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| | ILO Convention 105 (1957) Abolition of Forced Labor | Article 1 | Not make use of any form of forced or compulsory labor. |
| Protection of Children | ILO Convention 138 (1973) Minimum Age | Articles 1-3 | Abolition of child labor and definition of national minimum age for labor not less than 15-18 years (depending on occupation). |
| | ILO Convention 182 (1999) Worst Forms of Child Labor | 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 Organize | Articles 2-11 | Freedom to join organizations, 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 Organize 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' Organizations | Articles 2-3 | Right of tenants, sharecroppers and Smallholders to organize; 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. |
| Non-Discrimination and Equal Remuneration | ILO Convention 100 (1951) Equal Remuneration | Articles 1-3 | Equal remuneration for men and women for work of equal value. |
| | ILO Convention 111 (1958) Discrimination (Employment and Occupation) | Articles 1-2 | Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin. |
| | UN Declaration on the | Articles 2, 8(2e), 9, | No discrimination based on origin or |

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| | Rights of Indigenous Peoples (2007) | 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3). | identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.. |
| Just Employment og Migrants | ILO Convention 97 (1949) Migration for Employment | Articles 1-9 | Provision of information; no obstacles to travel; provision of health care; nondiscrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings. |
| | ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions) | Articles 1-12 | Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labor. |
| Protection of Plantation Workers ² | 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 organize and collective bargaining; proper labor inspection; decent housing and medical care. |
| 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 organization; 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 | ILO Convention 184 | Articles 7-21 | Carry out risk assessments and adopt |

² Convention 110 Article 1(1) defines a plantation as “an agricultural undertaking regularly employing hired workers... concerned with the cultivation or production of ... [inter alia] palm oil...”

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| Safety | (2001) Safety and Health in Agriculture | | 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 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 y 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. |



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GUIDANCE FOR INDEPENDENT SMALLHOLDERS UNDER GROUP CERTIFICATION

PREPARED BY THE TASK FORCE ON SMALLHOLDERS

Introduction:

This document sets out the RSPO's Generic Guidance for Independent Smallholders under Group Certification. It is designed to stand alongside the RSPO's Generic Guidance for Scheme Smallholders, which was approved by the RSPO Executive Board in July 2009³.

The overall aim of these two documents is to provide a workable and equitable means by which smallholders can get their produce certified so they are not unfairly excluded from the emerging market in RSPO-certified palm oil. This is particularly challenging for independent smallholders for whom compliance and providing proof of compliance with the RSPO standard, as set out in the Principles and Criteria, as well as the sheer costs of audits by certification bodies, taken together present a major obstacle to them gaining access to the market for responsibly produced palm oil. Accordingly, the RSPO's Task Force on Smallholders and the Certification Working Group has recommended that a Group Certification Protocol should be developed to allow independent smallholders to share these costs and get certified as a group.

This text thus complements two documents which together set out a Protocol for Group Certification. The two documents respectively set out:

- The standards to which group managers must comply in order for group members to qualify for certification as a group,
- The requirements to be observed by certification bodies to be accredited and to carry out group certifications,

This document, the Generic Guidance for Independent Smallholders under Group Certification, clarifies how the RSPO Principles and Criteria should be applied to such groups.

1. Who are independent smallholders? (and how do they differ from 'scheme smallholders'?)

The RSPO currently defines smallholders as:

Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labor and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size⁴.

³ RSPO, 2009, RSPO Principles and Criteria for Sustainable Palm Oil Production: guidance for scheme smallholders.

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This definition is maintained by this Guidance.

Following the recommendations of the RSPO's Task Force on Smallholders and the RSPO Certification Working Group, RSPO documents make a distinction between what have been variously called 'tied', 'associated' or 'scheme' smallholders, on the one hand, and 'independent' smallholders, on the other. After careful deliberations and comparison of national situations, the Task Force on Smallholders Steering Group has agreed that the most appropriate terms are 'scheme' and 'independent' smallholders.

In the context of RSPO systems, independent smallholders while very varied in their situations are characterized by their: freedom to choose how to use their lands, which crops to plant and how to manage them; being self-organized, self-managed and self-financed; and by not being contractually bound to any particular mill or any particular association. They may, however, receive support or extension services from government agencies.

Scheme smallholders, while also very diverse, are characterized as smallholders who are structurally bound by contract, by a credit agreement or by planning to a particular mill. Scheme smallholders are often not free to choose which crop they develop, are supervised in their planting and crop management techniques, and are often organized, supervised or directly managed by the managers of the mill, estate or scheme to which they are structurally linked.

In accordance with the RSPO Certification Protocol, whereas scheme smallholders should be certified along with the mill with which they are associated, independent smallholders, who may sell their fresh fruit bunches either directly or through intermediaries to a number of mills, are to be certified independently of mills⁵.

⁴ RSPO, 2007, RSPO Principles and Criteria for Sustainable Palm Oil Production, including Indicators and Guidance, October 2007: 47.

⁵ With respect to smallholders the Certification Working Group made the following recommendations to the RSPO Executive Board in 2007: Recommendation: RSPO should encourage independent smallholders to seek certification through smallholder group certifications. Detailed modalities of group certification should be elaborated.(Footnote: Develop modalities, revised guidance for smallholders, financial package/ fund, and trials needed). Recommendation: RSPO sets up a working group to establish an ESCROW fund for independent payment and selection of certification body including mechanisms to share the costs of certification through the supply chain. Recommendation: RSPO establishes a capital fund that will encourage independent smallholders to comply with and be certified against the RSPO Criteria, including through group certification. Monies will be raised from a levy on tradable certificates and other approaches, such as contributions from RSPO members that are reported in annual reports of progress (RSPO, 2007, RSPO Certification Systems. Final Document prepared for the RSPO Executive Board, 25 May 2007). In November 2010, the RSPO General Assembly passed a resolution by 140 votes to 1 with 11 abstentions to set up a Smallholder Finance Working Group to seek means of financing smallholder certification. The RSPO Executive Board, at its meeting of 24th-25th February 2010, agreed to establish the Smallholder Finance Working Group. The Working Group will, inter alia, explore the option of establishing an ESCROW or Trust Fund to help cover the costs of smallholder certification.

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The distinction between 'scheme smallholders' and 'independent smallholders' is not always easy to make. National interpretation working groups will need to look in detail at how this distinction applies in their country and provide comprehensive lists of which types of smallholders best fit which category. At its meeting on 21st-23rd February 2010, the Steering Group of the RSPO Task Force on Smallholders reaffirmed its recommendation to the RSPO Executive Board that the Board needs to allow for flexibility in the way this distinction is applied in national interpretations to ensure that the typology does not exclude or disadvantage smallholders in some countries. Particular attention was drawn to the situations in Papua New Guinea and Thailand, which differ markedly from Indonesia and Malaysia, and thought was given to the need for the same flexibility in the application of smallholder definitions to other countries as they join the RSPO process.

Associated Smallholders in Papua New Guinea

The Papua New Guinea National Interpretation Working Group has developed the following interim definition of smallholders in the country:

Associated smallholders retain legal authority over their land and farming systems choice without any mandatory or contractual obligations to the mill. In most cases the milling company represents the only available FFB market. The milling company and the statutory extension service have a significant level of responsibility for supporting and encouraging the smallholders in being able to meet RSPO requirements. Credit from financial institutions and milling companies is unsecured and land cannot be forfeited for default on repayment or other non-compliance⁶.

2. Who should have responsibility for ensuring independent smallholders comply with the standard?

The logic of the group certification approach and this document is that it is the responsibility of group managers to ensure that group members comply with the RSPO standard in line with this generic guidance or an approved national interpretation. The methods that group managers must use to verify that their members are adhering to the relevant RSPO standard are set out in the RSPO Standard for Group Certification. This does not obviate the fact that the smallholders who are members of these groups have responsibilities to comply.

Group managers have the responsibility to see that group members: comply with corrective actions requests from certification bodies; respond to other shared decisions of the group and; show continuous improvement in line with Principle 8.

Where group members show persistent failure to adhere to the standard and the requirements of the group, they may be subject to a graded series of remedial actions and eventually expelled from the group.

3. Where are the indicators?

⁶ Smallholder Definitions - PNG National Interpretation Working Group, Presentation by Ian Orrell, Oil Palm Research Association of PNG to RSPO TFS Meeting - 1 November 2009

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This text does not include any revised 'indicators' but instead includes the indicators set out in the main RSPO P&C which are better suited to large plantations, scheme smallholdings and mills. The advice about 'major' and 'minor' non-conformities set out in the certification protocol also needs to be applied alongside this Guidance. The expectation is that revised indicators will be introduced at a later stage, informed by indicators developed in the national guidance for smallholders and after there have been field trials or actual audit experiences during the pilot period.

4. What is being certified?

Independent smallholders and group schemes are by definition independent of mills. They thus produce Fresh Fruit Bunches and not Crude Palm Oil. Adjustments of the RSPOs Certification Protocol and Chain of Custody requirements are needed to allow for the certification of FFB and for a verifiable method to be used for calculating the conversion of certified FFB into the certified SPO market. Adjustments to these other procedures in the RSPO process are currently in hand.

5. How does this generic guidance relate to national interpretations?

Pending approval by the Executive Board, this generic guidance can be applied for the certification of RSPO-compliant independent smallholders in all world. In accordance with the RSPO certifications protocol, this means that national interpretations, where these already exist, will need to be revised within one year in order to ensure that they do not diverge too widely from this generic version. In a number of places this generic version recognizes that more detailed guidance is needed at the national level.

Marcus Colchester and Norman Jiwan

Co-Leaders, Task Force on Smallholders

27th June 2010



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Guidance on for Independent Smallholders under Group Certification

Principle 1: Commitment to transparency

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 1.1</p> <p>Oil palm growers and millers provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages & forms to allow for effective participation on decision making.</p> <p>Indicators:</p> <p>Records of requests and responses must be maintained.</p> | <p>Guidance for group managers:</p> <p>Group managers must provide documents showing compliance with Section 2.1 of the RSPO Standard for Group Certification as well as a continuous improvement plan (8.1). Group managers must ensure that each participant smallholder is provided a copy of the agreements between them and the group (criterion 1.2) and up-to-date records of sales and prices of their produce (6.10).</p> <p>Group managers should also provide all group members with simplified training materials in a format and language understood by the group members on:</p> <ul style="list-style-type: none"> • IPM and safe use of agro-chemicals (4.6) • Health and safety plan (4.7). • Plans and impact assessments relating to environmental and social impacts (5.1, 6.1, 7.1, 7.3). • Pollution prevention plans (5.6). • Details of complaints and grievance procedures (6.3). • Procedures for pricing and grading members’ FFB (6.10) <p>Official versions are kept centralized at group manager level for reference and all group members are made aware of this. Training shall be identified and provided where appropriate in relation to these documents (see 4.8).</p> |
| <p>Criterion 1.2</p> <p>Management documents are publicly available, except where this is prevented by commercial confidentiality or</p> | <p>Guidance for group managers:</p> <p>Group managers must also have shared and explained the relevant RSPO standard for Sustainable Oil Palm Production as set out in this document or in an approved national</p> |



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| <p>where disclosure of information would result in negative environmental or social outcomes.</p> <p>Indicators:</p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria. Such documents must be publicly available.</p> | <p>interpretation to group members. Group smallholders have agreements with the group managers.</p> <p>Group Manager must provide a copy of the agreement (mutually agreed) to each smallholder in the group.</p> <p>Group Management Documentation is made available to group members by the group manager on request.</p> <p>Additional management documents (e.g. related to marketing, pricing, purchasing of inputs etc.) should be made available for all group members.</p> |
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Principle 2: Compliance with applicable laws and regulations

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 2.1</p> <p>There is compliance with all applicable local, national and ratified international laws and regulations.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Evidence of compliance with relevant legal requirements. • A documented system, which includes written information on legal requirements. • A mechanism for ensuring that they are implemented. • A system for tracking any changes in the law. <p>The systems used should be appropriate to the scale of the organization.</p> | <p>Guidance for group managers:</p> <p>Group managers must hold an up-to-date list of applicable laws and regulation, which is known to be available for reference by group members. Through periodic assessments, group managers must ensure smallholders can show evidence of compliance with all relevant legal requirements including the acquisition or holding of lands. Group smallholders should be aware of and understand the intent of applicable laws and regulations. More detailed guidance must be given in the national interpretations.</p> |
| <p>Criterion 2.2</p> <p>The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land. | <p>Guidance for group managers:</p> <p>Group managers have maps or other documents showing the lands held by group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims. National interpretations must identify what kinds of documents are needed to show compliance.</p> |



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| <ul style="list-style-type: none"> • Evidence that legal boundaries are clearly demarcated and visibly maintained. • Where there are, or have been, disputes, additional proof of legal acquisition of title and that fair compensation has been made to previous owners and occupants; and that these have been accepted with free prior and informed consent. • Absence of significant land conflict, unless requirements for acceptable conflict resolution processes (criteria 6.3 and 6.4) are implemented and accepted by the parties involved. | |
| <p>Criterion 2.3</p> <p>Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Maps of an appropriate scale showing extent of recognized customary rights (criteria 2.3, 7.5 and 7.6) • Copies of negotiated agreements detailing process of consent (criteria 2.3, 7.5 and 7.6) | <p>Guidance for group managers:</p> <p>Group managers can show that lands acquired for group smallholders do not diminish legal or customary rights of other users. Where others' customary or legally owned lands have been taken-over there is documentary proof of transfer of rights (e.g. sale) and of payment or provision of agreed compensation.</p> |

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Principle 3: Commitment to long-term economic and financial viability

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 3.1</p> <p>There is an implemented management plan that aims to achieve long-term economic and financial viability.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • A documented annual business plan. • Annual replanting program, where applicable, projected for a minimum of 5 years with yearly review. | <p>Guidance for group managers:</p> <p>Group managers have a documented annual business plan which shows economic benefits for the group and sets out expansion plans (see 7.1). This plan is shared with group members in an appropriate format.</p> |

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Principle 4: Use of appropriate best practices by growers

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 4.1</p> <p>Operating procedures are appropriately documented and consistently implemented and monitored.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Standard Operating Procedures for groups are documented • A mechanism to check consistent implementation of procedures is in place. <p>Records of monitoring & the actions taken are maintained.</p> | <p>Guidance for group managers:</p> <p>Group managers can show how they document, monitor and manage the implementation of best practices by group smallholders e.g. through the internal assessment of members from Group Managers. Group Manager can show that awareness raising took place to address the non-compliant smallholders and these smallholders were included in the continuous improvement plan. Three years will be given for smallholders to comply with this nonconformance. More detailed guidance should be given in the national interpretations. Training should be provided under 4.8.</p> |
| <p>Criterion 4.2</p> <p>Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Records of fertilizer inputs are maintained. • Evidence of periodic tissue and soil sampling to monitor changes in nutrient status. • A nutrient recycling strategy should be in place. | <p>Guidance for group managers:</p> <p>Group managers can show that they have carried out trainings with group smallholders to explain best practices to maintain soil fertility (see 4.8) and monitor effective implementation.</p> |
| <p>Criterion 4.3</p> <p>Practices minimize and control erosion and degradation of</p> | <p>Guidance for group managers:</p> <p>Group managers can show that they have carried out trainings with group smallholders to</p> |

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| <p>soils.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Maps of fragile soils must be available. • A management strategy should exist for plantings on slopes above a certain limit (needs to be soil and climate specific). • Presence of road maintenance program. • Subsidence of peat soils should be minimized under an effective and documented alter management program. • o A management strategy should be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulfate soils) | <p>explain best practices to minimize and control the erosion and degradation (see 4.8) and monitor and verify effective implementation.</p> <p>National interpretations shall contain details on peat depth.</p> |
| <p>Criterion 4.4</p> <p>Practices maintain the quality and availability of surface and ground water.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • An implemented water management plan. • Protection of water courses and wetlands, including maintaining and restoring appropriate riparian buffer zones. • Monitoring of effluent BOD. • Monitoring of mill water use per ton of FFB. | <p>Guidance for group managers:</p> <p>Group Managers shall ensure that group members are maintaining riparian buffer zones and not contributing to water quality degradation.</p> <p>This is monitored and overseen by the Group Manager. Where existing smallholdings are already established in riparian buffer zones these areas should be restored with natural vegetation at replanting.</p> |
| <p>Criterion 4.5</p> | <p>Guidance for group managers:</p> |

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| <p>Pests, diseases, weeds and invasive introduced species are effectively managed through using appropriate Integrated Pest Management (IPM) techniques.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • An IPM plan is documented and current. • Monitoring extent of IPM implementation including training. • Monitoring of pesticide toxicity units (a.i./LD 50 per ton of FFB or per hectare). <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to smallholders.</p> | <p>Group managers should provide regular training to group smallholders in IPM techniques (incorporating cultural, biological, mechanical or physical methods – see 4.8) to minimize use of chemicals and provide appropriate assistance for application. More detailed guidance should be given in the national interpretations.</p> |
| <p>Criterion 4.6</p> <p>Agrochemicals are used in a way that does not endanger health or the environment. There is no prophylactic use, and where agrochemicals are used that are categorized as World Health Organization Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Justification of all agrochemical use. • Records of pesticide use (including active ingredients used, area treated, amount or applied per ha and number of applications). • Documentary evidence that use of chemicals | <p>Guidance for group managers:</p> <p>Group managers will provide regular training to group smallholders on agrochemical use (see 4.8), especially on how:</p> <ul style="list-style-type: none"> • Chemicals should only be applied in accordance with the product label. • Appropriate safety equipment can be acquired and used. • All precautions attached to the products should be properly observed, applied, and understood. • The dangers of use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. • Chemicals should be securely and safely stored and how all chemical containers should be properly disposed of and not used for other purposes (and see criterion 5.3). • Pesticides should be applied by proven methods that minimize risk and impacts. |

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| <p>categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat, is reduced and/or eliminated.</p> <ul style="list-style-type: none"> • Use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species should be used where available. However, measures to avoid the development of resistance (such as pesticide rotations) are applied. • Chemicals should only be applied by qualified persons who have received the necessary training and should always be applied in accordance with the product label. Appropriate safety equipment must be provided and used. All precautions attached to the products should be properly observed, applied, and understood by workers. Also see criterion 4.7 on health and safety. • Storage of all chemicals as prescribed in FAO or GIFAP Code of Practice (see Annex 1). All chemical containers must be properly disposed of and not used for other purposes (see criterion 5.3). • Application of pesticides by proven methods that minimize risk and impacts. • Pesticides are applied aerielly only where there is a documented justification. • Proper disposal of waste material, according to procedures that are fully understood by | <ul style="list-style-type: none"> • Proper disposal of waste material, according to procedures that are fully understood (also see criterion 5.3 on waste disposal). • There should be no chemical spraying by pregnant women or children. <p>Group managers records will also show:</p> <ul style="list-style-type: none"> • List of all agrochemicals used by group members • Documentary evidence that use of chemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat is reduced and/or eliminated and alternatives identified where possible by the group manager in accordance with the dangers identified of these chemicals. • They have assessed options for regular health screening for all group smallholders and workers they employ (if any) using or handling agrochemicals categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat and encouraged smallholders to have such screening where accessible facilities exist. <p>Note: RSPO will identify safe and cost effective alternatives to replace chemicals that are categorized as World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, and paraquat. Results will be collated and reported by November 2007.</p> |
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| <p>workers and managers. Also see criterion 5.3 on waste disposal.</p> <ul style="list-style-type: none"> • Specific annual medical surveillance for pesticide operators, and documented action to eliminate adverse effects. • o No work with pesticides for pregnant and breastfeeding women. | |
| <p>Criterion 4.7</p> <p>An occupational health and safety plan is documented, effectively communicated and implemented.</p> <p>Indicators:</p> <p>The health and safety plan covers the following:</p> <ul style="list-style-type: none"> • A health and safety policy, which is implemented and monitored. • All operations where health and safety is an issue have been risk assessed and procedures and actions are documented and implemented to address the identified issues. All precautions attached to products should be properly observed and applied to the workers. • All workers involved in the operations have been adequately trained in safe working practices (see also criterion 4.8). Adequate and appropriate protective equipment should be available to laborers at the place of work to cover all potentially hazardous operations, such as pesticide application, land preparation, | <p>Guidance for group managers:</p> <p>The Group Manager will identify the risk related to the group smallholdings and will address them in awareness training for the smallholders (and see 4.8). Major risks only will be addressed through emergency procedures. More detailed guidance should be given in the national interpretations.</p> |

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| <ul style="list-style-type: none"> harvesting and, if it is used, burning. The responsible person should be identified. There are records of regular meetings between the responsible person and workers where concerns of all parties about health, safety and welfare are discussed. Records detailing the occurrence and issues raised should be kept. Accident and emergency procedures should exist and instructions should be clearly understood by all workers. Accident procedures should 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 should be available at worksites. Records should be kept of all accidents and periodically reviewed. Workers should be covered by accident insurance. Recording of occupational injuries. Suggested calculation: Lost Time Accident (LTA) rate (either specify acceptable maximum, or demonstrate downward trend). | |
| <p>Criterion 4.8</p> <p>All staff, workers, smallholders and contractors are appropriately trained.</p> <p>Indicators:</p> <ul style="list-style-type: none"> A formal training program that includes regular assessment of training needs and | <p>Guidance for group managers:</p> <p>Group managers should raise awareness on relevant issues and identify training needs and provided to smallholders where needed. Areas for assessment of training include:</p> <ul style="list-style-type: none"> The functioning of groups and the responsibilities of group members The relevance of the RSPO standard Legal compliance (see 2.1) Operating procedures (see 4.1) |

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| <ul style="list-style-type: none">documentation of the program.Records of training for each employee are kept. | <ul style="list-style-type: none">Soil and water management (see 4.2, 4.3 & 4.4)Integrated Pest Management (see 4.5)Agrochemical use (see 4.6)Occupational Health and Safety (see 4.7)Use of fire and relevant regulations (see 5.5) |
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Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 5.1</p> <p>Aspects of plantation and mill management 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 continuous improvement.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documented impact assessment. <p>Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change should be developed.</p> | <p>Guidance for group managers:</p> <p>Group managers must undertake and document an impact assessment, developed with the participation of smallholders and local communities, that includes all the group smallholdings and sets out appropriate actions to address each impact identified when:</p> <ul style="list-style-type: none"> • Replanting or expanding smallholdings. • Clearing remaining natural vegetation and given the need to avoid the use of fire (see 5.5). |
| <p>Criterion 5.2</p> <p>The status of rare, threatened or endangered species and 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 their conservation taken into account in management plans and operations.</p> <p>Indicators:</p> <p>Information should be collated that includes both the planted area itself and relevant wider landscape level considerations (such as wildlife corridors). This information</p> | <p>Guidance for group managers:</p> <p>Group managers will compile Information about the status of critical aspects as listed in National Interpretations within the area of group smallholdings. This information should be provided to group smallholders and should cover:</p> <ul style="list-style-type: none"> • Presence of protected areas that could be significantly affected by smallholdings • Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened, or endangered species, that could be significantly affected by the smallholdings. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the smallholdings. • If rare, threatened or endangered species, or high conservation value habitats, |



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| <p>should 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 status), legal protection, population status and habitat requirements of rare, threatened, or endangered species that could be significantly affected by the grower or miller. • Identification of high conservation value habitats, such as rare and threatened ecosystems, that could be significantly affected by the grower or miller. <p>If rare, threatened or endangered species, or high conservation value habitats, are present, appropriate measures for management planning and operations 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 applicable habitats. • Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts (e.g., incursions by elephants). | <p>are present, appropriate protection measures must be adopted by group managers in accordance with the National Interpretation and the relevant laws.</p> |
| <p>Criterion 5.3</p> <p>Waste is reduced, recycled, re-used and disposed of in an</p> | <p>Guidance for group managers:</p> <p>Group Managers shall ensure that group members are made aware of the need to identify all</p> |

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| <p>environmentally and socially responsible manner.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documented identification of all waste products and sources of pollution • Safe disposal of pesticide containers. <p>Having identified wastes, a waste management and disposal plan must be developed and implemented, to avoid or reduce pollution.</p> | <p>waste and dispose of it in a responsible manner. This is monitored and overseen by the Group Manager. There should be appropriate disposal of hazardous chemicals and their containers. Surplus chemical containers should be disposed of such that there is no risk of contamination of water sources or to human health. The disposal instructions on manufacturer's labels should be adhered to.</p> |
| <p>Criterion 5.4</p> <p>Efficiency of energy use and use of renewable energy is maximized.</p> <p>Indicators:</p> <p>Do not apply</p> | <p>Guidance for group managers:</p> <p>This criterion is not applicable to group smallholders.</p> |
| <p>Criterion 5.5</p> <p>Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documented assessment where fire has been used for preparing land for replanting. | <p>Guidance for group managers:</p> <p>Group Managers shall ensure that group members are not utilizing fire in operations. This is monitored by the Group Manager.</p> |
| <p>Criterion 5.6</p> | <p>Guidance for group managers:</p> |

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| <p>Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p> <p>Indicators:</p> <p>Do not apply</p> | <p>This criterion is not applicable to group smallholders.</p> |
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Principle 6: Responsible consideration of employees and of individuals and communities affected by growers

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 6.1</p> <p>Aspects of plantation and mill management that have social impacts 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 continuous improvement.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • A documented social impact assessment including records of meetings. • Evidence that the assessment has been done with the participation of affected parties. • 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. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices. • Particular attention paid to the impacts of out grower schemes (where the plantation | <p>Guidance for group managers:</p> <p>Group managers must be able to demonstrate that group smallholders participated in the development of a simplified impact assessment for their group holdings. Group managers must provide:</p> <ul style="list-style-type: none"> • A documented simplified social impact assessment. • Evidence that the assessment has been done with the participation of group smallholders, local communities and stakeholders. • A timetable with responsibilities for mitigation and monitoring, reviewed and updated as necessary, in those cases where the assessment has concluded that changes should be made to current practices. |



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| <p>includes such a scheme).</p> | |
| <p>Criterion 6.2</p> <p>There are open and transparent methods for communication and consultation between growers and/or mills, local communities and other affected or interested parties.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documented consultation and communication procedures. • A nominated management official responsible for these issues. • Maintenance of a list of stakeholders, records of all communication and records of actions taken in response to input from stakeholders. | <p>Guidance for group managers:</p> <p>Group managers must have documentary evidence that they have implemented procedures for regular communications with, and assessments of, group smallholders in line with the requirements of the RSPO Standard for Group Certification and liaise with local communities.</p> |
| <p>Criterion 6.3</p> <p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • The system resolves disputes in an effective, timely and appropriate manner. • Documentation of both the process by which a dispute was resolved and the outcome. • The system is open to any affected parties. | <p>Guidance for group managers:</p> <p>Group managers have a documented system to resolve disputes concerning group smallholdings in an effective, timely and appropriate manner. Documents exist of both the process by which a dispute was resolved and the outcome showing the process was open to any affected parties.</p> <p>These dispute resolution mechanisms should be established through open and consensual agreements with smallholders.</p> |
| <p>Criterion 6.4</p> | <p>Guidance for group managers:</p> |

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| <p>Any negotiations concerning compensation for loss of legal or customary 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> <ul style="list-style-type: none"> • Establishment of a procedure for identifying legal and customary rights and a procedure for identifying people entitled to compensation. • A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. This takes into account gender differences in the power to claim rights, ownership and access to land; differences of trans migrants and long-established communities; differences in ethnic groups' proof of legal versus communal ownership of land. • The process and outcome of any negotiated agreements and compensation claims is documented and made publicly available. | <p>Group managers must be able to show that group members have acquired lands by legal or accepted customary means. This includes:</p> <ul style="list-style-type: none"> • Establishment of a process for identifying legal and customary rights and for identifying people entitled to compensation. • A procedure for calculating and distributing fair compensation (monetary or otherwise) is established and implemented. <p>These procedures should take into account gender differences in the power to claim rights, ownership and access to land; differences of trans migrants and long-established communities and; differences in ethnic groups' proof of legal versus communal ownership of land. Compensation should be in line with fair market value or replacement cost.</p> <p>This criterion should be considered in conjunction with Criterion 2.3 and the associated guidance. National interpretations should provide additional guidance.</p> |
| <p>Criterion 6.5</p> <p>Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to meet basic needs of personnel and to provide some discretionary income.</p> <p>Indicators:</p> | <p>Guidance for group managers:</p> <p>Group managers must ensure that workers employed to service smallholders enjoy the labor rights, conditions and protections stipulated in the respective National Interpretations.</p> |

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| <ul style="list-style-type: none"> • Documentation of pay and conditions. • Labor 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) are available in the languages understood by the workers or explained carefully to them by a management official. • Growers and millers provide adequate housing, water supplies, medical, educational and welfare amenities to national standard or above, where no such public facilities are available or accessible (not applicable to smallholders). | |
| <p>Criterion 6.6</p> <p>The employer respects the right 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>Do not apply</p> | <p>Guidance for group managers:</p> <p>This criterion is not applicable to group smallholders.</p> |
| <p>Criterion 6.7</p> | <p>Guidance for group managers:</p> |

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| <p>Child labor is not used. Children are not exposed to hazardous working conditions. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programmes.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documentary evidence that minimum age requirement is met. | <p>Group managers will train group smallholders in the national and ratified international legal requirements for avoiding the use of child labor</p> <p>Work by children on family smallholdings is only acceptable under adult supervision and when not interfering with education programs and if permitted by national and ratified international laws.</p> |
| <p>Criterion 6.8</p> <p>The employer shall not engage in or support discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment. • Evidence that employees and groups including migrant workers have not been discriminated against. | <p>Guidance for group managers:</p> <p>Group managers must provide training to group members about the need to avoid discrimination in the recruitment and employment of workers employed by, or to assist, smallholders.</p> |
| <p>Criterion 6.9</p> <p>A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.</p> <p>Indicators:</p> | <p>Guidance for group managers:</p> <p>Group managers must provide training to group members about the need to prevent sexual harassment and the abuse of women among both smallholders and any workers employed by them.</p> |

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| <ul style="list-style-type: none"> • A policy on sexual harassment and violence and records of implementation. • A specific grievance mechanism is established. | |
| <p>Criterion 6.10</p> <p>Growers and mills deal fairly and transparently with smallholders and other local businesses.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB shall be publicly available. • Pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation). • Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent. • Agreed payments shall be made in a timely manner. | <p>Guidance for group managers:</p> <p>Group managers must ensure that:</p> <ul style="list-style-type: none"> • Current and past prices paid for FFB are freely available to group members and other parties. • Fair and transparent mechanisms must be established to pay members and other parties for their FFB • Agreed payments are made in a timely manner. <p>Transactions with group smallholders should deal fairly with issues such as the role of middle men, transport and storage of FFB, quality and grading, and inputs from family labor.</p> <p>Smallholders must 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 middle men are involved.</p> |
| <p>Criterion 6.11</p> <p>Growers and millers contribute to local sustainable development wherever appropriate.</p> <p>Indicators:</p> <p>Do not apply</p> | <p>Guidance for group managers:</p> <p>This criterion is not applicable to group smallholders.</p> |



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Principle 7: Responsible development of new plantings

Summary of Guidance:

- Individual smallholders are not eligible for RSPO group certification if their holdings have been established, after 2005, in primary forests or any area containing one or more High Conservation Value.
- Smallholder groups whose members plan to expand their aggregate holdings by less than 500 ha. in any one year must develop a simplified SEIA (7.1, 7.2 and 7.4) and must observe 7.3, 7.4 and 7.6. Details of expansion plans should be detailed in group business plans (see 3.1).
- Smallholder groups whose members plan to expand their aggregate holdings by more than 500 ha. in any one year must comply with all criteria in principle 7.

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 7.1</p> <p>A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Independent impact assessment, undertaken through a participatory methodology including external stakeholder groups. • Appropriate management planning and operational procedures. • Where the development includes an out grower scheme, the impacts of the scheme and the implications of the way it is managed | <p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. in any one year, group managers should ensure that local communities, indigenous peoples and prospective smallholders participate actively in impact assessments. In addition to the considerations outlined in the RSPO P&C such assessments must include participatory consideration of:</p> <ul style="list-style-type: none"> • Land use planning and land allocations to smallholders and arrangements regarding land acquisition. • Identification and mitigation of environmental impact, road building and road maintenance. • Conservation Values (see criterion 7.3) that could be negatively affected. • Assessment of potential effects on adjacent natural ecosystems of planned smallholding developments, including whether development or expansion will increase pressure on nearby natural ecosystems. • Identification of watercourses and assessment of potential effects on hydrology by planned smallholding developments. Measures should be planned and implemented to maintain the quantity and quality of water resources. |



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| <p>should be given particular attention.</p> | <ul style="list-style-type: none"> • Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting, where such data already exists. • Analysis of type of land to be used (forest, degraded forest, cleared land). • Analysis of land ownership and user rights. • Analysis of current land use patterns. • Assessment of potential social impact on surrounding communities of the group of smallholdings, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents. <p>Where groups plan to expand their aggregate holdings by less than 500 ha. in any one year, group managers should carry out a simplified social and environmental impact assessment which assesses HCVs, identifies suitable lands and other rights holders.</p> |
| <p>Criterion 7.2</p> <p>Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation should be available. • Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure should be available. | <p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate holdings by more than 500 ha. in any one year, group managers must ensure that these requirements are applied to all group members planning to expand their holdings or acquire new ones. National interpretations should include detail on peat depth.</p> <p>Where groups plan to expand their aggregate holdings by less than 500 ha. in any one year only a simplified soil survey is required (see 7.1)</p> |
| <p>Criterion 7.3</p> | <p>Guidance for group managers:</p> |

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| <p>New plantings since November 2005 (which is the date of adoption of these criteria by the RSPO membership), have not replaced primary forest or any area containing one or more High Conservation Values.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • An HCV assessment, including stakeholder consultation, is conducted prior to any conversion. • Dates of land preparation and commencement are recorded. | <p>Group managers must ensure that this criterion is applied to group smallholdings.</p> <p>This criterion also applies to independent smallholders who later seek to become members of smallholder groups seeking certification.</p> |
| <p>Criterion 7.4</p> <p>Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Maps identifying marginal and fragile soils, including excessive gradients and peat soils, should be available. • Where limited planting on fragile and marginal soils is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts. | <p>Guidance for group managers:</p> <p>Where groups plan to expand their aggregate oil palm holdings by more than 500 ha. in any one year, group managers must ensure that no new lands are acquired by existing group members on steep terrain and/or on marginal and fragile soils.</p> |
| <p>Criterion 7.5</p> <p>No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous</p> | <p>Guidance for group managers:</p> <p>This criterion must be considered with 2.2, 2.3, 6.4 and 7.6. Group managers must ensure that members first identify local owners of any and all lands for the expansion or acquisition of new group smallholdings.</p> |

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| <p>peoples, local communities and other stakeholders to express their views through their own representative institutions.</p> <p>Indicators:</p> <p>Refer to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for indicators and guidance on compliance.</p> | <p>General Guidance:</p> <p>Where lands are encumbered by legal or customary rights, the group manager must demonstrate that these rights are understood by group members and are not being threatened or reduced.</p> <p>This criterion allows for sales and negotiated agreements to compensate other users for lost benefits and/or relinquished rights. Negotiated agreements to acquire lands for group smallholdings should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Those selling or leasing lands must be permitted to seek legal counsel if they so choose. Communities selling or leasing lands must be represented through institutions or representatives of their own choosing, operating transparently 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 should be binding on all parties and enforceable in the courts.</p> <p>Group managers have maps or other documents showing the land holdings of group smallholders and can show these lands are not claimed or contested by third parties with legitimate claims</p> <p>Group managers can show that lands acquired for smallholders do not diminish legal or customary rights. Where others' customary or legally owned lands have been taken over there is proof of transfer of rights (e.g. sale or lease) and of payment or provision of agreed compensation.</p> |
| <p>Criterion 7.6</p> <p>Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their</p> | <p>Guidance for group managers:</p> <p>See 7.5 above.</p> |

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| <p>free, prior and informed consent and negotiated agreements.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Documented identification and assessment of legal and customary rights. • Establishment of a system for identifying people entitled to compensation. • Establishment of a system for calculating and distributing fair compensation (monetary or otherwise). • Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development. • The process and outcome of any compensation claims should be documented and made publicly available. <p>This activity should be integrated with the SEIA required by 7.1.</p> | |
| <p>Criterion 7.7</p> <p>Use of fire in the preparation of new plantings is avoided other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • No evidence of land preparation by burning. | <p>Guidance for group managers:</p> <p>Group managers must ensure that no fire is used to establish new plantings.</p> <p>Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimizing the risk of severe pest and disease outbreaks during the preparation of new plantings, and with evidence that fire-use is carefully controlled.</p> |

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| <ul style="list-style-type: none">• Documented assessment where fire has been used for preparing land for planting.• Evidence of approval of controlled burning as specified in ASEAN guidelines or other regional best practice.• This activity should be integrated with the SEIA required by 7.1. | <p>National interpretation should identify any specific situations where such use of fire may be acceptable, for example through reference to 'Guidelines for the implementation of the ASEAN policy on zero burning', or comparable guidelines in other locations.</p> |
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Principle 8: Commitment to continuous improvement in key areas of activity

| CRITERION | GUIDANCE ON SMALLHOLDERS |
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| <p>Criterion 8.1</p> <p>Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • The action plan for continual improvement should be based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and should include a range of indicators covered by these principles and criteria. As a minimum, these must include, but not necessarily be limited to: <ul style="list-style-type: none"> ○ Reduction in use of certain chemicals (criterion 4.6). ○ Environmental impacts (criterion 5.1). ○ Waste reduction (criterion 5.3). ○ Pollution and emissions (criterion 5.6). ○ Social impacts (6.1). | <p>Guidance for group managers:</p> <p>Group managers must develop an action plan for continual improvement, developed in a participatory manner with group smallholders, based on a consideration of the main social and environmental impacts and opportunities of the smallholdings, and should include a range of indicators covered by these principles and criteria.</p> |



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LAWS, CONVENTIONS AND TREATIES
APPLICABLE TO THE SUSTAINABLE PRODUCTION AND USE OF PALM OIL OF ECUADOR
ROUNDTABLE FOR SUSTAINABLE PALM OIL

Principle 1: Commitment to transparency

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| <p>Criterion 1.1</p> |
| <p>Oil palm growers and millers provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages & forms to allow for effective participation in decision making.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Ley Orgánica de Transparencia y Acceso a la Información Pública, Registro Oficial Suplemento 337, 18 de mayo 2004 • Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010 |
| <p>Criterion 1.2</p> |
| <p>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> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Plan Nacional del Buen Vivir, Resolución 1, Registro Oficial Suplemento 144, de 5 de marzo 2010 • Ley Orgánica de Transparencia y Acceso a la Información Pública, Registro Oficial Suplemento 337, 18 de mayo 2004 • Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010 • Ley Orgánica de Garantías Jurisdiccionales y Control Constitucional, R.O.S. 52, 22 de octubre 2009 • Código Civil, Registro Oficial Suplemento 46, 24 de junio 2005 • Código de Procedimiento Civil, Registro Oficial Suplemento 58, 12 de julio 2005 • Código Orgánico de Organización Territorial, Autonomía y Descentralización, R.O.S 95, 19 de octubre 2010 • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 |



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- Ley de Seguridad Social, R.O.S. 465, 30 de noviembre 2001
- Reglamento del Seguro General de Riesgos del Trabajo, Resolución del Consejo Directivo del IESS, R.O.S. 599, 19 de diciembre 2011
- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004
- Texto Unificado de Legislación Ambiental Secundaria (TULAS), Decreto No. 3516
- Sistema Único de Manejo Ambiental (SUMA, Libro VI, de la Calidad Ambiental, Decreto No. 3516
- Ley de Compañías, Decreto Ejecutivo 374, R.O.S. 209, 08 de junio 2010
- Código de la Producción, Comercio e Inversiones, R.O.S. 351, 29 de diciembre de 2010
- Código de Comercio, R.O.S. 1202, 20 de agosto 1960
- Código Tributario, R.O.S. 38, 14 de junio 2005
- Ley de Régimen Tributario Interno, R.O.S 463, 17 de noviembre 2004
- Ley Reformatoria para la Equidad Tributaria del Ecuador, R.O.S. 242. 29 de diciembre 2007
- Reglamento para la aplicación de la Ley de Régimen Tributario Interno, D.E. 374, R.O.S. 209, 8 de junio 2010
- Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, D.E. 3609 R.O.S. 1 20/03/2003
- Ley Orgánica del Régimen de la Soberanía Alimentaria, R.O.S. 583, 5 de mayo 2009
- Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15/03/1979
- Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
- Código Penal, R.O.S. 147, 22 de enero 1971
- Código de Procedimiento Penal, R.O.S. 360, 13 de enero 2000
- Código de la Niñez y Adolescencia, R.O. 737, 3 de enero 2003
- Acuerdo Ministerial No. 15, R.O. 701, 11 de mayo de 2012
- Normas INEN

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Principle 2: Compliance with applicable laws and regulations

Criterion 2.1

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

- 1) Derechos de Propiedad (Constitución: Art. 57, 60, 321, 323)
 - Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 57: Derechos colectivos:
 - No. 4 propiedad imprescriptible, exención pago de impuestos
 - No.5 mantener posesión de las tierras y territorios ancestrales/Adjudicación gratuita
 - No. 6 uso, usufructo, administración y conservación de los recursos naturales
 - No. 7 consulta previa, libre e informada
 - Art. 60: Propiedad colectiva de las comunas
 - Art. 66: Derecho a la libertad: el derecho a la propiedad
 - Art. 282: Uso y acceso a la tierra con función social y ambiental
 - Art. 321: Propiedad pública, privada, estatal, asociativa, cooperativa, mixta cumplir función social y ambiental
 - Art. 323: Expropiación: utilidad pública o interés social y nacional
 - Art. 376: Expropiación de municipalidades por conservación del medio ambiente
 - Código Civil, Registro Oficial Suplemento 46, 24 de junio 2005
 - Código de Procedimiento Civil, Registro Oficial Suplemento 58, 12 de julio 2005
 - Código Orgánico de Organización Territorial, Autonomía y Descentralización, R.O.S 95, 19 de octubre 2010
 - Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, D.E. 3609 R.O.S. 1, 20 de marzo 2003
 - Ley de Desarrollo Agrario, R.O.S. 315, 16 de abril 2004
 - Ley de Tierras Baldías y Colonización, R.O.S. 315, 16 de abril 2004
 - Reglamento de Inversión de Enajenación de Tierras Baldías, A.M. 1188, R.O. 320, 29 septiembre 1971
 - Reglamento de Adjudicación de Tierras a Comunidades Campesinas, A.M. 45, R.O. 527, 16 febrero 1978
 - Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007
 - Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial 322, R.O. 69, 20 noviembre 1979
- 2) Derechos Laborales
 - Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008

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- Art. 32: Derecho a la Salud es transversal al derecho al agua, alimentación, educación, cultura física, trabajo, seguridad social, ambientes sanos y buen vivir.
 - Art. 33: Derecho al Trabajo
 - Art. 34: Derecho a la Seguridad Social
 - Art. 46.1: Prohibición del trabajo a de niños, niñas y adolescentes
 - Art. 47.5: Derecho al trabajo de los discapacitados
 - Art. 325: Formas de trabajo: bajo relación de dependencia o autónomas
 - Art. 327: Prohibición precarización del trabajo, intermediación laboral, tercerización, contratación por horas
 - Art. 356: Principios del Derecho al trabajo
 - Art. 369: Seguro universal obligatorio
 - Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005
 - Código de la Niñez y Adolescencia, R.O. 737, 3 de enero 2003
 - Ley de Seguridad Social, R.O.S. 465, 30 de noviembre 2001
 - Reglamento del Seguro General de Riesgos del Trabajo, Resolución del Consejo Directivo del IESS, R.O.S. 599, 19 de diciembre 2011
 - Reglamento de Seguridad y Salud de los Trabajadores y Mejoramiento del Medio Ambiente de Trabajo, 17/12/1986
 - Instructivo Aplicación Sistema Auditoría Riesgos SART, Resolución del Consejo Superior del IESS, R.O. 164, 5 abril 2010
 - Resolución Secretaría Andina 957, Reglamento del Instrumento Andino de Seguridad y Salud en el Trabajo, 12/03/2008
 - Reglamento Para el Funcionamiento de los Servicios Médicos de Empresas, Acuerdo Ministerial No. 1404, 6-06-1979
 - Reglamento de Seguridad y Salud de los Trabajadores, Decreto Ejecutivo 2393, 04/02/1994
 - Reglamento General de Riesgos del Trabajo, Resolución NO. C.D. 390 R.O.S. 599 19/12/2011
 - Resolución del Consejo Superior del IESS, R.O: 106 de 12/01/2010
 - Reglamento del Sistema de Auditoría de Riesgos del Trabajo, R.O. Suplemento 319 de 12/11/2010
 - Instructivo de Aplicación del Reglamento del Sistema de Auditoría de Riesgos, , Resolución del Consejo Superior del IESS 0, Registro Oficial 410 de 22/03/2011
- 3) Prácticas agrícolas y sanitarias (Constitución):
- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 32: Derecho a la Salud
 - Art. 262: Gobiernos regionales autónomos:
 - 7) fomento de actividades productivas

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- Art. 263: Gobiernos provinciales:
 - 4) gestión ambiental
 - 6) fomentar la actividad agropecuaria
 - 7) fomentar las actividades productivas provinciales
 - Art. 267: Gobiernos Parroquiales rurales:
 - 4) incentivar el desarrollo de actividades productivas comunitarias, preservación de la biodiversidad y la protección del ambiente
 - Art. 320: La producción, en cualquiera de sus formas, se sujetará a principios y normas de calidad, sostenibilidad, productividad sistémica, valoración del trabajo y eficiencia económica y social.
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 410: Apoyo del Estado: desarrollo de prácticas agrícolas, protejan y promuevan la soberanía alimentaria
- Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792, 15 de marzo 1979
 - Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
 - Ley de Sanidad Vegetal, R.O.S. 315, 16 de abril de 2004
 - Texto Unificado de Legislación Secundaria Del MAG Titulo III Reglamento a la Ley de Sanidad Vegetal, D.E. 3609 R.O.S. 1, 20 de marzo 2003
 - Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, Titulo VI Reglamento General de Semillas, D.E. 3609 R.O.S. 1, 20 de marzo 2003
 - Texto Unificado de Legislación Secundaria Del Ministerio de Agricultura y Ganadería, Libro II Reglamento de la Normativa de la Producción Orgánica Agropecuaria en el Ecuador, Acuerdo Ministerial 177 R.O. 154, 25 de agosto de 2003
 - Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006
 - Acuerdo No. 14630 Reglamento para el Manejo de Desechos Sólidos, 3 de agosto 1992
 - Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006
 - Ley de Aguas, R.O.S. 339, 20 de mayo 2004
 - Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental, Anexo 1, Norma de Calidad Ambiental y de Descarga de Efluentes: Recurso Agua
 - Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, del Reglamento General para la Aplicación de la Ley de Aguas, D.E. 3609, R.O.S. 1 20 de marzo 2003
 - Texto Unificado de Legislación Secundaria Del Ministerio de Agricultura y Ganadería, Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003

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- Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas
 - Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos que las Contengan
 - Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315 16/04/2004
 - Norma INEN 2 -176 Calidad de Agua Muestreo
 - Norma INEN 1-108 Agua Potable
 - Norma INEN 2-226 Agua. Calidad de Agua. Muestreo. Diseño de los programas de muestreo
 - Norma INEN, Aceites y Grasas Vegetales y Animales Determinación del Contenido de Impurezas Insolubles, 2180-99
 - Norma INEN, Grasa de Palma Africana Requisitos, 30-1974
 - Norma INEN, Grasas y Aceites Comestibles Muestreo, 1973-08
 - Norma INEN, Grasas Comestibles y Aditivos, 46-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación de Adulteraciones, 44-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación de la Acidez, 38-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación de la Densidad Relativa, 35-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación de la Materia Insaponificable, 41-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación de la Pérdida por Calentamiento, 39-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Color, 473-1980
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Índice de Saponificación, 40-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Índice de Yodo, 37-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Punto de Fusión, 474-1980
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Título, 43-1973
 - Norma INEN, Grasas y Aceites Comestibles Ensayo de Rancidez, 45-1973
 - Norma INEN, Grasas y Aceites Comestibles , Envasado y Rotulado, 06-1973
 - Norma INEN, Grasas y Aceites Comestibles Preparación de la Solución de WIJS, 36-1973
 - Norma INEN, Grasas y Aceites Comestibles Determinación del Índice de Refracción, 42-1973
 - Norma INEN, Productos Grasos Comestibles. Definiciones y Clasificación, NTE-INEN 7-1973
 - Norma INEN, Productos Líquidos Empaquetados. Procedimiento de Inspección y Prueba de Paquetes de Contenido Neto Constante, 482-1980
 - Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROCALIDAD 113, R.O. 71, 20 noviembre 2009
 - Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009
- 4) Regulación ambiental (Constitución):

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- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 14: Interés público la preservación del ambiente, conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético, la prevención del daño ambiental y la recuperación de los espacios naturales degradados.
 - Art. 15: Prohibición de desarrollo, producción, tenencia, comercialización, importación, transporte, almacenamiento y uso de contaminantes orgánicos persistentes altamente tóxicos, agroquímicos internacionalmente prohibidos, y las tecnologías y agentes biológicos experimentales nocivos y organismos genéticamente modificados perjudiciales para la salud humana o que atenten contra la soberanía alimentaria o los ecosistemas.
 - Art. 66.27: Derecho a un medio ambiente sano, ecológicamente equilibrado, libre de contaminación y en armonía con la naturaleza.
 - Art. 83: Deberes de los ecuatorianos:
 - 6) Los derechos de la naturaleza, preservar un ambiente sano y utilizar los recursos naturales de modo racional, sustentable y sostenible.
 - Art. 276: Régimen de Desarrollo
 - 4) Recuperar y conservar la naturaleza y mantener un ambiente sano y sustentable que garantice a las personas y colectividades el acceso equitativo, permanente y de calidad al agua, aire y suelo, y a los beneficios de los recursos del subsuelo y del patrimonio natural
 - Art. 395: Principios medio ambientales:
 - 1) Modelo sustentable de desarrollo
 - 2) Aplicación de políticas de gestión ambiental de manera transversal en el territorio nacional.
 - 3) Participación activa (personas, comunidades y nacionalidades afectadas) en la planificación la planificación, ejecución y control de toda actividad que genere impactos ambientales.
 - 4) Interpretación más favorable a la protección de la naturaleza.
 - Art. 396: Responsabilidad de daños ambientales es objetiva. Daño ambiental conlleva sanciones, restauración integral de los ecosistemas e indemnización a personas y comunidades afectadas. Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 397: Derecho de Repetición del Estado en contra del operador de la actividad que produjo el daño las obligaciones que conlleve reparación integral de acuerdo a la ley. El Estado debe:
 - 3) Regular la producción, importación, distribución, uso y disposición final de materiales tóxicos y peligrosos para las personas o el ambiente
 - 4) Asegurar la intangibilidad de las áreas naturales protegidas. El manejo y administración de las áreas naturales protegidas estará a cargo del Estado.

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- Art. 398: Consulta previa a la comunidad
- Art. 399: Sistema Nacional Descentralizado de Gestión Ambiental: Defensoría del ambiente y naturaleza
- Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007
- Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007
- Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial 322, R.O. 69, 20 noviembre 1979
- Política de Ecosistemas Andinos del Ecuador, Acuerdo Ministerial 64, R.O. 60, 5 noviembre 2009
- Ley de Gestión Ambiental, R.O.S. 418. 10 de septiembre 2004
- Ley de Prevención y Control de la Contaminación Ambiental, R.O.S. 418, 10 septiembre 2004
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro VI, de la Calidad Ambiental
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro VI, de la Calidad Ambiental, Reglamento para la Prevención y Control de la Contaminación por Desechos Peligrosos
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro V, de la Calidad Ambiental: Reglamento a la Ley de Gestión Ambiental para la Prevención y Control de la Contaminación Ambiental
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, de la Calidad Ambiental, Estudios Ambientales
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados
- Acuerdo Ministerial 026 (MAE) Procedimientos para Registro de Generadores de Desechos Peligrosos, Gestión de Desechos Peligrosos, Gestión de Desechos Peligrosos Previo al Licenciamiento Ambiental, y para el Transporte de Materiales Peligrosos
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro V, Anexo 3, De la Calidad Ambiental: Sistema Único de Manejo Ambiental, Decreto Ejecutivo 3516, 31 de marzo 2003
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados, Decreto Ejecutivo 3516, 31 de marzo 2003
- Acuerdo Ministerial 091 Límites máximos Permisibles Provenientes de Fuentes Fijas de Combustión 04/01/2007
- Reglamento Ambiental para Actividades Eléctricas, 23/08/2001
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente; Libro VI, Anexo 3: Norma de Emisión al Aire desde Fuentes Fijas de Combustión, Decreto Ejecutivo 3516, 31 de marzo 2003
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro V, Anexo 4: Norma de Calidad del Aire Ambiente, Decreto Ejecutivo 3516, 31 de marzo 2003
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, de la Calidad Ambiental: Régimen Nacional para la Gestión de Productos Químicos Peligrosos, Decreto Ejecutivo 3516, 31 de marzo 2003

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- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 5: Límites Permisibles de Niveles de Ruido Ambiente para Fuentes Fijas y Fuentes Móviles, y para Vibraciones, Decreto Ejecutivo 3516, 31 de marzo 2003
 - Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución Agrocalidad 113, R.O.O. 71, 20 de noviembre 2009
 - Reglamento Ambiental para Actividades Eléctricas, 23/08/2001
 - Acuerdo No. 7789 Manual Operativo del Reglamento para la Prevención y Control de la Contaminación Ambiental Originada por la Emisión de Ruidos
 - Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418 10/09/2004
 - Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010
- 5) Almacenamiento (Constitución):
- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 15: Prohibición de desarrollo, producción, tenencia, comercialización, importación, transporte, almacenamiento y uso de contaminantes orgánicos persistentes altamente tóxicos, agroquímicos internacionalmente prohibidos, y las tecnologías y agentes biológicos experimentales nocivos y organismos genéticamente modificados perjudiciales para la salud humana o que atenten contra la soberanía alimentaria o los ecosistemas.
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 397: Derecho de Repetición del Estado en contra del operador de la actividad que produjo el daño las obligaciones que conlleve reparación integral de acuerdo a la ley.
- 6) Prácticas de transporte y procesamiento (Constitución):
- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Acuerdo Ministerial 026 (MAE) Procedimientos para Registro de Generadores de Desechos Peligrosos, Gestión de Desechos Peligrosos, Gestión de Desechos Peligrosos Previo al Licenciamiento Ambiental, y para el Transporte de Materiales Peligrosos
 - Ley Orgánica de Transporte Terrestre, Tránsito y Seguridad Vial, R.O.S. 398 7-VIII-2008
 - Reglamento a la Ley Orgánica de Transporte Terrestre, Tránsito y Seguridad Vial, R.O.S. 604 3/VI/2010
 - Reglamento de Seguridad y Salud de los Trabajadores y Mejoramiento del Medio Ambiente de Trabajo, 17/12/1986

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- INEN 2-204 Gestión Ambiental de Vehículos
 - INEN 2- 207 Gestión ambiental. Aire. Vehículos automotores. Límites permitidos de emisiones producidas por fuentes móviles terrestres de diesel.
- 7) Comercialización
- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 52: Bienes y servicios de óptima calidad
 - Art. 276: Régimen de Desarrollo:
 - 2) Construir un sistema económico, justo, democrático, productivo, solidario y sostenible basado en la distribución igualitaria de los beneficios del desarrollo, de los medios de producción y en la generación de trabajo digno y estable.
 - 4) Recuperar y conservar la naturaleza y mantener un ambiente sano y sustentable que garantice a las personas y colectividades el acceso equitativo, permanente y de calidad al agua, aire y suelo, y a los beneficios de los recursos del subsuelo y del patrimonio natural.
 - Art. 284: Política económica:
 - 2) Incentivar la producción nacional, la productividad y competitividad sistémicas
 - 3) Promocionar la incorporación del valor agregado
 - 6) Impulsar el pleno empleo y valorar todas las formas de trabajo
 - 7) Mantener la estabilidad económica entendida como máximo nivel de producción y empleo sostenibles en el tiempo
 - 8) Intercambio justo y complementario de bienes y servicios en mercados transparentes y eficientes.
 - 9) Impulsar un consumo social y ambientalmente responsable.
 - Art. 302: Objetivos Políticas monetaria, crediticia, cambiaria y financiera
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Ley Orgánica de Economía Popular y Solidaria del Sistema Financiero, Registro Oficial 444, 10 de mayo de 2011
 - Código Orgánico de la Producción, Comercio e Inversiones, R.O.S. 351, 29 de diciembre 2010
- 8) Convenciones internacionales ratificadas por el país
- Convenio de Estocolmo sobre Contaminantes Orgánicos Persistentes, R.O. 381, 20 de julio 2004
 - Convenio de Basilea sobre el Control de los Movimientos Transfronterizos de los Desechos Peligrosos y su Eliminación, R.O.S. 153, 25 de noviembre 2005

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- Convención sobre Humedales de Importancia Internacional, R.O. 33, 24 de septiembre 1992
- Convenio de Viena relativo a la Protección de la Capa de Ozono, R.O. 397, 16 de marzo 1990
- Protocolo de Montreal relativo a la protección de la Capa de Ozono, R.O. 400, 21 de marzo 1990
- Reglamento de Aplicación de Protocolo de Montreal en Ecuador, Acuerdo Ministerial 514, R.O. 319 de 18 noviembre 1993
- Convenio 78, Empleo de menores en trabajos no Industriales, R.O. 838, 3 de julio 1975
- Convenio Marco de las Naciones Unidas sobre el Cambio Climático, R.O. 562, 7 de noviembre 1994
- Convenio de Rotterdam para la Aplicación del Procedimiento de Consentimiento Fundamentado previo a ciertos Plaguicidas y Productos Químicos
- Peligrosos, Objeto de Comercio Internacional, R.O. 425, 21 de septiembre 2004
- Convenio para la Protección Obtenciones Vegetales, R.O. 109 16 de julio 1997
- Decisión 562/03 Directrices para la elaboración, adopción y aplicación de Reglamentos Técnicos en los Países Miembros de la Comunidad Andina y nivel comunitario, R.O. 162, 4 de septiembre 2003
- Decisión 376/95 Sistema Andino de Normalización, Acreditación, Ensayos, Certificación, Reglamentos Técnicos y Metrología, R.O. 716, 14 de junio 1995
- Decisión 436/98 Norma Andina para el Registro y Control de Plaguicidas Químicos de Uso Agrícola, R.O. 23 10 de septiembre de 1998

Criterion 2.2

The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Derechos de Propiedad

(Constitución: Art. 57, 60, 321, 323)

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 57: Derechos colectivos:
 - No. 4 propiedad imprescriptible, exención pago de impuestos
 - No.5 mantener posesión de las tierras y territorios ancestrales/Adjudicación gratuita
 - No. 6 uso, usufructo, administración y conservación de los recursos naturales
 - No. 7 consulta previa, libre e informada
 - Art. 60: Propiedad colectiva de las comunas
 - Art. 66: Derecho a la libertad: el derecho a la propiedad
 - Art. 282: Uso y acceso a la tierra con función social y ambiental
 - Art. 321: Propiedad pública, privada, estatal, asociativa, cooperativa, mixta cumplir función social y ambiental
 - Art. 323: Expropiación: utilidad pública o interés social y nacional

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- Art. 376: Expropiación de municipalidades por conservación del medio ambiente
- Código Civil, Registro Oficial Suplemento 46, 24 de junio 2005
- Código de Procedimiento Civil, Registro Oficial Suplemento 58, 12 de julio 2005
- Código Orgánico de Organización Territorial, Autonomía y Descentralización, R.O.S 95, 19 de octubre 2010
- Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, D.E. 3609 R.O.S. 1, 20 de marzo 2003
- Ley de Desarrollo Agrario, R.O.S. 315, 16 de abril 2004
- Ley de Tierras Baldías y Colonización, R.O.S. 315, 16 de abril 2004
- Reglamento de Inversión de Enajenación de Tierras Baldías, A.M. 1188, R.O. 320, 29 septiembre 1971
- Reglamento de Adjudicación de Tierras a Comunidades Campesinas, A.M. 45, R.O. 527, 16 febrero 1978

Criterion 2.3

Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.⁷

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 57: Derechos colectivos:
 - No. 4 propiedad imprescriptible, exención pago de impuestos
 - No.5 mantener posesión de las tierras y territorios ancestrales/Adjudicación gratuita
 - No. 6 uso, usufructo, administración y conservación de los recursos naturales
 - No. 7 consulta previa, libre e informada
 - No. 11 no ser desplazados de sus tierras ancestrales
 - Art. 60: Propiedad colectiva de las comunas
 - Art. 66: Derecho a la libertad: el derecho a la propiedad
 - Art. 282: Uso y acceso a la tierra con función social y ambiental
 - Art. 321: Propiedad pública, privada, estatal, asociativa, cooperativa, mixta cumplir función social y ambiental
 - Art. 323: Expropiación: utilidad pública o interés social y nacional
 - Art. 376: Expropiación de municipalidades por conservación del medio ambiente
- Ley Orgánica de las Instituciones de los Pueblos Indígenas,, R.O 175, 21 de septiembre 2007
- Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010

⁷ Ecuadorian legislation includes the free and informed prior consultation, not the consent of the communities, and it was mention that if you didn't obtain the consent of the community the state would proceed according to the Constitution and the Law.

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- Reglamento de Adjudicación de Tierras a Comunidades Campesinas, A.M. 45, R.O. 527, 16 febrero 1978



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Principle 3: Commitment to long-term economic and financial viability

Criterion 3.1

There is an implemented management plan that aims to achieve long-term economic and financial viability.

- Código de la Producción, Comercio e Inversiones, R.O.S. 351, 29 de diciembre de 2010
- Ley Orgánica del Banco Nacional de Fomento, R.O.S. 196 del 23 de Octubre del 2007
- Ley Orgánica de la Corporación Financiera Nacional, R.O. 387 de 30 de Octubre del 2006

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Principle 4: Use of appropriate best practices by growers and millers

Criterion 4.1

Operating procedures are appropriately documented and consistently implemented and monitored.

Prácticas agrícolas y sanitarias (Constitución):

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 262: Gobiernos regionales autónomos:
 - 7) fomento de actividades productivas
 - Art. 263: Gobiernos provinciales:
 - 4) gestión ambiental
 - 6) fomentar la actividad agropecuaria
 - 7) fomentar las actividades productivas provinciales
 - Art. 267: Gobiernos Parroquiales rurales:
 - 4) incentivar el desarrollo de actividades productivas comunitarias, preservación de la biodiversidad y la protección del ambiente
 - Art. 320: La producción, en cualquiera de sus formas, se sujetará a principios y normas de calidad, sostenibilidad, productividad sistémica, valoración del trabajo y eficiencia económica y social.
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 410: Apoyo del Estado: desarrollo de prácticas agrícolas, protejan y promuevan la soberanía alimentaria
- Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007
- Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
- Ley Orgánica del Régimen de la Soberanía Alimentaria, R.O.S. 583, 5 de mayo 2009
- Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15/03/1979
- Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
- Ley de Sanidad Vegetal, R.O.S. 315, 16 de abril 2004
- Texto Unificado de Legislación Secundaria Del MAG Titulo III Reglamento a la Ley de Sanidad Vegetal, D.E. 3609, R.O.S. 1 20 de marzo 2003
- Texto Unificado de Legislación Secundaria Del MAG Titulo VI Reglamento General de Semillas, D.E. 3609 R.O.S. 1 20 de marzo 2003
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de la Normativa de la Producción Orgánica Agropecuaria en el Ecuador, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003

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- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003
- Reglamento para el Manejo de Desechos Sólidos, Acuerdo No. 14630, 3 de agosto 1992
- Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006
- Ley de Aguas, R.O.S. 339, 20 de mayo 2004
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados, Acuerdo Ministerial 177, R.O. 154, 25 agosto 2003
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental, Anexo 1, Norma de Calidad Ambiental y de Descarga de Efluentes: Recurso Agua
- Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, del Reglamento General para la Aplicación de la Ley de Aguas, D.E. 3609 R.O.S. 1 20 de marzo 2003
- Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O. S. 637, 7 marzo 1991
- Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos, R.O. 521, 4 de febrero 2009
- Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004
- Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007
- Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROCALIDAD 113, R.O. 71, 20 noviembre 2009
- Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009
- Industrialización Reciclaje y Tratamiento de Desechos Sólidos y Líquidos, Acuerdo Ministerial 397, R.O.S. 71, 20 de noviembre 2009

Criterion 4.2

Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.

Prácticas agrícolas y sanitarias (Constitución):

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 262: Gobiernos regionales autónomos:
 - 7) fomento de actividades productivas
 - Art. 263: Gobiernos provinciales:
 - 4) gestión ambiental
 - 6) fomentar la actividad agropecuaria
 - 7) fomentar las actividades productivas provinciales
 - Art. 267: Gobiernos Parroquiales rurales:



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- 4) incentivar el desarrollo de actividades productivas comunitarias, preservación de la biodiversidad y la protección del ambiente
 - Art. 320: La producción, en cualquiera de sus formas, se sujetará a principios y normas de calidad, sostenibilidad, productividad sistémica, valoración del trabajo y eficiencia económica y social.
 - Art. 396: Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 410: Apoyo del Estado: desarrollo de prácticas agrícolas, protejan y promuevan la soberanía alimentaria
- Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007
 - Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
 - Ley Orgánica del Régimen de la Soberanía Alimentaria, R.O.S. 583, 5 de mayo 2009
 - Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15/03/1979
 - Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
 - Ley de Sanidad Vegetal, R.O.S. 315, 16 de abril 2004
 - Texto Unificado de Legislación Secundaria Del MAG Titulo III Reglamento a la Ley de Sanidad Vegetal, D.E. 3609, R.O.S. 1 20 de marzo 2003
 - Texto Unificado de Legislación Secundaria Del MAG Titulo VI Reglamento General de Semillas, D.E. 3609 R.O.S. 1 20 de marzo 2003
 - Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de la Normativa de la Producción Orgánica Agropecuaria en el Ecuador, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003
 - Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003
 - Reglamento para el Manejo de Desechos Sólidos, Acuerdo No. 14630, 3 de agosto 1992
 - Ley Orgánica de la Salud, R.O.S. 423, 22 de diciembre 2006
 - Ley de Aguas, R.O.S. 339, 20 de mayo 2004
 - Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados, Acuerdo Ministerial 177, R.O. 154, 25 agosto 2003
 - Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental, Anexo 1, Norma de Calidad Ambiental y de Descarga de Efluentes: Recurso Agua
 - Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, del Reglamento General para la Aplicación de la Ley de Aguas, D.E. 3609 R.O.S. 1 20 de marzo 2003
 - Reglamento para la Aplicación de la Ley de Sustancias Estupefacientes y Psicotrópicas, D.E. 2145, R.O. S. 637, 7 marzo 1991
 - Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos, R.O. 521, 4 de febrero 2009

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| <ul style="list-style-type: none"> • Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 • Instructivo Adjudicación Tierras del Patrimonio Forestal del Estado, Acuerdo Ministerial 265, R.O. 206 7 de noviembre 2007 • Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROCALIDAD 113, R.O. 71, 20 noviembre 2009 • Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009 • Industrialización Reciclaje y Tratamiento de Desechos Sólidos y Líquidos, Acuerdo Ministerial 397, R.O.S. 71, 20 de noviembre 2009 |
| <p>Criterion 4.3</p> <p>Practices minimize and control erosion and degradation of soils.</p> <ul style="list-style-type: none"> • Sistema Único de Manejo Ambiental (SUMA, Libro VI, de la Calidad Ambiental, Decreto Ejecutivo 3516, 31 de marzo 2003 • Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003 • Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 • Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003 |
| <p>Criterion 4.4</p> <p>Practices maintain the quality and availability of surface and ground water.</p> <ul style="list-style-type: none"> • Ley de Aguas, R.O.S. 339, 20 de mayo 2004 • Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental, Anexo 1, Norma de Calidad Ambiental y de Descarga de Efluentes: Recurso Agua • Texto Unificado de Legislación Secundaria del Ministerio de Agricultura y Ganadería, del Reglamento General para la Aplicación de la Ley de Aguas, D.E. 3609 R.O.S. 1, 20 de marzo de 2003 |
| <p>Criterion 4.5</p> <p>Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.</p> <ul style="list-style-type: none"> • Decisión 436/98 Norma Andina, Acuerdo de Integración Subregional Andino, para el Registro y Control de Plaguicidas Químicos de Uso Agrícola • Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004 • Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003 • Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15 de marzo 1979 |

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- Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de la Normativa de la Producción Orgánica Agropecuaria en el Ecuador, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003
- Reglamento para la Aplicación de la Ley de Sustancias Estupefacentes y Psicotrópicas
- Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos que las Contengan
- Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003
- Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROCALIDAD 113, R.O. 71, 20 noviembre 2009
- Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009
- Código de la Salud

Criterion 4.6

Agrochemicals are used in a way that does not endanger health or the environment.

There is no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines. Where agrochemicals are used that are categorized as World Health Organization Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.

- Decisión 436/98 Norma Andina, Acuerdo de Integración Subregional Andino, para el Registro y Control de Plaguicidas Químicos de Uso Agrícola
- Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003
- Ley de Fomento y Desarrollo Agropecuario, D.S 3289 R.O. 792 15 de marzo 1979
- Políticas de Estado para el Sector Agropecuario, D.E. 1419, R.O. 281, 31 mayo de 2006
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de la Normativa de la Producción Orgánica Agropecuaria en el Ecuador, Acuerdo Ministerial 177 R.O. 154 25 de agosto 2003
- Reglamento para la Aplicación de la Ley de Sustancias Estupefacentes y Psicotrópicas
- Reglamento para el Control de Sustancias Sujetas a Fiscalización y Medicamentos que las Contengan
- Ley de Comercialización y Empleo de Plaguicidas, Codificación 11 R.O.S. 315, 16 de abril 2004
- Texto Unificado de Legislación Secundaria Del MAG Libro II Reglamento de Plaguicidas y Productos afines de uso Agrícola, Acuerdo Ministerial 177 R.O. 154, 25 de agosto 2003

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- Norma Nacional para Registro y Control de Plaguicidas Químicos, Resolución de AGROCALIDAD 113, R.O. 71, 20 noviembre 2009
- Revaluación de los Plaguicidas Químicos de Uso Agrícola, Resolución de AGROCALIDAD 118, R.O. 69 de 18 de noviembre 2009
- Código de la Salud

Criterion 4.7

An occupational health and safety plan is documented, effectively communicated and implemented.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 32: Derecho a la Salud es transversal al derecho al agua, alimentación, educación, cultura física, trabajo, seguridad social, ambientes sanos y buen vivir.
 - Art. 33: Derecho al Trabajo
 - Art. 34: Derecho a la Seguridad Social
 - Art. 46.1: Prohibición del trabajo a de niños, niñas y adolescentes
 - Art. 47.5: Derecho al trabajo de los discapacitados
 - Art. 325: Formas de trabajo: bajo relación de dependencia o autónomas
 - Art. 327: Prohibición precarización del trabajo, intermediación laboral, tercerización, contratación por horas
 - Art. 356: Principios del Derecho al trabajo
 - Art. 369: Seguro universal obligatorio
- Convenio 119 de la OIT. Sobre la Protección de la Maquinaria (1963), 17/05/1972
- Convenio 120 de la OIT Sobre la Higiene, Comercio y Oficinas (1964), 22/01/1969
- Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005
- Resolución Secretaría Andina 957, Reglamento del Instrumento Andino de Seguridad y Salud en el Trabajo, 12/03/2008
- Reglamento Para el Funcionamiento de los Servicios Médicos de Empresas, Acuerdo Ministerial No. 1404, 6 de junio 1979
- Reglamento de Seguridad y Salud de los Trabajadores, Decreto Ejecutivo 2393, 4 de febrero 1994
- Reglamento General de Riesgos del Trabajo, Resolución NO. C.D. 390 R.O.S. 599, 19 de diciembre 2011
- Resolución del Consejo Superior del IESS, R.O: 106 de 12 de enero 2010
- Reglamento del Sistema de Auditoría de Riesgos del Trabajo, R.O. Sup 319 de 12 de noviembre 2010
- Instructivo de Aplicación del Reglamento del Sistema de Auditoría de Riesgos, , Resolución del Consejo Superior del IESS 0, Registro Oficial 410 de 22 de marzo 2011
- Ley de Seguridad Social, R.O.S. 465, 30 de noviembre 2001
- Reglamento del Seguro General de Riesgos del Trabajo, Resolución del Consejo Directivo del IESS, R.O.S. 599, 19 de diciembre 2011

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- Reglamento de Seguridad y Salud de los Trabajadores y Mejoramiento del Medio Ambiente de Trabajo, 17/12/1986
- Instructivo Aplicación Sistema Auditoría Riesgos SART, Resolución del Consejo Superior del IESS, R.O. 164, 5 abril 2010

Criterion 4.8

All staff, workers, smallholders and contractors are appropriately trained.

- Reglamento de Seguridad y Salud de los Trabajadores, R.O. 565 17/12/1986
 - Art. 9.- Del Servicio Ecuatoriano de Capacitación Profesional. 1. El Servicio Ecuatoriano de Capacitación Profesional introducirá en sus programas de formación a nivel de aprendizaje, formación de adultos y capacitación de trabajadores, materias de seguridad e higiene ocupacional. 2. Capacitará a sus instructores en materias de seguridad y salud de los trabajadores. 3. Efectuará asesoramiento a las empresas para formación de instructores y programación de formación interna.



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Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

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| <p>Criterion 5.1</p> <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 continuous improvement.</p> <ul style="list-style-type: none"> • Estrategia Nacional de Biodiversidad como Política de Estado, D.E. 2232, R.O. 11, 30 de enero 2007 |
| <p>Criterion 5.2</p> <p>The status of rare, threatened or endangered species and 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 their conservation taken into account in management plans and operations.</p> <ul style="list-style-type: none"> • Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418, 10 septiembre 2004 • Política de Ecosistemas Andinos del Ecuador, Acuerdo Ministerial 64, R.O. 60, 5 noviembre 2009 • Delimitación y Declaratoria de Zonas de Reserva y Parques Nacionales, Acuerdo Ministerial 322, R.O. 69, 20 noviembre 1979 |
| <p>Criterion 5.3</p> <p>Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.</p> <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 <ul style="list-style-type: none"> ○ Art. 14: Interés público la preservación del ambiente, conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético, la prevención del daño ambiental y la recuperación de los espacios naturales degradados. ○ Art. 66. Se reconoce y garantizará a las personas: <ul style="list-style-type: none"> ▪ 27) Derecho a un medio ambiente sano, ecológicamente equilibrado, libre de contaminación y en armonía con la naturaleza. ○ Art. 83: Deberes de los ecuatorianos: <ul style="list-style-type: none"> ▪ 6) Los derechos de la naturaleza, preservar un ambiente sano y utilizar los recursos naturales de modo racional, sustentable y sostenible. ○ Art. 395: Principios medio ambientales: <ul style="list-style-type: none"> ▪ 1) Modelo sustentable de desarrollo ▪ 2) Aplicación de políticas de gestión ambiental de manera transversal en el territorio nacional. ▪ 3) Participación activa (personas, comunidades y nacionalidades afectadas) en la planificación la planificación, ejecución y control de toda actividad que genere impactos ambientales. ▪ 4) Interpretación más favorable a la protección de la naturaleza. |



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- Art. 396: Responsabilidad de daños ambientales es objetiva. Daño ambiental conlleva sanciones, restauración integral de los ecosistemas e indemnización a personas y comunidades afectadas. Los actores de los procesos de producción, distribución, comercialización y uso de bienes o servicios asumirá la responsabilidad directa de prevenir cualquier impacto ambiental, de mitigar y reparar los daños que ha causado, y de mantener un sistema de control ambiental permanente.
 - Art. 397: Derecho de Repetición del Estado en contra del operador de la actividad que produjo el daño las obligaciones que conlleve reparación integral de acuerdo a la ley. El Estado debe:
 - 3) Regular la producción, importación, distribución, uso y disposición final de materiales tóxicos y peligrosos para las personas o el ambiente
 - 4) Asegurar la intangibilidad de las áreas naturales protegidas. El manejo y administración de las áreas naturales protegidas estará a cargo del Estado.
 - Art. 398: Consulta previa a la comunidad
 - Art. 399: Sistema Nacional Descentralizado de Gestión Ambiental: Defensoría del ambiente y naturaleza
- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004
- Ley de Prevención y Control de la Contaminación Ambiental 11/09/2004
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro VI, de la Calidad Ambiental
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente, Libro V, de la Calidad Ambiental: Reglamento a la Ley de Gestión Ambiental para la Prevención y Control de la Contaminación Ambiental
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados
- Acuerdo Ministerial 026 (MAE) Procedimientos para Registro de Generadores de Desechos Peligrosos, Gestión de Desechos Peligrosos, Gestión de Desechos Peligrosos Previo al Licenciamiento Ambiental, y para el Transporte de Materiales Peligrosos
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos

Criterion 5.4

Efficiency of energy use and use of renewable energy is maximized.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 15: El Estado promoverá, en el sector público y privado, el uso de tecnologías ambientalmente limpias y de energías alternativas no contaminantes y de bajo impacto. La soberanía energética no se alcanzará en detrimento de la soberanía alimentaria, ni afectará el derecho al agua.
 - Art. 414: El Estado adoptará medidas adecuadas y transversales para la mitigación del cambio climático, mediante la limitación de las

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| <p>emisiones de gases de efecto invernadero, de la deforestación y de la contaminación atmosférica; tomará medidas para la conservación de los bosques y la vegetación, y protegerá a la población en riesgo.</p> <ul style="list-style-type: none"> • Política de Estado, la Adaptación y Mitigación al Cambio Climático, Decreto Ejecutivo 1815, R.O. 636 del 17 de julio de 2009. |
| <p>Criterion 5.5</p> <p>Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p> |
| <ul style="list-style-type: none"> • Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004 • Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados • Texto Unificado de Legislación Secundaria Del MAG |
| <p>Criterion 5.6</p> <p>Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 <ul style="list-style-type: none"> ○ Art. 414: Estado adoptará medidas adecuadas y transversales para la mitigación del cambio climático, mediante la limitación de las emisiones de gases de efecto invernadero, de la deforestación y de la contaminación atmosférica; tomará medidas para la conservación de los bosques y la vegetación, y protegerá a la población en riesgo. • Texto Unificado de Legislación Ambiental Secundaria del Ministerio del Ambiente; Libro VI, Anexo 3: Norma de Emisión al Aire desde Fuentes Fijas de Combustión, Decreto Ejecutivo 3516, 31 de marzo 2003 |



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Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and mills

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| <p>Criterion 6.1</p> <p>Aspects of plantation and mill management, including replanting, that have social impacts 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 continuous improvement.</p> <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 • Reglamento del Seguro General de Riesgos del Trabajo, Resolución del Consejo Directivo del IESS, R.O.S. 599, 19 de diciembre 2011 • Reglamento de Seguridad y Salud de los Trabajadores y Mejoramiento del Medio Ambiente de Trabajo, 17/12/1986 • Instructivo de Aplicación del Reglamento del Sistema de Auditoría de Riesgos, , Resolución del Consejo Superior del IESS 0, Registro Oficial 410 de 22/03/2011 |
| <p>Criterion 6.2</p> <p>There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.</p> <ul style="list-style-type: none"> • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 • Código de Procedimiento Civil, Registro Oficial Suplemento 58, 12 de julio 2005 |
| <p>Criterion 6.3</p> <p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.</p> <ul style="list-style-type: none"> • Ley de Arbitraje y Mediación, R.O. 417, 14 de diciembre 2006 • Ley Orgánica de Participación Ciudadana, R.O.S. 175 20 abril 2010 |
| <p>Criterion 6.4</p> <p>Any negotiations concerning compensation for loss of legal or customary 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> <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 <ul style="list-style-type: none"> ○ Art. 57: Derechos colectivos: <ul style="list-style-type: none"> ▪ No. 4 propiedad imprescriptible, exención pago de impuestos |



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| <ul style="list-style-type: none"> ▪ No.5 mantener posesión de las tierras y territorios ancestrales/Adjudicación gratuita ▪ No. 6 uso, usufructo, administración y conservación de los recursos naturales ▪ No. 7 consulta previa, libre e informada ○ Art. 60: Propiedad colectiva de las comunas ○ Art. 66: Derecho a la libertad: el derecho a la propiedad ○ Art. 282: Uso y acceso a la tierra con función social y ambiental ○ Art. 321: Propiedad pública, privada, estatal, asociativa, cooperativa, mixta cumplir función social y ambiental ○ Art. 323: Expropiación: utilidad pública o interés social y nacional ○ Art. 376: Expropiación de municipalidades por conservación del medio ambiente ● Convenio sobre Pueblos Indígenas y Tribales No. 169, R.O. 206 de 7 de junio de 1999 |
| <p>Criterion 6.5</p> |
| <p>Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.</p> |
| <ul style="list-style-type: none"> ● Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 ● Mandato Constituyente 8, Eliminación y Prohibición de Tercerización, Decreto Legislativo 8 R.O.S. 330 de 6 de mayo de 2008 |
| <p>Criterion 6.6</p> |
| <p>The employer respects the right 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> |
| <ul style="list-style-type: none"> ● Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 <ul style="list-style-type: none"> ○ Art. 326: Derechos del Trabajador <ul style="list-style-type: none"> ▪ No. 7 7. libertad de organización de las personas trabajadoras, sin autorización previa. Este derecho comprende el de formar sindicatos, gremios, asociaciones y otras formas de organización, afiliarse a las de su elección y desafilarse libremente. De igual forma, se garantizará la organización de los empleadores. ● Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 ● Convenio 87: La libertad sindical y la protección del derecho de sindicación, 1948, (ratificación: 1967) ● Convenio sobre el derecho de sindicación y de negociación colectiva, 1949, 28 de mayo de 1959 |
| <p>Criterion 6.7</p> |

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| <p>Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programs. Children are not exposed to hazardous working conditions.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 <ul style="list-style-type: none"> ○ Art. 46.1: Prohibición del trabajo a de niños, niñas y adolescentes • Código de la Niñez y Adolescencia, R.O. 737, 3 de enero 2003 • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 • Plan de Prevención y Erradicación del Trabajo Infantil en el Ecuador, R.O. 173, 26 de diciembre 2005 • Comisiones sectoriales y reglamentos o acuerdos. |
| <p>Criterion 6.8</p> <p>Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 |
| <p>Criterion 6.9</p> <p>A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Código del Trabajo, Registro Oficial Suplemento 167, 16 de diciembre 2005 |
| <p>Criterion 6.10</p> <p>Growers and mills deal fairly and transparently with smallholders and other local businesses.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008 • Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418 10/09/2004 |
| <p>Criterion 6.11</p> <p>Growers and millers contribute to local sustainable development wherever appropriate.</p> |
| <ul style="list-style-type: none"> • Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008. <ul style="list-style-type: none"> ○ Art. 14: Se reconoce el derecho de la población a vivir en un ambiente sano y ecológicamente equilibrado, que garantice la sostenibilidad y el |

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buen vivir, sumak kawsay.

- Se declara de interés público la preservación del ambiente, la conservación de los ecosistemas, la biodiversidad y la integridad del patrimonio genético del país, la prevención del daño ambiental y la recuperación de los espacios naturales degradados.
- Art. 275.- El régimen de desarrollo es el conjunto organizado, sostenible y dinámico de los sistemas económicos, políticos, socio-culturales y ambientales, que garantizan la realización del buen vivir, del sumak kawsay.
 - El Estado planificará el desarrollo del país para garantizar el ejercicio de los derechos, la consecución de los objetivos del régimen de desarrollo y los principios consagrados en la Constitución. La planificación propiciará la equidad social y territorial, promoverá la concertación, y será participativa, descentralizada, desconcentrada y transparente.
 - El buen vivir requerirá que las personas, comunidades, pueblos y nacionalidades gocen efectivamente de sus derechos, y ejerzan responsabilidades en el marco de la interculturalidad, del respeto a sus diversidades, y de la convivencia armónica con la naturaleza.
- Art. 276.- El régimen de desarrollo tendrá los siguientes objetivos: 1. Mejorar la calidad y esperanza de vida, y aumentar las capacidades y potencialidades de la población en el marco de los principios y derechos que establece la Constitución. 3. Fomentar la participación y el control social, con reconocimiento de las diversas identidades y promoción de su representación equitativa, en todas las fases de la gestión del poder público. 4. Recuperar y conservar la naturaleza y mantener un ambiente sano y sustentable que garantice a las personas y colectividades el acceso equitativo, permanente y de calidad al agua, aire y suelo, y a los beneficios de los recursos del subsuelo y del patrimonio natural. 7. Proteger y promover la diversidad cultural y respetar sus espacios de reproducción e intercambio; recuperar, preservar y acrecentar la memoria social y el patrimonio cultural.
- Art. 277.- Para la consecución del buen vivir, serán deberes generales del Estado: 1. Garantizar los derechos de las personas, las colectividades y la naturaleza.
- Art. 278.- Para la consecución del buen vivir, a las personas y a las colectividades, y sus diversas formas organizativas, les corresponde: 1. Participar en todas las fases y espacios de la gestión pública y de la planificación del desarrollo nacional y local, y en la ejecución y control del cumplimiento de los planes de desarrollo en todos sus niveles. 2. Producir, intercambiar y consumir bienes y servicios con responsabilidad social y ambiental.

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Principle 7: Responsible development of new plantings

Criterion 7.1

A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 398: Toda decisión o autorización estatal que pueda afectar al ambiente deberá ser consultada a la comunidad, a la cual se informará amplia y oportunamente. El sujeto consultante será el Estado. La ley regulará la consulta previa, la participación ciudadana, los plazos, el sujeto consultado y los criterios de valoración y de objeción sobre la actividad sometida a consulta.
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente,
- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004

Criterion 7.2

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

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental
- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004

Criterion 7.3

New plantings since November 2005, have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
- Ley Forestal y de Conservación de Áreas Naturales y de Vida Silvestre, R.O. S. 418 10/09/2004
- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente
- Texto Unificado de Legislación Secundaria Del Ministerio de Agricultura y Ganadería

Criterion 7.4

Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.



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- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 409: Es de interés público y prioridad nacional la conservación del suelo, en especial su capa fértil. Se establecerá un marco normativo para su protección y uso sustentable que prevenga su degradación, en particular la provocada por la contaminación, la desertificación y la erosión. En áreas afectadas por procesos de degradación y desertificación, el Estado desarrollará y estimulará proyectos de forestación, reforestación y revegetación que eviten el monocultivo y utilicen, de manera preferente, especies nativas y adaptadas a la zona.
 - Art. 410: El Estado brindará a los agricultores y a las comunidades rurales apoyo para la conservación y restauración de los suelos, así como para el desarrollo de prácticas agrícolas que los protejan y promuevan la soberanía alimentaria.
- Texto Unificado de Legislación Secundaria Del Ministerio de Agricultura y Ganadería

Criterion 7.5

No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 57: No. 7 Consulta Previa e Informada
- Convenio sobre Pueblos Indígenas y Tribales No. 169, R.O. 206 de 7 de junio de 1999
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental

Criterion 7.6

Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.

- Constitución Política del Ecuador, R.O. No. 499, 20 de octubre 2008
 - Art. 57: No. 7 Consulta Previa e Informada
- Convenio sobre Pueblos Indígenas y Tribales No. 169, R.O. 206 de 7 de junio de 1999
- Texto Unificado de la Legislación Secundaria del Ministerio del Ambiente, Libro VI, De Calidad Ambiental

Criterion 7.7

Use of fire in the preparation of new plantings is avoided other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.

- Ley de Gestión Ambiental, Suplemento del R.O. No. 418, 10 de septiembre 2004
- Texto Unificado de Legislación Ambiental Secundaria del Ministerio del ambiente, Libro VI, Anexo 2, Norma de Calidad Ambiental del Recurso Suelo y Criterios de Remediación para Suelos Contaminados



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- Texto Unificado de Legislación Secundaria Del MAG
- Lineamientos ASEAN <http://haze.asean.org/docs/1095828605/Zero+Burning>

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Principle 8: Commitment to continuous improvement in key areas of activity

Criterion 8.1

Growers and millers regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.

- Código de la Producción, Comercio e Inversiones, R.O.S. 351, 29 de diciembre de 2010
- Plan Nacional del Buen Vivir