

# RSPO

Roundtable on Sustainable Palm Oil

## **COLOMBIAN NATIONAL INTERPRETATION OF THE RSPO 2013 PRINCIPLES AND CRITERIA FOR THE PRODUCTION OF SUSTAINABLE PALM OIL**

**Developed by the Colombian National Interpretation Task Force and  
approved by the RSPO Secretariat**

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## Preamble

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

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

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

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

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

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

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

The RSPO P&C 2013 standard became effective after ratification by the RSPO General Assembly (May 2013). As stated under the RSPO Certification System, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2013.

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

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

# Colombian National Interpretation Process

In this section, we describe the process undertaken in Colombia to adjust its National Interpretation (NI) according to the 2013 version of the RSPO Principles and Criteria (P&C).

## *Scope*

The scope of the Colombian NI comprised the following four aspects:

1. Adjust the Spanish translation of the RSPO P&C 2013 according to the Colombian context and usage.
2. Propose changes to the scope of the Criteria, Indicators and Guidelines of the RSPO P&C 2013 standard, to improve its applicability and pertinence to the Colombian context.
3. Include relevant aspects of the Colombian legal framework, related to the RSPO P&C 2013 topics.
4. Include specific recommendations and guidelines to orient and facilitate the implementation of the RSPO P&C 2013 in Colombia.

The NI process activities responded to the three main RSPO requirements for Nis: formation of a National Interpretation Taskforce (NITF), NITF meeting requirements, and public consultation period.

## *National Interpretation Task Force formation*

The first activity of the Colombian NI process was the formation of the NITF, following RSPO guidelines on the participation of its different stakeholders, as well as government entities and thematic experts. The Colombian NITF members, as approved by the RSPO Secretariat, were:

- **Producers (6 members):** Aceites S.A.; Aceites Manuelita S.A.; Smallholders Association of Tibú ASOGPADOS; Daabon Group; Fedepalma; and Unipalma S.A.
- **Traders and industry (3 members):** C.I. Acepalma; Indupalma; and Team Foods.
- **Environmental NGOs (3 members):** Fundación Natura; The Nature Conservancy (TNC); and WWF Colombia.
- **Social NGOs (3 members):** Fundación Ideas para la Paz (FIP); Indepaz; and Solidaridad.
- **Government entities (2 members):** Ministry of the Environment and Sustainable Development; Alexander von Humboldt National Research Institute.
- **Thematic experts (4 members):** Colombian Chapter of the World Business Council on Sustainable Development (CECODES); Control Unión; ICONTEC; and Naturacert.

## *Construction of the NI document for public consultation*

The first NITF meeting took place in Bogotá on 16 October 2013. In it, the NITF approved the schedule for the NI process and the need to form three technical subgroups for a more detailed analysis of the environmental, social and productive elements of the standard.

Felipe Guerrero from the Daabon Group, at that time Alternate Member for Latin America of the RSPO Executive Board, was elected President of the NITF; María Goretti Esquivel from Solidaridad was elected Vicepresident; and the Colombian Federation of Oil Palm Growers, Fedepalma, was elected NITF Secretary.

After the NITF kick-off meeting, 11 physical meetings were held for the construction of the NI document for public consultation: three NITF meeting and eight technical subgroup meetings, between October 2013 and March 2014. In its fourth meeting held on 12 March 2014, the NITF approved the NI document for public consultation.

### *Public consultation period*

The RSPO Secretariat approved the Colombian NI document for public consultation on 18 June 2014, and posted it on its website that same day, along with the conditions and formats to send comments. The following day, Fedepalma posted the NI document on its website. Following RSPO requirements, the public consultation period lasted 60 days until 18 August 2014.

RSPO and Fedepalma websites were the main communication vehicles used to inform interested parties about the public consultation. In addition, each NITF member had the responsibility to socialize the NI document with others of their stakeholder category.

### *Construction of the NI document for RSPO endorsement*

In its fifth meeting held in Bogotá on 2 September 2014, the NITF approved the NI document to be sent for RSPO endorsement.

All of the comments received during the public consultation were addressed by the NITF in that meeting, considering their pertinence within the object and scope of the NI process.

The NITF Secretary drafted a detailed report of the Colombian NI process. The NITF President sent this report and the NI document to the RSPO Secretariat for approval on December 2014.

### *RSPO revision and endorsement*

The Colombian NI document went through four rounds of revision by the RSPO Secretariat between January 2015 and August 2016.

The RSPO Secretariat endorsed the final version of the Colombian NI document of the RSPO P&C 2013 on 26 September, 2016.

### *Additional indicators in the Colombian NI*

The Colombian NI document of the RSPO P&C 2013 comprises 8 Principles, 43 Criteria and 143 Indicators. Although the Colombian NI has the same Principles and Criteria as the generic RSPO P&C 2013, it added 6 new Indicators, as shown on Table 1.

**Table 1.** Number of Criteria and Indicators of the generic RSPO P&C 2013 and the Colombian NI

PRINCIPLES	RSPO P&C 2013		COLOMBIAN NI	
	No. Criteria	No. Indicators	No. Criteria	No. Indicators
1	3	3	3	3
2	3	14	3	14
3	1	2	1	2
4	8	41	8	41
5	6	17	6	17
6 <sup>i</sup>	13	36	13	40
7 <sup>ii</sup>	8	23	8	25
8	1	1	1	1
<b>TOTAL</b>	<b>43</b>	<b>137</b>	<b>43</b>	<b>143</b>

i. The Colombian NI added four indicators to Principle 6.

ii. The Colombian NI added two indicators to Principle 7.

The six additional indicators of the Colombian NI are shown on Table 2.

**Table 2.** Additional indicators of the Colombian NI compared with the generic RSPO P&C 2013

<b>No.</b>	<b>Indicator</b>
6.7.2	Guidance for companies in taking appropriate measures if they become aware of child and forced labor in their FFB supply chain
6.7.3	Evidence that children working in smallholders’ family farms are in the education system.
6.13.2	Progressive implementation of due diligence mechanisms to identify the level of adherence of business practices to international human rights norms.
6.13.3	Measures to ensure that hiring private security and surveillance services does not involve people with criminal records, criminal investigations in progress, or that have committed crimes against humanity.
7.3.6	Socializing and training to employees about rare, threatened or endangered species present in the region and their management plan within the plantation.
7.5.2	Due diligence mechanisms in land acquisitions.



# RSPO Principles and Criteria (with their Indicators and Guidelines) for the production of sustainable palm oil

## Principle 1. Commitment to Transparency

Criterion 1.1: Growers and millers provide adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making.	
INDICATORS	GUIDANCE
<p><b>1.1.1</b> There shall be evidence that growers and millers provide adequate information on (environmental, social and/or legal) issues relevant to RSPO Criteria to relevant stakeholders for effective participation in decision making.</p> <p><b>1.1.2 (MAJOR)</b> Records of requests for information and responses shall be maintained.</p>	<p><b>Specific Guidance:</b></p> <p>For 1.1.1: Evidence should be provided that information is received in appropriate form(s) and language(s) by relevant stakeholders. Information will include information on the RSPO mechanisms for stakeholder involvement, including information on their rights and responsibilities.</p> <p>For 1.1.2: Retention time of these records should be according to the nature of the documents and applicable regulations.</p> <p><b>Guidance:</b></p> <p>Growers and millers should have a Standard Operating Procedure (SOP) to:</p> <ul style="list-style-type: none"> <li>• Identify and classify those stakeholders related to the organization.</li> <li>• Respond constructively to stakeholders, including a specific timeframe to respond to requests for information.</li> </ul> <p>Growers and millers should respond constructively and promptly to requests for information from stakeholders.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the response is timely and appropriate.</p>

	<p>Growers should implement this criterion according to their size and scale of production. Where applicable, the information should be handled by the organization or the nucleus to which the producer belongs.</p> <p>See Criterion 1.2 for requirements relating to publicly available documentation. See Criterion 6.2 on consultation. See Criterion 4.1 on SOPs.</p> <p>Companies can draft sustainability reports based on the Global Reporting Initiative (GRI) methodology or the like, in a participatory manner, with extensive outreach and monitoring.</p>
<p><b>Criterion 1.2:</b> 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><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>1.2.1 (MAJOR)</b> Publicly available and accessible documents shall include at least:</p> <ul style="list-style-type: none"> <li>• Land titles/user rights (Criterion 2.2);</li> <li>• Occupational health and safety plans (Criterion 4.7);</li> <li>• Improvement plans and impact studies relating to environmental and social impacts (Criteria 5.1, 6.1, 7.1 and 7.8);</li> <li>• HCV documentation (Criteria 5.2 and 7.3);</li> <li>• Pollution prevention and reduction plans (Criterion 5.6);</li> <li>• Details of complaints and grievances (Criterion 6.3);</li> <li>• Negotiation procedures (Criterion 6.4);</li> <li>• Continual improvement plans (Criterion 8.1);</li> <li>• Public summary of certification assessment report;</li> <li>• Human Rights Policy (Criterion 6.13).</li> </ul>	<p><b>Guidance:</b></p> <p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents will include monitoring reports.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p>

	<p>Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private.</p> <p>Growers and millers should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.</p> <p>Current regulations in Colombia include the protection of personal data (Law 1581 of 2012 - Habeas Data), which shall be applied in every organization, including customers, suppliers and, in general, to its related value chain.</p> <p>In the case of smallholders (&lt;50 ha), relevant information for this criterion should be available independently, according to their economic and technical possibilities, or through partnership schemes, the mill or the operator of the alliance.</p>
<b>Criterion 1.3: Growers and millers commit to ethical conduct in all business operations and transactions.</b>	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>1.3.1</b> There shall be a written policy committing to the application of a code of ethical conduct and integrity and the respect of human rights in all operations and transactions, which shall be documented and communicated to all levels of the workforce and shall be available for all stakeholders.</p>	<p><b>Guidance:</b></p> <p>All levels of the operations will include contracted third parties (e.g those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> <li>• A respect for fair conduct of business;</li> <li>• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources;</li> <li>• A proper disclosure of information in accordance with applicable regulations and accepted industry practices.</li> <li>• A prohibition of all tax evasion or avoidance</li> <li>• Respect for human rights.</li> </ul>

	<p>The policy should be set within the framework of:</p> <ul style="list-style-type: none"><li>• The UN Convention Against Corruption, in particular Article 12.</li><li>• Global Compact; Principle 10: Companies should work against corruption in all its forms, including extortion and bribery.</li><li>• World Bank anticorruption indicators.</li></ul> <p>"Codes of good governance", which establish reasonable and appropriate business practices to avoid the use of the legal structure of the company by money launderers and terrorism financiers, should be documented.</p> <p>The organization may have protocols to inform the authorities about suspicious activities of money laundering and terrorism financing in the sector.</p> <p>Appropriate and reasonable protocols and mechanisms may be in place to exchange information between companies and competent authorities about the real beneficiaries of transactions relating to the purchase and sale of properties and commercial entities, as well as the creation, operation or management of legal entities in the sector.</p>
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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.	
INDICATORS	GUIDANCE
<p><b>2.1.1 (MAJOR)</b> Evidence of compliance with relevant legal requirements shall be available.</p> <p><b>2.1.2</b> A documented system, which includes written information on legal requirements, shall be maintained.</p> <p><b>2.1.3</b> A mechanism for ensuring compliance with legal requirements shall be implemented.</p> <p><b>2.1.4</b> A system for tracking any changes in the law shall be implemented.</p>	<p><b>Guidance:</b>  Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes, but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>National regulations related to these Principles and Criteria are set out in Annex 2.</p> <p>Contradictions and inconsistencies between national laws and regulations and the requirements established in these Principles and Criteria should be identified and solutions suggested.</p> <p>Clear, properly documented and implemented procedures should be in place to identify, store and protect records that demonstrate legal compliance. These records may include permits, resolutions, licenses, legal processes, among others.</p>

	<p>Companies should have documentation of legal processes that have been undertaken against them and of their resolution.</p> <p>Smallholders should apply this criterion individually or through partnership arrangements with other growers or their integrators and / or their customers (mills), based on applicable laws.</p>
<p><b>Criterion 2.2:</b> The right to use the land is demonstrated, and is not legitimately contested by local people who can demonstrate that they have legal, customary or user rights.</p>	
INDICATORS	GUIDANCE
<p><b>2.2.1 (MAJOR)</b> Documents showing legal ownership or lease, history of land tenure and the actual legal use of the land shall be available.</p> <p><b>2.2.2</b> Legal boundaries shall be clearly demarcated and visibly maintained.</p> <p><b>2.2.3</b> Where there are or have been disputes, additional proof of legal acquisition of title and evidence that fair compensation has been made to previous owners and occupants shall be available, and that these have been accepted with free, prior and informed consent (FPIC).</p> <p><b>2.2.4 (MAJOR)</b> There shall be no significant land conflict, and if it presents a legally acceptable conflict resolution process (see Criteria 6.3 and 6.4) shall be undertaken and accepted by the parties involved.</p> <p><b>2.2.5</b> For any conflict or dispute over the land, the extent of the disputed area shall be mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p> <p><b>2.2.6 (MAJOR)</b> To avoid escalation of conflict, there shall be no evidence that palm oil operations have instigated violence.</p>	<p><b>Specific Guidance:</b></p> <p>For 2.2.2: Plantation operations beyond the legal determined limits of property should be suspended. There should be specific plans to support smallholders managing these issues.</p> <p>For 2.2.3. The SIA, EIA and HCV reports must clearly identify potential risks that may result in conflicts with local communities. A conflict resolution process must be established in a participatory way with those communities, considering the following:</p> <ul style="list-style-type: none"> <li>• A free, prior and informed consent, as explained in the RSPO FPIC Guidelines (2015 version) for all applicable cases detailed in the guidelines, and for non-ethnic communities living in communal lands.</li> <li>• A Consulta Previa (previous consultation) procedure – which contemplates a free, prior and informed consent – for ethnic communities.</li> <li>• An appropriate due diligence mechanism should be in place at all times.</li> </ul> <p>For 2.2.6: Company policy should prohibit the use of mercenaries and paramilitaries in their operations. Company policy should prohibit extra-judicial intimidation and harassment by contracted security forces (see Criterion 6.13).</p>

	<p><b>Guidance:</b> When 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.</p> <p>A mechanism should be in place to resolve any conflict (Criteria 6.3 and 6.4).</p> <p>Where operations overlap with other rights holders, companies should resolve the issue with the appropriate authorities, consistent with Criteria 6.3 and 6.4.</p> <p>Colombian regulations related to this criterion are listed in Annex 2. The following guidelines should be considered for an appropriate due diligence mechanism:</p> <ul style="list-style-type: none"> <li>• Fedepalma’s guide on good practices for the acquisition of rural lands.</li> <li>• Fundación Ideas para la PAZ (FIP)’s land-related guidelines.</li> </ul>
<p><b>Criterion 2.3:</b> Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their free, prior and informed consent.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>2.3.1 (MAJOR)</b> Maps of an appropriate scale showing the extent of recognized legal, customary or user rights (or in recognition process) (Criteria 2.2, 7.5 and 7.6) shall be developed through participatory mapping involving affected parties (including neighboring communities where applicable, and relevant authorities).</p> <p><b>2.3.2</b> Copies of negotiated agreements detailing the process of free, prior and informed consent (FPIC) (Criteria 2.2, 7.5 and 7.6) shall be available.</p> <p>Documentation shall include: a) Evidence that a plan has been developed and has reached consensus through consultation and discussion with all affected groups in the</p>	<p><b>Specific guidance:</b> For 2.3.1: Participatory mapping will also include existing processes of formalization of land tenure by the respective land authority.</p> <p>For 2.3.4: Evidence should be available from the companies, communities and other relevant stakeholders.</p> <p><b>Guidance:</b> All indicators will apply to current operations, but there are exceptions for long-established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 2.3.1 and 2.3.2.</p>

<p>communities, and that information has been provided to all affected groups, including information on the steps that shall be taken to involve them in decision making;</p> <p>b) Evidence that the company has respected communities' decisions to give or withhold their consent to the operation at the time that this decision was taken;</p> <p>c) Evidence that the legal, economic, environmental and social implications for permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the company's title, concession or lease on the land.</p> <p>d) Evidence of monitoring and compliance of the commitments and parameters established in the agreements.</p> <p><b>2.3.3</b> All relevant information shall be available in appropriate forms and languages, including social impact assessments and environmental impact diagnostics, proposed benefit sharing, and legal arrangements.</p> <p><b>2.3.4 (MAJOR)</b> Evidence shall be available to show that communities are represented through institutions or representatives of their own choosing, including legal counsel.</p>	<p>Where there are legal or customary rights over land, the grower should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criteria 6.4, 7.5 and 7.6. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).</p> <p>This Criterion allows for 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. The representation of communities should be transparent and in open communication with other community members. Adequate time should be given for customary decision making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts. Establishing certainty in land negotiations is of long-term benefit for all parties.</p> <p>Companies should be especially careful when dealing with lands in conflict zones or when there is conflict over land tenure.</p> <p>The inalienable, imprescriptible and indefeasible nature of the collective territories of indigenous and afro-descendant communities must be considered. Companies and small growers should apply due diligence to avoid the acquisition of such territories.</p> <p>IFC-World Bank documents on ethnic minorities and Colombia's Ministry of Interior documents on Prior Consultation should be taken into account.</p> <p>Growers and millers should refer to the RSPO approved FPIC guidance (<i>'Free Prior and Informed Consent for RSPO Members', November 2015</i>).</p>
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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.	
INDICATORS	GUIDANCE
<p><b>3.1.1 (MAJOR)</b> A business or management plan (minimum three years) shall be documented that includes, where appropriate, a business case for scheme smallholders.</p> <p><b>3.1.2</b> An annual replanting programme projected for a minimum of five years (but longer where necessary to reflect the management of fragile soils, see Criterion 4.3), with yearly review, shall be available.</p>	<p><b>Specific Guidance:</b> For 3.1.1: The business or management plan should contain at least:</p> <ul style="list-style-type: none"> <li>• Attention to quality of planting materials;</li> <li>• Crop projection = Fresh Fruit Bunches (FFB) yield trends;</li> <li>• Mill extraction rates = Oil Extraction Rate (OER) trends;</li> <li>• Cost of Production = cost per tonne of Crude Palm Oil (CPO) trends;</li> <li>• Forecast prices;</li> <li>• Financial indicators.</li> </ul> <p>Suggested calculation: trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p>Implementing monitoring indicators for the business plan is recommended.</p> <p><b>Guidance:</b> Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning. There should be longer term planning for plantations on peat, particularly in regards to subsidence and flooding issues (see Indicator 4.3.5).</p> <p>Smallholders should meet this criterion according to their size and capacity. To do so, they can rely on their association schemes, guild or outside consultants.</p>

## Principle 4. Use of Appropriate Best Practices by Growers and Millers

Criterion 4.1 Operating procedures are appropriately documented, consistently implemented and monitored.	
INDICATORS	GUIDANCE
<p><b>4.1.1 (MAJOR)</b> Standard Operating Procedures (SOPs) for plantations and mills shall be documented and implemented, and should include guidelines for Good Agricultural Practices (GAP). To ensure the implementation and monitoring of GAP on the premises of suppliers (be they partners, independent, permanent or temporary), the administrator of the Nucleous Oil palm estate to be certified shall set mechanisms for enterprise collaboration that guarantee (whether free of cost or not) suitable technical assistance, and the registration of producers nationwide. Monitoring the implementation of GAP is the responsibility of the administrator of the Nucleous Oil palm estate to be certified, unless the provider demonstrates the ability of doing it, directly and on its own. The administrator of the nucleous is required to verify if such.</p> <p><b>4.1.2</b> A mechanism to check consistent implementation of procedures shall be in place.</p> <p><b>4.1.3</b> Records of monitoring and any actions taken shall be maintained and available, as appropriate.</p> <p><b>4.1.4 (MAJOR)</b> The mill shall record the origins of all third-party sourced Fresh Fruit Bunches (FFB).</p>	<p><b>Specific Guidance:</b> For 4.1.1 and 4.1.4: SOP and documentation for mills should include relevant supply chain requirements (see RSPO Supply Chain Certification Standard, November 2011).</p> <p>For 4.1.1: GAP mentioned in this indicator refer to those documented in the SOP, and to the indicators required under Principle 4 of this RSPO standard.</p> <p>The registration of the producers nationwide should be made according to ICA Resolution 002009 of 2014 (Registration of land to the ICA). This could be complemented by both Fedepalma’s National Producers Registry, under delegated administration of the oil palm parafiscal funds, and the record in the nucleous oil palm estate to which they belong.</p> <p>The verification should ensure that suppliers (all kind of FFB suppliers) implement the SOPs, GAP, and have ongoing technical assistance.</p> <p><b>Guidance:</b> Mechanisms to check implementations could include documentation management systems and internal control procedures.</p> <p>In Colombia, applicable best Management Practices (BMP) reference documents include Cenipalma’s Compendium of guides (<a href="http://www.cenipalma.org/buenas-practicas-de-manejo">http://www.cenipalma.org/buenas-practicas-de-manejo</a>) for the prevention and control of diseases and pests of greatest impact on oil palm:</p> <ul style="list-style-type: none"> <li>• <i>Reconocimiento de enfermedades en palma de aceite</i>. Recognition of diseases in oil palm.</li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Identificación temprana y manejo de la Pudrición del Cogollo (PC) de la palma de aceite.</i> Early identification and management of bud rot (PC) of oil palm.</li> <li>• <i>Reconocimiento y manejo de la Marchitez Letal (ML) en palma de aceite.</i> Recognition and management of Lethal Wilt (ML) in oil palm.</li> <li>• <i>Manual de plagas de la palma de aceite en Colombia.</i> Manual of oil palm pests in Colombia.</li> <li>• <i>Reconocimiento y manejo de insectos desfoliadores.</i> Recognition and management of defoliating insects.</li> </ul>
<b>Criterion: 4.2</b> Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>4.2.1</b> There shall be evidence that good agriculture practices, as contained in Standard Operating Procedures (SOPs), are followed to manage soil fertility to a level that ensures optimal and sustained yield, where possible.</p> <p><b>4.2.2</b> Records of fertiliser inputs shall be maintained.</p> <p><b>4.2.3</b> There shall be evidence of periodic tissue and soil sampling to monitor changes in nutrient status.</p> <p><b>4.2.4</b> A nutrient recycling strategy shall be in place, and may include use of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), and palm residues after replanting and other organic products.</p>	<p><b>Guidance:</b> Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for crops and by-products or energy production.</p> <p>The Technical Bulletin Number 12 “General Guidelines for foliar and soil sampling in oil palm plantations” (Cenipalma Research Center on Oil Palm, Fedepalma, SENA and FONADE, is recommended as a reference document.</p>
<b>Criterion 4.3</b> Practices minimise and control erosion and degradation of soils.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>4.3.1 (MAJOR)</b> Maps of any fragile soils shall be available.</p> <p><b>4.3.2</b> A management strategy shall be in place for plantings on slopes above a certain limit (this needs to be soil, climate and zone specific).</p>	<p><b>Specific Guidance:</b> For 4.3.4: For existing plantings on peat, the water table should be maintained at an average of 50cm (between 40 - 60cm) below ground surface measured with groundwater piezometer readings, or an average of 60cm (between 50 - 70cm) below ground surface as measured in water</p>

<p><b>4.3.3</b> A road maintenance programme shall be in place.</p> <p><b>4.3.4 (MAJOR)</b> Subsidence of peat soils shall be minimised and monitored. A documented water and ground cover management programme shall be in place.</p> <p><b>4.3.5</b> Drainability assessments shall be required prior to replanting on peat to determine the long term viability of the necessary drainage for oil palm growing.</p> <p><b>4.3.6</b> A management strategy shall be in place for other fragile and problem soils (e.g. sandy, low organic matter, acid sulphate soils).</p>	<p>collection drains, through a network of appropriate water control structures e.g. weirs, sandbags, etc. in fields, and water gates at the discharge points of main drains (Criteria 4.4 and 7.4).</p> <p>For 4.3.5: Where drainability assessments have identified areas unsuitable for oil palm replanting, plans should be in place for appropriate rehabilitation or alternative use of such areas. If the assessment indicates high risk of serious flooding and/or salt water intrusion within two crop cycles, growers and planters should consider ceasing replanting and implementing rehabilitation.</p> <p><b>Guidance:</b> Plantations on peat should be managed at least to the standard set out in the 'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat', June 2012 (especially water management, fire avoidance, fertiliser use, subsidence and vegetation cover).</p> <p>Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of renovations.</p> <p>The "Soil Map of Colombia", developed by the Agustin Codazzi National Geographic Institute, which contains the official soil classification of the country at a regional scale, is available as reference.</p>
<p><b>Criterion 4.4</b> Practices maintain the quality and availability of surface and ground water.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>4.4.1</b> A water management plan shall be implemented.</p> <p><b>4.4.2 (MAJOR)</b> Protection of water courses and wetlands, including maintaining and restoring appropriate riparian and other buffer zones</p>	<p><b>Specific Guidance:</b> For 4.4.1: In Colombia, any oil palm grower or mill using surface or groundwater for agricultural, industrial or domestic uses must have a surface or groundwater concession, as applicable (Decree 1541 of 1978).</p>

<p>(refer to national best practice and national guidelines) shall be demonstrated.</p> <p><b>4.4.3</b> Appropriate treatment of mill effluent to required levels and regular monitoring of discharge quality, especially Biochemical Oxygen Demand (BOD), shall be in compliance with national regulations (Criteria 2.1 and 5.6).</p> <p><b>4.4.4</b> Mill water use per tonne of processed Fresh Fruit Bunches (FFB) (see Criterion 5.6) shall be monitored.</p>	<p>The water management plan will:</p> <ul style="list-style-type: none"> <li>• Take account of the efficiency of use and the information available about the renewability of water sources, including that of the environmental authorities. In the absence of this information, the hydrological characteristics of the water sources will be considered.</li> <li>• Ensure that the use and management of water by the operation does not result in adverse impacts on other users within the catchment area, including local communities and customary water users;</li> <li>• Include actions aiming to prevent affections to local communities, workers and their families' access to clean water for drinking, cooking, bathing and cleaning purposes;</li> <li>• Avoid contamination of surface and ground water through run-off of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including Palm Oil Mill Effluent (POME).</li> </ul> <p>For 4.4.2: Watershed Management Plans (<i>POMCA</i>), which are first-order territorial planning instruments at a higher level than Municipal Territorial Plans, should be considered (when available) for adequate management of riparian zones.</p> <p>Refer to the 'RSPO Manual On Best Management Practices (BMP) for management and rehabilitation of natural vegetation associated with oil palm cultivation on peat', July 2012.</p> <p>For 4.4.3: In Colombia, any grower or mill that generates discharges to surface, sea or ground waters, must have a discharge permit issued by the competent environmental authority (Decree 3930 of 2010). Those discharges must comply with the maximum limits established in Resolution 0631 of 2015, or legislation that substitutes or modifies it. Payment of the retributive tax for discharges should also be evidenced.</p>
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	<p>For 4.4.4: Where possible, this monitoring should be complemented with:</p> <ul style="list-style-type: none"> <li>• Records and monitoring of total water consumption (surface or groundwater) in crops and mills (see article 48 of Decree 1541 of 1978).</li> <li>• Records and monitoring of water use per tonne of FFB in oil palm crops.</li> </ul> <p><b>Guidance:</b> Growers and mills should demonstrate that they implement good agricultural and processing practices on water management and demonstrate that they have records of local precipitation and evaporation.</p>
<p><b>Criterion 4.5</b> Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest and Disease Management techniques.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>4.5.1 (MAJOR)</b> An Integrated Pest and Disease Management (IPDM) plan shall be implemented, which includes a prevention and control program with a monitoring and internal audit mechanism to ensure its implementation throughout the mill's area of influence (own plantations and suppliers).</p> <p><b>4.5.2</b> Training of those involved in IPDM implementation shall be demonstrated.</p>	<p><b>Guías:</b> Growers should apply recognised IPDM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals.</p> <p>Native species should be used in biological control where possible.</p> <p>Growers and mills should promote awareness and sensitization activities to raise the importance of sanitary management programmes of regional interest and their effects on surrounding areas, including the record of new findings in pests and diseases to support early warning strategies.</p> <p>Those responsible for the elaboration, coordination and technical assistance of IPDM, should have the relevant qualifications including:</p> <ul style="list-style-type: none"> <li>• Training as agronomists, agricultural engineers or related.</li> <li>• Experience in sanitary management.</li> </ul>

	<p>When invasive species are introduced as part of an IPDM, a management plan should be in place.</p> <p>To manage pests and diseases, refer to the <i>Compendio de Guías Metodológicas sobre tecnologías en palma de aceite</i> (Compendium of Methodological Guides on oil palm technologies), by Fedepalma-Cenipalma, SENA,SAC. Specific methodological guidelines for this topic are available in: <a href="http://www.cenipalma.org/buenas-practicas-de-manejo">http://www.cenipalma.org/buenas-practicas-de-manejo</a>):</p> <ul style="list-style-type: none"> <li>• "<i>Reconocimiento y manejo de insectos defoliadores y asociados a la Pestalotiopsis</i>". Recognition and management of defoliator insects and associated with Pestalotiopsis.</li> <li>• "<i>Reconocimiento y manejo de la Marchitez Letal (ML) en palma de aceite</i>". Recognition and Management of the Lethal Wilt (ML) in oil palm.</li> <li>• "<i>Implementación de Técnicas de manejo de R. Palmarum</i>". Implementation of Management Techniques for R. Palmarum"</li> <li>• "<i>Identificación de Riesgos fitosanitarios en palma de aceite</i>"; Identifying phytosanitary risks in oil palm plantations".</li> <li>• "<i>Guía para el diagnóstico y manejo de la marchitez sorpresiva (MS)</i>" Guidelines for the diagnosis and management of wilt surprise (MS).</li> <li>• "<i>Identificación temprana y manejo de la Pudrición del Cogollo (PC) de la palma de aceite</i>". Early identification and management of oil palm bud rot (PC).</li> <li>• "<i>Decálogo para prevenir la Pudrición del Cogollo (PC)</i>". Decalogue to prevent bud rot (PC).</li> <li>• "<i>Guía Escala de Severidad de la Pudrición del Cogollo (PC)</i>". Severity Scale Guideline for bud rot (PC).</li> <li>• "<i>Guía de bolsillo para la ejecución de cirugías en palmas afectadas por la Pudrición del Cogollo (PC)</i>". Pocket Guide for implementing surgeries in oil palms affected by bud rot (PC).</li> </ul>
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Criterion 4.6 Pesticides are used in ways that do not endanger health or the environment	
INDICATORS	GUIDANCE
<p><b>4.6.1 (MAJOR)</b> Justification of all pesticides used shall be demonstrated. The use of selective products that are specific to the target pest, weed or disease and which have minimal effect on non-target species shall be used where available.</p> <p><b>4.6.2 (MAJOR)</b> Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) shall be provided.</p> <p><b>4.6.3 (MAJOR)</b> Any use of pesticides shall be minimised as part of a plan, and in accordance with Integrated Pest Management (IPDM) plans. There shall be no prophylactic use of pesticides, except in specific situations identified in national Best Practice guidelines.</p> <p><b>4.6.4</b> Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used. The use of such pesticides shall be minimised and eliminated as part of a plan, and shall only be used in exceptional circumstances.</p> <p><b>4.6.5 (MAJOR)</b> Pesticides shall only be handled, used or applied by persons who have completed the necessary training and shall always be applied in accordance with the product label. Appropriate safety and application equipment shall be provided and used. All precautions attached to the products shall be properly observed, applied, and understood by workers (see Criterion 4.7).</p>	<p><b>Specific Guidance:</b></p> <p>For 4.6.1: Measures to avoid the development of resistance (such as pesticide rotations) should be applied. The justification should consider less harmful alternatives and IPDM.</p> <p>For 4.6.3: Justification of the use of such pesticides will be included in the public summary report.</p> <p>For 4.6.6: Recognised best practice includes: Storage of all pesticides as prescribed in the FAO International Code of Conduct on the distribution and use of pesticides and its guidelines, and supplemented by relevant industry guidelines in support of the International Code.</p> <p>For 4.6.6, 4.6.7 and 4.6.10: The <i>Guía técnica para almacenamiento, manejo y disposición de agroquímicos</i> “Technical guide for storing, handling and disposing agricultural chemicals”, developed by the Ministry of Environment and Sustainable Development (MADS), ICA (Colombian Agricultural Institute), and National Association of Colombian Entrepreneurs (ANDI) should be implemented.</p> <p>Para 4.6.10: Final disposal of agrochemical containers should be adequate according to their degree of toxicity, following ICA, OMS’s and environmental authorities regulations.</p> <p><b>Guidance:</b></p> <p>Legal requirements related to the use of pesticides and the pesticide listings prohibited by law are found in Decree 1843 of 1991 of the Ministry of Health, or regulations that substitute or modify it.</p>



<p><b>4.6.6 (MAJOR)</b> Storage of all pesticides shall be according to recognised best practices. All pesticide containers shall be properly disposed of and not used for other purposes (see Criterion 5.3).</p> <p><b>4.6.7</b> Application of pesticides shall be by proven methods that minimise risk and impacts o soil, water and human health.</p> <p><b>4.6.8 (MAJOR)</b> Pesticides shall be applied aerially only where there is documented justification. Communities shall be informed of impending aerial pesticide applications with all relevant information within reasonable time prior to application.</p> <p><b>4.6.9</b> Maintenance of employee and associated smallholder knowledge and skills on pesticide handling shall be demonstrated, including provision of appropriate information materials (see Criterion 4.8).</p> <p><b>4.6.10</b> Proper disposal of waste material, according to procedures that are fully understood by workers and managers shall be demonstrated (see Criterion 5.3).</p> <p><b>4.6.11 (MAJOR)</b> Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, shall be demonstrated.</p> <p><b>4.6.12 (MAJOR)</b> No work with pesticides shall be undertaken by children, or by pregnant or breast-feeding women (see criterion 6.7).</p>	<p>The RSPO has identified some examples of alternatives to pesticide use, which include those listed in the ‘Research project on Integrated Weed Management Strategies for Oil Palm; CABI, April 2011’.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to independent smallholders (refer to ‘Guidance for Independent Smallholders under Group Certification’, June 2010).</p>
<p><b>Criterion 4.7</b> An occupational health and safety plan is documented effectively communicated and implemented.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p>The health and safety plan shall cover the following:</p>	<p><b>Specific Guidance:</b> For 4.7.7: The parameters that define the DIR in Colombia are found in Annex 3.</p>

**4.7.1 (MAJOR)** A health and safety policy shall be in place. A health and safety plan covering all activities shall be documented and implemented, and its effectiveness monitored.

**4.7.2 (MAJOR)** All operations where health and safety is an issue shall be risk assessed, and procedures and actions shall be documented and implemented to address the identified issues. All precautions attached to products shall be properly observed and applied to the workers.

**4.7.3 (MAJOR)** All workers involved in the operation shall be adequately trained in safe working practices (see Criterion 4.8). Adequate and appropriate protective equipment shall be available to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, and land preparation, harvesting and, if it is used, burning.

**4.7.4 (MAJOR)** The responsible person/persons for the health and safety plan shall be identified. There shall be records of regular meetings between the responsible person/s and workers. Concerns of all parties about health, safety and welfare shall be discussed at these meetings, and any issues raised shall be recorded.

**4.7.5** Accident and emergency procedures shall exist and instructions shall be clearly understood by all workers. Accident procedures shall be available in the appropriate language of the workforce. Assigned operatives trained in First Aid should be present in both field and other operations, and first aid equipment shall be available at worksites. Records of all accidents shall be kept and periodically reviewed.

**4.7.6** All workers shall be provided with medical care, and covered by accident insurance.

**Guidance:**

Growers and millers should ensure that the workplace, machinery, equipment, transport and processes under their control are safe and without undue risk to health. 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. All indicators apply to all workers regardless of status. The health and safety plan should also reflect guidance in ILO Convention 184.

4.7.7 Occupational injuries shall be recorded using Disabling Injury Rates (DIR).	
<b>Criterion 4.8</b> All staff, workers, smallholders and contract workers are appropriately trained.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>4.8.1 (MAJOR)</b> A formal training programme shall be in place that covers all aspects of the RSPO Principles and Criteria, and that includes regular assessments of training needs and documentation of the programme.</p> <p><b>4.8.2</b> Records of training for each employee shall be maintained.</p>	<p><b>Specific Guidance</b> For 4.8.2: There must be available evidence of an ongoing training program for smallholders on their corporate social responsibility and RSPO.</p> <p><b>Guidance:</b> Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.</p> <p>The training programme should include productivity of the business and best management practice, and be appropriate to the scale of the organisation.</p> <p>Training should be given to all staff and workers by growers and millers to enable them to fulfil their jobs and responsibilities in accordance with documented procedures, and in compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>It is recommended to emphasize on the necessary training to implement environmental (criterion 5.1) and social (criterion 6.1) management plans, considering the pertinence for each employee, based on their role within the organization.</p> <p>Contract workers should be selected for their ability to fulfil their jobs and responsibilities in accordance with documented procedures, and in</p>

	<p>compliance with the requirements of these Principles, Criteria, Indicators and Guidance.</p> <p>Growers and millers should demonstrate training activities for schemes smallholders who provide Fresh Fruit Bunches (FFB) on a contracted basis.</p> <p>Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of growers or millers that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations (<i>refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009</i>)</p> <p>For individual smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing (<i>refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009</i>)</p>
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## Principio 5. Environmental Responsibility and Conservation of Natural Resources and Biodiversity

<b>Criterion 5.1</b> Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	
INDICATORS	GUIDANCE
<p><b>5.1.1 (MAJOR)</b> An environmental impact diagnostic (EID) shall be documented.</p> <p><b>5.1.2</b> Where the identification of impacts requires changes in current practices, in order to mitigate negative effects, a timetable for change shall be developed and implemented within a comprehensive management plan. The management plan shall identify the responsible person/persons.</p> <p><b>5.1.3</b> This plan shall incorporate a monitoring protocol, adaptive to operational changes, which shall be implemented to monitor the effectiveness of the mitigation measures. The plan shall be reviewed as a minimum every two years to reflect the results of monitoring and where there are operational changes that may have positive and negative environmental impacts.</p>	<p><b>Specific Guidance:</b>            For 5.1.1: The environmental impact diagnostic (EID) should identify the environmental aspects and impacts of all oil palm crop and mill activities during the entire lifetime of the project. The EID should cover the following activities, where they are undertaken:</p> <ul style="list-style-type: none"> <li>• Building new roads and major adjustments over existing roads.</li> <li>• Building and operation of processing mills or other infrastructure.</li> <li>• Putting in, operation and maintenance of drainage or irrigation systems.</li> <li>• Replanting and/or expansion of planting areas.</li> <li>• Management of mill effluents (Criterion 4.4).</li> <li>• Clearing of remaining natural vegetation for land adequacy.</li> <li>• Management of pests and diseased palms by controlled burning (Criteria 5.5 and 7.7).</li> <li>• Eradication or abandonment of crops or productive activities in areas currently under oil palm cultivation.</li> </ul> <p>For 5.1.2 and 5.1.3: It is expected that companies ensure they have the capacity and the allocated resources to implement all the components of the environmental impact prevention and mitigation plans mentioned in this Criterion, and their respective monitoring system.</p> <p><b>Guidance:</b>            Impact assessment can 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.</p>

	<p>Environmental impacts should be identified on soil and water resources (Criteria 4.3 and 4.4), air quality, greenhouse gases (Criterion 5.6), biodiversity and ecosystems, and people's amenity (Criterion 6.1), both on and off-site.</p> <p>The following document is recommended as reference to identify, assess and mitigate environmental impacts: <i>Guía ambiental de la agroindustria de la palma de aceite en Colombia</i> "Environmental Guide for the Colombian oil palm agroindustry"(Fedepalma, Ministry of Environment and SAC).</p> <p>Additionally, the following reference documents are recommended for EIA preparation::</p> <ul style="list-style-type: none"> <li>• <i>“Metodología general para la presentación de estudios ambientales”</i> "General methodology for presenting environmental studies"; Ministry of Environment, Housing and Territorial Development; Bogotá, Colombia; 2010.</li> <li>• <i>“Manual de evaluación de estudios ambientales. Criterios y procedimientos”</i> "Manual for the evaluation of environmental studies. Criteria and procedures"; Ministry of Environment, Bogotá, Colombia; 2002.</li> <li>• <i>“Manual de seguimiento ambiental de proyectos. Criterios y procedimientos”</i> "Manual for environmental monitoring of projects. Criteria and procedures", Ministry of Environment, Bogotá, Colombia; 2002.</li> </ul> <p>Regional environmental impact assessments that have been developed by environmental authorities and research institutes should be considered as input for EID.</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>
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	For smallholder schemes, the scheme management has the responsibility to undertake the EID and to plan and operate in accordance with the results (refer to 'Guidance for Independent Smallholders under Group Certification', June 2010, and 'Guidance on Scheme Smallholders', July 2009).
<b>Criterion 5.2</b> The status of rare, threatened or endangered species and other High Conservation Value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and operations managed to best ensure that they are maintained and/or enhanced	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>5.2.1 (MAJOR)</b> Information shall be collated in a High Conservation Value (HCV) assessment that includes both the planted area itself and relevant wider landscape-level considerations (such as wildlife corridors).</p> <p><b>5.2.2 (MAJOR)</b> Where rare, threatened or endangered (RTE) species, or HCVs, are present or are affected by plantation or mill operations, appropriate measures that are expected to maintain and/or enhance them shall be implemented through a management plan.</p> <p><b>5.2.3</b> There shall be a programme to regularly educate the workforce about the status of these RTE species, and appropriate disciplinary measures shall be instigated in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect or kill these species.</p> <p><b>5.2.4</b> Where a management plan has been created there shall be ongoing monitoring:</p> <ul style="list-style-type: none"> <li>• The status of HCV and RTE species that are affected by plantation or mill operations shall be documented and reported;</li> <li>• Outcomes of monitoring shall be fed back into the management plan.</li> </ul>	<p><b>Specific Guidance:</b></p> <p>For 5.2.1: This information will cover:</p> <ul style="list-style-type: none"> <li>• Presence of protected areas that could be significantly affected by the grower or miller. (in Colombia, categories of protected areas are defined in Decree 2372 of 2010, which regulates the National Protected Areas System – SINAPs, or regulation that substitutes or modifies it).</li> <li>• Conservation status (e.g. IUCN status), legal protection, population status and habitat requirements of rare, threatened or endangered rare species that could be significantly affected by the grower or miller.</li> <li>• Identification of high conservation value habitats, such as rare and vulnerable or threatened ecosystems, that could be significantly affected by the grower or miller.</li> </ul> <p>HCV assessments must be based on the methodological guidelines developed by the High Conservation Value Network - <a href="http://www.hcvnetwork.org">www.hcvnetwork.org</a> and RSPO. They should be carried out by staff with appropriate training and expertise, such as the one provided by the HCVRN Assessor Licensing Scheme.</p> <p>For 5.2.2: These measures will include:</p> <ul style="list-style-type: none"> <li>• Ensuring that any legal requirements relating to the protection of species or habitats are met.</li> </ul>

<p><b>5.2.5</b> Where HCV set-asides with existing rights of local communities have been identified, there shall be evidence of a negotiated agreement that optimally safeguards both the HCVs and these pre-acquired rights.</p>	<ul style="list-style-type: none"> <li>• Avoiding damage to and deterioration of HCV habitats such as by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created;</li> <li>• Controlling any illegal or inappropriate hunting, fishing or collecting activities; and developing responsible measures to resolve human-wildlife conflicts.</li> </ul> <p>The scope of conservation measures for rare, threatened or endangered is limited to the area of influence of the oil palm mills and plantations.</p> <p>Seeking synergies and articulation between HCV management plans and regional conservation and territorial planning efforts is recommended.</p> <p>For 5.2.5: If a negotiated agreement cannot be reached, there should be evidence of sustained efforts to achieve such an agreement. These could include third party arbitration (see Criteria 2.3, 6.3 and 6.4).</p> <p><b>Guidance:</b> 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>In Colombia sources of information on rare, threatened and endangered species include, among others:</p> <ul style="list-style-type: none"> <li>• International Union for Conservation of Nature. (IUCN) (<a href="http://www.iucnredlist.org/">http://www.iucnredlist.org/</a>)</li> <li>• The “Red Books”, published by the Humboldt Institute.</li> <li>• Resolution 383 of 2010 of the Ministry of Environment, Housing and Territorial Development, or its successor or modifier.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</li> <li>• "The Red Books series in Endangered Species of Colombia"; issued by the Ministry of Environment and Sustainable Development".</li> <li>• Regulations, guides and Redbooks of the Regional environmental authorities and environmental research institutes, etc. regarding endangered species.</li> </ul> <p>The guidelines given by the "National Policy for Integrated Management of Biodiversity and Ecosystem Services (PNGIBSE)" (Ministry of Environment and Sustainable Development, 2012), in relation to its six thematic axes and strategic lines: (i) Nature conservation and caring, (ii) Governance and public value creation, (iii) Economic development, competitiveness and quality of life, (iv) Knowledge, technology and information management, (v) Risk management and ecosystem services provision, and (vi) Accountability and global commitments, should be taken into account.</p> <p>Wherever HCV benefits can be realised outside of the management unit, collaboration and cooperation between other growers, governments and organisations should be considered.</p> <p><b>Note:</b> Operators need to consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures, in other cases co-management options can be considered. Where communities are asked to relinquish rights so that HCVs can be maintained or enhanced by the companies or State agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must</p>
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	be subjected to their free, prior, and informed consent (see Criteria 2.2 and 2.3).
<b>Criterion 5.3</b> Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>5.3.1 (MAJOR)</b> All waste products and sources of pollution shall be identified and documented.</p> <p><b>5.3.2 (MAJOR)</b> All chemicals and their containers shall be disposed of responsibly.</p> <p><b>5.3.3</b> A waste management and disposal plan to avoid or reduce pollution shall be documented and implemented.</p>	<p><b>Specific Guidance:</b></p> <p>For 5.3.1: Waste should be classified and quantified, at least considering the categories of hazardous and non-hazardous.</p> <p>For 5.3.3: The waste management and disposal plan should include measures for:</p> <ul style="list-style-type: none"> <li>• Identifying and monitoring sources of waste and pollution.</li> <li>• Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).</li> <li>• Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), such that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to. Use of open fire for waste disposal should be avoided.</li> </ul> <p>In Colombia, an Integrated Management Plan for Solid and Hazardous Waste is mandatory (PGIRS, PGIRSRESPEL) as established in Decree 4741 of 2005 and Law 1252 of 2008 or the regulations replacing or modifying them.</p> <p>Complying with the provisions of Article 7 of Resolution 693 of 2007 of the Ministry of Environment on returning pesticide containers to the manufacturer or importer is also mandatory.</p>

	<p><b>Guidance:</b> In Colombia, wastes that are considered to be hazardous (RESPEL) are currently defined in Decree 4741 of 2005. Legal requirements on handling RESPEL are mainly covered in such Decree, in the Law 1252 of 2008 and other regulations contained in Annex 2 or regulations replacing or modifying them.</p> <p>The following reference documents on best practices for waste and the proper management and utilization of the by-products of palm oil extraction are recommended:</p> <ul style="list-style-type: none"> <li>• ICONTEC (2009) Colombian Technical Guide CTG 24: “<i>Gestión Ambiental. Residuos Sólidos. Guía para la separación en la fuente</i>” “Environmental Management. Solid Waste. Guide to waste separation in the source”; Bogotá, Colombia; 2009.</li> <li>• Cenipalma (2011), Technical Bulletin No. 30 “<i>Caracterización y manejo de subproductos del beneficio del fruto de palma de aceite</i>” “Characterization and management of by-products of oil palm extraction”; Bogotá.</li> <li>• Cenipalma (2011), Technical Bulletin No. 31 “<i>Compostaje de subproductos de la agroindustria de palma de aceite en Colombia</i>” “Composting of by-products of the oil palm agroindustry in Colombia”; Bogotá.</li> </ul>
<b>Criterion 5.4</b> Efficiency of fossil fuel use and the use of renewable energy is optimized.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>5.4.1</b> A plan for improving efficiency of the use of fossil fuels and to optimise renewable energy shall be in place and monitored.</p>	<p><b>Guidance:</b> Renewable energy use per tonne of Crude Palm Oil (CPO) or palm product in the mill should be monitored.</p> <p>Direct fossil fuel use per tonne of CPO or Fresh Fruit Bunches (FFB) should be monitored.</p>

	<p>Energy efficiency should be taken into account in the construction or upgrading of all operations.</p> <p>Growers and millers should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of their operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied if possible.</p>
<p><b>Criterion 5.5</b> Use of fire for preparing land or replanting is avoided, except in specific situations as identified in the ASEAN guidelines or other regional best practice.</p>	
INDICATORS	GUIDANCE
<p><b>5.5.1 (MAJOR)</b> There shall be no land preparation by burning, other than in specific situations as those allowed in compliance with current national regulations.</p> <p><b>5.5.2</b> Where fire has been used for preparing land for replanting, there shall be evidence of prior approval of the controlled burning by the environmental authority, according to applicable national regulations.</p>	<p><b>Specific Guidance:</b> For 5.5.1 and 5.5.2: In Colombia, requirements, terms, covenants and conditions to carry out open controlled burning in agricultural activities are established in Decree 948 of 1995, Decree 2107 of 1995 and Resolution 532 of 2005, and require prior permission from the environmental authority.</p> <p><b>Guidance:</b> Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and as long as it is allowed by the applicable national regulations. Also, exceptional levels of caution should be required for use of fire on peat.</p> <p>A contingency plan against accidental burning or caused by third parties is recommended.</p> <p>Extension/training programmes for associated smallholders may be necessary.</p>

**Criterion 5.6** Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.

**Preamble:**

*Growers and millers commit to reporting on operational greenhouse gas emissions. However, it is recognised that these significant emissions cannot be monitored completely or measured accurately with current knowledge and methodology. It is also recognised that it is not always feasible or practical to reduce or minimise these emissions.*

*Growers and millers commit to an implementation period until the end of December 2016 for promoting best practices in reporting to the RSPO, and thereafter to public reporting. Growers and millers make this commitment with the support of all other stakeholder groups of the RSPO.*

INDICATORS	GUIDANCE
<p><b>5.6.1 (MAJOR)</b> An assessment of all polluting activities shall be conducted, including gaseous emissions, particulate/soot emissions and effluent (see Criterion 4.4).</p> <p><b>5.6.2 (MAJOR)</b> Significant pollutants and greenhouse gas (GHG) emissions shall be identified, and plans to reduce or minimise them implemented.</p> <p><b>5.6.3</b> A monitoring system shall be in place, with regular reporting on progress for these significant pollutants and emissions from estate and mill operations, using appropriate tools.</p>	<p><b>Specific Guidance:</b></p> <p>For 5.6.2: Significant contaminants that may result from crop and mill activities should be identified and prioritized in the environmental impact diagnostic (see Criterion 5.1).</p> <p>Plans will include objectives, targets and timelines. These should be responsive to context and any changes should be justified.</p> <p>For 5.6.2 and 5.6.3: The treatment methodology for POME will be recorded with its corresponding maintenance records and monitoring of control parameters.</p> <p>For 5.6.3 (GHG): For the implementation period until December 31st 2016, an RSPO-endorsed modified version of PalmGHG which only includes emissions from operations (including land use practices) can be used as a monitoring tool.</p> <p>For 5.6.3: In addition, during the implementation period, growers will start to assess, monitor and report emissions arising from changes in carbon stocks within their operations, using the land use in November 2005 as the baseline. The implementation period for Indicator 5.6.3 is the same implementation period for Criterion 7.8.</p>

	<p>During the implementation period, reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance for the process. Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period the RSPO working group will seek to continually improve PalmGHG, recognising the challenges associated with measuring GHG and carbon stock.</p> <p>PalmGHG or RSPO-endorsed equivalent will be used to assess, monitor and report GHG emissions. Parties seeking to use an alternative to PalmGHG will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p><b>Guidance:</b> Where practically feasible, operations should follow best management practices to measure and reduce emissions. Advice on this is available from the RSPO.</p> <p>Promoting nutrient cycling from mill effluent and sludge in irrigation systems or composting is recommended where possible.</p> <p>The Environmental Guide for the Colombian oil palm agro industry may be considered as a reference for its implementation.</p>
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## Principle 6. Responsible Consideration of Employees and of Individuals and Communities Affected by Growers and Millers

Criterion 6.1: Aspects of plantation and mill management that have social impacts, including replanting, are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continual improvement.	
INDICATORS	GUIDANCE
<p><b>6.1.1 (MAJOR)</b> A social impact assessment (SIA) including records of meetings shall be documented.</p> <p><b>6.1.2 (MAJOR)</b> There shall be evidence that the assessment has been done with the participation of affected parties and meeting reports shall be included.</p> <p><b>6.1.3 (MAJOR)</b> Plans for avoidance or mitigation of negative impacts and promotion of the positive ones, and monitoring of impacts identified, shall be developed in consultation with the affected parties, documented and timetabled, including responsibilities for implementation.</p> <p><b>6.1.4</b> The plans shall be reviewed as a minimum once every two years and updated as necessary, in those cases where the review has concluded that changes should be made to current practices. There shall be evidence that the review includes the participation of affected parties.</p> <p><b>6.1.5</b> Particular attention shall be paid to the impacts of smallholder schemes (where the plantation includes such a scheme).</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. 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>Companies may establish mechanisms to promote entrepreneurship projects where smallholders live within their areas of influence, in order to protect their food security and through participatory processes.</p> <p>The term “Participation” in this context means that affected parties are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.</p> <p>Potential social impacts may result from activities such as: building new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms; smallholder schemes.</p> <p>Plantation and mill management may have social impacts (positive or negative) on factors such as:</p> <ul style="list-style-type: none"> <li>• Access and use rights;</li> <li>• Economic livelihoods (e.g. paid employment) and working conditions;</li> </ul>

	<ul style="list-style-type: none"> <li>• Subsistence activities;</li> <li>• Cultural and religious values;</li> <li>• Health and education facilities;</li> <li>• Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force.</li> <li>• Family structure, income distribution and proper handling of free time.</li> </ul> <p>Other recommended actions include:</p> <ul style="list-style-type: none"> <li>• Verifying if the actors of the process were called to participate.</li> <li>• Keep track of dates, topics and conclusions of the process.</li> <li>• Demonstrate the implementation of agreed upon recommendations</li> </ul>
<p><b>Criterion 6.2:</b> There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.</p>	
INDICATORS	GUIDANCE
<p><b>6.2.1 (MAJOR)</b> Consultation and communication procedures shall be documented.</p> <p><b>6.2.2</b> A management official responsible for these issues shall be nominated.</p> <p><b>6.2.3</b> A list of stakeholders, records of all communication, including confirmation of receipt and that efforts are made to ensure understanding by affected parties, and records of actions taken in response to input from stakeholders, shall be maintained. Communications about consultations and consultations themselves should also be conducted in the native language of the recipients, by request of those interested.</p>	<p><b>Specific Guidance:</b> For 6.2.3, Mechanisms to ensure effective communication for special consultations will be used.</p> <p><b>Guidance:</b> 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 appropriate 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 by leaders, and community groups as compared to company workers, and different ethnic 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><b>Criterion 6.3:</b> There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p>	
INDICATORS	GUIDANCE
<p><b>6.3.1 (MAJOR)</b> The system, open to all affected parties, shall resolve disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants and whistleblowers, where requested.</p> <p><b>6.3.2 (MAJOR)</b> Documentation of both the process by which a dispute was resolved and the outcome shall be available.</p>	<p><b>Specific Guidances:</b> For 6.3.1: The system should aim to reduce the risks of reprisal.</p> <p><b>Guidance:</b> See also to Criterion 1.2.</p> <p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation as necessary. Grievances may be internal (employees) or external.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Each company is autonomous to implement its own Management System for Requests, Complaints and Claims (RCC), which should contain:</p> <ul style="list-style-type: none"> <li>• Rights and responsibilities of the company and its employees and contractors</li> <li>• Response times</li> <li>• Procedure for RCC system management.</li> <li>• Acknowledgments</li> <li>• Effectiveness in RCC solving.</li> </ul>

	<p>Regarding the process established for the Right to Petition, the following reference documents are recommended:</p> <ul style="list-style-type: none"> <li>• Article 23 of the Political Constitution (Title I): The right to petition is a fundamental right.</li> <li>• Title II of the law 1437 of 2011: Rights to petition to the authorities.</li> </ul> <p>The ISO 9001 quality standard, and statistical information and management indicators where the degree of satisfaction, effectiveness and monitoring of items referred to in this criterion is displayed, are recommended as reference.</p> <p>For scheme and independent smallholders, refer to '<i>Guidance for Independent Smallholders under Group Certification</i>', June 2010, and '<i>Guidance on Scheme Smallholders</i>', July 2009.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed '<i>Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework</i>', 2011.</p>
<p><b>Criterion 6.4:</b> Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>6.4.1 (MAJOR)</b> A procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, shall be in place.</p> <p><b>6.4.2</b> A procedure for calculating and distributing fair compensation (monetary or otherwise) shall be established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation. This procedure shall take into account: gender differences in the power to claim rights, ownership and access to land; differences of transmigrants and long-established communities; and differences in ethnic groups' proof of legal versus communal ownership of land.</p>	<p><b>Specific Guidance:</b> For 6.4.2: Companies should make best efforts to ensure that equal opportunities have been provided to both female and male heads of households to hold land titles in smallholder schemes.</p> <p><b>Guidance:</b> This criterion should be considered in conjunction with Criteria 2.2 and 2.3, and the associated Guidance. Documentation should include, as a minimum and according to its applicability, the following:</p> <ul style="list-style-type: none"> <li>• Titles of land ownership.</li> <li>• Demographic, ethnographic and sociological characteristics of the</li> </ul>

<p><b>6.4.3 (MAJOR)</b> The process and outcome of any negotiated agreements and compensation claims shall be documented, with evidence of the participation of affected parties, and made publicly available.</p>	<p>involved communities.</p> <ul style="list-style-type: none"> <li>• Procedures for the identification of customary rights.</li> <li>• Scenarios for agreement.</li> <li>• Agreed compensation.</li> <li>• Mechanisms used for conflict resolution.</li> <li>• State administrative acts concerning the process.</li> <li>• Relocation procedures</li> </ul> <p>Documentation of all compensation processes and agreements with communities, land titles, and conflict resolution, should be available.</p> <p>A monitoring tool to ensure that negotiation agreements are met should be in place.</p>
<p><b>Criterion 6.5:</b> Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>6.5.1 (MAJOR)</b> Documentation of pay and working conditions shall be available.</p> <p><b>6.5.2 (MAJOR)</b> Labour laws, union agreements or direct contracts of employment detailing payments and conditions of employment (e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc.) shall be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p><b>6.5.3</b> Growers and millers shall provide adequate housing, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible.</p> <p><b>6.5.4</b> Growers and millers shall make demonstrable efforts to monitor and improve workers' access to adequate, sufficient and affordable food.</p>	<p><b>Specific Guidance:</b></p> <p>For 6.5.3: Where no such public facilities are available or accessible, they should be provided within company facilities.</p> <p>For 6.5.4: Companies should implement a plan to monitor and improve their workers' access to food, especially those providing food service to their employees.</p> <p><b>Guidance:</b></p> <p>Periodic reviews of service contracts should be conducted to guarantee the inclusion of appropriate standards of remuneration, compensation and hiring. There should be an employment policy in which non-discriminatory practices are specified and a post-entry guidance program focused particularly in good treatment, safety, labor laws, cultural practices and decent life conditions is provided.</p>

	<p>As far as possible, mechanisms such as strategic alliances and cooperatives should be promoted; new business alternatives that improve workers' income should be supported.</p> <p>Additionally, compliance with minimum legal standards will be demonstrated with evidence of:</p> <ul style="list-style-type: none"><li>• Payment forms and pay stubs</li><li>• Payment of social security (health, pension and ARL) and parafiscal contributions (SENA, ICBF, compensation funds)</li><li>• Type of contract</li><li>• Accounting records</li><li>• List of industrial safety equipment</li><li>• Demarcation of high risk areas</li><li>• Agreements and contracts according to the Law</li></ul> <p>Companies should have awareness programs and/or training for Top Management personnel on the international principles concerning the fundamental rights at the workplace, and the rights and duties of employees and employers that have been established in the law and international standards on the subject.</p> <p>Companies should conduct periodic due diligence measures to assess their degree of adherence to norms and national and international principles on the subject.</p> <p>Special sanctions for company personnel that violates guiding principles in the subject will be established.</p> <p>The company should adopt a human resources policy, appropriate to its size and workforce, that sets out its approach on employee management.</p>
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	<p>When a company expects to reduce its workforce or plans to dismiss a substantial number of employees, it should develop a plan to mitigate the adverse impacts of reducing the size of its workforce. The plan will be based on a non-discrimination principle and will reflect the results of consultations with the employees, their organizations and, where appropriate, with the government.</p> <p>The company may provide facilities for employees to have access to adequate food.</p>
<p><b>Criterion 6.6</b> The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.</p>	
INDICATORS	GUIDANCE
<p><b>6.6.1 (MAJOR)</b> A published statement in local languages recognizing freedom of association shall be available.</p> <p><b>6.6.2</b> Minutes of meetings with main trade unions or workers representatives shall be documented.</p>	<p><b>Guidances:</b></p> <p>The right of employees, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with their employer should be respected, in accordance with Conventions 87 and 98 of the International Labour Organisation (ILO).</p> <p>Labour laws and union agreements, or in their absence direct contracts of employment detailing payments and other conditions, should be available in the languages understood by the workers or explained carefully to them by a management official.</p> <p>Mechanisms that allow workers to unite and have freedom of expression and defense of their interests should be respected.</p> <p>Companies should have a documented policy that recognizes freedom of association, with the following:</p> <ul style="list-style-type: none"> <li>• Publication of the internal work regulations.</li> <li>• The right to accurate information</li> </ul>

	<ul style="list-style-type: none"> <li>• Evidence of compliance with collective bargaining agreements, when they exist</li> </ul> <p>Companies should have periodic follow-up and adjustment measures to operate according to international norms and principles on this subject. When there is knowledge of practices that violate the right of association, appropriate measures that could lead to special sanctions for those employees that violate guiding principles in the matter should be taken.</p> <p>Initiatives that promote tolerance and negotiated solution with authorities, communities and labor unions such as local campaigns, awareness programs, workshops, etc. should be developed in accordance with the specific needs of each community, as possible.</p>
<b>Criterion 6.7 Children are not employed or exploited.</b>	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>6.7.1 (MAJOR)</b> There shall be documentary evidence that minimum age requirements are met.</p> <p><b>6.7.2</b> Companies shall have evidence of a procedure to guide them in taking appropriate measures if they become aware of child and forced labor in their FFB supply chain.</p> <p><b>6.7.3</b> Evidence that children working in smallholders' family farms are in the education system.</p>	<p><b>Guidances:</b></p> <p>The minimum age of workers will not be less than stated under national regulations (18). This guideline should be reflected in company policies and internal work regulations.</p> <p>Child labor in plantations and mills is only allowed when part of educational practices by accredited and recognized educational institutions. Any hazardous work should not be done by those under 18, as per International Labour Organisation (ILO) Convention 138.</p> <p>Training programs on national regulations and international norms and principles in this topic should be developed for businesses, mills, productive alliances, customers, suppliers, contractors and the community at large.</p> <p>Companies, productive alliances, customers, suppliers and contractors should conduct periodic due diligence measures to assess the level of adherence to international principles in this field. Such measures should</p>

	<p>consider ILO Conventions 138 and 182 and the principles derived from them by the ILO supervisory bodies.</p> <p>Local community programs to prevent school dropout and discourage child labor should be carried out.</p> <p>Local campaigns should be carried out to promote rejection of child labor, together with the authorities and the community. These activities should be documented.</p> <p>Please refer to ‘<i>Guidance for Independent Smallholders under Group Certification</i>’, June 2010, and ‘<i>Guidance on Scheme Smallholders</i>’, July 2009 for additional guidance on family farms.</p>
<p><b>Criterion 6.8:</b> Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age, is prohibited.</p>	
INDICATORS	GUIDANCE
<p><b>6.8.1 (MAJOR)</b> A publicly available equal opportunities policy including identification of relevant/affected groups in the local environment shall be documented.</p> <p><b>6.8.2 (MAJOR)</b> Evidence shall be provided that employees and groups including local communities, women, and migrant workers have not been discriminated against.</p> <p><b>6.8.3</b> It shall be demonstrated that recruitment selection, hiring and promotion are based on skills, capabilities, qualities, and medical fitness necessary for the jobs available.</p>	<p><b>Guidance:</b> Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers, and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 6.3 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>There should be evidence that the company promotes training for its employees at all levels on the elimination of prejudices and customary</p>

	<p>practices and all other practices based on the idea of inferiority or superiority of either genre or on stereotyped roles for men and women.</p> <p>In order to implement the principle of equal remuneration for men and women, companies will seek to adopt objective methods of job evaluation, based on the work that they entail.</p> <p>There should be a procedure for the study, analysis and recording of gender, age and other demographic characteristics of workers, including the identification of relevant-affected groups in the local environment, as a basis to generate a non-discrimination policy by the company.</p> <p>Companies should require and check that these requirements are met by contractors or productive alliances linked to their productive activity.</p> <p>The allocation of positions or jobs should be consistent with the results of examinations and an occupational profile of competencies and skills.</p> <p>The company should not make employment decisions on the basis of personal characteristics unrelated to inherent job requirements. The company should have relations based on the principle of equal opportunities and fair treatment, and will not discriminate based on aspects of the employment relationship.</p> <p>Companies should identify good working practices that prevent direct and indirect discrimination based on international principles on the subject (ILO Convention 100).</p> <p>Training programs for companies, productive alliances, customers, suppliers, contractors and the general community on national regulations and international principles in the topic should be developed. The content of ILO Conventions 100 and 111, as well as principles derived from them by ILO</p>
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	<p>supervisory bodies, should be explicit in such programs.</p> <p>Activities should be carried out with the local community to avoid discrimination.</p> <p>Human resource policies will aim to ensure equal opportunity and treatment, among others, in:</p> <ul style="list-style-type: none"> <li>a. Access to vocational training, based on individuals' suitability for such training or employment.</li> <li>b. Promotion in accordance with the character, experience, ability and diligence of personnel.</li> <li>c. Working conditions, including working hours, resting periods, annual paid leave, health and safety at work, social security, social services and employment benefits.</li> </ul> <p>Companies should promote that communications with personnel avoid the use of discriminatory language or presuppose discrimination between male and female workers.</p> <p>Companies should be aware that there are population groups vulnerable to discrimination because of their relation with the armed conflict. In such cases, measures should be taken to avoid discriminating ex-combatants and displaced populations.</p>
<p><b>Criterion 6.9:</b> There is no harassment or abuse in the work place, and reproductive rights are protected.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>6.9.1 (MAJOR)</b> A policy to prevent sexual and all other forms of harassment and violence shall be implemented and communicated to all levels of the workforce.</p>	<p><b>Specific Guidance:</b> For 6.9.1 and 6.9.2: These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. A gender committee specifically to address areas of concern to women will be used to comply with this Criterion. This committee, which</p>

<p><b>6.9.2 (MAJOR)</b> A policy to protect the reproductive rights of all, especially of women, shall be implemented and communicated to all levels of the workforce.</p> <p><b>6.9.3</b> A specific grievance mechanism, attended by trained personnel and of the same gender of the applicant, which respects anonymity and protects complainants where requested shall be established, implemented, and communicated to all levels of the workforce.</p>	<p>should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the growers and millers; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>For 6.9.3 There should be evidence of the implementation of a special grievance system for women as part of the grievance mechanism, and that it considers protecting their identity when they prefer so.</p> <p>For 6.9.2: see Indicator 4.6.12.</p> <p><b>Guidance:</b> There should be a clear policy developed in consultation with employees, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>Notwithstanding national legislation and regulation, reproductive rights are respected.</p>
<p><b>Criterion 6.10: Growers and millers deal fairly and transparently with smallholders and other local businesses.</b></p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>6.10.1</b> Current and past prices paid for Fresh Fruit Bunches (FFB) shall be publicly available.</p> <p><b>6.10.2 (MAJOR)</b> Evidence shall be available that growers/millers have explained FFB pricing, and pricing mechanisms for FFB and inputs/services shall be documented (where these are under the control of the mill or plantation).</p>	<p><b>Guidance:</b> 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 (see Criterion 4.2) should also be considered.</p> <p>Smallholders should 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><b>6.10.3</b> Evidence shall be available that all parties understand the contractual agreements they enter into, and that contracts are fair, legal and transparent and include elements of business collaboration.</p> <p><b>6.10.4</b> Agreed payments shall be made in a timely manner.</p>	<p>The need for a fair and transparent pricing mechanism is particularly important for outgrowers who are contractually obliged to sell all FFB to a particular mill.</p> <p>Promoting associativity and ensuring contractual balance is recommended to ensure better conditions for negotiating a fair price.</p> <p>There should be a mechanism for training and information sharing for smallholders and others about the price homologation process for FFB purchase and sale.</p> <p>Each organization will generate policies for fair competition among mills (including producers harvesting cycles, good standing with other mills, tables of incentives and sanctions).</p> <p>Training and guidance to small producers should be conducted for the legalization of documents or records within the legal framework of the activity, including, among others, having the oil palm national registry.</p>
<p><b>Criterion 6.11: Growers and millers contribute to local sustainable development where appropriate.</b></p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>6.11.1</b> Contributions to local development that are based on the results of consultation with local communities shall be demonstrated.</p> <p><b>6.11.2</b> Where there are scheme smallholders, there shall be evidence that efforts and/or resources have been allocated to improve smallholder productivity.</p>	<p><b>Guidance:</b></p> <p>Contributions to local development should be based on the results of consultation with local communities, collected in a sustainability report. See also Criterion 6.2. Such consultation should be based on the principles of transparency, good faith and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women.</p> <p>Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.8. Efforts should be made to identify independent smallholders in the supply base.</p>

	<p>Where sourcing of fruit is from identified independent smallholders, efforts should be made to contribute to the improvement of their farming practices.</p> <p>Regardless of the social responsibility of growers and mills in fulfilling this criterion, they should not replace the State in its obligations, but can support local community development through their social responsibility policies.</p> <p>When there is no local workforce, workers brought in from other areas should be trained to build respect for the local culture.</p>
<b>Criterion 6.12: No forms of forced or trafficked labour are used.</b>	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>6.12.1 (MAJOR)</b> There shall be evidence that no forms of forced or trafficked labour are used. This covers any kind of involuntary or compulsory labor, as that of a forced contract, in bondage labor or similar contractual arrangements.</p> <p><b>6.12.2</b> Where applicable, it shall be demonstrated that no contract substitution has occurred.</p> <p><b>6.12.2 (MAJOR)</b> Where temporary or migrant workers are employed, a special labour policy and procedures shall be established and implemented.</p>	<p><b>Specific Guidance:</b></p> <p>For 6.12.1: Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement.</p> <p>For 6.12.2: Contract substitution occurs in the case of migrant workers, when a worker signs one contract in their home country, but are later compelled to sign a totally different one in the place of destination. This figure is currently not legal in Colombia.</p> <p>For 6.12.3: The special labour policy should include:</p> <ul style="list-style-type: none"> <li>• Statement of the non-discriminatory practices;</li> <li>• Decent living conditions to be provided, when housing is provided by the company.</li> </ul> <p><b>Guidance</b></p> <p>Migrant workers should be legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a decent living wage. This wage should be established for each worker according to</p>

	the capacity and context of the organization, and with a specified methodology.
<b>Criterion 6.13: Growers and millers respect human rights.</b>	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>6.13.1 (MAJOR)</b> A policy to respect human rights shall be documented and communicated to stakeholders and to all levels of the workforce and operations. This includes third parties hired (e.g., those involved in security). (see Criteria 1.2 and 2.1).</p> <p><b>6.13.2</b> There shall be evidence of the progressive implementation of due diligence mechanisms to identify the level of adherence of their business practices to international human rights norms.</p> <p><b>6.13.3</b> There shall be evidence that measures were taken to ensure that hiring private security and surveillance services did not involve people with criminal records, criminal investigations in progress, or that have committed crimes against humanity.</p>	<p><b>Note:</b> From the UN Guiding Principles on Business and Human Rights: <i>“The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work” (“The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</i></p> <p>The RSPO WG on Human Rights will provide a mechanism to identify, prevent, mitigate and address human rights issues and impacts. The resulting Guidance will identify the relevant issues on human rights to all RSPO Members.</p> <p>There should be timetables, mechanisms and protocols for periodic meetings to discuss issues relating to the security and protection of working areas.</p>

## Principle 7. Responsible Development of New Plantings

<b>Criterion 7.1</b> 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.	
INDICATORS	GUIDANCE
<p><b>7.1.1 (MAJOR)</b> An independent social and environmental impact assessment (SEIA), undertaken through a participatory methodology including the relevant affected stakeholders, shall be documented.</p> <p><b>7.1.2</b> Appropriate management planning and operational procedures shall be developed and implemented to avoid or mitigate identified potential negative impacts.</p> <p><b>7.1.3</b> When oil palm developments include an outgrower scheme, special attention should be given to the impacts and implications of its management.</p>	<p><b>Specific Guidance</b>            For 7.1.3: When new developments involving strategic alliances schemes are carried out in areas of phytosanitary turmoil, special attention should be given to assessing their potential impacts and to foreseeing risks, so that plans are put in place to guarantee access to and implementation of best practices and technologies to minimize these impacts.</p> <p><b>Guidance:</b>            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 independent and suitable experts or expert groups, in order to ensure an objective process. Both should not be done by the same body or group of experts.</p> <p>In Colombia, a suitable expert should be understood as:</p> <ul style="list-style-type: none"> <li>• Has a recognized registration as a professional</li> <li>• Demonstrates experience in Environmental and Social Impact Assessments</li> <li>• Others that the organization considered in their policies</li> </ul> <p>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>Oil palm development can cause both positive and negative impacts. In particular, it can lead to some indirect/secondary impacts which are not under the control of individual growers and millers. To this end, growers and millers should seek to identify the indirect/secondary impacts within the SEIA, and where possible work with partners to explore mechanisms to mitigate the negative indirect impacts and enhance the positive impacts.</p> <p>The potential impacts of all major proposed activities should be assessed in a participatory way prior to development. The assessment should include, in no order of preference and as a minimum:</p> <ul style="list-style-type: none"><li>• Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure;</li><li>• Assessment, including stakeholder consultation, of High Conservation Values (see Criterion 7.3) that could be negatively affected;</li><li>• Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems;</li><li>• Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources;</li><li>• Baseline soil surveys and topographic information, including the identification of steep slopes, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding;</li><li>• Analysis of type of land intended for the project (forest, degraded forest, other natural ecosystems, crops, or pastures);</li><li>• Analysis of land ownership and user rights;</li><li>• Analysis of current land use patterns;</li><li>• Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on</li></ul>
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	<p>livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents;</p> <ul style="list-style-type: none"> <li>• Identification of activities which may generate significant GHG emissions.</li> <li>• Compatibility of the project with existing territorial and environmental planning/zoning of the area where it will be held.</li> </ul> <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 may not proceed because of the magnitude of potential impacts.</p> <p>Unacceptable negative social impacts include, among others, forced displacement and loss of food security of the local population.</p> <p>For smallholder schemes, the scheme management should address this Criterion. For individual smallholders, this Criterion does not apply.</p> <p>For new projects or land areas greater than 500ha, a full independent assessment will be required. For land areas less than 500ha, an internal assessment using selected components of SEIA and HCV assessments can be used. Where such internal assessments identify significant environmentally or socially sensitive areas or issues, an independent assessment will be undertaken.</p> <p>For guidelines regarding this criterion see:</p> <ul style="list-style-type: none"> <li>• Cenipalma’s publication <i>“Manejo integrado de la Pudrición del cogollo (PC) de la Palma de aceite”</i> “Integrated Management of bud rot (PC) of Oil Palm”.</li> <li>• Fedepalma’s Technical Guide <i>“Cómo renovar plantaciones de palma de aceite”</i> “How to renovate oil palm plantations”.</li> </ul>
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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.	
INDICATORS	GUIDANCE
<p><b>7.2.1 (MAJOR)</b> Soil suitability maps or soil surveys adequate to establish the long-term suitability of land for oil palm cultivation shall be available and taken into account in plans and operations.</p> <p><b>7.2.2</b> Topographic information adequate to guide the planning of drainage and irrigation systems, roads and other infrastructure shall be available and taken into account in plans and operations.</p>	<p><b>Guidance:</b>            These activities can be linked to the Social and Environmental Impact Assessment (SEIA) (see Criterion 7.1) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development. Soils requiring appropriate practices should be identified (see Criteria 4.3 and 7.4). This information should be used to plan planting programmes, etc. Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc. Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation will be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criterion 7.4).</p> <p>It is recommended, where possible, to adopt the agronomic management units (AMU) proposed by Cenipalma.</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location. Information should be collected on soil suitability by companies planning to purchase Fresh Fruit Bunches (FFB) from potential developments of independent smallholders in a particular location. Companies should assess this information and provide information to independent smallholders on soil suitability, and/or in conjunction with relevant government/public institutions</p>

	and other organisations (including NGOs) provide information in order to assist independent smallholders to grow oil palm sustainably.
<b>Criterion 7.3</b> New plantings since November 2005 have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>7.3.1 (MAJOR)</b> There shall be evidence that no new plantings have replaced primary forest, or any area required to maintain or enhance one or more High Conservation Values (HCVs), since November 2005. New plantings shall be planned and managed to best ensure the HCVs identified are maintained and/or enhanced (see Criterion 5.2).</p> <p><b>7.3.2 (MAJOR)</b> A comprehensive HCV assessment, including stakeholder consultation, shall be conducted prior to any conversion or new planting. This shall include a land use change analysis to determine changes to the vegetation since November 2005. This analysis shall be used, with proxies, to indicate changes to HCV status.</p> <p><b>7.3.3</b> Dates of land preparation and commencement shall be recorded.</p> <p><b>7.3.4 (MAJOR)</b> An action plan shall be developed that describes operational actions consequent to the findings of the HCV assessment, and that references the grower's relevant operational procedures (see Criterion 5.2).</p> <p><b>7.3.5</b> Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihood resulting from proposed operations, shall be identified in consultation with the communities and incorporated into HCV assessments and management plans (see Criterion 5.2).</p> <p><b>7.3.6</b> There shall be evidence of socializing and training to employees about rare, threatened or endangered species present in the region and their management plan within the plantation.</p>	<p><b>Specific Guidance:</b> For 7.3.1: Evidence should include historical remote sensing imagery which demonstrates that there has been no conversion of primary forest or any area required to maintain or enhance one or more HCV. Satellite or aerial photographs, land use maps and vegetation maps should be used to inform the HCV assessment.</p> <p>Where land has been cleared since November 2005, and without a prior and adequate HCV assessment, it will be excluded from the RSPO certification programme until an adequate HCV compensation plan has been developed and accepted by the RSPO.</p> <p>For 7.3.5: The management plan will be adaptive to changes in HCV 5 and 6. Decisions will be made in consultation with the affected communities.</p> <p><b>Guidance:</b> This Criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place since November 2005. HCVs may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.</p> <p>The HCV assessment process requires appropriate training and expertise, and will include consultation with local communities, particularly for identifying social HCVs. HCV assessments should be conducted according to the Global HCV Toolkit, or based on the National Interpretation for Colombia of the HCV Criteria, if it is developed.</p>

	<p>Developments should actively seek to utilise previously cleared and/or degraded land on mineral soil. 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>In case of small areas located either in hydrologically sensitive landscapes or in HCV areas where conversion can jeopardise large areas or species, an independent assessment will be required. HCV areas can be very small.</p> <p>Small growers should apply this criterion according to their possibilities or through partnership arrangements with other farmers, with their integrators or their customers (mills).</p> <p>Once established, new developments should comply with Criterion 5.2.</p>
<b>Criterion 7.4</b> Extensive planting on steep terrain, and/or marginal and fragile soils, including peat, is avoided.	
<b>INDICATORS</b>	<b>GUIDANCE</b>
<p><b>7.4.1</b> Maps identifying marginal and fragile soils, including excessive gradients and peat soils, shall be available and used to identify areas to be avoided</p> <p><b>7.4.2 (MAJOR)</b> Where limited planting on fragile and marginal soils, including peat, is proposed, plans shall be developed and implemented to protect them without incurring adverse impacts.</p>	<p><b>Guidance:</b> This activity should be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>Planting on extensive areas of peat soils and other fragile soils should be avoided (see Criterion 4.3). Adverse impacts may include hydrological risks or significantly increased risks (e.g. fire risk) in areas outside the plantation (see Criterion 5.5).</p> <p>As far as possible, no plantations should be developed on terrain with a slope exceeding 12%; if this occurs, terracing systems should be established.</p>

	<p>Considering the technical guidelines developed by Cenipalma on soil requirements and precision agriculture is recommended.</p> <p>Consulting Watershed Management Plans (POMCA), municipal Land Management Plans (POT) or Land Management Schemes (EOT) and other proposed regional land management plans is recommended when identifying fragile and marginal soils.</p> <p>Riparian zones should be maintained according to applicable local or national regulations.</p> <p>Small growers should adopt this criterion according to their possibilities or through associative mechanisms.</p>
<p><b>Criterion 7.5</b> No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their free, prior and informed consent. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p>	
INDICATORS	GUIDANCE
<p><b>7.5.1 (MAJOR)</b> Evidence shall be available that affected local peoples* understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the grower/miller is signed and ratified by these local peoples.</p> <p>*Affected local peoples, refer to those that demonstrate they have legal, customary or use rights.</p> <p><b>7.5.2</b> The company, the medium or small owner who will acquire a new property shall apply due diligence to verify the legal status of the land to be acquired, so that the property is free of any legal issues.</p>	<p>Refer also to criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for Indicators and Guidance on compliance.</p> <p><b>Guidance:</b> This activity should be integrated with the Social and Environmental Impact Assessment (SEIA) required by Criterion 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 Criterion 2.3).</p> <p>Relevant stakeholders include those affected by or concerned with the new plantings.</p>

	<p>Free, prior and informed consent (FPIC) is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance (<i>Free Prior and Informed Consent for RSPO Members</i>, November 2015).</p> <p>Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.</p> <p>Having written evidence of compliance with the municipal Land Management Plan (POT), especially regarding collective indigenous reserves and Afro-Colombian ancestral lands, is recommended.</p> <p>Small growers should meet this criterion according to their possibilities or through associative mechanisms.</p>
<p><b>Criterion 7.6</b> Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.</p>	
INDICATORS	GUIDANCE
<p><b>7.6.1 (MAJOR)</b> Documented identification and assessment of demonstrable legal, customary and user rights shall be available.</p> <p><b>7.6.2 (MAJOR)</b> A system for identifying people entitled to compensation shall be in place.</p> <p><b>7.6.3 (MAJOR)</b> A system for calculating and distributing fair compensation (monetary or otherwise) shall be in place.</p> <p><b>7.6.4</b> Communities that have lost access and rights to land for plantation expansion shall be given opportunities to benefit from plantation development.</p> <p><b>7.6.5</b> The process and outcome of any compensation claims shall be documented and made publicly available.</p>	<p><b>Specific Guidance:</b></p> <p>For 7.6.1: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p>For 7.6.6: Growers and millers will confirm that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the new issuance of a concession or land title to the operator.</p> <p><b>Guidance:</b></p> <p>Refer to Criteria 2.2, 2.3 and 6.4 and associated Guidance.</p> <p>This requirement includes indigenous peoples.</p> <p>Refer to RSPO approved FPIC guidance (<i>Free Prior and Informed Consent for RSPO Members</i>, November 2015).</p>

<p><b>7.6.6</b> Evidence shall be available that the affected communities and rights holders have access to information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.</p>	<p>In no case should forced displacement processes be generated as a result of the expansion of oil palm plantations.</p> <p>The inalienable, indefeasible, and imprescriptible character of the collective territories of indigenous and Afro-descendant communities should be considered. These territories may not be acquired by third parties to develop oil palm activities.</p>
<p><b>Criterion 7.7</b> No use of fire in the preparation of new plantings other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.</p>	
<p><b>INDICATORS</b></p>	<p><b>GUIDANCE</b></p>
<p><b>7.7.1 (MAJOR)</b> There shall be no land preparation by burning, other than in specific situations, as those allowed in the current national regulation.</p> <p><b>7.7.2</b> In exceptional cases where fire has to be used for preparing land for planting, there shall be evidence of prior approval of the controlled burning by the environmental authority, according to the current national regulation.</p>	<p><b>Specific Guidance:</b> For 7.7.2: This activity shall be integrated with the social and environmental impact assessment (SEIA) required by Criterion 7.1.</p> <p><b>Guidance:</b> Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option for minimising the risk of severe pest and disease outbreaks, and as long as it is permitted by the applicable national regulations. Exceptional levels of caution are required for use of fire on peat.</p> <p>Extension/training programmes for smallholders may be necessary.</p>
<p><b>Criterion 7.8</b> New plantation developments are designed to minimise net greenhouse gas emissions.</p>	
<p><b>Preamble.</b> <i>It is noted that oil palm and all other agricultural crops emit and sequester greenhouse gases (GHG). There has already been significant progress by the oil palm sector, especially in relation to reducing GHG emissions relating to operations. Acknowledging both the importance of GHGs, and the current difficulties of determining emissions, the following new Criterion is introduced to demonstrate RSPO's commitment to establishing a credible basis for the Principles and Criteria on GHGs.</i></p> <p><i>Growers and millers commit to reporting on projected GHG emissions associated with new developments. However, it is recognised that these emissions cannot be projected with accuracy with current knowledge and methodology.</i></p>	

*Growers and millers commit to plan development in such a way to minimise net GHG emissions towards a goal of low carbon development (noting the recommendations agreed by consensus of the RSPO GHG WG2).*

*Growers and millers commit to an implementation period for promoting best practices in reporting to the RSPO, and after December 31st 2016 to public reporting. Growers and millers make these commitments with the support of all other stakeholder groups of the RSPO.*

INDICATORS	GUIDANCE
<p><b>7.8.1 (MAJOR)</b> The carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development shall be identified and estimated.</p> <p><b>7.8.2</b> There shall be a plan to minimise net GHG emissions which takes into account avoidance of land areas with high carbon stocks and/or sequestration options.</p>	<p><b>Specific Guidance:</b> For 7.8.1: GHG identification and estimates can be integrated into existing processes such as HCV and soil assessments.</p> <p>The RSPO carbon assessment tool for new plantings will be available to identify and estimate the carbon stocks. It is acknowledged that there are other tools and methodologies currently in use; the RSPO working group will not exclude these, and will include these in the review process.</p> <p>The RSPO PalmGHG tool or an RSPO-endorsed equivalent will be used to estimate future GHG emissions from new developments using, amongst others, the data from the RSPO carbon assessment tool for new plantings.</p> <p>Parties seeking to use an alternative tool for new plantings will have to demonstrate its equivalence to the RSPO for endorsement.</p> <p>For 7.8.2: Growers are strongly encouraged to establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas, which the current users are willing to develop into oil palm. Millers are encouraged to adopt low-emission management practices (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) in new developments.</p> <p>Growers and millers should plan to implement RSPO best management practices for the minimisation of emissions during the development of new plantations.</p>

	<p><b>Guidance:</b></p> <p>This Criterion covers plantations, mill operations, roads and other infrastructure. It is recognised that there may be significant changes between the planned and final development area, hence the assessment may need to be updated before the time of implementation.</p> <p>Public reporting is desirable, but remains voluntary until the end of the implementation period.</p> <p>During the implementation period until December 31st 2016 (as specified in Criterion 5.6), reporting on GHG will be to a relevant RSPO working group (composed of all membership categories) which will use the information reported to review and fine tune the tools, emission factors and methodologies, and provide additional guidance on the process. During the implementation period the RSPO working group will seek to further develop and continually improve the RSPO carbon assessment tool for new plantings, recognising the challenges associated with estimating carbon stocks and projecting GHG emissions from new developments.</p> <p>Thereafter growers and millers will ensure that new plantation developments are designed to minimise net GHG emissions and commit to reporting publicly on this.</p> <p>Once established, new developments should report on-going operational, land use and land use change emissions under Criterion 5.6.</p>
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## Principle 8. Commitment to Continual 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 continual improvement in key operations.	
INDICATORS	GUIDANCE
<p><b>8.1.1 (MAJOR)</b> The action plan for continual improvement shall be implemented, based on a consideration of the main social and environmental impacts and opportunities of the grower/mill, and shall include a range of Indicators covered by these Principles and Criteria.</p> <p>As a minimum, these shall include, but are not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>• Reduction in use of pesticides(Criterion 4.6);</li> <li>• Environmental impacts (Criteria 4.3, 5.1 and 5.2);</li> <li>• Waste reduction (Criterion 5.3);</li> <li>• Pollution and greenhouse gas (GHG) emissions (Criteria 5.6 and 7.8);</li> <li>• Social impacts (Criterion 6.1);</li> <li>• Optimising the yield of the supply base.</li> </ul>	<p><b>Guidance:</b></p> <p>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.</p> <p>For smallholders, there should be systematic guidance and training for continual improvement.</p> <p>Internal audits, including the verification of indicators, are recommended to monitor the implementation of the continuous improvement plan.</p>

## Annex 1. Key International Laws and Conventions Applicable to the Production of Palm Oil

The following is a list of key international laws and conventions applicable to the production of palm oil. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&C where they refer to the standards and/or conventions even if they have not been ratified nationally.<sup>1</sup>

Principios	Normas Internacionales	Disposiciones claves	Resumen de Protecciones
Conducta ética comercial	Convenio de las Naciones Unidas Contra la Corrupción (2000)	Artículo 12	Promover el desarrollo de normas y procedimientos para salvaguardar la integridad de las entidades privadas, incluidos códigos de conducta para las entidades empresariales y la prevención de conflicto de intereses. Promover la transparencia. Asegurar que las empresas tienen suficientes controles internos de auditoría para prevenir la corrupción.
Respeto por los derechos humanos	Principios rectores de las Naciones Unidas para las empresas y los derechos humanos (2011)	Principios 11 al 24	Respeto por los derechos humanos, evitando o mitigando los impactos negativos independientemente del tamaño de la organización, el sector de actividad o su propiedad.
	Carta Internacional de los Derechos Humanos <ul style="list-style-type: none"> <li>▪ Declaración Universal de los Derechos Humanos (1948)</li> <li>▪ Pacto Internacional de Derechos Civiles y Políticos.</li> <li>▪ Pacto Internacional de Derechos Económicos, Sociales y Culturales.</li> </ul>	Artículos 1 a 30 Artículos 1 a 27 Artículos 1 a 15	
	Convenio de Ginebra para aliviar la suerte que corren los heridos, los enfermos y los náufragos de las fuerzas armadas en el mar.		
	Convenio de Ginebra relativo a la protección debida a las personas civiles en tiempo de guerra.		

<sup>1</sup> This list is in Spanish in the Colombian NI. It has not been translated to English.

Justa Adquisición de Tierras	Convenio OIT 169 (1989) sobre los indígenas y las tribus.	Artículos 13 a 19	Respeto y salvaguarda de los derechos a las tierras y los recursos naturales tradicionalmente ocupados y usados, respeto a las costumbres de herencia, sin desplazamientos forzados, indemnización por daños y prejuicios.
	Convenio OIT 107 (1957) sobre Pueblos Indígenas y Tribales.		Derechos a las tierras; contratación y condiciones laborales; formación profesional, artesanías e industrias rurales; seguridad social y salud; y educación y medios de comunicación.
	Convenio Constitutivo del Fondo para el Desarrollo de los Pueblos Indígenas de América Latina y el Caribe - Naciones Unidas 1992.		Establecer un mecanismo destinado a apoyar los procesos de autodesarrollo de pueblos, comunidades y organizaciones indígenas de América Latina y del Caribe.
	Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (2007).	Artículos 25, 26	Derecho a la propia relación con la tierra, derecho a poseer, utilizar, desarrollar y controlar sus tierras, territorios y otros recursos.
Justa representación y participación de los indígenas y las tribus	Convenio de las Naciones Unidas sobre la Diversidad Biológica (1992)	Artículo 10 c	Proteger y alentar el uso consuetudinario de los recursos biológicos de acuerdo con las prácticas tradicionales.
	Convenio OIT 169 (1989) sobre los pueblos Indígenas y las tribus.	Artículos 6 a 9	Representación de ellos mismos a través de sus propias instituciones representativas, consultas con el objeto de llegar a un acuerdo o consentimiento, derecho a decidir sus propias prioridades, conservar sus propias costumbres y resolver ofensas de acuerdo con la ley consuetudinaria (compatible con los Derechos Humanos Internacionales).
	Declaración de las Naciones Unidas sobre los derechos de los indígenas y los pueblos indígenas (2007).	Artículos 10, 11(2), 19, 28(1), 29(2) y 32(2).	Derecho al consentimiento libre, previo e informado para cualquier proyecto que afecte sus tierras, expresado a través de sus instituciones administrativas.
	Convenio sobre la eliminación de todas las formas de discriminación racial, Pacto Internacional sobre Derechos Sociales, Culturales y Económicos, Sistema Interamericano de Derechos Humanos.	Comité CERD UN, Comité de las Naciones Unidas para los Derechos Económicos, Sociales y Culturales, Comisión Interamericana sobre Derechos Humanos.	Consentimiento libre, previo e informado para las decisiones que afecten a los pueblos indígenas (este estándar ha sido ampliamente aceptado como una "Buena Práctica" y es un estándar para organismos tales como la Comisión Mundial de Represas, la revisión de las industrias extractivas, el Consejo de Administración Forestal, UNDP, CBD, UICN y WWF).
No al trabajo forzado	Convenio OIT 29 (1930) Trabajo forzado	Artículos 2, 5, 8, 11, 12	Ninguna concesión a las compañías debe presentar formas de trabajo forzado u obligatorio.
	Convenio OIT 105 (1957) Abolición del trabajo forzado	Artículos 1 y 2	No hacer uso de ninguna forma de trabajo forzado u obligatorio.

Protección a los niños	Convenio OIT 138 (1973) Edad mínima	Artículos 1 a 3	Abolición del trabajo infantil y definición de la edad mínima nacional para el trabajo entre los 15 y 18 años (dependiendo la ocupación).
	Convenio OIT 182 (1999) Peores formas de trabajo infantil	Artículos 1 a 7	Abolición de la esclavitud Infantil, la servidumbre por deudas, la trata y el proxenetismo, métodos adecuados para vigilar y hacer cumplir las normas.
	Declaración de las Naciones Unidas sobre Derechos de los Pueblos Indígenas (2007)	Artículos 17(2), 21, 22(2)	No explotación o exposición al peligro o la discriminación en contra de los indígenas, las mujeres y los niños.
Libertad de asociación sindical y negociación colectiva	Convenio OIT 87 (1948) Libertad sindical y la protección al derecho de organizarse	Artículos 2 a 11	La libertad de afiliarse a las organizaciones y confederaciones que estimen convenientes, con estatutos y reglamento libremente elegidos; medidas de protección al derecho de organizarse.
	Convenio OIT 98 (1949) Derecho a organizarse a la negociación colectiva	Artículos 1 a 4	Protección contra los actos y medidas antisindicatos, establecimiento de medios para la negociación voluntaria de los términos y condiciones de empleo a través de convenios colectivos.
	Convenio OIT 141 (1975) Organizaciones de trabajadores rurales	Artículos 2 y 3	Derecho de los arrendatarios, aparceros y pequeños propietarios a organizarse, libres de la interferencia y coerción.
	Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (2007)	Artículo 3	Los pueblos indígenas tienen derecho a la libre determinación y a perseguir libremente su desarrollo económico, social y cultural.
Igualdad de remuneración y no discriminación	Convenio OIT 100 (1951) Igualdad de remuneración.	Artículos 1 a 3	Igual remuneración para hombres y mujeres por igualdad de trabajos.
	Convenio OIT 111 (1958) Discriminación (empleo y ocupación)	Artículos 1 y 2	Igualdad de oportunidad en el tratamiento con respecto al empleo y la ocupación; no discriminación sobre la base de la raza, color, sexo, religión, opinión política, extracción nacional u origen social.
	Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (2007).	Artículos 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discriminación basada en el origen o la identidad, libertad para expresar la identidad basada en la costumbre, especial atención y total protección a los derechos de las mujeres indígenas.
	Convención Internacional sobre la Eliminación de todas las formas de Discriminación Racial", adoptado por la Asamblea General de las Naciones Unidas		
Empleo justo para los inmigrantes	Convenio OIT 97 (1949) Migración para el empleo		Suministro de información, no obstáculos para viajar, prestación de servicios de salud, no discriminación en el empleo, alojamiento, seguro social y remuneración; no repatriación forzada de trabajadores e inmigrantes legales, repatriación de los ahorros.
	Convenio OIT 143 (1975) Trabajadores Inmigrantes (Disposiciones complementarias).	Artículos 1 a 12	Respeto a los derechos humanos básicos, protección de los inmigrantes del abuso en el empleo, no tráfico de inmigrantes ilegales, tratamiento justo de labor de los inmigrantes.

Protección a los trabajadores de la plantación.	Convenio OIT 110 (1958) sobre plantaciones	Artículos 5 a 91	Protección a los miembros de los trabajadores reclutados, protección a los derechos de los trabajadores durante el reclutamiento y el transporte, contratos de empleo justos, abolición de las sanciones penales, condiciones y salarios justos de trabajo, no coerción u obligación al uso de algunas tiendas de la compañía, adecuada acomodación y condiciones, protección a la maternidad, compensación por accidentes y lesiones, libertad de asociación, derecho a organizarse y a la negociación colectiva, inspección adecuada del trabajo, vivienda digna y atención médica.
Protección de inquilinos y aparceros	Recomendación OIT 132 (1968) sobre inquilinos y aparceros.	Artículos 4 a 8	Rentas justas, adecuado pago por las cosechas, provisiones para el bienestar, organización voluntaria, contratos justos, procedimientos para conciliación de disputas.
Protección de los pequeños agricultores	Convenio OIT 117 (1962) Política social (objetivos básicos y estándares)	Artículo 4	Alineación dentro del respeto a los derechos consuetudinarios, asistencia a la formación de cooperativas, acuerdos de arrendamiento para asegurar el mejor nivel de vida posible.
Salud y seguridad	Convenio OIT 184 (2001) Seguridad y salud en la agricultura.	Artículos 7 a 21	Llevar a cabo las evaluaciones de riesgo y adoptar las medidas de prevención y protección para asegurar la salubridad y seguridad en los lugares de trabajo, maquinaria, equipos, productos químicos, herramientas y procesos; asegurar la difusión de información; apropiado entrenamiento, supervisión y cumplimiento; protecciones especiales para los jóvenes y las mujeres trabajadoras, cobertura contra lesiones y enfermedades ocupacionales.
Control o eliminación del uso de químicos peligrosos y pesticidas	Convenio de Estocolmo sobre contaminantes orgánicos persistentes (2001)	Artículos 1 a 5	Prohibir y/o eliminar la producción y el uso de productos químicos incluidos en el Anexo A (e.g. Aldrina, Clordano, PCB); restringir la producción y uso de químicos en el Anexo B (e.g. DDT); reducir o eliminar las liberaciones de los productos químicos enumerados en el Anexo C (e.g. Hexaclorobenceno).
	Código Internacional de conducta de la FAO sobre la distribución y el uso de pesticidas (1985, revisado 2002)	Artículo 5	Restringir el uso de pesticidas peligrosos donde el control es difícil, asegurando el uso de equipos y técnicas de protección, brindar orientación a los trabajadores sobre las medidas de seguridad, proporcionar servicios de extensión a los pequeños agricultores y campesinos, proteger a los trabajadores y transeúntes, poner a disposición toda la información sobre riesgos y protecciones, proteger la biodiversidad y minimizar los impactos sobre el medio ambiente, garantizar la eliminación segura de los residuos y el equipo, hacer provisiones para un tratamiento de emergencia por envenenamiento.
	Convenios de Róterdam sobre el consentimiento libre, previo e informado para ciertos productos químicos y pesticidas peligrosos objeto de comercio Internacional (1998)	Artículos 1, 5 y 6	Frenar el comercio de productos químicos y pesticidas prohibidos y peligrosos, desarrollar los procedimientos nacionales para el control de su uso y el comercio, listado de las sustancias químicas y pesticidas prohibidas y peligrosas.

	Declaración de las Naciones Unidas sobre los Derechos de los Pueblos Indígenas (2007).	Artículos 21(1), 23, 24, 29(3)	Mejoramiento de los medios de subsistencia en salubridad, salud y vivienda, participar en la prestación de salud, mantener los sistemas tradicionales de salud y la vigilancia efectiva de la salud.
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## Annex 2. Colombian Legal Framework

The following is a list of major legal requirements related to the RSPO P&C. It corresponds to applicable requirements by September 2016. It is important to note that this is not a comprehensive list of Colombia's legal requirements applicable to oil palm growers and millers; it was developed to guide them on the most relevant related to the P&C.<sup>2</sup>

<b>PRINCIPIO 1</b>		
<b>Criterio 1.1 Información Transparente</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Documentos públicos y privados	Definición de documentos públicos y privados	Código General del Proceso, art. 243, Inc. 2
	Reserva de documentos (definición y excepción)	Código de Comercio, arts. 61, 63
	Matrícula mercantil	Código de Comercio, art. 26
<b>Criterio 1.2 Documentos a disposición del público</b>		
<i>Ley de hábeas data</i>	Respeto por la información obtenida	Ley 1581 de 2012
Documentos que demuestran la propiedad	Título traslativo de dominio	Código Civil, art. 745
	Escritura pública y registro del título traslativo	Código Civil, arts. 759 , 1857
	Perfeccionamiento del contrato de venta	Código Civil, art. 1857
	Registro de actos títulos y documentos	Estatuto de registro de instrumentos públicos Ley 1579 de 2012, arts. 1, 4, 7, 8, 17, 21, 22, 23, 31, 49, 67
Seguridad Social	Contratación de asistencia médica	Código Sustantivo del Trabajo, art. 207
	Seguro de riesgos profesionales	Código Sustantivo del Trabajo, art. 219
	Medidas de higiene y seguridad (reglamento)	Código Sustantivo del Trabajo, arts. 348, 349
	Efecto por el no pago de aportes al sistema general de riesgos laborales	Ley 1562 de 2012, art. 7
	Sanciones por incumplimiento de programas de salud ocupacional	Ley 1562 de 2012, art. 13
	Prestaciones asistenciales y económicas	Decreto 1595 de 1994, arts. 5, 7
	Obligaciones del empleador	MinTrabajo, Resolución 1409 de 2012, art. 3
	Medidas de prevención para evitar la caída de trabajadores en trabajos de altura	MinTrabajo, Resolución 1409 de 2012, art. 8
	Capacitación o certificación de la competencia laboral de trabajadores que realicen trabajo en alturas	MinTrabajo, Resolución 1409 de 2012, art. 9
Medidas de protección contra caídas	MinTrabajo, Resolución 1409 de 2012, art. 21	

<sup>2</sup> This list is in Spanish in the Colombian NI. It has not been translated to English.

	Sistema de gestión de la seguridad en el trabajo	MinTraajo, Decreto 1443 de 2014
Derecho de petición	Resolver los derechos que se presenten ante las instituciones privadas	Código de Procedimiento Administrativo y Contencioso Administrativo, Título II, Capítulos I y II
<b>Criterio 1.3 Conducta Ética</b>		
Estatuto anticorrupción	Delitos contra el patrimonio económico (corrupción privada y administración desleal)	Código Penal, adicionado por el Estatuto Anticorrupción, arts. 250A, 250B
	Evasión fiscal y medidas contra personas jurídicas	Estatuto anticorrupción, Ley 1474 de 2011, art. 34 y 313
<b>PRINCIPIO 2</b>		
<b>Criterio 2.1 Cumplimiento con la ley</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Tradicición	Título traslativo de dominio	Código Civil, art. 745
	Enajenación con solemnidades	Código Civil, art. 749
	Requisitos para tradición de bienes inmuebles	Código Civil, art. 756
	Requisitos para tradición de servicios de servidumbre	Código Civil, art. 760
	Requisitos para tradición de derechos personales	Código Civil, art. 740
	Tradicición de cosa ajena	Código Civil, art. 752
	Formas de tradición	Código Civil, art. 754
Contrato de arrendamiento	Elementos del contrato de arrendamiento	Código Civil, art. 1973
	Subarriendo y cesión del contrato de arrendamiento	Código de Comercio, art. 518
Propiedad privada	Derecho de dominio (modos de adquirir)	Código Civil, arts. 669, 673
	Propiedad sobre las aguas	Código Civil, art. 667
	Poseedores de inmuebles rurales	Ley 1561 de 2012, art. 3°
Uso del suelo	Garantizar que el uso del suelo para cultivos o plantas de beneficio está acorde con el ordenamiento territorial municipal	Ley 388 de 1997
Contrato de compraventa	Características de la promesa de compraventa	Código Civil, art. 1611
	Concepto y modalidades de compraventa	Código Civil, arts. 1849, 1863
Accesión	Generalidades	Código Civil, art. 713
Usucapión	Prescripción adquisitiva	Código Civil, art. 2518
Posesión	Concepto y tipos de posesión	Código Civil, arts. 762, 764
	Posesión de cosa pro indiviso	Código Civil, art. 779
Compraventa de inmuebles	Tradicición de inmuebles	Código Civil, art. 756
	Elementos para el perfeccionamiento del contrato de compraventa	Código Civil, art. 1857
	Costas de la escritura de compraventa	Código Civil, art. 1862
	Lesión enorme (facultades de las partes ante la rescisión, cláusulas inválidas)	Código Civil, arts. 1947, 1948, 1950



Resolución de conflictos	Procedimiento verbal	Código General del Proceso, art. 369
	Arbitraje	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción	Código Civil, arts. 2469 - 2483
<b>Criterio 2.2 Derechos consuetudinarios</b>		
Determinación de los resguardos indígenas	Función del Incoder para determinar los resguardos indígenas	Decreto 1300 de 2003, art. 4º núm 8º, 9º, Decreto 3759 de 2009, art. 4º núm. 16, 17
Consulta previa	Entidad encargada del procedimiento de consulta previa	Decreto 2893 de 2011, arts. 1º, 13 núm. 6º, 7º: 14 núm. 5º, 6º; 16
	Garantía de participación de los pueblos indígenas y tribales	Ley 21 de 1991, arts. 2º, 6º
	Consulta previa (características y procedimiento)	Decreto 1320 de 1998, arts. 1º, 2º, 3º, 5º, 12
	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de la Directiva Presidencial.	Directiva Presidencial No. 10 expedida por la Presidencia de la República. Se establece la Guía para la Realización de Consulta Previa con comunidades étnicas, como herramienta interinstitucional en dichos procesos para el desarrollo de proyectos, obras o actividades en los que aplique.
	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de manejo a través de la Coordinación Interinstitucional del Ministerio del Interior - Dirección de Consultas Previas	Decreto 2613 de 2013 expedido por el Ministerio del Interior. Se adopta el protocolo de coordinación interinstitucional para la consulta previa
Bienes de propiedad de grupos étnicos	Respeto por la propiedad colectiva de comunidades negras	Ley 70 de 1993, arts. 4º, 5º, 6º, 7º, 19, 21; Decreto 1745 de 1995, art. 3º
	Respeto por las tierras de las comunidades indígenas	Ley 160 de 1994, art. 85/ Decreto 2164 de 1995, arts. 3º, 16, 23, 24
	Respeto por los derechos de los grupos étnicos	Ley 397 de 1997, art. 13
Leyes de protección a negritudes	Reconocimiento de tierras para las comunidades negras	Ley 70 de 1993, arts. 1º, 4º, 5º, 26, 27, 32, 33, 34, 47
Leyes relacionadas con minorías étnicas	Protección a las comunidades indígenas y afrodescendientes	Constitución Política, arts. 7º, 93, 330, 55 transitorio.
Tipos de procesos que están relacionados con inmuebles	Requisitos de demandas que versen sobre inmuebles	Código General del Proceso, Art. 83
	Declaración de pertenencia	Código General del Proceso, Art. 375
	Servidumbre	Código General del Proceso, Art. 376
	Posesorios	Código General del Proceso, Art. 377
	Restitución de inmueble arrendando	Código General del Proceso, Art. 384
	Proceso verbal sumario	Código General del Proceso, Art. 390
	Lanzamiento por ocupación de hecho de predios rurales	Código General del Proceso, Art. 393

	Expropiación	Código General del Proceso, Art. 399
<b>Criterio 2.3 Uso de la tierra</b>		
Formas en las cuales se hace uso de la tierra	Uso de las tierras acorde con las normas municipales	Ley 101 de 1993
	Propiedad colectiva, prácticas tradicionales sobre tierras	Ley 70 de 1996, Arts. 19, 20, 21, 22
Resolución de conflictos	Procedimiento verbal	Código General del Proceso, art. 369
	Arbitraje	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción	Código Civil, arts. 2469 - 2483
<b>PRINCIPIO 4</b>		
<b>Criterio 4.2 Fertilidad del suelo</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Registro de productores, comercializadores e importadores de insumos agrícolas	Garantizar que los insumos agrícolas (abonos, fertilizantes, enmiendas o acondicionadores de suelo) utilizados provengan de personas naturales o jurídicas debidamente registradas ante el ICA	Resolución 1023 de 1997 (ICA), Art. 1
	Garantizar que los bioinsumos utilizados provengan de personas naturales o jurídicas debidamente registradas ante el ICA	Resolución 698 de 201 (ICA), Arts. 4, 7
Reglamento Técnico de Fertilizantes y Acondicionadores de Suelos para Colombia	Cumplir con las obligaciones estipuladas en la resolución, referentes a la comercialización, el uso y manejo adecuado y racional de fertilizantes y acondicionadores de suelos.	Resolución 150 de 2003 (ICA)
Establecimiento de plantas de compostaje de subproductos de la palma de aceite	Contar con licencia ambiental para la construcción y operación de plantas cuyo objeto sea el aprovechamiento y valorización de residuos sólidos orgánicos biodegradables mayores o iguales a veinte mil (20.000) toneladas/año.	Decreto 1076 de 2015, art. 2.2.2.3.2.3, Numeral 12 (anterior Decreto 2041 de 2014, artículo 9º)
<b>Criterio 4.4 Calidad y disponibilidad del agua</b>		
Ordenamiento y manejo de cuencas hidrográficas	Garantizar que la ubicación y las actividades de cultivo y beneficio de palma de aceite estén acordes con lo estipulado en los instrumentos de planificación, ordenamiento y manejo de cuencas hidrográficas (e.g. POMCAS) para la(s) cuenca(s) de su área de influencia directa.	Decreto 1076 de 2015 , Título 3, Cap 1 (anterior Decreto 1640 de 2012)
	Mantener y proteger la ronda hídrica de los cuerpos de agua superficiales.	Decreto 2811 de 1974, art. 83
Captación de agua	Contar con permiso de concesión de aguas superficiales y/o subterráneas vigente expedido por la autoridad ambiental mediante resolución, y cumplir con las obligaciones estipuladas en él.	Decreto 1076 de 2015, art. 2.2.3.2.5.3 (anterior Decreto 1541 de 1978, art. 30)
	Contar con permiso de ocupación de cauce por intervención a cuerpos de agua superficiales.	Decreto 1076 de 2015, art. 2.2.3.2.12.1 (anterior Decreto 1541 de 1978, art. 104)

	Contar con permiso de exploración de pozos profundos de aguas subterráneas.	Decreto 1076 de 2015, art. 2.2.3.2.16.5 (anterior Decreto 1541 de 1978, art. 147)
	Contar con equipos de medición en los puntos de captación de agua para conocer la cantidad de agua derivada y utilizada.	Decreto 1076 de 2015, arts. 2.2.3.2.8.5 y 2.2.3.2.19.13 (anterior Decreto 1541 de 1978, art. 48, 199)
	Tener actualizado su permiso de concesión de aguas, acorde a los volúmenes de consumo de agua requeridos.	Decreto 1076 de 2015, art. 2.2.3.2.8.6 (anterior Decreto 1541 de 1978, art. 49)
	Pagar la tasa por uso de agua.	Decreto 1076 de 2015, art. 2.2.9.6.1.4 (anterior Decreto 155 de 2004, art. 4) Decreto 1076 de 2015, art. 2.2.9.6.1.12 (anterior Decreto 4742 de 2005, art. 1)
Uso de agua	Contar con Programa de Uso Eficiente y Ahorro de Agua (PUEAA) aprobado por la autoridad ambiental.	Ley 373 de 1997, art. 3
Vertimientos	Contar con permiso de vertimientos vigente expedido por la autoridad ambiental mediante resolución, para lo cual se requiere una Evaluación Ambiental de Vertimiento.	Decreto 1076 de 2015, arts. 2.2.3.3.5.1, 2.2.3.3.5.2 y 2.2.3.3.5.3 (anterior Decreto 3930 de 2010, arts. 41, 42, 43)
	Cumplir con los estándares mínimos de vertimientos a cuerpos de agua, mediante monitoreos realizados por laboratorios, que deben estar acreditados ante el IDEAM para la toma de muestras y análisis de cada uno de los parámetros muestreados.	Resolución 0631 de 2015, art. 9
	Garantizar que no se está incurriendo en alguna de las prohibiciones o actividades prohibidas asociadas a la generación de vertimientos.	Decreto 1076 de 2015, arts. 2.2.3.3.4.3 y 2.2.3.3.4.4 (anterior Decreto 3930 de 2010, arts. 24-25)
	Tener actualizado el permiso de vertimientos acorde a las condiciones y volumen de vertimientos generados.	Decreto 1076 de 2015, art. 2.2.3.3.5.9 (anterior Decreto 3930 de 2010, art. 49)
	Contar con un Plan de Gestión del Riesgo para el Manejo de Vertimientos.	Decreto 1076 de 2015, arts. 2.2.3.3.4.15 y 2.2.3.3.5.4 (anterior Decreto 3930 de 2010, arts. 36, 44) Resolución 1514 de 2012 (Minambiente)
	Contar con un Plan de Contingencia para el Manejo de Derrames de Hidrocarburos o Sustancias Nocivas, para aquellas instalaciones donde se almacenen y utilicen.	Decreto 1076 de 2015, art. 2.2.3.3.4.14 (anterior Decreto 4728 de 2010, art. 3)
	Contar con registros de mantenimiento de los sistemas de tratamiento de aguas residuales.	Decreto 1076 de 2015, art. 2.2.3.3.4.16 (anterior Decreto 3930 de 2010, art. 37)
	Pagar la tasa retributiva por vertimientos a cuerpos de agua o al suelo.	Ley 99 de 1993, art. 42 Decreto 1076 de 2015, art. 2.2.9.7.2.5 (anterior Decreto 2667 de 2012)

	Separar físicamente los efluentes industriales y domésticos en la planta de beneficio.	Decreto 1076 de 2015, art. 2.2.3.2.23.1 (anterior Decreto 1541 de 1978, art. 228)
Reuso de agua	Contar con permiso de concesión de aguas vigente con autorización para el reuso de aguas residuales tratadas en actividades agrícolas. Cumplir con los criterios de calidad del agua residual tratada para el reuso en riego.	Resolución 1207 de 2014 (Minambiente)
<b>Criterio 4.6 Plaguicidas</b>		
Uso de plaguicidas autorizados	Garantizar que no se estén utilizando plaguicidas restringidos, prohibidos, cancelados o suspendidos.	Decreto 1843 de 1991, art. 22 Decreto 502 de 2003, arts. 11, 12
Capacitación y entrenamiento	Cumplir con los requerimientos en capacitación y entrenamiento para los trabajadores que usen o manejen plaguicidas.	Decreto 1843 de 1991, arts. 172, 173, 174, 175
Atención médica	Suministrar el servicio de atención y control médico para los trabajadores que usen o manejen plaguicidas.	Decreto 1843 de 1991, arts. 163, 164
Medidas de protección del ambiente y de las personas	Cumplir con las medidas de protección del ambiente y de las personas relacionadas con el uso y manejo de plaguicidas.	Decreto 1843 de 1991, arts. 176-181
Aplicación de plaguicidas	Adoptar medidas adecuadas para evitar el riesgo a la salud de las personas que realizan la actividad, así como la contaminación del ambiente en general.	Ley 9 de 1979 arts 140, 142
	Garantizar que los residuos provenientes de la aplicación de plaguicidas sean sometidos a un tratamiento y disposición final adecuados.	Ley 9 de 1979 art. 144
	Garantizar el buen estado de los equipos para la aplicación de plaguicidas.	Decreto 1843 de 1991, art. 83
	Cumplir con la franja de seguridad en la aplicación de plaguicidas.	Decreto 1843 de 1991, art. 87
	Contar con licencia sanitaria, con permiso de operación de pistas y cumplir con los demás requerimientos para la aplicación aérea de plaguicidas.	Decreto 1843 de 1991, arts. 95, 97
Manejo de remanentes, residuos y envases de plaguicidas	Aplicar el triple lavado y tener un adecuado manejo y disposición de los remanentes de plaguicidas.	Ley 9 de 1979, art. 144 Decreto 1843 de 1991, art. 90 Resolución 693 de 2007 (Minambiente), art. 7
	Cumplir con las obligaciones de los consumidores en los Planes de Devolución de Productos Posconsumo de Plaguicidas.	Resolución 693 de 2007 (Minambiente), art. 7 Resolución 1675 de 2013 (Minambiente), art. 14
<b>Criterio 4.7 Seguridad industrial y salud ocupacional</b>		
Asistencia médica	Contratación de la asistencia médica.	Código Sustantivo del Trabajo, arts. 206, 207, 208
Seguro por riesgos profesionales	Obligación de aseguramiento de los empleados.	Código Sustantivo del Trabajo, art. 219
Accidente de trabajo	Aviso que debe dar el accidentado.	Código Sustantivo del Trabajo, art. 221
Medidas de higiene y seguridad	Tener un reglamento de higiene y seguridad (contenido del reglamento).	Código Sustantivo del Trabajo, art. 339, 350

Enfermedad laboral	Prestaciones económicas al empleado en caso de accidente de trabajo o enfermedad profesional.	Decreto 1295 de 1994, art.7
Asistencia médica, higiene y seguridad industrial	Comité de medicina, higiene y seguridad industrial.	Resolución 2013 de 1986, arts. 1-5
<b>Criterio 4.8 Capacitación</b>		
Dedicación exclusiva actividades cívicas por parte de los trabajadores	Empresas con más de 50 trabajadores deben otorgar dos horas de la jornada semanal para actividades recreativas, culturales, recreativas o de capacitación.	Ley 50 de 1990, art. 21
<b>PRINCIPIO 5</b>		
<b>Criterio 5.1 Identificación de aspectos e impactos ambientales y plan de manejo</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Aprovechamiento forestal	Contar con permiso de aprovechamiento forestal en donde haya habido reemplazo de coberturas arbóreas para el establecimiento del proyecto productivo.	Decreto 1076 de 2015, arts. 2.2.1.1.5.3, 2.2.1.1.5.4 y 2.2.1.1.5.5 (anterior Decreto 1791 de 1996, arts. 14, 15 y 16)
Requerimientos del Sistema de gestión ambiental	Contar con un Departamento de Gestión Ambiental inscrito ante la autoridad ambiental.	Ley 1124 de 2007, art. 8 Decreto 1076 de 2015 arts. 2.2.8.11.1.3 al 2.2.8.11.1.8 (anterior Decreto 1299 de 2008, arts. 3 al 8)
	Contar con el Registro Único Ambiental diligenciado y radicado ante la autoridad ambiental (para plantas de beneficio).	Resolución 1023 de 2010 (Minambiente), art. 4
<b>Criterio 5.2 Áreas con Alto Valor de Conservación</b>		
Sistema Nacional de Áreas Protegidas (SINAP)	Garantizar que no se infringen las restricciones de propiedad y uso estipuladas para cada categoría de áreas protegidas en el país (Ley del SINAP): Parques Nacionales Naturales, las Reservas Forestales Protectoras, los Parques Nacionales Regionales, Distritos de Manejo Integrado, Distritos de Conservación de Suelos, Áreas de Recreación, Áreas Protegidas Privadas y Reservas Privadas de la Sociedad Civil. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Decreto 1076 de 2015 arts. 2.2.2.1.2.1 al 2.2.2.1.2.11; 2.2.2.1.3.12 (anterior Decreto 2372 de 2010, arts. 10-20; 33)
Determinantes ambientales	Garantizar que no se hayan afectado o se estén afectando las áreas designadas como determinantes ambientales en los POT/PBOT/EOT y en los POMCA. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Ley 388 de 1997, art. 10 Decreto 1076 de 2015 , Título 3, Cap 1 (anterior Decreto 1640 de 2012)

Fauna silvestre y especies amenazadas	Garantizar que los cultivos y plantas de beneficio no estén afectando especies amenazadas, vulnerables o en peligro. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación- AVC.	Resolución 192 de 2014 (Minambiente).
	Garantizar que no se infringe con las prohibiciones respecto a la fauna silvestre.	Decreto 2811 de 1974, art. 265
<b>Criterio 5.3 Desechos</b>		
Gestión integral de residuos sólidos ordinarios	Obligaciones de los usuarios para el almacenamiento de residuos sólidos.	Decreto 2981 de 2013, art. 110
Gestión integral de Residuos Peligrosos - RESPEL	Cumplir con las obligaciones del generador de RESPEL, que incluyen la formulación e implementación de un Plan de Gestión Integral de Residuos Peligrosos (PGIRESPEL). Este plan abarca la identificación, caracterización y adecuado almacenamiento, manejo y disposición de los RESPEL.	Decreto 1076 de 2015, art. 2.2.6.1.3.1 (anterior Decreto 4741 de 2005, art. 10) Ley 1252 de 2008, art. 12
	Cumplir con las responsabilidades del generador de RESPEL	Decreto 1076 de 2015, arts. 2.2.6.1.3.2 y 2.2.6.1.3.3 (anterior Decreto 4741 de 2005, arts. 11, 12, 13) Ley 1252 de 2008, arts. 7, 9
	Cumplir con los requerimientos normativos para la identificación, caracterización y clasificación de los residuos o desechos peligrosos	Decreto 1076 de 2015, arts. 2.2.6.1.2.1 al 2.2.6.1.2.5 (anterior Decreto 4741 de 2005, arts. 5-9) Resolución 1402 de 2006 (Minambiente), art. 4 Ley 1252 de 2008, art. 12
	Inscribirse en el registro de generadores de RESPEL	Decreto 1076 de 2015, art. 2.2.6.1.6.2 (anterior Decreto 4741 de 2005, art. 28) Resolución 1362 de 2007 (Minambiente), arts. 2, 4, 5, 6
	Capacitar al personal encargado de la gestión y el manejo de RESPEL	Decreto 1076 de 2015, art. 2.2.6.1.3.1, literal d (anterior Decreto 4741 de 2005, art. 10, literal g)
	Garantizar una gestión adecuada de los equipos o desechos que contienen o están contaminados con policlorobifenilos (PCB).	Resolución 222 de 2011 (Minambiente), arts. 4,5,7,10,11
	Entregar los residuos o desechos sujetos a plan de devolución de posconsumo a las entidades autorizadas para su implementación: plaguicidas en desuso, envases y empaques de plaguicidas, medicamentos vencidos, baterías usadas, llantas, RAES (Residuos de aparatos eléctricos y electrónicos), luminarias.	Decreto 1076 de 2015, art. 2.2.6.1.4.1 (anterior Decreto 4741 de 2005, art. 20)
	Cumplir con los requisitos y criterios estipulados para cumplir con el Plan de Gestión de Devolución de Productos Posconsumo de Plaguicidas.	Resolución 1765 de 2013 (Minambiente)

	Cumplir con los requisitos y criterios estipulados para cumplir con el Plan de Gestión de Devolución de Productos Posconsumo de Baterías Pb – ácido.	Resolución 0372 de 2009
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de medicamentos vencidos.	Resolución 0371 de 2009
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de bombillas (luminarias).	Resolución 1511 de 2010
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de Residuos de Aparatos Eléctricos y Electrónicos (RAEES).	Resolución 1512 de 2010
Transporte y disposición final de RESPEL	Garantizar que los transportadores a quienes se les entregan los RESPEL para su envío a los lugares de disposición final, cuenten con autorización vigente de la autoridad ambiental para el transporte de residuos peligrosos y que cumplan con los requerimientos legales para esta actividad.	Decreto 1079 del 2015, arts. 2.2.1.7.8.1.2, 2.2.1.7.8.2.3, 2.2.1.7.8.2.4, 2.2.1.7.8.2.5 (anterior Decreto 1609 de 2002, arts. 5, 12, 13, 14) Decreto 1076 del 2015, art. 2.2.6.1.3.6 (anterior Decreto 4741 de 2005, art. 16)
	Garantizar que quien realiza la disposición final de RESPEL cuenta con licencia ambiental vigente y que cumple con los requerimientos legales para esta actividad. Contar con certificados de disposición final de todos los RESPEL generados.	Decreto 1076 de 2015, art. 2.2.6.1.3.1, literal k (Decreto 4741 de 2005, art. 10, literales i, k) Decreto 2820 de 2010, art. 9
<b>Criterio 5.5 fuego</b>		
Quemas controladas en el sector agrícola	Garantizar que no se utilizan quemas abiertas para la disposición de basuras. Cumplir con las disposiciones legales para las quemas controladas en áreas rurales, incluido el permiso de emisiones atmosféricas.	Ley 9 de 1979, art. 34 Decreto 1076 de 2015, art. 2.2.5.1.7.2 (anterior Decreto 948 de 1995, art. 73) Decreto 1076 de 2015, art. 2.2.5.1.3.14 (anterior Decreto 4296 de 2004, art. 1) Resolución 532 de 2005
<b>Criterio 5.6 Reducción de la contaminación y emisiones</b>		
Manejo y disposición de sustancias peligrosas	Garantizar que se cumplen con todas las obligaciones de los empleadores en torno a la identificación, manejo y disposición adecuada de sustancias peligrosas.	Ley 55 de 1993, arts. 10-16
Emissiones atmosféricas	Contar con permiso de emisiones atmosféricas vigente para cada una de las fuentes fijas de emisión que así lo requieran (calderas de la planta de beneficio, etc.)	Decreto 1076 de 2015, arts. 2.2.5.1.7.1 y 2.2.5.1.7.2 (anterior Decreto 948 de 1995, arts. 72-73) Resolución 619 de 1997 (Minambiente), art. 1
	Cumplir con los estándares de emisión admisibles para fuentes fijas, mediante monitoreo de los parámetros establecidos en la norma acorde con	Resolución 909 de 2008 (Minambiente), arts. 18-21 (para calderas que utilicen biomasa como combustible) Resolución 760 de 2010 (Minambiente) – Protocolo anexo

	la frecuencia establecida en el permiso de emisiones y realizado por laboratorios acreditados por el IDEAM.	
	Contar con una chimenea para la descarga de emisiones a la atmósfera y que cumpla con la altura reglamentaria.	Resolución 909 de 2008 (Minambiente), arts. 69, 70 Resolución 760 de 2010 (Minambiente) – Protocolo anexo Resolución 591 de 2012 (Minambiente) Resolución 1632 de 2012 (Minambiente)
	Contar con un plan de contingencia para los sistemas de control de emisiones atmosféricas. Garantizar que dichos equipos de control son operados con base en las especificaciones del fabricante y en lo estipulado en el Protocolo de Control y Vigilancia de la Contaminación Atmosférica por Fuentes Fijas.	Resolución 909 de 2008 (Minambiente), arts. 79, 80, 81 Resolución 760 de 2010 (Minambiente) – Protocolo anexo
	Contar con sistemas de control para las emisiones fugitivas (aquellas provenientes de los solventes utilizados para algunas plantas de palmistería o del laboratorio).	Resolución 909 de 2008 (Minambiente), art. 90
Olores ofensivos	Cumplir con los niveles permisibles de calidad del aire y de inmisión de olores ofensivos	Resolución 1541 de 2013
Ruido	Cumplir con los estándares máximos permisibles de niveles de emisión de ruido y de niveles de ruido ambiental	Resolución 627 de 2006, arts. 9, 17
<b>PRINCIPIO 6</b>		
<b>Criterio 6.2 Comunicación entre las partes</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Idioma oficial de Colombia		Constitución Política, art. 10 Código de Comercio, art. 823
Idioma oficial de las minorías		Constitución Política, art. 10
<b>Criterio 6.3 Peticiones quejas y reclamos</b>		
Derecho de petición	Resolver el recurso.	Código de Procedimiento Administrativo y Contencioso Administrativo, Título II, Capítulo I y II
<b>Criterio 6.4 Derechos Consuetudinarios</b>		
Normas relacionadas con la propiedad de la tierra y las minorías étnicas	Las tierras comunales de grupos étnicos son inalienables, inembargables e imprescriptibles.	Constitución Política, art. 63
	Vicios del consentimiento en los contratos (error, fuerza y dolo).	Código Civil, arts. 1508 - 1516
Consulta previa	Características y procedimiento.	Decreto 1320 de 1998, arts. 1, 2, 3, 5, 12
	Participación de pueblos indígenas y tribales.	Ley 21 de 1991, arts. 2 y 6



Bienes de propiedad de grupos étnicos/ características de la propiedad por parte de minorías étnicas	Reconocimiento de tierras para comunidades negras.	Ley 30 de 1993, arts. 1, 4, 5, 6, 7, 19, 21, 26, 27, 32, 33, 34, 47; Decreto 1745 de 1995, art. 3
	Tierras a comunidades indígenas.	Ley 60 de 1994, art. 85; Decreto 2164 de 1995, arts. 3, 16, 23, 24
Resolución de conflictos	Procedimiento verbal.	Código General del Proceso, art. 369
	Arbitraje.	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción.	Código Civil, arts. 2469 - 2483
<b>Criterio 6.5 Normatividad laboral</b>		
Contrato de trabajo	Forma en que se puede realizar el contrato, definición.	Código Sustantivo del Trabajo, arts. 37, 22
	Tipos de contrato de trabajo.	Código Sustantivo del Trabajo, arts. 38, 39, 46, 47
	Remuneración (obligación y salario).	Código Sustantivo del Trabajo, arts. 27, 127, 128, 138, 142, 144
	Vacaciones (compensación en dinero y remuneración en tiempo de vacaciones).	Código Sustantivo del Trabajo, arts. 189 y 192
Prestaciones sociales	Obligación de los empleadores.	Código Sustantivo del Trabajo, art. 193
	Salario base (prestaciones renunciables).	Código Sustantivo del Trabajo, art. 218
Contratistas	Tercerización laboral	MinTrabajo, Decreto 583 de 2016
<b>Criterio 6.6 Sindicalismo</b>		
Contrato sindical	Definición, responsabilidad del sindicato de trabajadores que haya suscrito un contrato sindical.	Código sustantivo del Trabajo, arts. 482, 483, Decreto 1429 de 2010
Negociación colectiva	Derecho de asociación.	Constitución Política, arts. 39, 55, 56; Código Sustantivo del Trabajo, arts. 414, 415
Resolución de conflictos	Iniciación, duración, acuerdo.	Código Sustantivo del Trabajo, arts. 433-435
Asociaciones no sindicales	Trabajadores no sindicalizados, prohibición de suscribir pactos colectivos.	Código Sustantivo del Trabajo, art. 481; Ley 50 de 1990, art. 70
<b>Criterio 6.7 Trabajo infantil</b>		
Derechos de los niños y adolescentes	Trabajo sin autorización.	Código Sustantivo del Trabajo, art. 31
	Duración máxima de la jornada laboral.	Código Sustantivo del Trabajo, art. 161
	Edad mínima de admisión al trabajo, derechos.	Código Sustantivo del Trabajo, art. 171; Código de la Infancia y la Adolescencia, arts. 20, Núm. 12, 13; 35
	Se aprueba el Convenio 182 de la OIT sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación.	Ley 704 de 2011: arts. 6, 7 y 8
<b>Criterio 6.8 No discriminación</b>		
Normas relacionadas con la no discriminación	Ley 1482 de 2011 que modificó el Código Penal y agregó dos delitos (actos de racismo o discriminación y hostigamiento por motivos de raza).	Arts. 3, 4; Código Penal, art. 134 <sup>a</sup> , 134b

<b>Criterio 6.9 Acoso</b>		
Acoso laboral	Definición, modalidades, medidas preventivas y correctivas.	Ley 1010 de 2006, arts. 1,2,9
Acoso sexual	Delito contemplado en el Código Penal.	Código Penal, art. 210A
<b>Criterio 6.10 Negociación justa</b>		
Contratos comerciales	Contrato de compraventa	Código de Comercio, arts. 905, 906
	Contrato de arrendamiento	Código de Comercio, art. 518
	Contrato de suministro	Código de Comercio, arts. 968, 969
	Contrato de transporte	Código de Comercio, arts. 981 - 984
	Contrato de seguro	Código de Comercio, arts. 1036 - 1040
	Contrato de mutuo	Código de Comercio, arts. 1163 - 1164
	Contrato de depósito	Código de Comercio, art. 1170
	Contrato de prenda	Código de Comercio, arts. 1200 - 1203
	Contrato de fiducia mercantil	Código de Comercio, arts. 1226 - 1229
Precios justos	Lesión enorme	Código Civil, arts. 1947 - 1954
<b>Criterio 6.11 Desarrollo sostenible</b>		
Concepto de informes de sostenibilidad	GRI: Global Reporting Initiative. Sustainability Reporting Guidelines. [ <a href="http://www.globalreporting.org">http://www.globalreporting.org</a> ] ACCOUNTABILITY. AA1000 AccountAbility Principles Standard. [ <a href="http://www.globalreporting.org">http://www.globalreporting.org</a> ] ONU. Pacto Mundial de las Naciones Unidas. Disponible en [ <a href="http://www.unglobalcompact.org">www.unglobalcompact.org</a> ]	
<b>Criterio 6.12 trabajo forzoso</b>		
Prohibición a las formas de trabajo forzoso	Constitución Política, art. 25 Jornada ordinaria: Cód. Sustantivo del Trabajo, art. 158, 161	
<b>Criterio 6.13 Derechos humanos</b>		
Regulación nacional e internacional relacionada con la protección y respeto a los derechos humanos	Carta de las Naciones Unidas Convención Americana sobre Derechos Humanos. Ley 16 de 1972 Convención Interamericana para prevenir sancionar y erradicar la violencia contra la mujer Convención Interamericana para prevenir y sancionar la tortura Convención Interamericana sobre concesión de los derechos políticos a la mujer Convención Interamericana sobre derechos civiles de la mujer Convención sobre la imprescriptibilidad de los crímenes de guerra y los crímenes de lesa humanidad Declaración sobre la protección de todas las personas contra la tortura y otros tratos o penas crueles, inhumanos o degradantes Declaración Universal de los Derechos Humanos Pacto Internacional de derechos civiles y políticos Pacto Internacional de derechos económicos, sociales y culturales	

<b>PRINCIPIO 7</b>		
<b>Criterio 7.1 Estudios y planes de manejo ambientales y sociales</b>		
<i>Tema</i>	<i>Requerimiento</i>	<i>Normativa/ Reglamentación</i>
Uso del suelo	Garantizar que el uso del suelo para el nuevo cultivo o planta de beneficio esté acorde con el ordenamiento territorial municipal.	Ley 388 de 1997
Aprovechamiento forestal	Contar con permiso de aprovechamiento forestal previo a la intervención de coberturas arbóreas y cumplir con los requerimientos allí establecidos.	Decreto 1076 de 2015, arts. 2.2.1.1.5.3, 2.2.1.1.5.4 y 2.2.1.1.5.5 (anterior Decreto 1791 de 1996, arts. 14, 15 y 16)
Materiales de construcción	Garantizar que los materiales de construcción provenientes de minería vengan de minas con título minero y licencia ambiental, y que los materiales forestales provengan de áreas con permiso de aprovechamiento forestal	Ley 685 de 2001, Arts. 11, 14 Decreto 2820 de 2010, arts. 8, 9 Decreto 1076 de 2015, Título 2, Cap 1 (anterior Decreto 1791 de 1996)
<b>Criterio 7.2 Suelos /topografía</b>		
Registro ante el ICA de los predios productores de palma de aceite	Contar con registro ante el ICA de los predios productores de palma de aceite y cumplir con las obligaciones de los titulares del registro	Resolución 2009 de 2014 (ICA), arts. 3, 4, 5, 9
<b>Criterio 7.3 Áreas con Alto Valor de Conservación</b>		
Sistema Nacional de Áreas Protegidas (SINAP)	Garantizar que los nuevos proyectos no van a infringir las restricciones de propiedad y uso estipuladas para cada categoría de áreas protegidas en el país (Ley del SINAP): Parques Nacionales Naturales, Reservas Forestales Protectoras, Parques Nacionales Regionales, Distritos de Manejo Integrado, Distritos de Conservación de Suelos, Áreas de Recreación, Áreas Protegidas Privadas y Reservas Privadas de la Sociedad Civil. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Decreto 1076 de 2015 arts. 2.2.2.1.2.1 al 2.2.2.1.2.11; 2.2.2.1.3.12 (anterior Decreto 2372 de 2010, arts. 10-20; 33)
Determinantes ambientales	Garantizar que los nuevos proyectos no vayan a afectar áreas designadas como determinantes ambientales en los POT/PBOT/EOT y en los POMCA. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Ley 388 de 1997, art. 10 Decreto 1076 de 2015 , Título 3, Cap 1 (anterior Decreto 1640 de 2012)
<b>Criterio 7.4 Suelos pendientes/ frágiles</b>		
Uso adecuado del suelo	Garantizar un aprovechamiento adecuado del suelo agrícola o su restauración cuando sea requerido	Decreto 2811 de 1974, arts. 178-180, 182-184

<b>Criterio 7.5 Derechos consuetudinarios</b>		
Normas relacionadas con la tierra en comunidades y grupos étnicos	Tierras comunales de grupos étnicos, las tierras de resguardo, el patrimonio arqueológico de la Nación y los demás bienes que determine la ley, son inalienables, imprescriptibles e inembargables.	Constitución Política, art. 63, 55 transitorio
	Vicios del consentimiento en los contratos (error, fuerza, dolo).	Código Civil, arts. 1508, 1509, 1510. 1511, 1512, 1513, 1514, 1515, 1516
	Reconocimiento de tierras para comunidades negras.	Ley 70 de 1993, arts. 1º, 4º, 5º, 6º, 7º, 19, 21, 26, 27, 32, 33, 34, 47; Decreto 1745 de 1995, art. 3º
	Tierras a comunidades indígenas.	Ley 160 de 1994, art. 85; Decreto 2164 de 1995, arts. 3º, 16, 23, 24
	Derechos de grupos étnicos.	Ley 397 de 1997, art. 13
<b>Criterio 7.6 Acceso a la tierra</b>		
Propiedad privada	Dominio, modos de adquirir el dominio	Código Civil, arts. 669, 673
	Usufructo, tierras baldías	Código Civil, arts. 675, 823
	Propiedad sobre las aguas	Código Civil, art. 677
	Poseedores de inmuebles rurales	Ley 1561 de 2012, art. 3
Ley de víctimas	Ley 1448 de 2011, "Por la cual se dictan medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones"	

## Annex 3. Definitions

### **ACCREDITATION** (Criterion 7.1)

The "certification" of the certification body is called "accreditation". An accreditation body is a third party who accredits a certification body. **Source:** <http://www.fao.org/docrep/004/ad094s/ad094s03.htm>

### **AFRO-DESCENDANT COMMUNITIES** (Social criteria)

The set of families of Afro-Colombian descent who have their own culture, shared history and have their own traditions and customs within the country-town relationship, who demonstrate and maintain an identity awareness that distinguishes them from other ethnic groups. **Source: Law 70 of 1993 (Colombia).**

### **AGROCHEMICAL** (Criterion 4.6)

Product or chemical used in agriculture, livestock and forestry. **Source: Law 822 of 2003 (Colombia).**

### **BRIBERY** (Criterion 1.3)

Giving or offering to a foreign public official, in its or a third party behalf, directly or indirectly, any money, article of monetary value or other utility in exchange for the foreign public official do, omit or delay any act related to a transaction economic or commercial. **Source: Articles 405 to 407. Colombian Penal Code.**

### **CAPACITY TO ENTER EMPLOYMENT CONTRACTS** (Criteria 4.8 and 6.8)

All persons who have attained eighteen (18) years of age have capacity to enter into individual contracts of employment. **Source: Article 29 of the Colombian Labor Code.**

### **CHILD LABOUR** (Criterion 6.7)

A labor performed by a child that does not meet the minimum age specified for a particular job and therefore likely to impede his or her education and full development. **Source: International Labor Organization. ILO.**

### **COLLECTIVE AGREEMENT** (Criterion 6.6)

A collective labor agreement is held between one or more employers or employers associations on the one hand and one or more trade unions or union federations of workers, on the other, to set the conditions governing employment contracts during their validity. **Source: Article 467 of the Colombian Substantive Labour Code.**

### **COLLECTIVE TERRITORIES** (Criteria 2.3 and 7.6)

Refers to those occupied by ethnic groups, which constitute territorial entities with autonomy in managing their interests, within the limits of the Constitution and the law. **Source: Judgment T-634/99 (Colombia).**

### **CONTRACT OF EMPLOYMENT**

It is that by which an individual agrees to provide a personal service to another individual or legal entity, whether natural or legal, in its continued dependence or subordination, and for remuneration. **Source: Article 22 of the Colombian Labor Code.**

### **CORRUPTION** (Criterion 1.3)

Corruption includes bribery, fraud, misappropriation or other diversion of resources by a public official, but is not limited thereto. Corruption can also occur in cases of nepotism, extortion, influence peddling,

misuse of inside information for personal purposes and the buying and selling of judicial decisions, among several other practices. **Source: United Nations. Available at: <http://www.ohchr.org>**

**CULTURAL AND RELIGIOUS VALUES** (Criterion 6.1)

Those that allow individuals who belong to an indigenous community, to express themselves and self-determination in accordance with their cultural worldview in and out of their territories. **Source: Sentence T-778 of 2005 (Colombia).**

**CUSTOMARY RIGHTS** (Criterion 7.6)

Set of traditional legal rules, unwritten or encoded, different from positive law in a particular country. **Source: Rodolfo Stavenhagen. Derecho indígena y derechos humanos en América Latina. Mexico, 1988.**

**DECENT INCOME/ WAGE** (Criteria 6.5 and 6.12)

Equal work, equal pay. A living wage is understood as that which corresponds to the work done. The Colombian legislation specifies:

1. Equal work performed in equivalent posts, equal working hours and equal conditions of efficiency, must be paid equally. Payment comprises all elements referred to in Article 127 of the Labour Code.
2. There can not be differentiated salary based on age, sex, nationality, race, religion, political or trade union activities. **Source: Article 143 of the Commercial Code (Colombia).**

**DISABLING CONDITION INJURY INDEX** (Criterion 4.7)

It is calculated by multiplying the indexes of Frequency and Severity, and dividing the quotient by one thousand (1000).

$$DCI = \frac{FI \times SI}{1000}$$

Constant k used in the indexes shown below, is equal to 200,000 according to international standards (OSHA Standard) for comparison purposes at this level.

Frequency index: the frequency index is the ratio between the number of cases (accidents, illnesses, first aid or work-related incidents) occurred during a period of time, and man hours worked during the same period, referring to 200,000 man hours of exposure.

$$FI = \frac{\text{Number of cases reported in the period}}{\text{Man hours worked in the same period}} \times k$$

Severity Index: the severity index is the ratio between the number days either lost or charged for injuries during a period of time and man hours worked during the same period, referred to 200,000 man-hours of exposure.

$$SI = \frac{\text{Number of lost and charged because of ATER cases days during the last period}}{\text{Man hours worked in the same period}} \times k$$

The number of charged days will be taken from the tables contained in the ANSI Z-16.1 and Z-16-2 (Annex A). In cases where disability days due to injury are different to those charged days, the highest number of days will be taken, never both. **Source: Colombian Technical Standard 3701. Health and Safety. Guide to classifying, registering and statistics of occupational accidents and diseases. ICONTEC (Colombia).**

#### **DISCRIMINATION AT WORKPLACE** (Criteria 6.5 and 6.8)

Discrimination is defined under ILO Convention No. 111 as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin (among other characteristics), "which has the effect of nullifying or impairing equality of opportunity and treatment in employment or occupation".

Discrimination can perpetuate poverty, stifle development, productivity and competitiveness, and ignite political instability, says the report which was prepared under the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. **Source: International Labour Organization- ILO.**

#### **DISPUTE RESOLUTION MECHANISMS** (Criteria 6.3 and 6.4)

"Individuals may be invested temporarily with the function of administering justice in the condition of conciliators or arbitrators authorized by the parties to utter failure at law or in equity, in the terms established by law." **Source: Article 116, paragraph 4 Political Constitution of Colombia.**

Alternativity. The Law may establish different mechanisms to the judicial process to resolve conflicts arising between the partners and point the cases in which there will be a fee for these services." **Source: Law 270 of 1996 "Statutory on the Administration of Justice". Article 8 (Colombia).**

Of the exercise of the judicial function by other authorities and private individuals. Exercise judicial functions in accordance with the provisions of the Constitution: 3 individuals acting as conciliators or arbitrators authorized by the parties, in cases subject to transaction in accordance with the procedures outlined by the law. In case of arbitration, the special laws of each matter lay down the rules of the process, notwithstanding that individuals may agree them. Referees, as determined by law, can proffer their decisions on right or in equity". **Source: Law 270 of 1996. "Statutory on the Administration of Justice", Artículo 13.**

#### **DUE DILIGENCE** (Criteria 6.5, 6.7 and 6.13)

It is about the companies to perform, prior to the start of its activities, an assessment of the real or potential negative impacts and consequences that those activities can have on the human rights of workers, consumers and other vulnerable groups such as ethnic minorities. **Source: <http://ridh.org/>**

#### **EMPTY FRUIT BUNCH** (Criterion 4.2)

The empty fruit bunch of oil palm is a lignocellulosic material with 60-65% humidity and 1 to 2.5% impregnated vegetable oil, product of the physical separation of the fruits from their natural support, the fruit bunch, in the stripping process of the sterilized bunches in the mill. **Source: Boletín Técnico N° 30; Caracterización y manejo de subproductos del beneficio del fruto de palma de aceite; Centro de Investigación en Palma de Aceite – Cenipalma; Bogotá, diciembre de 2011.**

#### **ENVIRONMENTAL IMPACT** (Criterion 5.1)

Any alteration in the biotic, a biotic and socioeconomic environment, whether adverse or beneficial, wholly or partially, that can be attributed to the development of a project, work or activity. **Source: Decree 2041 of 2014 Ministry of Environment, Housing and Territorial Development**

#### **ETHICS** (Criterion 1.3)

That branch of philosophy dealing with moral and obligations of human beings. **Source: Diccionario de la Lengua Española. Real Academia Española**

**FAIR PRICE** (Criterion 6.10)

Fair price is that for which a buyer and seller are willing to settle their late financial derivatives or structured product, according to the particular characteristics of the instrument or product, and within the prevailing market conditions at the time of the negotiation. **Source: Financial Superintendence of Colombia.**

**FOOD SECURITY** (Criteria 6.1 and 7.1)

Food security exists when all people at all times have physical access to sufficient, safe, nutritious food to maintain a healthy and active life. Commonly, the concept of food security is defined as including both physical and economic access to food that meets people's dietary needs as well as their food preferences. **Source: WorldFood Summit (1996).**

**FORCED LABOUR** (Criterion 6.12)

All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. **Source: First paragraph of Article 2 of Convention 29 on forced labor ILO adopted in 1930.**

**FORMING** (Criterion 4.8)

Organized and systematized learning through planned experiences to transform knowledge, practices and skills of people. **Source: "Unidades de asistencia y auditoría técnica, ambiental y social (UAATAS) en núcleos palmeros". Fedepalma y Cenipalma. 2010**

**FRAGILE SOIL** (Criteria 7.1 and 7.4)

It is considered that a fragile soil is easily degradable, understanding degradation as a change in one or more of its properties below original conditions, by physical, chemical and / or biological processes. Overall, soil degradation causes changes in soil fertility and consequently in its ability to sustain a productive agriculture.

According to Bertoni and Lombardi Neto (1985), farmlands gradually become less productive, for four main reasons:

1. Degradation of the soil structure;
2. Reduction of the organic matter;
3. Loss of soil; and
4. Loss of nutrients.

These reasons are effects basically produced by improper use and management of the soil, and by the action of accelerated erosion.

According to Mielniczuk and Schneider (1984), the basic three stages of soil degradation are:

- In step 1, the original characteristics (organic matter and structure) are gradually destroyed. The land user does not perceive this phenomenon, because erosion occurs in tolerable levels, and crop yields remain stable given the normal application of fertilizers and amendments.
- In step 2, organic matter reaches low values and soil loses structure. Due to intensive use of agricultural implements, a compacted layer appears preventing water infiltration and roots penetration. The erosion accelerates and crop yield is severely reduced. The application of amendments and fertilizers becomes less effective, whether by physical conditions adverse to the development of plants, or large losses of soil and nutrients that have occurred by erosion, reducing its current and residual effect.
- In step 3, the erosion process is so violent that land begins to be abandoned by farmers due to low productivity and difficulty of machinery operation because of the existence of rills and gullies in the field. The time a cultivated soil takes to reach stage 3 depends on the intensity of implementation of inadequate management, and on its slope and texture; the latter closely related to its resistance to water erosion.



**Source: United Nations for Food and Agriculture FAO Regional Office for Latin America and the Caribbean. Support for Sustainable Agriculture through Conservation and Land Reclamation in Latin America. Santiago, Chile 1994. Available at: <http://www.fao.org/docrep/t2351s/t2351s06.htm>**

**FREE, PRIOR AND INFORMED CONSENT** (Criteria 2.3 and 7.1)

Free, prior and informed consent is the principle by which a community has the right to give or withhold its consent to any project affecting the lands it has traditionally occupied. **Source: Technical Guide on Governance of Tenure 3.**

**FREEDOM OF ASSOCIATION** (Criterion 6.6)

According to Article 39 of the Colombian Political Constitution, employers and workers have the right to associate freely to defend their interests by forming professional associations or unions; these have the right to join or federate with each other. Workers and employers, without prior authorization, have the right to establish organizations of their own choosing, as well as join them subject only to their own rules. **Source: Article 354 of the Colombian Labour Code.**

**GLOBAL REPORTING INITIATIVE (GRI)** (Criterion 1.1)

Global Reporting Initiative (GRI) is a non-profit organization that develops and disseminates globally applicable "Sustainability Reporting Guidelines" for voluntary use by organizations reporting on the economic...".GRI seeks to make sustainability reporting by all organizations as routine as, and comparable to, financial reporting. **Source: [www.globalreporting.org](http://www.globalreporting.org)**

**HABEAS DATA** (Criterion 1.2)

Right to personal and family privacy and good name. **Source: Colombian Constitution. Article 15.**

**HAZARDOUS WORK** (minors) (Criterion 6.7)

A hazardous work is that which either by its nature or the circumstances in which it is performed, jeopardizes the physical, mental or moral well-being of adolescents and children who are below the minimum working age. No hazardous work will be done with children under 18 years according to the International Labour Organization Convention 138. **Source: ILO International Labour Organization.**

**HIGH CONSERVATION VALUE (HCV) AREAS** (Criterion 5.2)

An HCV is a biological, ecological, social or cultural value of outstanding significance or critical importance, at national, regional or global levels.

All natural habitats have inherent conservation values, including the presence of rare or endemic species, the provision of ecosystem services, sacred sites or resources harvested by local residents. However, some values are more significant or critical than others, and AVC approach provides an objective way to identify those values that must be maintained or improved.

The six types of High Conservation Values cover a wide range of conservation priorities held by a diverse range of stakeholders. In any management plan, from forest management to the selection and design of the site for an agricultural plantation or water management, these are the values that must be maintained or improved.

- **HCV 1 – Species diversity.** Concentrations of biological diversity including endemic species, and rare, threatened or endangered species, that are significant at global, regional or national levels.
- **HCV 2 - Landscape-level ecosystems and mosaics.** Large landscape-level ecosystems and ecosystem mosaics that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.
- **HCV 3 – Rare, threatened, or endangered ecosystems, habitats or refugia.**

- **HCV 4** – Basic ecosystem services. Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.
- **HCV 5** – Satisfaction of the basic necessities of local communities or indigenous peoples. **Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.**
- **HCV 6** – Cultural Values. Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.

**Source:** <http://www.hcvnetwork.org> (HCV Resource Network).

#### **HUMANRIGHTS** (Criteria 1.2, 1.3, 6.3 and 6.13)

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. **Source:** <http://www.ohchr.org>

#### **IMPREScriptible** (Criteria 2.3 and 7.6)

Not subject to prescription. **Source:** *Webster's New Universal Unabridged Dictionary*.

#### **INDEFEASIBLE** (Criteria 2.3 and 7.6)

Not defeasible; not to be annulled or made void; not forfeitable. **Source:** *Webster's New Universal Unabridged Dictionary*.

#### **INDIGENOUS PEOPLES** (Criteria 2.3, 6.4, 7.5 and 7.6)

The set of individuals or families of Indigenous descent who are subject of fundamental rights; (ii) those rights are not equivalent to the individual rights of each of its members or the sum of these; and (iii) the rights of indigenous communities are not comparable to the collective rights of other human groups. **Source:** *Judgment T-601 of 2011 (Colombia)*.

#### **INDIGENOUS TERRITORIES** (Criteria 2.3, 6.4, 7.5 and 7.6)

The indigenous territories are territorial entities, which have autonomy to manage their interests, within the limits of the Constitution and the law. **Source:** *Judgment T-601 of 2011 (Colombia)*.

#### **INTERNAL WORK REGULATIONS** (Criteria 6.6 and 6.7)

It is the set of rules defining the conditions to be fulfilled by the employer and its employees in the provision of a service. **Source:** *Substantive Rule 104 of the Colombian Labour Code*.

#### **LABOR** (All criteria)

Labor is all free human activity, whether physical or mental, permanent or temporary, that an individual knowingly executes to the service of another, and what ever its purpose, as far as it is made in pursuance of a labor contract. **Source:** *Article 5 of the Colombian Labour Code*.

#### **LAND USE RIGHTS** (Criterion 7.6)

The right to use the land. A holder of a land use right may not always have the right to sell the property, etc. **Source:** <http://www.fao.org/doCrEP/005/y4307E/y4307e09.htm>

#### **LEGAL RIGHTS** (Criteria 7.6)

Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations. **Source:** <http://www.rspo.org/en/definition>

**LETHAL DOSE (LD 50)** (Criterion 4.6)

Statistical estimation of a minimum dose required to kill 50% of a population of laboratory animals under controlled conditions. It is expressed in milligrams of toxic per kilogram of animal weight, indicating the species, sex and age of those animals used in experimentation. It is applied by oral, dermal, mucosal and parenteral route. **Source: Decree 1843 of 1991, Article 3.**

**MARGINAL LAND** (Criterion 7.4)

Land having limitations which in aggregate are severe for sustained application of a given use. Increased inputs to maintain productivity or benefits will be only marginally justified. Limited options for diversification without the use of inputs. With inappropriate management, risks of irreversible degradation. **Source: <http://www.fao.org/wairdocs/tac/x5784e/x5784e05.htm>**

**MIGRATION** (Criteria 6.1, 6.6, 6.8 y 6.12)

In international law, Migration is understood as the transfer of workers from one country to another. In Colombia, it also occurs when workers are transferred from one to another region. In the latter case, applicable regulations are those related to what is known as "Ius variandi", which use is determined by "...reasonable and fair conveniences arising from the needs of the company, and any way, as established by doctrine and jurisprudence, must preserve the honor, dignity, interest, minimum rights and worker safety, and within the constraints imposed by law, labor contract, collective bargain and internal regulations." **Source: Judgment T-407 1992 PJ. Rodríguez Rodríguez.**

**MINIMUM AGE TO WORK** (Criterion 6.7)

1. Individuals under fourteen (14) years of age cannot work in industrial or agricultural enterprise when their work prevents them from attending school. 2. Those under eighteen (18) years of age cannot work at night, except in non-industrial enterprises and in domestic services, and provided that the work is not hazardous to their health or morality. 3. Those under eighteen (18) years of age cannot work as trimmers or stokers in tankers. 4. Every employer shall keep a register of all persons under eighteen (18) years employed by him or her, in which the birth dates there of are stated. **Source: Article 171 of the Labour Code (Colombia).**

**NEW PLANTATION** (Criterion 7.1)

Land planned or proposed for planting oil palm, but which had not begun any work for that purpose, before 2005. **Source: "RSPO New Planting Procedure" January, 2010.**

**ORGANISATION** (Principles 1 to 8)

Set of people and facilities with an arrangement of responsibilities, authorities and relationships. **Source: NTC ISO 9001: 2008.**

**PEAT SOIL** (Criteria 3.1, 4.3 and 5.5)

Peat soil is not a rock nor originating from a rock. A peat soil is caused by accumulation of organic materials under specific topographic conditions that favor such accumulation in hydromorphic conditions in which the absence of oxygen for long periods of time results in this organic matter decomposing very slowly. **Source: Soil Survey Division Staff. 1993.**

**PESTICIDES** (Criterion 4.6)

Any actor of chemical, physical or biological nature, alone or in combination or mixture, that is used for the prevention, repression, attraction, or control of insects, mites, pathogens, nematodes, weeds, rodents or other harmful organisms to animals or plants and its derivatives, to health or to beneficial insects. The definition also includes products used as defoliants, physiological regulators, pheromones and any other product considered as such by the Ministries of Health and Agriculture. **Source: Decree 1843 of 1991 Ministry of Health, Article 3 (Colombia).**

**POLLUTANTS** (Criterion 5.6)

Physical phenomena, substances or elements in solid, liquid or gaseous state, causing adverse effects on the environment, renewable natural resources and human health, which alone or in combination, or as reaction products are emitted to the air as a result of human activities, natural causes or a combination of these. **Source: Decree 948 of 1995, article 2 (Colombia).**

**PRIOR CONSULTATION** (Criterion 2.3)

Prior Consultation is a fundamental right of indigenous peoples and other ethnic groups when measures (legislative and administrative) affecting them are going to be taken, or when projects, work or activities within their territories are going to be carried out. Its purpose is to protect their cultural, social and economic integrity and ensure their right to participate. **Source: ILO Convention 169.**

**PRODUCTIVE OR STRATEGIC ALLIANCES** (Criterion 6.7)

Sets of relationships and formal arrangements between producers of agricultural goods associated with traders, mills and public or private support agencies, which aims to entrepreneurially expand the areas of perennial crops, and technologically upgrade productive units operating small farms. **Source: Balcázar, Cano, Castillo, Giraldo. 2005. Estudio sobre caracterización de alianzas estratégicas en palma de aceite en Colombia. IICA (Colombia).**

**PROPERTY** (Criteria 1.2, 2.2, 6.4 and 7.3)

Property right in a corporeal thing, to enjoy and dispose of it arbitrarily, not being against the law or against to others' rights. **Source: Colombian Civil Code Article 669.**

**PROTECTED AREAS**

Geographically-defined area that has been designated or regulated and administrated in order to achieve specific conservation objectives. **Source: Decree 2372 of 2010, article 2 (Colombia).**

**PROTECTED AREAS CATEGORY** (Criterion 5.2)

The categories of protected areas that make up the National System of Protected Areas (SINAP, for its Acronym in Spanish) in Colombia are:

**Public protected areas:**

- a. The System of National Parks
- b. The Protecting Forest Reserves
- c. The Regional Natural Parks
- d. The Integrated Management Districts
- e. The Soil Conservation Districts
- f. Recreation Areas

**Private Protected Areas:**

- g. The Natural Reserves of the Civil Society.

**Source: Decree 2372 of 2010, article 10 (Colombia).**

**PROXIES** (Criterio 7.3)

A value or index which correlation with other value or index is so strong, that it is used as its substitute. **Source: <http://es.gdict.org/definicion.php?palabra=proxy>**

**RIGHT TO QUALITY OF LIFE** (Criterion 6.12)

As a social rule of law, Colombia is founded on respect for human dignity. Dignity is equivalent to every person deserving special treatment by virtue of being such. Equivalent, without more, to the faculty of every individual to require from others treatment in accordance with their human condition. **Source: Judgment SU-062/99 Colombian Constitutional Court.**

**SEXUAL HARASSMENT** (Criterion 6.9)

The one who in his / her own or a third party benefit, and using his manifest superiority or relations of authority or power, age, gender, employment; social, family or economic status, harasses, victimizes or besieges with physical or verbal sexual purposes to another person without his or her consent.

**Source** *Law 1257 of 2008, article 29 (Colombia).*

**SMALLHOLDERS** (Principios del 1 al 8)

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

**Source:** <http://www.rspo.org/en/definition>

**SOCIAL IMPACT** (Criteria 6.1, 7.2, 7.4 and 7.5)

It is the influence that the company has in its environment because of its operation. Business decisions affect its environment and especially to the stakeholders those are related to. Such influence on the environment is beneficial in many cases, but can also be harm.

**Source:** *CatrománDiz, Jorge Luis. La Responsabilidad Social de la Empresa: Impacto Social, comportamiento empresarial e información pública. Universidad Santiago de Compostela.*

**STAKEHOLDER** (Principles 1 to 8)

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

**Source:** <http://www.rspo.org/en/definition>

**SUSTAINABILITY REPORT** (Criterion 1.1)

A sustainability report presents information on the economic, environmental, social and governance performance of an organization.

**Source :** [www.globalreporting.org](http://www.globalreporting.org)

**SUSTAINABLE DEVELOPMENT** (Criterion 6.11)

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Source:** *Rio Declaration on Environment and Development.*

**TEMPORARY WORK (seasonal)** (Criterion 6.12)

Casual, accidental or temporary job is a short-lived work not exceeding one month, and refers to activities other than the normal activities of the employer.

**Source:** *Labour Code, Article 6.*

**TITLE** (Criteria 1.2, 2.2, 2.3, 6.4 and 7.6)

The title is the source to an obligation, that is, contracts (donation, exchange, purchase), the law or a court judgment. May be native or traslaticio, ie, be original source of a right (ie a resolution of adjudication on a vacant lot) or just transferred (ie a court judgment or a deed that deal with private property).

**Source:** *Colombian Civil Code.*

**TRAINING** (Criterion 4.8)

Organized activity aimed at imparting information and/or instructions to improve the recipient's performance or to help him or her attain a required level of knowledge or skill. The training also seeks the trainee improve her or his productivity and / or quality of life.

**Source:** *"Unidades de asistencia y auditoría técnica, ambiental y social (UAATAS) en núcleos palmeros". Fedepalma y Cenipalma. 2010*

**UNALIENABLE** (Criteria 2.3 and 7.6)

Not alienable; not transferable to another or capable of being repudiated: Inalienable rights.

**Source:** *Webster's New Universal Unabridged Dictionary.*

### **UNIONS** (Criterion 6.6)

Labor unions are an association of workers, and are classified as follows:

- a. Company unions, if they are formed by individuals from various professions, occupations or specialties, serving in the same company, establishment or institution;
- b) Industry unions or of a specific branch of economic activity, if they are formed by individuals serving in several companies in the same industry or branch of economic activity;
- b. Guild unions, if they are formed by individuals of the same profession, occupation or specialty,
- c. Of different occupations, if they are formed by workers of various professions, dissimilar or unrelated. The latter can only be formed in places where there are no employees of a business, profession or occupation in minimum number required to form a guild union, and only as long as that circumstance exists.

**Source: Article 356 of the Colombian Labour Code.**

### **WAGE** (Criteria 6.5 and 6.12)

It consists of not only the ordinary remuneration, fixed or variable, but everything that the worker receives in cash or in kind as a direct consideration of the service, whatever form or name adopted; such as premiums, bonuses, regular bonuses, value of extra or overtime work, value of mandatory holidays, sales percentages and commissions. **Source: Article 127 of the Labour Code (Colombia).**

### **WORKPLACE HARASSMENT** (Criterion 6.9)

Any persistent and demonstrable behavior exerted on an employee by an employer, a boss, a mediate or immediate supervisor, a colleague or a subordinate, intending to instill fear, intimidation, terror and anguish, cause work injury, generate demotivation at work or induce its waiver. **Source: Law 1010 of 2006, article 2 (Colombia).**