

EUDR Gap Analysis

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Subject and scope	1	1	This Regulation lays down rules regarding the placing and making available on the European Union (EU) market, as well as the export from the EU market of products, as listed in Annex I, that contain, have been fed with or have been made using relevant commodities, being cattle, cocoa, coffee, oil palm, rubber, soya and wood, with a view to : (a) minimising the EU's contribution to deforestation, forest degradation worldwide, and thereby contributing to a reduction in global deforestation; (b) reducing the European Union's contribution to greenhouse gas emissions and global biodiversity loss				Inform members	Internal outreach	RSPO could inform members on regulations scope to place RSPO certified products on the EU market
Subject and scope	1	2	Without prejudice to Article 35(3), the Regulation shall not apply to products listed in Annex I produced before the date established in Article 36(1)						
Definitions	2	0	'Relevant commodities' means cattle, cocoa, coffee, oil palm, soya, rubber and wood;	Oil palm products: Products produced from the oil palm, including its fruit and kernels.	SCCS 2. (2)	RSPO does not distinguish between commodity and products but uses definition of 'Oil palm products'. Any certified oil palm products can be traded through any of the four supply chain models that are approved by RSPO.	Minor adaptation definition	Technical	Include oil palm relevant products that are not explicitly mentioned in the definition of 'oil palm products
Definitions	2	0a	'Relevant products' means products listed in Annex I that contain, have been fed with or have been made using relevant commodities;	Oil palm products: Products produced from the oil palm, including its fruit and kernels.	SCCS 2. (2)				
Definitions	2	1	'Deforestation' means the conversion of forest to agricultural use, whether human-induced or not	Loss of natural forest as a result of: conversion to agriculture or other non-forest land use; conversion to a plantation forest; severe and sustained degradation. The definition is based on the 'Draft Accountability Framework Initiative (AFI) (July 2018)' and refers to its latest definition on deforestation which is defined as below (link).	P&C Annex Definitions	Deforestation' in RSPO refers to different type of forest compared to the EUDR: forest vs natural forest and HCV and HCS areas. The terms 'other non-forest land use', 'plantation forest' and 'severe and sustained degradation' are not in line with 'agricultural use' in the EUDR, nor are they defined in the RSPO.	Major adaptation definition	Fundamental	Align definition of deforestation that is in line the EUDR. Also add or adapt definitions to terms that the definition refers to such as 'agricultural use'. Alternative to align: second definition specific for EUDR.
Definitions	2			The RSPO Principles and Criteria (P&C) also prohibits the: "damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced."	P&C 7.12				

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Definitions	2			Land clearing is defined as: Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is not considered new land clearing.	P&C Annex Definitions				
Definitions	2	2	'Forest' means land spanning more than 0,5 hectares with trees higher than 5 metres and a canopy cover of more than 10%, or trees able to reach those thresholds in situ, excluding land that is predominantly under agricultural or urban land use;	There is no explicit definition of 'forest' in RSPO. Neither are 'natural forest' (as per deforestation definition in annex) or 'primary forest' (as per 7.12) defined in RSPO PnC .	No reference	Forest' is not defined in RSPO. Instead areas to be protected are identified based on assessments of their HCV and HCS value - instead of an absolute threshold of canopy cover, height or land spanning.	Major adaptation definition	Fundamental	Include definition of 'forest' in line with EUDR [or align current definition of have second definition specific for EUDR]. This definition should also be included or an additional prerequisite to HCV/HCS assessments. Such alignment should take into account that the EUDR is based on an absolute threshold while HSCA Toolkit and HCV-HCSA Assessment Manual methodologies identify areas of viable tropical forest and differentiate it from land suitable from development. These site specific and integrate methodologies on HCV, HCS and FPIC. The EUDR makes no exemption or high forest cover countries / landscapes and should thus be excluded or kept separate from RSPO criteria on deforestation.
Definitions	2			High carbon stock forest is defined as: Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit.	P&C Annex Definitions				
Definitions	2			Forest are also defined in relation to forest cover of the country or landscape they are located. These areas will have: "Adapted procedures will be developed to support the sustainable development of palm oil by indigenous peoples and local communities with legal or customary rights. These will apply in specific High Forest Cover Countries (HFCCs), and within those, in High Forest Cover Landscapes (HFCLs)."	P&C 7.12.3				
Definitions	2	2a	'agricultural use' means the use of land for the purpose of agriculture, including for agricultural plantations, and includes livestock and set-aside agricultural areas;	No definition	No reference	Absent definition	Add new definition	Technical	Include definition of agricultural use if RSPO wishes to make deforestation definition in line with EURD definition and requirements.
Definitions	2	3	'agricultural plantations' means tree stands in agricultural production systems, such as fruit tree plantations, oil palm plantations, olive orchards and agroforestry systems when crops are grown under tree cover. It includes all plantations of the relevant commodities other than wood. Agricultural plantations are excluded from the definition of 'forest';	No definition	No reference	Absent definition	Add new definition	Technical	Include definition of agricultural use if RSPO wishes to make deforestation definition in line with EURD definition and requirements.
Definitions	2	4	Not considered relevant for RSPO: describes plantation forest definition						
Definitions	2	5	Not considered relevant for RSPO: describes planted forest definition						
Definitions	2	6	Not considered relevant for RSPO: describes forest degradation definition						

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Definitions	2	6a	'primary forest' means naturally regenerated forest of native tree species, where there are no clearly visible indications of human activities and the ecological processes are not significantly disturbed;	Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests. A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document.	7.12.1	RSPO uses 'primary forest' but does not define the term.	Add new definition	Technical	Primary forest is relevant to forest degradation requirements only, which is only relevant to products that contain or have been made using wood. RSPO can consider adding a definition on 'primary forest' as it is referred to in the P&C
Definitions	2	6b	'other wooded land' means land not classified as 'forest' spanning more than 0,5 hectares with trees higher than 5 metres and a canopy cover of 5 to 10%, or trees able to reach these thresholds in situ, or with a combined cover of shrubs, bushes and trees above 10 percent, excluding land that is predominantly under agricultural or urban land use	No definition	No reference	Absent definition	Add new definition	Fundamental	Include definition on 'other wooded land' if RSPO wants to anticipate on possible future EURD requirements
Definitions	2	6c	Not considered relevant for RSPO: describes naturally regenerating forest definition						
Definitions	2	7	Not considered relevant for RSPO: deleted						
Definitions	2	8	'deforestation-free' means (a) that the relevant products contain, have been fed with or have been made using, commodities that were produced on land that has not been subject to deforestation after December 31, 2020, and (b) in case of relevant products that contain or have been made using wood, that the wood has been harvested from the forest without inducing forest degradation after December 31, 2020;	No definition	No reference	There is no definition of deforestation free. Instead, the P&C uses the terms: "halting", "does not cause" or "no" deforestation. RSPO has two cut off dates for different types of forest: Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs and: land clearing since 15 November 2018 has not damaged HCVs or HCS forests.	Add new definition	Fundamental	Include definition of deforestation free including reference to one or more cutoff dates and type of forest. Cutoff date options to consider: <ul style="list-style-type: none"> only include the EUDR 2020 cutoff date for forest under the EUDR definition of forest, excluding and thus keeping original cutoff dates for HCV/HCS and primary forest. Keep original cutoff dates for all forest, including forest protected under the EUDR definition of forest.
Definitions	2	9	Not considered relevant for RSPO: describes definition of produced						

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Definitions	2	10	'placing on the market' means the first making available of a relevant commodity or product on the EU market;	No definition	No reference	The RSPO does not make a distinction on making available on the EU market or not. Instead, RSPO focusses on 'sellers' and 'buyers' in the 'supply chain'. These supply chains actors are split into 'unit of certification' and traders, retailers, wholesalers and distributors. The distinction with the former is whether there is physical handling of the product.	Review membership category	Review	Identify which RSPO members fall into the definition of operator and trader for the EUDR. Keep in mind that RSPO members not active in Europe might also be impacted if supplying to operators.
Definitions	2	11	making available on the market' means any supply of a relevant product for distribution, consumption or use on the EU market in the course of a commercial activity, whether in return for payment or free of charge;						
Definitions	2	11a	'in the course of a commercial activity' means for the purpose of processing, or for distribution to commercial or non-commercial consumers, or for use in the business of the operator or trader itself;						
Definitions	2	11b	'person' means a natural person, a legal person and any association of persons which is not a legal person but which is recognised under Union or national law as having the capacity to perform legal acts;						
Definitions	2	12	'operator' means any natural or legal person who, in the course of a commercial activity, places relevant products on the EU market or exports them from the EU market;			Operator is not defined in RSPO documentation but rather referred to as a company that controls a certain type of business in the palm oil supply chain.			
Definitions	2	13	trader' means any person in the supply chain other than the operator who, in the course of a commercial activity, makes available on the EU market relevant products;			Trader is not defined in RSPO documentation but rather referred to as a company that controls a certain type of business in the palm oil supply chain.			

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Definitions	2	14	'country of origin' means a country or territory as defined in Article 60 of Regulation (EU) No 952/2013 of the European Parliament and of the Council 35;	No definition	No reference	The RSPO does not make use of country or origin or country of production definitions. Instead it focusses on managed area or unit of certification. The country of production (except for HFCC) is not relevant for RSPO certification as the scope is limited to the area on which the oil palm products are produced.			
Definitions	2	15	'country of production' means the country or territory where the relevant commodity or the relevant commodity used in the production of or contained in a product was produced;						
Definitions	2	16	'negligible risk' means the level of risk that applies to relevant commodities and relevant products, where these commodities or products show no cause for concern for not being compliant with Articles 3(a) and 3(b) on grounds of a full assessment of both the product specific and the general information, and, where necessary, of the application of the appropriate mitigation measures.	No definition	No reference	The EUDR requires every relevant commodity or product placed or made available on the EU market to be compliant: meaning a due diligence process took place. This is different compared to the RSPO certification audits where companies are audited on their P&C or SCC on annual	Review audit guidance	Fundamental	Review if audit procedure guidance needs to change if information and assessments provided by RSPO want to be used as valid proof for companies to show compliance with EUDR.
Definitions	2	16a	Not considered relevant for RSPO: describes definition of person established in the EU						
Definitions	2	17	Not considered relevant for RSPO: describes definition of authorised representative						
Definitions	2	18	'non-compliant products' means relevant products that do not comply with the requirements of Article 3;						

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Definitions	2	19	'plot of land' is an extension of land within a single real-estate property, as recognised by the laws of the country of production, and which enjoys sufficiently homogeneous conditions as to allow to evaluate on the aggregate level the risk of deforestation and forest degradation associated with commodities produced on that extension of land;	Plot of land is not defined in RSPO documentation. In RSPO P&C production level companies are defined as 'unit of certification': "The unit of certification shall be the mill and its supply base and shall include both directly managed land (and estates) and Scheme Smallholders and outgrowers, where estates have been legally established with proportions of lands allocated to each". Specific for the land on which oil palm is grown (defined by RSPO as 'plantation') or more specifically a 'managed area' is: "The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set-asides."	P&C Annex 1	The RSPO definition of 'managed area' and 'plantation' come closest to what is meant by EURD 'plot of land'. However, the RSPO definition does not refer to legal and ownership status of the land. Nor is it limited to being a 'single' property, meaning that managed areas in RSPO could include scattered, not necessarily physically connected, plots of land. 'Managed area' also contains land not used for oil palm. 'Plantation' by RSPO is limited for the land that contains oil palm - this is more line with the EUDR that defines 'plot of land' to evaluate risks "with commodities produced on that extension of land".	Minor adaptation definition	Fundamental	Include reference to legal and ownership status of the land and consider adding a sub layer in the definition of plantation and/or managed land to make a distinction between areas that are physically disconnected, but property of the same unit of certification.
Definitions	2	20	SMEs' mean micro, small and medium-sized enterprises as defined in Directive 2013/34/EU36;	No definition	No reference	RSPO does not categorise members on SME status as defined in Directive 2013/34/EU36. Instead it makes a distinction based on annual palm oil use.	Inform members	Internal outreach	Individual members are better in place to determine what category of enterprise they fall. RSPO could inform members on different roles and responsibilities in the due diligence process required by the EUDR and how RSPO can support them becoming compliant.
Definitions	2	28	'Relevant legislation of the country of production' means the laws applicable in the country of production concerning the legal status of the area of production in terms of:	'Legal rights' are defined as: "Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations." The RSPO also recognizes customary rights, user rights and demonstratable rights.	P&C Annex 1	RSPO P&C includes both national and international ratified declarations. EUDR only refers to 'relevant legislation of the country of production' (national) and to international law under human rights and FPIC. RSPO P&C also refers to a country's obligation through international law or conventions.	Review description on legislation	Review	Review how national and international legislations required by the EUDR are described and referred to in the RSPO.

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Definitions			land use rights, - environmental protection, - forest-related regulations including forest management and biodiversity conservation, where directly related to wood harvesting, - third parties' rights, - labour rights, - human rights protected under international law, - the principle of free, prior and informed consent, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples, - tax, anti-corruption, trade and customs regulations	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&C Annex 2 (Guidance 1.2 and 2.1) and Annex 3 on key international laws applicable	RSPO does not explicitly refer to 'third parties rights', but it is not clear what is meant by this definition. It could be that elements of 'third parties rights' are included in RSPO rights recognised. 'Taks, anti-corruption, trade and customs regulations' are not included in this 'guidance list', but that does not mean they are not included in RSPO. 'Anti-corruption' is covered in guidance to P&C 1.2, as could be 'tax, trade and custom regulations' under 'respect for fair conduct of business' and 'a proper disclosure of information in accordance with applicable regulations and accepted industry practice'.			
Definitions	2			FPIC is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Members', October 2015) - There is a 2022 update version available here: https://rspo.org/wp-content/uploads/R-SPO-Free-Prior-and-Informed-Consent-FPIC-Guide-2022_RSPO-GUI-T08-002-V2-ENG.pdf - see page 12 for 'what is FPIC?'	Annex 2	RSPO FPIC guidance refers to UN Declaration on the Rights of Indigenous Peoples	Review FPIC guidance	Review	Review how RSPO FPIC guidance relates to UN Declaration on the Rights of Indigenous Peoples.
Definitions	2	29	'geolocation' means the geographical location of a plot of land described by means of latitude and longitude coordinates corresponding to at least one latitude and longitude point and using at least six decimal digits. For relevant commodities other than cattle, for plots of land of more than 4 hectares, the geographical location shall be provided using polygons, meaning sufficient latitude and longitude points to describe the perimeter of each plot of land	No definition	No reference	Geo-location is not further defined – as whether polygon or farm gate coordinates should be used. Nor is there a threshold area.	Add new definition	Fundamental	Define geo-location in line with EUDR requirements and consider to take over the 4ha threshold. Keep in mind that this threshold is set for review no later than 5 years (Article 32 5d)

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Prohibition	3		Relevant commodities and products shall not be placed or made available on the EU market, or exported from the EU market, unless all the following conditions are fulfilled: (a) they are deforestation-free; (b) they have been produced in accordance with the relevant legislation of the country of production; and (c) they are covered by a due diligence statement				Inform members	Internal outreach	RSPO could inform members on requirements to place RSPO certified products on the EU market
Operators obligations	4	1	Operators shall exercise due diligence in accordance with Article 8 prior to placing relevant products on or prior to their export from the EU market in order to ensure their compliance with Article 3(a) and (b).				Inform members	Internal outreach	Identify members who are defined as operators or SME to provide better information on EUDR requirements
Operators obligations	4	2	Operators shall not place relevant products on the EU market nor export them without prior submission of a due diligence statement. Operators that by exercising due diligence as referred to in Article 8 have come to the conclusion that the relevant products comply with the requirements of this Regulation shall make available to the competent authorities via the information system referred to in Article 31 a due diligence statement before placing on the EU market or exporting the relevant products. Such electronically available and transmittable statement shall confirm that due diligence was carried out and no or only negligible risk was found and shall contain the information set out in Annex II for the relevant products						
Operators obligations	4	3	By making available the due diligence statement to competent authorities, the operator assumes responsibility for the compliance of the relevant product with the requirements of this Regulation. Operators shall keep record of the due diligence statements for 5 years from the date the statement is made available via the information system referred to in Article 31						
Operators obliga	4	4	deleted						
Operators obliga	4	5	The operator shall not place the relevant products on the market nor export them if one or more of the following cases apply: (a) the relevant products are not compliant with Article 3(a) or (b); 16298/22 CSM/dk 69 ANNEX TREE.1.A EN (b) the exercise of due diligence has revealed a non-negligible risk that the relevant products are not compliant with Article 3(a) or (b); (c) the operator was unable to complete the obligations referred to in paragraphs 1 and 2.						
Operators obliga	4	6	Operators that obtain or are made aware of relevant new information, including substantiated concerns, indicating that the relevant or product that they have already placed on the market is at risk of not being in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they placed the relevant product on the market, as well as traders to whom they have supplied the relevant product. In the case of exports from the EU market, the operators shall inform the competent authority of the Member State which is the country of production.						
Operators obligations	4	7	Operators shall offer all necessary assistance to the to competent authorities to facilitate the performance of the checks under Article 15, including the access to premises and the presentation of documentation and records						

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Operators obligations	4	8	Operators shall communicate to operators and traders further down the supply chain of the relevant products they placed on or exported from the EU market, all information necessary to confirm that due diligence was carried out and no or only negligible risk was found, including the reference numbers of the due diligence statements associated to those products.						
SME operator obligations	4	9	SME operators shall be exempted from the obligation to exercise due diligence for relevant products contained in or made from the relevant product that have already undergone due diligence in accordance with Article 4(1) and for which a due diligence statement was already submitted in accordance with Article 31. The reference number of the existing due diligence statement shall be provided to the competent authorities upon request. For parts of products that have not been covered by a due diligence procedure, the SME operator shall exercise due diligence set out in Article 4(1). Operators referring to existing due diligence retain their responsibility for the compliance of the relevant product with the requirements of this Regulation, including that no or only negligible risk was found, prior to placing on or exporting from the EU market such relevant products						
Operators obligations	4	9a	Operators which are not SMEs may refer to existing due diligence statements only after having ascertained that the due diligence relating to the relevant products contained in or made from the relevant product was exercised in accordance with Article 4(1). They shall include reference numbers of such existing due diligence statements in the due diligence statements that they submit under Article 4(2) in accordance with Article 31. For parts of products that have not been covered by a due diligence procedure, the operators which are not SMEs shall exercise due diligence set out in Article 4(1). Operators which are not SMEs retain their responsibility in accordance with Article 4(3)						
SME trader obligations	4a	1	Traders which are SMEs may only make available relevant products on the market if they are in possession of the information required under paragraph 3				Review membership category	Review	Identify SME traders in RSPO membership
Trader obligations	4a	2	Traders which are not SMEs shall be considered as operators which are not SMEs and be subject to obligations and provisions in Articles 3, 4, 5, 8 to 12, Article 14(9), (10), (10a) and (10b), and Article 15 of this Regulation with regard to the relevant commodities and products that they make available on the EU market						
SME trader obligations	4a	3	Traders which are SMEs shall collect and keep the following information relating to the relevant products they intend to make available on the market: (a) the name, registered trade name or registered trademark, the postal address, the email and, if available, a web address of the operators or the traders who have supplied the products to them, as well as the reference numbers of the due diligence statements associated to those products; (b) the name, registered trade name or registered trademark, the postal address, the email and, if available, a web address of the traders to whom they have supplied the relevant products.	Names and address are provided of supplier or to whom the trader supplies is part of RSPO SCC	SCC 5.4.1. and SCC	Email not included	Add new information	Technical	Add email to supplier and buyer in the RSPO certification system. Adapt RSPO licence system to allow transmission email information.
SME trader obligations	4a	4	Traders which are SMEs shall keep the information referred to in this Article for at least 5 years from the date of the making available on the market and shall provide that information to the competent authorities upon request						

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SME trader obligations	4	5	Traders which are SMEs that obtain or are made aware of relevant new information, including substantiated concerns, indicating that the relevant commodity or product that they have already made available on the market is at risk of not being in conformity with the requirements of this Regulation shall immediately inform the competent authorities of the Member States in which they made available the relevant product on the market as well as traders to whom they have supplied the relevant product						
SME trader and trader obligations	4a	6	Traders, whether or not they are SMEs, shall offer all necessary assistance to the competent authorities to facilitate the performance of the checks under Article 15 and 16, including as regards access to premises and the presentation of documentation and records.						
Authorised representatives	5		Not considered relevant for RSPO - describes role of authorised representatives						
Deleted	6		Not considered relevant for RSPO - deleted						
Operators obligations	7		In case a natural or legal person established outside the EU places on the EU market relevant products, the first natural or legal person established in the EU who makes available on the EU market such relevant products shall be considered operator within the meaning of this Regulation				Review in case legal person established outside the EU	Review	Review if this case is relevant for RSPO members
Due diligence process	8	1	Prior to placing relevant products on the market or before exporting them, operators shall exercise due diligence with regard to all relevant products supplied by each particular supplier.				Inform members	Internal outreach	Inform members how RSPO could support them becoming compliant to the EUDR
Due diligence process	8	2	For the purposes of this Regulation, the due diligence shall include: (a) the collection of information and documents needed to fulfil the requirements set out in Article 9; (b) risk assessment measures as referred to in Article 10; (c) risk mitigation measures as referred to in Article 10a						
Information	9	1	Operators shall collect information, documents and data demonstrating that the relevant products are compliant with Article 3. For this purpose, the operator shall collect, organise and keep for 5 years from the date of the placing on, or export from, the EU market, the following information, accompanied by evidence, relating to each relevant product:	RSPO P&C and SCC provide information but not all is transferred through the supply chain and hence accessible to operators or traders. This section describes the forms of information that are provided by RSPO and could be collected by companies to demonstrate their compliance to Article 3. Note that this only refers to RSPO IP and SG certified oil palm products: MB and BC contain non-RSPO certified volumes.	RSPO P&C and SCC	At the moment, the flow of this information is diluted as we move from 'managed area' to mill, refiner and end manufacturers. Those not physical handling products (traders, wholesalers, retailers and distributors) have different requirements compared to 'unit of certification' supply chain actors.	Adapt information system	Adapt information system	Adapt RSPO information system to allow transmission of relevant data to relevant members. Consider different data and information flow for IP and SG supply chain models
Information	9	a	(a) description, including the trade name and type of the relevant products as well as, in the case of relevant products that contain or have been made using wood, the common name of the species and their full scientific name; the product description shall include the list of relevant commodities or products contained therein or used to make those products;	A description and quantity of the product is provided by the supplier when supply chain certified. Not sure if this information is also available for members holding trader, wholesaler, distributor licences only.	SCC 5.4.1. (10)		Adapt information system	Adapt information system	Adapt RSPO licence system to allow transmission of trade name, type of relevant product and product quantity
Information	9	b	(b) quantity (expressed in net mass or, when applicable, volume, or number of units)37 of the relevant products;						

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Information	9	c	(c) identification of the country of production and, where relevant, parts thereof;	For refineries/traders involved in primary procurement (i.e. purchasing directly from a mill), the site shall maintain a list of all supplying mills (certified and non-certified). The list shall include mill name, GPS coordinates, parent company, country, and the identity of the mill in the Universal Mill List (UML ID1) (if applicable). The UML ID can also be found in the 'declaration of the conventional sources' list in the RSPO IT Platform. The list shall be updated on a six monthly basis and shall be made publicly available."	SCC 5.4.5. (11)		Adapt information system	Technical	Adapt IT platform to allow transmission of country of production information to relevant members.
Information	9	d	(d) geolocation of all plots of land where the relevant commodities that the relevant product contains, or has been made using, were produced, as well as date or time range of production. Where a relevant product contains or has been made with relevant commodities produced in different plots of land, the geolocation of all different plots of land shall be included. Any deforestation or forest degradation in the given plots of land shall automatically disqualify all products and commodities from those plots of land from being placed and made available on the market or exported therefrom. For relevant products that contain or have been made using cattle, and for such relevant products that have been fed with relevant products, the geolocation shall refer to all the establishments where the cattle were kept; for all other products of Annex 1, the geolocation shall refer to the plots of land.	RSPO PnC requires mills to have information on geolocation for directly and indirectly (2.3.2) sourced FFB.	PnC 2.3.1 (11)	This information is not shared into the supply chain after primary procurement of a buyer. Geo-location is not further defined – as whether polygon or farm gate coordinates should be used. It is uncertain if date and time range of production are included in RSPO requirements	Adapt information system	Adapt information system	Information of FFB geolocation should be required polygon information, above 4 ha threshold, and transferred into supply chain until operator or non-SME trader placing it on the market.
Information	9			Note for smallholders supply there is a time requirement: "Where the unit of certification has smallholder suppliers, for existing RSPO certified mills, the time requirement to fulfil this Criterion for all their smallholder suppliers is three years from [15 November 2018]. For mills that are not yet certified/ mills going for first year of certification, the time requirement is three years from initial point of certification for their smallholder suppliers."	PnC annex 4 (132)	The transition period for smallholder after initial point of certification is not allowed in the EUDR	Delete exception	Fundamental	Delete transition period for smallholders
Information	9	e	(e) name, email and address of any business or person from whom they have been supplied with the relevant products;	Name and address is provided	SCC 5.4.1. (10)	These contact details refer to the seller/buyer (to the operator or trader) of the RSPO certified oil palm product. It does not include an email	Add new information	Adapt information system	Add email to supplier and buyer in the RSPO certification system.
Information	9	f	(f) name, email and address of any business or person to whom the relevant products have been supplied;		SCC 5.6.1. (12)				

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Information	9	g	(g) adequately conclusive and verifiable information that the relevant products are deforestation-free;	RSPO mill and grower have information (cut off Nov 2018) via LUCA (on past clearings) and HCV / HCV HCS assessment (on preventing loss and maintaining of existing forest). Types of information provided are different per situation.	P&C Annex 5	Note that cutoff date is earlier and approach to what is deforestation free is different: strict threshold versus methodology of assessment. Information is passed through supply chain in RSPO SCC requirements	Align methodologies with EUDR definition	Fundamental	HCV or HCS assessments can provide information on deforestation. However, the definition of EUDR deforestation-free needs to be included in these assessments.
Information				Without existing HCV assessment: New combined HCV-HCS required					
Information				HCV assessment conducted, but not yet submitted to ALS before 15 November 2018. New combined HCV-HCS required					
Information				HCV Assessment submitted to ALS but pending approval before 15 November 2018. If passes ALS process, then the approved HCV assessment is acceptable; If fails ALS process, new combined HCV-HCS assessment required.					
Information				NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018. ALS Approved HCV assessment is acceptable					
Information				In existing certified plantations (certified before 15 November 2018), with land clearing after 15 November 2018 . New combined HCV-HCS required					
Information				If area to be cleared is exclusively pasture, infrastructure, agriculture or monocrop tree plantations which have not been abandoned for more than three years. Valid HCV assessment + LUCA to demonstrate that no clearing of native vegetation occurred without prior HCV assessment is acceptable					
Information				Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests. A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document	P&C 7.12.1				
Information	9	h	(h) adequately conclusive and verifiable information that the production of relevant commodities has been conducted in accordance with the relevant legislation of the country of production, including any arrangement conferring the right to use the respective area for the purposes of the production of the relevant commodity.	It is uncertain what type of documentation is considered 'adequately conclusive and verifiable' below we describe the types of information provided by RSPO that could be collected.					

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Information	9	h		A documented system for ensuring legal compliance is in place. This system has a means to track changes to the law and also includes listing and evidence of legal due diligence of all contracted third parties, recruitment agencies, service providers and labour contractors.	P&C 2.1.2		Inform members	Internal outreach	The documented system could be available for downstream RSPO members to track relevant legislation per producing country.
Information	9	h	Land use rights	Legal or authorised boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorised boundaries	P&C 2.1.3		Adapt information system	Adapt information system	Pictures of boundary demarcations could be used as additional proof on land use rights.
Information	9	h	Land use rights	For all directly sourced FFB, the mill requires: Proof of the ownership status or the right/claim to the land by the grower/smallholder. Where applicable, valid planting/operating/trading license, or is part of a cooperative which allows the buying and selling of FFB.	P&C 2.3.1		Adapt information system	Adapt information system	Ownership status and right/claim to the land by the grower/smallholder and valid licences could be used as proof on land use rights.
Information	9	h	Land use rights	For all indirectly sourced FFB, the unit of certification obtains from the collection centres, agents or other intermediaries, the evidence as listed in Indicator 2.3.1.	P&C 2.3.2	Note that the unit of certification is dependent on non-direct related 3rd parties to supply this information, regardless of the RSPO certification status of the FFB. Note that there is a transition period accepted for smallholders (see annex 4 of P&C) and row under 9d in this table	Adapt information system	Adapt information system	Evidence listed under 2.3.1 such as ownerships status and licences could be used as proof on land use rights.
Information	9	h	Third parties	A list of contracted parties is maintained.	P&C 2.2.1	Relevant when contracted party is supplying oil palm products. Unclear what information of contracted parties is maintained.	Specify list of contract parties	Specify	Be specific on information required when listing contracted parties to include requirements under Article 9
Information	9	h	Third parties	All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party.	P&C 2.2.2	Relevant when contracted party is supplying oil palm products. Unclear what information of contracted parties is maintained. Nor does it supply direct evidence of legality as it only requires clauses of legality.	Specify requirements for evidence demonstrated by the third party	Specify	Include additional requirements that allow the gathering of evidence for legal compliance if supplier supplies oil palm products

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Information	9	h	Environmental protection	For the unit of certification, a SEIA is available and social and environmental management and monitoring plans have been developed with participation of affected stakeholders.	P&C 3.4.2	Should include reference to legal environmental requirements	Specify requirements of national legislation	Specify	Specify list of national legislation on environmental protection - or refer to document system in P&C 2.1.2
Information	9	h		SEIA is defined as: An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimise and mitigate potential negative impacts	P&C Annex 1 on definitions				
Information	9	h	Human rights protected under international law	A policy to respect human rights, including prohibiting retaliation against Human Rights Defenders (HRDs), is documented and communicated to all levels of the workforce, operations, supply chain and local communities and prohibits intimidation and harassment by the unit of certification and contracted services, including contracted security forces.	P&C 4.1.1	P&C Annex 1 on definitions	Specify and review compliance with human	Specify	Specify and review criteria on information that could prove compliance with human right requirements
Information	9	h	Human rights protected under international law	The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations	P&C 4.1.2				
Information	9	h	The principle of free, prior and informed consent, including as set out in the United Nations Declaration on the Rights of Indigenous Peoples. RSPO criteria that could offer information on FPIC compliance are listed below. Note that FPIC includes assessments and negotiation activities which are also required as 'risk assessment' activities in article 10.	The principle of FPIC in RSPO refers to the UN Declaration on the Rights of Indigenous Peoples (2007) and the ILO Convention 169 (1989) on Indigenous and Tribal Peoples.	P&C Annex 4 RSPO FPIC guide 2022 Annex 2				
Information	9	h		The principle of FPIC can be categorised into 5 different stages: preparation and investigation, assessments, negotiation, implementation and monitoring and verification. The first 4 steps are reflected in specific P&C criteria. There is also the element of consent that can be documented and used as evidence.	P&C Annex 2 reference to (updated 2022 version) on RSPO-Free-Prior-and-Informed-Consent-FPIC-Guide-2022_RSPO-GUI-T08-002-V2-ENG.pdf	FPIC as a requirement of NPP but only required from 2010 onwards https://rspo.org/wp-content/uploads/RSP_O_New_Planting_Procedure_2021_ENG_REC2022.pdf	Review requirements of FPIC before NPP s	Review	Review if other criteria on FPIC in Principle 4 are sufficient to provide evidence of FPIC for oil palm areas without NPP.
Information	9	h	Preparation and investigation	Management documents that are specified in the RSPO P&C are made publicly available.	P&C 1.1.2		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	Information is provided in appropriate languages and accessible to relevant stakeholders	P&C 1.1.3		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	Records of requests for information and responses are maintained	P&C 1.1.4		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.

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Information	9	h	Preparation and investigation	Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official	P&C 1.1.5		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	Evidence is available to show that communities are represented through institutions or representatives of their own choosing, including by legal counsel if they so choose.	P&C 4.4.5		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	FPIC is obtained for all oil palm development through a comprehensive process, including in particular, full respect for their legal and customary rights to the territories, lands and resources via local communities' own representative institutions, with all the relevant information and documents made available, with option of resourced access to independent advice through a documented, long-term and two-way process of consultation and negotiation	P&C 4.5.2		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place	P&C 4.6.1		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Preparation and investigation	Evidence is available that the affected communities and rights holders have had the option to access information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.	P&C 4.5.5		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	In new plantings or operations including mills, an independent SEIA, undertaken through a participatory methodology involving the affected stakeholders, and including the impacts of any smallholder/ outgrower scheme is documented.	P&C 3.4.1		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Assessment	For the unit of certification, a SEIA is available and social and environmental management and monitoring plans have been developed with participation of affected stakeholders.	P&C 3.4.2	Not specific what evidence should be provided to proof that SEIA has been developed with affected stakeholders	Specify evidence that affected stakeholders	Specify	Proof that the SEIA has been developed with affected stakeholders
Information	9	h	Assessment	The social and environmental management and monitoring plan is implemented, reviewed and updated regularly in a participatory way.	P&C 3.4.3		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.

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Information	9	h	Assessment	Documents showing legal ownership or lease, or authorised use of customary land authorised by customary landowners through a Free, Prior and Informed (FPIC) process. Documents related to the history of land tenure and the actual legal or customary use of the land are available.	P&C 4.4.1		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	Copies of documents evidencing agreement-making processes and negotiated agreements detailing the FPIC process are available and include:	P&C 4.4.2		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	b) Evidence that the unit of certification has respected communities' decisions to give or withhold their consent to the operation at the time that these decisions were taken	P&C 4.4.2b		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	Maps of an appropriate scale showing the extent of recognised legal, customary or user rights are developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).	P&C 4.4.3		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.	P&C 4.4.4		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	HCVs, HCS forests and other conservation areas are identified as follows: b) Any new land clearing (in existing plantations or new plantings) after 15 November 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual. This will include stakeholder consultation and take into account wider landscape-level considerations	P&C 7.12.2		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	Where rights of local communities have been identified in HCV areas, HCS forest after 15 November 2018, peatland and other conservation areas, there is no reduction of these rights without evidence of a negotiated agreement, obtained through FPIC, encouraging their involvement in the maintenance and management of these conservation areas	P&C 7.12.5		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Assessment	Documents showing identification and assessment of demonstrable legal, customary and user rights are available.	P&C 4.5.1		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.

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Information	9	h	Assessment	To ensure local food and water security, as part of the FPIC process, participatory SEIA and participatory land-use planning with local peoples, the full range of food and water provisioning options are considered. There is transparency of the land allocation process.	P&C 4.5.4		Adapt information system	Adapt information system	Documents and information provided in preparation and investigation of FPIC can be shared.
Information	9	h	Negotiation	a) Evidence that a plan has been developed through consultation and discussion in good faith with all affected groups in the communities, with particular assurance that vulnerable, minorities' and gender groups are consulted, and that information has been provided to all affected groups, including information on the steps that are taken to involve them in decision making	P&C 4.4.2a		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Negotiation	c) Evidence that the legal, economic, environmental and social implications of permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the unit of certification's title, concession or lease on the land.	P&C 4.4.2c		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Negotiation	All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.	P&C 4.4.4		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Negotiation	A mutually agreed procedure for calculating and distributing fair and gender-equal compensation (monetary or otherwise) is established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation.	P&C 4.6.2		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Negotiation	Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings	P&C 4.6.3		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Negotiation	The process and outcomes of any negotiated agreements, compensation and payments are documented, with evidence of the participation of affected parties, and made publicly available to them.	P&C 4.6.4		Adapt information system	Adapt information system	Documents and information provided in negotiation of FPIC can be shared.
Information	9	h	Implementation and monitoring	There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties.	P&C 4.4.6		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.

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Information	9	h	Implementation and monitoring	The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistleblowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs.	P&C 4.2.1		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.	P&C 4.2.2		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	The unit of certification keeps parties to a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders	P&C 4.2.3		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator	P&C 4.2.4		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	Where there are or have been disputes, proof of legal acquisition of title and evidence that mutually agreed compensation has been made to all people who held legal, customary, or user rights at the time of acquisition is available and provided to parties to a dispute, and that any compensation was accepted following a documented process of FPIC.	P&C 4.8.1		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	Land conflict is not present in the area of the unit of certification. Where land conflict exists, acceptable conflict resolution processes (see Criteria 4.2 and 4.6) are implemented and accepted by the parties involved. In the case of newly acquired plantations, the unit of certification addresses any unresolved conflict through appropriate conflict resolution mechanisms.	P&C 4.8.2		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Implementation and monitoring	Where there is evidence of acquisition through dispossession or forced abandonment of customary and user rights prior to the current operations and there remain parties with demonstrable customary and land use rights, these claims will be settled using the relevant requirements (Indicators 4.4.2, 4.4.3 and 4.4.4)	P&C 4.8.3		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.

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Information	9	h	Implementation and monitoring	For any conflict or dispute over the land, the extent of the disputed area is mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable)	P&C 4.8.4		Adapt information system	Adapt information system	Documents and information provided in implementation and monitoring of FPIC can be shared.
Information	9	h	Consent	Evidence is available that affected local peoples understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the unit of certification is signed and ratified by these local peoples. Negotiated agreements are non-coercive and entered into voluntarily and carried out prior to new operations.	P&C 4.5.3.		Adapt information system	Adapt information system	Documents and information provided in consent of FPIC can be shared.
Information	9	h	Consent	Evidence is available that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the issuance of a new concession or land title to the operator.	P&C 4.5.6		Adapt information system	Adapt information system	Documents and information provided in consent of FPIC can be shared.
Information	9	h	Tax, anti-corruption, trade and customs regulations	A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts.	P&C 1.2.1		Adapt information system	Adapt information system	Documents and information provided in policy and system
Information	9	h	Tax, anti-corruption, trade and customs regulations	A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.	P&C 1.2.2		Adapt information system	Adapt information system	Documents and information provided in policy and system
Information	9	h	Tax, anti-corruption, trade and customs regulations	The policy should include as a minimum: • A respect for fair conduct of business • A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources • A proper disclosure of information in accordance with applicable regulations and accepted industry practices	Annex 2		Adapt information system	Adapt information system	Documents and information provided in policy and system
Information	9	h	Labour rights	Labour rights are specific in various P&C. Below we categorise on what topics RSPO can provide evidence.			Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Child and forced labour	All contracts, including those for FFB supply, contain clauses disallowing child, forced and trafficked labour. Where young workers are employed, the contracts include a clause for their protection	P&C 2.2.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Information	9	h	Discrimination	A publicly available non-discrimination and equal opportunity policy is implemented in such a way to prevent discrimination based on ethnic origin, caste, national origin, religion, disability, gender, sexual orientation, gender identity, union membership, political affiliation or age.	P&C 6.1.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Discrimination	Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' nonpayment of recruitment fees.	P&C 6.1.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Discrimination	The unit of certification demonstrates that recruitment selection, hiring, access to training and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available.	P&C 6.1.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Gender	Pregnancy testing is not conducted as a discriminatory measure and is only permissible when it is legally mandated. Alternative equivalent employment is offered for pregnant women.	P&C 6.1.4		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Gender	A gender committee is in place specifically to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women.	P&C 6.1.5		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Discrimination	There is evidence of equal pay for the same work scope.	P&C 6.1.6		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Information access	Applicable labour laws, union and/or other collective agreements and documentation of pay and conditions are available to the workers in national languages and explained to them in a language they understand.	P&C 6.2.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Information access	Employment contracts and related documents detailing payments and conditions of employment (e.g. regular working hours, deductions, overtime, sick leave, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc. in compliance with national legal requirements) and payroll documents give accurate information on compensation for all work performed, including work done by family members.	P&C 6.2.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Legal compliance	There is evidence of legal compliance for regular working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice and other legal labour requirements	P&C 6.2.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared

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Information	9	h	Housing and facilities	The unit of certification provides adequate housing, sanitation facilities, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible. National laws, or in their absence the ILO Guidance on Workers' Housing Recommendation No. 115, are used. In the case of acquisitions of non-certified units, a plan is developed detailing the upgrade of infrastructure. A reasonable time (5 years) is allowed to upgrade the infrastructure.	P&C 6.2.4		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Food access	The unit of certification makes efforts to improve workers' access to adequate, sufficient and affordable food.	P&C 6.2.5		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Decent living wage	A DLW is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours	P&C 6.2.6		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Other	Permanent, full-time employment is used for all core work performed by the unit of certification. Casual, temporary and day labour is limited to jobs that are temporary or seasonal.	P&C 6.2.7		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Freedom of association	A published statement recognising freedom of association and right to collective bargaining in national languages is available and is explained to all workers in languages that they understand, and is demonstrably implemented.	P&C 6.3.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Freedom of association	6.3.2 Minutes of meetings between the unit of certification with trade unions or workers representatives, who are freely elected, are documented in national languages and made available upon request.	P&C 6.3.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Freedom of association	Management does not interfere with the formation or operation of registered unions/ labour organisations or associations, or other freely elected representatives for all workers including migrant and contract workers	P&C 6.3.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Child and forced labour	A formal policy for the protection of children, including prohibition of child labour and remediation is in place, and included into service contracts and supplier agreements.	P&C 6.4.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared

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Information	9	h	Child and forced labour	There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure	P&C 6.4.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Child and forced labour	Young persons may be employed only for non-hazardous work, with protective restrictions in place for that work.	P&C 6.4.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Child and forced labour	The unit of certification demonstrates communication about its 'no child labour' policy and the negative effects of child labour, and promotes child protection to supervisors and other key staff, smallholders, FFB suppliers and communities where workers live.	P&C 6.4.4		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Violence and harassment	A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.	P&C 6.5.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Gender	A policy to protect the reproductive rights of all, especially of women, is implemented and communicated to all levels of the workforce.	P&C 6.5.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Gender	Management has assessed the needs of new mothers, in consultation with the new mothers, and actions are taken to address the needs that have been identified.	P&C 6.5.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Grievance	A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce	P&C 6.5.4		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Work voluntarily	All work is voluntary and the following are prohibited: • Retention of identity documents or passports • Payment of recruitment fees • Contract substitution • Involuntary overtime • Lack of freedom of workers to resign • Penalty for termination of employment • Debt bondage • Withholding of wages	P&C 6.6.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Temporary or migrant labour	Where temporary or migrant workers are employed, a specific labour policy and procedures are established and implemented	P&C 6.6.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared

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Information	9	h	Health and safety	The responsible person(s) for H&S is identified. There are records of regular meetings between the responsible person(s) and workers. Concerns of all parties about health, safety and welfare are discussed at these meetings, and any issues raised are recorded.	P&C 6.7.1		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Health and safety	Accident and emergency procedures are in place and instructions are clearly understood by all workers. Accident procedures are available in the appropriate language of the workforce. Assigned operatives trained in first aid are present in both field and other operations, and first aid equipment is available at worksites. Records of all accidents are kept and periodically reviewed	P&C 6.7.2		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Health and safety	Workers use appropriate personal protective equipment (PPE), which is provided free of charge to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, land preparation, and harvesting. Sanitation facilities for those applying pesticides are available, so that workers can change out of PPE, wash and put on their personal clothing.	P&C 6.7.3		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Health and safety	All workers are provided with medical care and covered by accident insurance. Costs incurred from work-related incidents leading to injury or sickness are covered in accordance with national law or by the unit of certification where national law does not offer protection.	P&C 6.7.4		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Information	9	h	Health and safety	Occupational injuries are recorded using Lost Time Accident (LTA) metrics	P&C 6.7.5		Adapt information system	Adapt information system	Documents and information provided in criteria can be shared
Risk assessment	10		1 Operators shall verify and analyse information collected in accordance with Article 9 and any other relevant documentation, and on this basis carry out a risk assessment to establish whether there is a risk that the relevant products intended to be placed on or exported from the EU market are non-compliant with the requirements of this Regulation. Unless this risk assessment reveals no or only negligible risk that the relevant products are not compliant with Article 3(a) or (b), operators shall not place the relevant product on the EU market nor export it.						

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Risk assessment	10	2	(a) the assignment of risk to the relevant country of production or parts thereof in accordance with Article 27;			Not relevant for RSPO. EC will categorise countries in 'high risk', 'low risk' and 'standard risk'. The list of countries will be published by means of implementing acts (and might be reviewed and updated)			
Risk assessment	10	2	(b) the presence of forests in the country and area of production of the relevant commodity;	Not provided by RSPO		Not provided by RSPO	Review if sharing information of forest is a task for RSPO	Review	The RSPO could assist members in providing country forest cover maps. However, the EC announced developing an "EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers" ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers" (page 23 of EU RD).
Risk assessment	10	2	(ba) the presence of indigenous peoples in the country, region and area of production of the relevant commodity;	A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place. Annex 1 to RSPO FPIC guide provides guidance on the boundaries and perimeters in which the assessment should take place.	P&C 4.6.1 and Annex 1 to RSPO FPIC guidance 2022	RSPO FPIC does not provide information at country or regional level.	Adapt information system	Adapt information system	Information identified from procedure could be shared
Risk assessment	10	2	(bb) the consultation and cooperation in good faith with indigenous people in the country, region and area of production of the relevant commodity;	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations. See also FPIC information under Article 9h	P&C Annex 1				
Risk assessment	10	2	(bc) the existence of duly motivated claims by indigenous peoples based on objective and verifiable information regarding the use or ownership of the area used for the purpose of producing the relevant commodity	Not provided by RSPO			Consider and review role of RSPO complaints system	Review	RSPO complaints system could be a source of information.
Risk assessment	10	2	(c) prevalence of deforestation, or forest degradation in the country, region and area of production of the relevant commodity;	Not provided by RSPO			Review if sharing information of forest is a task for RSPO	Review	The RSPO could assist members in providing deforestation prevalence monitoring. However, the EC announced developing an "EU Observatory on deforestation, forest degradation, changes in the world's forest cover and associated drivers" ("EU Observatory") launched by the Commission in order to better monitor changes in the world's forest cover and related drivers" (page 23 of EU RD).

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Risk assessmen	10		2 (d) the source, reliability, validity and links to other available documentation of the information referred to in Article 9(1);						
Risk assessmen	10		2 (e) concerns in relation to the country, region and area of production and origin, such as level of corruption, prevalence of document and data falsification, lack of law enforcement, violations of international human rights, armed conflict or presence of sanctions imposed by the United Nations Security Council or the Council of the European Union;	Not provided by RSPO					
Risk assessmen	10		2 (f) the complexity of the relevant supply chain and the stage of processing of the relevant products, in particular difficulties in connecting relevant products to the plot of land where the relevant commodities were produced; and/or	RSPO Segregated (SG) and Identity Preserved (IP) supply chain model assures that RSPO certified oil palm products delivered to the end user come only from RSPO certified sources (a mixture of IP products) or the end user is uniquely identifiable to a single RSPO certified IP mill.	SCC Module A and B				
Risk assessmen	10		2 (g) the risk of circumvention or mixing with relevant products of unknown origin or produced in areas where deforestation or forest degradation has occurred or is occurring;	RSPO Segregated (SG) and Identity Preserved (IP) supply chain model assures that RSPO certified oil palm products delivered to the end user come only from RSPO certified sources (a mixture of IP products) or the end user is uniquely identifiable to a single RSPO certified IP mill.	SCC Module A and B				
Risk assessmen	10		2 (h) conclusions of the meetings of the Commission expert groups supporting the implementation of this Regulation, as published in the Commission's expert group register;						
Risk assessmen	10		2 (i) substantiated concerns submitted under Article 29, and information on the history of non-compliance of operators or traders along the relevant supply chain with this Regulation;			Not relevant Note that the RSPO requires companies to have a "mutually agreed and documented system for dealing with complaints" (P&C 4.2) and the RSPO has a complaints system that could be a way to address substantiated concerns.			
Risk assessmen	10		2 Note: Article 29 i.a. includes: 'Natural or legal persons shall be entitled to submit substantiated concerns to competent authorities when they deem that one or more operators or traders are failing to comply with the provisions of this regulation' and 'Competent authorities shall assess substantiated concerns, including checks and hearings of operators and traders'.						
Risk assessmen	10		2 (ia) any relevant information that would point to a risk that the relevant products may not meet the requirements of this Regulation;				Consider if RSPO complaints system could be offered as a source of information	Review	The RSPO complaints system could be used as source of information of possible non compliances with the EUDR
Risk assessmen	10		2 (j) complementary information on compliance with this Regulation, which may include information supplied by certification or other third-party-verified schemes, including voluntary schemes recognised by the Commission under Article 30(5) of Directive (EU) 2018/2001, provided that the information meets the requirements set out in Article 9;	RSPO P&C and RSPO SCC			Lobby towards EC and MS Competent authorities on the role RSPO certification could play in EUDR risk assessment.	External outreach	The RSPO P&C and SCC certificates could be used as complementary information

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Risk mitigation	10a	1	Except where the risk assessment undertaken in accordance with Article 10 has revealed that there is no or negligible risk that the relevant products are not compliant with Article 3(a) or (b), the operator shall adopt prior to placing the relevant products on the EU market or to their export risk mitigation procedures and measures that are adequate to reach no or negligible risk. This may include requiring additional information, data or documents, undertaking independent surveys or audits or other measures pertaining to information requirements set out in Article 9. This may also include supporting the compliance with this Regulation of their suppliers, in particular smallholders, through capacity building and investments.						
Risk mitigation	10a	2	Operators shall have in place adequate and proportionate policies, controls and procedures to mitigate and manage effectively the risks of non-compliance of relevant products identified. These shall include:						
Risk mitigation	10a	2	(a) model risk management practices, reporting, record-keeping, internal control and compliance management, including for operators that are not SMEs, the appointment of a compliance officer at management level;						
Risk mitigation	10a	2	(b) an independent audit function to check the internal policies, controls and procedures referred to in point (a) for all operators that are not SMEs.				Develop an independant EUDR add-on	Fundamental	Develop a voluntary EUDR add-on to the RSPO Principles & Criteria, which includes EUDR requirements on deforestation. Compliance with the EUDR add-on should be verified in conjunction with a RSPO P&C audit. This should include the checking that EUDR relevant information has been correctly uploaded in the RSPO traceability system: <ul style="list-style-type: none"> Information on deforestation free (which is verified through the add-on standard); Information on legality and on geolocations (which is verified through the 'standard' P&C audit).
Risk mitigation	10a	3	The decisions on risk mitigation measures shall be documented, reviewed at least on an annual basis and made available to the competent authorities upon request. Operators shall be able to demonstrate how a decision on risk mitigation measures was taken.						
Reporting	11	1	In order to exercise due diligence in accordance with Article 8, operators shall establish and keep up to date a framework of procedures and measures to ensure that the relevant products they place on or export from the EU market comply with the requirements set out in Article 3(a) and (b) ('due diligence system').						
Reporting	11	1A	The due diligence system shall be reviewed at least once a year and if necessary adapted to and accounting for new developments which may influence the exercise of due diligence when operators become aware of them. Operators shall keep record of updates in the due diligence system(s) for 5 years						

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Reporting	11		2 Operators which do not fall under the categories of SMEs, microenterprises or natural persons shall, on an annual basis, publicly report as widely as possible, including on the internet, on their due diligence system including on the steps taken by them to implement their obligations as set out in Article 8. Operators falling also within the scope of other EU legislative instruments that lay down requirements regarding value chain due diligence may fulfil their reporting obligations under this paragraph by including the required information when reporting in the context of other EU legislative instruments.						
Reporting	11	2a	2a. Without prejudice to provisions set out in EU data protection legislation the reports shall, in respect of relevant commodities and products include the following information:						
Reporting	11	a	(a) summary of information set out in Article 9 paragraph 1 point (a), (b) and (c);						
Reporting	11	b	(b) state the conclusions of the risk assessment conducted under Article 10(1) and measures undertaken pursuant to Article 10(4) and describe the information and evidence obtained and used to assess the risk;						
Reporting	11	c	(c) describe the process of consultation of indigenous peoples, local communities, and other customary tenure rights holders or the respective civil society organisations that are present in the area of production of the relevant commodities and products, where applicable.	See also FPIC information under Article 9h and assessment 10.2bb					
Reporting	11	3	3. Operators shall keep for at least 5 years all due diligence documentation related to due diligence, such as all relevant records, measures and procedures pursuant to Article 8. They shall make them available to the competent authorities upon request	Retention period for all records and reports shall be a minimum of two (2) years and shall comply with legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock.	SCC 5.9.2	3 year gap of keeping records	Keep records 5 instead of 2 years	Technical	Retention period for all records and reports must be enlarge to 5 years
Simplified due diligence	12	1	1 When placing relevant products on the EU market or exporting them from it, operators are not required to fulfil the obligations under Article 10 and 10a where they can ascertain , that all relevant commodities and products have been produced in countries or parts thereof that were identified as low risk in accordance with Article 27, after having assessed the complexity of the relevant supply chain and the risk of circumvention or the risk of mixing with products of unknown origin or origin in high risk or standard risk countries or parts thereof. The operator shall be able to make available to the competent authority upon request relevant documentation that there is a negligible risk of circumvention or of mixing with products of unknown origin or origin in high risk or standard risk countries or parts thereof	No distinction made in RSPO		RSPO does not make a distinction between high or low risk producer countries. The EUDR risk classification of countries is not know yet. RSPO IP module traces back to individual mill. RSPO SG module contains information to list on RSPO SG certified and their locations. This information is not transmitted through the entire supply chain.	Review and consider if RSPO wants to align EC information on country benchmarking with the area in which its members are active	Review	RSPO could keep track of EUDR risk classifications of producer countries or regions. Mill location(s) information in IP and SG certified supply chain modules can be used to ascertain that products have been produced in low risk country or region. RSPO SCC SG and IP can be used as requested documentation that there is negligible risk of mixing with products of unknown or high risk status.
Simplified due diligence	12	2	2 However, if the operator obtains or is made aware of any relevant information, including via the assessment carried out under paragraph 1, and including regarding substantiated concerns submitted under Article 29, that would point to a risk that the relevant products may not fulfil the requirements of this Regulation or that the rules of this Regulation are circumvented, all obligations of Article 10 and 10a have to be fulfilled. The operator shall immediately communicate any relevant information to the competent authority	No information provided					RSPO complaints case tracker could be used as additional information to assess risk that products may not ful fill EUDR requirement https://askrspo.force.com/Complaint/s/casetracker

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Simplified due diligence	12	2A	Where a competent authority is made aware of any information that would point to a risk of possible circumvention of the requirements of this Regulation, including cases in which relevant commodities or products are produced in a standard-risk or high-risk country and are subsequently processed in, or exported to, the EU from a low-risk country, the competent authority shall proceed to checks in accordance with Article 14(6) [numbering to be adjusted] and, where necessary, adopt interim measures in accordance with Article 21. CHA						
Competent Authorities	13	2A	Not considered directly relevant for RSPO: describes designation of competent authorities						
Competent Authorities	13a	1	Without prejudice to the operators' obligation to exercise due diligence as set out in Article 8, Member States may provide technical and other assistance and guidance to operators. The Commission, in collaboration with Member States, may also provide, where necessary, guidance to operators and competent authorities. Technical and other assistance and guidance shall take into account the situation of SMEs, microenterprises and natural persons, in order to facilitate compliance with the requirements of this Regulation, including as regards the conversion of data from relevant systems to identify geolocation into the information system established under Article 31, and take into account relevant current and future EU legislation containing due diligence obligations.						
Competent Authorities	13a	2	Member States shall facilitate the exchange and dissemination of relevant information, in particular with a view to assisting operators in assessing risk as set out in Article 10, and on best practices regarding the implementation of this Regulation.				Lobby at EC and MS competent authorities on RSPO as a best practice	External outreach	RSPO P&C and RSPO SCC could be a best practice of implementing the EUDR
Competent Authorities	13a	3	Not considered directly relevant for RSPO: describes competent authorities need for independence and exchange on information						
Competent Authorities	13a	4							
Competent Authorities	13a	5							
Competent Authorities	14	2a	The identification of checks to be carried out shall be based on a risk-based approach. Risk criteria shall be identified based on an analysis of risks of non-compliance with this Regulation, taking into account in particular the relevant commodities, the complexity and the length of supply chains, including whether it involves mixing relevant products, and the stage of processing of the relevant product, whether the plots of land concerned are adjacent to forests, the assignment of risk to countries or parts thereof in accordance with Article 27, including special attention to the situation of countries or parts thereof identified as high risk, the history of non-compliance of operators or traders with this Regulation, risks of circumvention, and any other relevant information. This analysis of risks shall build on the information requirements referred to in Articles 9 and 10 and may build on the information contained in the register referred to in Article 31, and be supported by other relevant sources such as monitoring data, risk profiles from international organisations, substantiated concerns submitted under Article 29, or conclusions of EU expert meeting				Lobby at EC and MS competent authorities on RSPO access to information and risk profiles	External outreach	Consider if RSPO wants to provide input as "risk profiles from international organisations". Note that risk information from RSPO publically available data (audit reports, assessments, complaints etc) may be used by third parties as a source of information.

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Competent Authorities	14	3	To carry out the checks referred to in paragraph 1, the competent authorities shall establish annual plans containing at least: (a) national risk criteria to inform the identification of checks to be carried out. Those national criteria shall be set out in accordance with paragraph 2a and shall build on any indicative risk criteria at the EU level set out by the Commission in accordance with paragraph 2b. They shall systematically include risk criteria in relation to countries or parts thereof identified as high risk; (b) an identification of the operators and traders to be checked. Those operators and traders shall be selected based on the national risk criteria referred to in point (a), using inter alia information contained in the register referred to in Article 31 and electronic data-processing techniques. For each operator or trader to be checked, competent authorities may identify specific due diligence statements to be checked. 16298/22				Review national risk criteria in competent authorities annual reports	Review	Keep track of 'national risk criteria' and how they differ per country.
Competent Authorities	14	11	Without prejudice to checks planned in advance pursuant to paragraph 3, competent authorities shall conduct checks referred to in paragraph 1 when they obtain or are made aware of relevant information, including based on substantiated concerns provided by third parties under Article 29, concerning a potential non-compliance with this Regulation.						
Competent Authorities	14	Other	Not considered directly relevant for RSPO: describes control ratios based on number of operators or quantity of a commodity that differ per risk category						
Competent Authorities	14a		Not considered directly relevant for RSPO: describes situations for competent authorities shall identify situations where relevant products present such high risk of non-compliance with the provisions of this Regulation that they require immediate action						
Checks on operator and non SME traders	15	1	The checks on operators shall include: (a) examination of the due diligence system, including risk assessment and risk mitigation procedures, and of documentation and records that demonstrate the proper functioning of the due diligence system; (b) examination of documentation and records that demonstrate the compliance of a specific relevant product that the operator has placed, intends to place on or export from the EU market with the requirements of this Regulation, including, when applicable, through risk mitigation measures, as well as examination of the relevant due diligence statements						

EUDR Gap Analysis

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Checks on operator and non SME traders	15	2	The checks on operators may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions: (a) on the ground examination of relevant commodities or of the relevant products with a view to ascertaining their conformity to the documentation used for exercising due diligence; (ab) examination of corrective measures taken under Article 22; (b) any technical and scientific means adequate to determine the biological species or the exact place where the relevant commodity or product was produced, including anatomical, chemical or DNA analysis; (c) any technical and scientific means adequate to determine whether the relevant products are deforestation-free, including Earth observation data such as from Copernicus programme and tools or from other publicly or privately available relevant sources; and (d) spot checks, including field audits, including where appropriate in third countries, provided that such third countries agree, through cooperation with the administrative authorities of those third countries	No information provided			Review and keep track of risk criteria set by	Review	Use information to provide better assistance towards members meeting compliance
Checks on SME traders	16	1	The checks on traders that are SMEs shall include the examination of documentation and records that demonstrate the compliance with Article 6(2), (3) and (4).						
Checks on SME traders	16	2	The checks on traders that are SMEs may also include, where appropriate, notably where examinations mentioned in paragraph 1 have raised questions, spot checks, including field audits.						
Not relevant	17		Not considered directly relevant for RSPO: describes recovery of costs by competent authorities						
Not relevant	18		Not considered directly relevant for RSPO: describes exchange of information						
Not relevant	19		Not considered directly relevant for RSPO: describes reporting obligations of competent authorities						
Not relevant	20		Not considered directly relevant for RSPO: deleted						
Not relevant	21		Not considered directly relevant for RSPO: describes interim measures of competent authorities						
Not relevant	22		Not considered directly relevant for RSPO: describes corrective measures in case of non-compliance						
Not relevant	23		Not considered directly relevant for RSPO: describes penalties						
Not relevant	24		Not considered directly relevant for RSPO: describes controls						
Not relevant	25		Not considered directly relevant for RSPO: describes the cooperation and exchange of information among authorities						
Not relevant	26		Not considered directly relevant for RSPO: describes electronic interface for the transmission of data where traders and operators make available their due diligence statement						
Assessment of countries	27		Considered less directly relevant for RSPO: describes the assessment of countries for their risk classification						
Assessment of countries	27	2a	The assessment mentioned in paragraph 2 may also take into account (a) information provided by the country concerned as well as by regional authorities concerned, operators as well as NGOs and third parties, including indigenous peoples, local communities and civil society organisations, with regard to the effective covering of emissions and removals from agriculture, forestry and land use in the nationally determined contribution (NDC) to the United Nations Framework Convention on Climate Change;	Not provided by RSPO			Lobby at EC and MS competent authorities on role of RSPO as an indicator of reduced risk	External outreach	Consider if RSPO - as a third party - certified areas could be classified as low risk area of 'part of a country' based on evidence on, primarily, rate of deforestation, agricultural expansion and production trends of relevant commodities

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Cooperation third countries	28	2a	Considered less directly relevant for RSPO: describes need for partnerships and dialogue between the EU and producing countries						
Cooperation third countries	28	3	Partnerships and cooperation shall promote the development of integrated land use planning processes, relevant legislations, multi-stakeholder processes, fiscal or commercial incentives and other pertinent tools to improve forest and biodiversity conservation, sustainable management and restoration of forests, tackle the conversion of forests and vulnerable ecosystems to other land uses, optimise gains for the landscape, tenure security, agriculture productivity and competitiveness, transparent supply chains, strengthen the rights of forest dependent communities including smallholders, local communities, and indigenous peoples, whose rights are set out in the United Nations Declaration on the Rights of Indigenous Peoples, and ensure public access to forest management documents and other relevant information.	Not provided by RSPO			Reach out to relevant stakeholders to explore interest for RSPO support in EUDR related partnerships	External outreach	RSPO could play a role in facilitating or representing multistakeholder processes in partnerships and dialogues in the context of this EUDR
Substantiated cc	29		Considered less directly relevant for RSPO: describes the entitlement to address concerns on non-compliances						
Substantiated cc	29	2	Competent authorities shall, without undue delay, diligently and impartially assess the substantiated concerns, including whether the claims are well-founded, and take the necessary steps, including checks and hearings of operators and traders, with a view to detecting potential breaches of the provisions of this Regulation and, where appropriate, interim measures under Article 21 to prevent the placing making available on and export from the EU market of relevant products under investigation	Not provided by RSPO			Reach out to EC and MS competent authorities is RSPO could play a role in dealing with substantiated concerns	External outreach	RSPO could play a role in verifying if the claims are well-founded based on internal data and / or complaints case tracker
Not relevant	30		Not considered directly relevant for RSPO: describe access to justice						
Not relevant	31		Not considered directly relevant for RSPO: describes registry system						
Review	32	1	To carry out the checks referred to in paragraph 1, the competent authorities shall establish annual plans containing at least: (a) national risk criteria to inform the identification of checks to be carried out. Those national criteria shall be set out in accordance with paragraph 2a and shall build on any indicative risk criteria at the EU level set out by the Commission in accordance with paragraph 2b. They shall systematically include risk criteria in relation to countries or parts thereof identified as high risk; (b) an identification of the operators and traders to be checked. Those operators and traders shall be selected based on the national risk criteria referred to in point (a), using inter alia information contained in the register referred to in Article 31 and electronic data-processing techniques. For each operator or trader to be checked, competent authorities may identify specific due diligence statements to be checked. 16298/22	RSPO mill and grower have information (cut off Nov 2018) via LUCA (on past clearings) and HCV / HCV HCS assessment (on preventing loss and maintaining of existing forest).	P&C Annex 5	HCV areas could already include OWL areas. However, the definition of OWL in the EUDR is based on fixed threshold parameters. The RSPO HCV areas are identified based on assessments of HCV values. Note that cutoff date is earlier and approach to what is deforestation free is different: strict threshold versus methodology of assessment.	Start internal discussion on desire and impact of this change	Fundamental	RSPO could anticipate on the inclusion of other wooded land by aligning its definitions and assessments. This would need a 'broader' definition of land not being permitted for clearance.

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Review	32	2	No later than two years after the entry into force, the Commission shall present an impact assessment accompanied, where appropriate, by a legislative proposal to extend the scope of this Regulation to other natural ecosystems, including other land with high carbon stocks and with a high biodiversity value such as grasslands, peatlands and wetlands. The assessment shall cover a potential ecosystem expansion, including on the basis of the cut-off date referred to in Article 2, with a view to minimising the EU's contribution to natural ecosystems' conversion and degradation. This review shall also address the need and the feasibility of extending the scope to further commodities, including maize. The review shall include an assessment of the effect of the relevant commodities on deforestation and forest degradation, as indicated by scientific evidence, and take into account changes in consumption.	Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat	P&C 7.2.2		Start internal discussion on desire and impact of this change	Review	RSPO could anticipate on the inclusion of other ecosystems by aligning its definitions and assessments. This may need an adaptation or addition to the definition peatland and other relevant ecosystems.
Review	32			A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter	P&C Annex 1	There is no definition of peat in the EUDR			Although RSPO definition of peat is derived from FAO definitions for organic soils, RSPO should keep track on definitions in the case a revision of the EUDR includes peatland.
Review	32	3	The assessment foreseen in paragraph 2 shall also include whether it is appropriate to amend or extend the relevant products listed in Annex I in order to ensure that the most relevant products that contain, have been fed with or have been made using relevant commodities are included in that list. This assessment shall pay specific attention to the potential inclusion of biofuels (HS code 382600) in Annex I.	RSPO already includes 'oil palm products'			Review and keep track of changes in products added into the EUDR	Review	RSPO should keep track on additional oil palm derived products.
Review	32	3a	The assessment foreseen in paragraph 2 shall also evaluate the role of financial institutions in preventing financial flows contributing directly or indirectly to deforestation and forest degradation and assess the need to provide for any specific obligations for financial institutions in EU legislation in that regard, taking into account any relevant existing horizontal and sectoral legislation	Financial institutions are a RSPO constituency			Start internal discussion on desire and impact of this change	Fundamental	RSPO could consider setting RSPO requirements for financial institutions in line with the EUDR - but also on other due diligence regulations that already include financial institutions
Review	32	4	Not considered relevant for the RSPO						

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Topic	Article	Paragraph	EUDR requirement	Related RSPO requirement	RSPO reference	Gap description	Action needed if RSPO wishes to facilitate members to comply with EUDR	Type of action	Recommendation if RSPO wishes to facilitate members to comply with EUDR
Review	32	5	No later than five years after the entry into force and at least every five years thereafter, the Commission shall carry out a general review of this Regulation, and shall present a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal. The first of the reports shall include in particular, based on specific studies, an evaluation of: (a) the need for and feasibility of additional trade facilitation tools – and in particular for LDCs highly impacted by this Regulation and countries identified as standard or high risk – to support the achievement of the objectives of the Regulation ; (b) the impact of the Regulation on farmers, in particular smallholders, indigenous peoples and local communities and the possible need for additional support for the transition towards sustainable supply chains and for smallholders to meet the requirements of this Regulation (c) the further extension of the definition of 'forest degradation', on the basis of an in-depth analysis, and taking into account progress made in international discussions on the matter (d) the threshold for mandatory use of polygons of Article 2(29) taking into account its impact on tackling deforestation and forest degradation; (e) changes in the trade patterns of the products and commodities included in the scope of this Regulation when they could indicate as a practice of circumvention; (f) an assessment of whether the checks carried out have been effective to ensure that relevant commodities and products made available on, or exported from, the EU market comply with the requirements set out in this Regulation	Not provided by RSPO			Review and keep track of reviewing debate	Review	Follow and / or actively participate in public debate towards this review
Not relevant	33		Not considered relevant for the RSPO: describes the exercise of delegation						
Not relevant	34		Not considered relevant for the RSPO: describes the committee procedures						
Not relevant	35		Not considered relevant for the RSPO: describes repeals						
Entry into force	36	1	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.						
Entry into force	36	2	Articles 3 to 12, 14 to 22, 24, 29 and 30 shall apply 18 months from the entry into force of this Regulation.	Not provided by RSPO			Inform members on timelines	Internal outreach	Inform members on different entries in to force
Entry into force	36	3	Articles referred to paragraph 2 shall apply 24 months from the entry into force of this Regulation for operators that are microenterprises and small enterprises established by December 31, 2020, except for products covered in the Annex to Regulation (EU) No 995/2010.	Not provided by RSPO			Inform members on timelines	Internal outreach	Inform members on different entries in to force