

RSPO

Roundtable on Sustainable Palm Oil



MEXICAN NATIONAL INTERPRETATION

Of the RSPO Principles and Criteria
For the Production of Sustainable Palm Oil 2018

Endorsed by the RSPO Board of Governors on 25th June 2020





PREAMBLE

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

The first set of Principles and Criteria, Indicators and Guidance (RSPO P&C 2007) have been applied since November 2007. These had been subject to trial implementation from November 2005 to November 2007 and, in a number of countries, to a subsequent process of National Interpretation (NI). After five years of application by RSPO members, RSPO P&C 2007 were reviewed in 2012–2013, leading to the RSPO P&C 2013. After a further five years of application, these were reviewed and revised in 2017–2018 by the RSPO Principles and Criteria Review Task Force.

The objective of each review and revision is to improve the relevance and effectiveness of the P&C for RSPO members, and in achieving the shared vision and mission of making sustainable palm oil the norm. More specifically, the most recent revision sought to align the P&C with the RSPO Theory of Change (ToC) and to increase accessibility by making them more relevant and practical.

The review process went beyond ISEAL best practices, including two public consultation periods of 60 days each and 17 physical consultation workshops in 10 countries around the world, as well as 6 physical Task Force meetings. This process resulted in the production of the revised and restructured RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2018).

In line with ISEAL best practices, this document (RSPO P&C 2018) will be completely reviewed again after five years, following adoption by the General Assembly (GA) of the RSPO.

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

This document (RSPO P&C 2018) defines Indicators for each Criterion and further Guidance where useful. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met, i.e. they constitute the normative part of the standard together with the Principles, Criteria and definitions.

Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed. Guidance constitutes the informative part of the standard.

A separate standard is currently being developed for Independent Smallholders.

This document (RSPO P&C 2018) is effective after adoption by the RSPO 15th General Assembly (GA15) on 15 November 2018. As stated in section nine of the RSPO Standard Operating Procedures (SOP) for Standard Setting, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2018 within 12 months of the date of

adoption (i.e. by 15 November 2019). Certificate holders must be fully compliant with the new version of an NI within one year of it being endorsed by the Board of Governors (BoG).

In countries where NIs are not updated by 15 November 2019, P&C 2018 will be effective until the NI has been updated.

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2018 is effective immediately after adoption (15 November 2018) and shall be used for any new certification activities after the adoption date.

Existing certified entities can continue to be certified after the date of adoption and before the completion of any relevant NI, by conducting a maximum of one further Annual Surveillance Assessment (ASA) against P&C 2013 (or their current NI), but shall demonstrate compliance to the new RSPO P&C 2018 at the following ASA.

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. Annex 5 shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

Necessary revisions shall be made to other RSPO normative documents and guidance to ensure consistency with the wording of RSPO P&C 2018 and, in that context, please note the disclaimer and procedural note for the Supply Chain requirements for mills at the end of Principle 3.

Annex 1 provides definitions of the technical terms used in this standard. Annex 2 contains the additional generic guidance. Key international laws and conventions applicable to the production of palm oil are set out in Annex 3. Annex 4 provides the necessary details for the implementation procedure for Indicator 2.3.2.

This document identifies critical (C) Indicators proposed by the RSPO Principles and Criteria Review Task Force and endorsed by the RSPO BoG on 12 October 2018.

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

IMPORTANT NOTE: When you see the  symbol in the Criteria, please refer to additional guidance in Annex 2

National Interpretation for México

To support the implementation of the RSPO P&C on country level and encourage a sustainable palm oil industry in México, the National Association of Edible Oils and Butters (ANIAME by its Spanish acronym) and the Mexican Council for the Development of Oil Palm (COMEXPALMA by its Spanish acronym) led the NI process after sending a request letter to RSPO. The facilitation team for the NI process was coordinate by e3 Consultora Ambiental, following the guides set out in the RSPO Standard Operating Procedure for Standards Setting and Review, 2017.

The National Interpretation Working Group (NIWG) was officially formed during 2017 with the participation of more than 50 organizations including growers, supply chain actors, government representatives, environmental and social civil society organizations, financial institutions and other stakeholders. During the following months, the NIWG held meetings to analyze and identify challenges in the implementation of the RSPO P&C 2013 at a national level. The national legal framework for environmental and social practices for plantations and mills were also identified.

During the next months the P&C 2013 were revised, additionally, during the meetings held in September and October 2018 the NIWG reviewed the P&C 2018 draft to identify the principle changes on the new standard. Once the P&C 2018 was endorsed by RSPO in November 2018, the facilitation team convened a two-day working meeting where the new standard was reviewed in depth to continue developing guides and definitions to facilitate compliance with social and environmental practices according to the new endorsed P&C 2018. So, the work of the NIWG consisted in reviewing the 2013 P&C for a baseline during 2017 and then updating everything with the new P&Cs endorsed in November 2018.

On February 2019, after eight working meetings, the Mexico NI draft was approved by the NIWG and a series of public consultations were carried out in order for all stakeholders involved in the sustainable palm oil industry in the country to get to know the NI and contribute to the inclusion of relevant information. During this period, the facilitation team in conjunction with the NIWG, coordinated and executed activities to encourage an active participation by relevant actors and the general public.

For an affective socialization during the public consultation period, the facilitation team developed a stakeholder map to identify members of the palm oil value chain, environmental and social researchers, as well as civil society and financial organizations to invite them to participate in the NI revision and to submit comments. To achieve a wider scope through electronic media, the facilitation team prepared the website of the NI process (www.inrspomexico.org) to make participation methods more visible, in addition, all members of the WG were urged to publish on their organization's websites the participation mechanisms.

To promote the public consultation period on social networks, the facilitation team produced and publicized a video on Facebook (<https://www.facebook.com/INRSPOMx/>) and Twitter (@INRSPOMx) reaching a wide audience. In addition to electronic media dissemination, six public consultation forums were also carried out. The venues of these events were selected with specific criteria that they must be palm oil production regions and of easy access to palm growers. The forums were held in Escárcega City, Campeche, Balancán and Palenque, Tabasco, Tapachula and Villahermosa, Chiapas and Acayucan, Veracruz.

Nearly 407 people related to the sustainable palm oil sector participated in these forums, including small and medium size growers, local governments, financial entities and local NGOs. At the end of the public consultation period, around 160 comments were collected. Each comment received was carefully analyzed by the NIWG to decide its incorporation into the NI during two meetings held in August 2019. To maintain transparency, all comments and their resolution were made public. After the NI approval by the NIWG, the NI was translated into English for its submission to RSPO for endorsement.

For more information about the Mexico NI visit: <https://inrspomexico.org>

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Acronym	Meaning
AFI	Accountability Framework Initiative
ALS	Assessor Licensing Scheme
ASA	Annual Surveillance Assessments
ASEAN	Association of Southeast Asian Nations
BHCV WG	Biodiversity & High Conservation Value Working Group
BMPs	Best Management Practices
BOD	Biochemical Oxygen Demand
BoG	Board of Governors
CABI	Centre for Agriculture and Biosciences International
CB	Certification Body
CBA	Collective Bargaining Agreement
CBAS	Collective Bargaining Agreements
CBD	Convention on Biological Diversity
CIPAMEX	International Council for Bird Preservation
COLPOS	Postgraduate College
CONABIO	National Commission for the Knowledge and Use of Biodiversity
CONAFOR	National Forestry Commission
CONANP	Mexican Federal Protected Natural Areas
CPO	Crude Palm Oil

Acronym	Meaning
CPO	Crude Palm Oil
CSO	Civil Society Organization
DfID	Department for International Development (UK government)
DLW	Decent Living Wage
EFB	Empty Fruit Bunches
FAO	Food and Agriculture Organization
FCPF	Forest Carbon Partnership Facility
FFB	Fresh Fruit Bunch
FPIC	Free, Prior and Informed Consent
FSC	Forest Stewardship Council
GA	General Assembly
GHG	Greenhouse Gas
GLWC	Global Living Wage Coalition
H&S	Health and Safety
HCS	High Carbon Stock
HCSA	High Carbon Stock Approach
HCV	High Conservation Value
HCVRN	High Conservation Value Resource Network
HFCC	High Forest Cover Country

Acronym	Meaning
HFCL	High Forest Cover Landscape
HGU	Hak Guna Usaha
HRC	Human Rights Commission
HRD	Human Rights Defender
ICS	Internal Control System
IDS	Institute of Development Studies
IFC	International Finance Corporation
IFL	Intact Forest Landscape
ILO	International Labour Organization
IMSS	Mexican Institute of Social Security
INEGI	National Institute of Statistic and Geography
IP	Identity Preserved
IPCC	Intergovernmental Panel on Climate Change
IPM	Integrated Pest Management
ISO	International Organization for Standardization
IUCN	International Union for Conservation of Nature
JCC	Joint Consultative Committee
KBA	Key Biodiversity Area
KPI	Key Performance Indicator

Acronym	Meaning
LGEEPA	General Law of Ecological Equilibrium and Environmental Protection
LTA	Lost Time Accident
LUCA	Land Use Change Analysis
MB	Mass Balance
EIA	Environmental Impact Assessment
NDJSG	No Deforestation Joint Steering Group
NGO	Non-Governmental Organization
NI	National Interpretation
OER	Oil Extraction Rate
P&C	RSPO Principles and Criteria (i.e. this document)
PK	Palm Kernel
PLWG	Peatland Working Group
PO	Palm Oil
POME	Palm Oil Mill Effluent
PPE	Personal Protective Equipment
PROFEPA	Federal Attorney for Environmental Protection
QMS	Quality Management System
RaCP	Remediation and Compensation Procedure
REDD	Reducing Emissions from Deforestation and Forest Degradation

Acronym	Meaning
RSPO	Roundtable on Sustainable Palm Oil
RTE	Rare, Threatened or Endangered
SADER	Secretariat of Agriculture and Rural Development
SCCS	RSPO Supply Chain Certification Standard
SDG	Sustainable Development Goal
SEIA	Social and Environmental Impact Assessment
SEMAHN	Secretariat of the Environment and Natural History
SEMARNAT	Secretariat of Environment and Natural Resources
SENASICA	National Service for Agri-Food Health, Safety and Quality
SHIG	Smallholder Interim Group
SIAP	Agricultural and Fisheries Information Service
SLAPP	Strategic Lawsuits against Public Participation
SOP	Standard Operating Procedure
STPS	Ministry of Labour and Social Welfare
ToC	Theory of Change
UAIM	Agricultural Industrial Unit for Women
UMAs	Environmental management units
UN	United Nations

1. SCOPE

The RSPO Principles and Criteria (RSPO P&C) is applicable for sustainable palm oil production worldwide. The RSPO P&C cover the most significant environmental and social impacts of palm oil production and the immediate inputs to production, such as seed, chemicals and water, and social impacts related to on-farm labour and community relations.

The RSPO P&C apply to all production level companies, i.e. all mills, who do not fall under the definition of independent mill as outlined in the RSPO SCC standard; and to all growers, who do not meet the definition of Independent Smallholder or the applicability requirements as outlined in the RSPO Smallholder Standard (under development as of September 2018 with finalisation expected in 2019) and therefore cannot apply the RSPO Smallholder Standard. These are referred to as the unit of certification throughout this document.

The unit of certification is responsible for the certification of related Scheme Smallholders and outgrowers within three years of obtaining its own certificate (see section 4.1.3 in RSPO Certification Systems 2017). Guidance for implementation of the RSPO P&C 2018 for Scheme Smallholders and outgrowers will be developed.

The RSPO P&C apply to existing plantings, as well as planning, siting, development, expansion and new plantings.

Where RSPO standards differ from local laws, the higher/stricter of the two shall always prevail and NIs are required to develop a list of applicable laws (see section 9 in RSPO SOP for Standard Setting 2017).

Compliance with the RSPO P&C and all requirements as outlined in associated documents is required in order for certification to be awarded. Any non-conformities may result in suspension or loss of certification (see section 4.9 in RSPO Certification Systems 2017). Compliance must be demonstrated with the normative part of the P&C, i.e. the Principles, Criteria and Indicators. Non-conformities are raised at Indicator-level by auditors. The informative part (i.e. Annex 2 Guidance) is there to help with implementation of Indicators, but is not normative, nor can non-conformities be raised against this section.

Team	Explanation	RSPO Standard Setting document	Category
Principle	Fundamental statements about a desired outcome	A fundamental statement about a desired outcome, often providing greater detail about the objectives.	Normative
Criteria	What implementation of the Principle looks like the preconditions or means of judging whether or not a Principle has been fulfilled	The conditions that need to be met in order to fulfil a Principle. Criteria add meaning and operability to a Principle without themselves being direct measures of performance.	Normative
Indicator	Variable to measure the implementation (positive or negative)	The measurable states, which allow the assessment of whether or not associated Criteria, are being met. Indicators convey a single, meaningful message or piece of information.	Normative
Guidance	Additional information that assists with the understanding, implementation and auditing of the requirement (i.e. the Indicator)	Guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed.	Informative
Procedural Note	Exceptional measure to allow mention of pending developments	A note in the standard only to be used where a methodology or element of the standard is still under development to clarify terms, conditions and procedure prior to the said methodology or element being finalized.	Informative

Role of Definitions

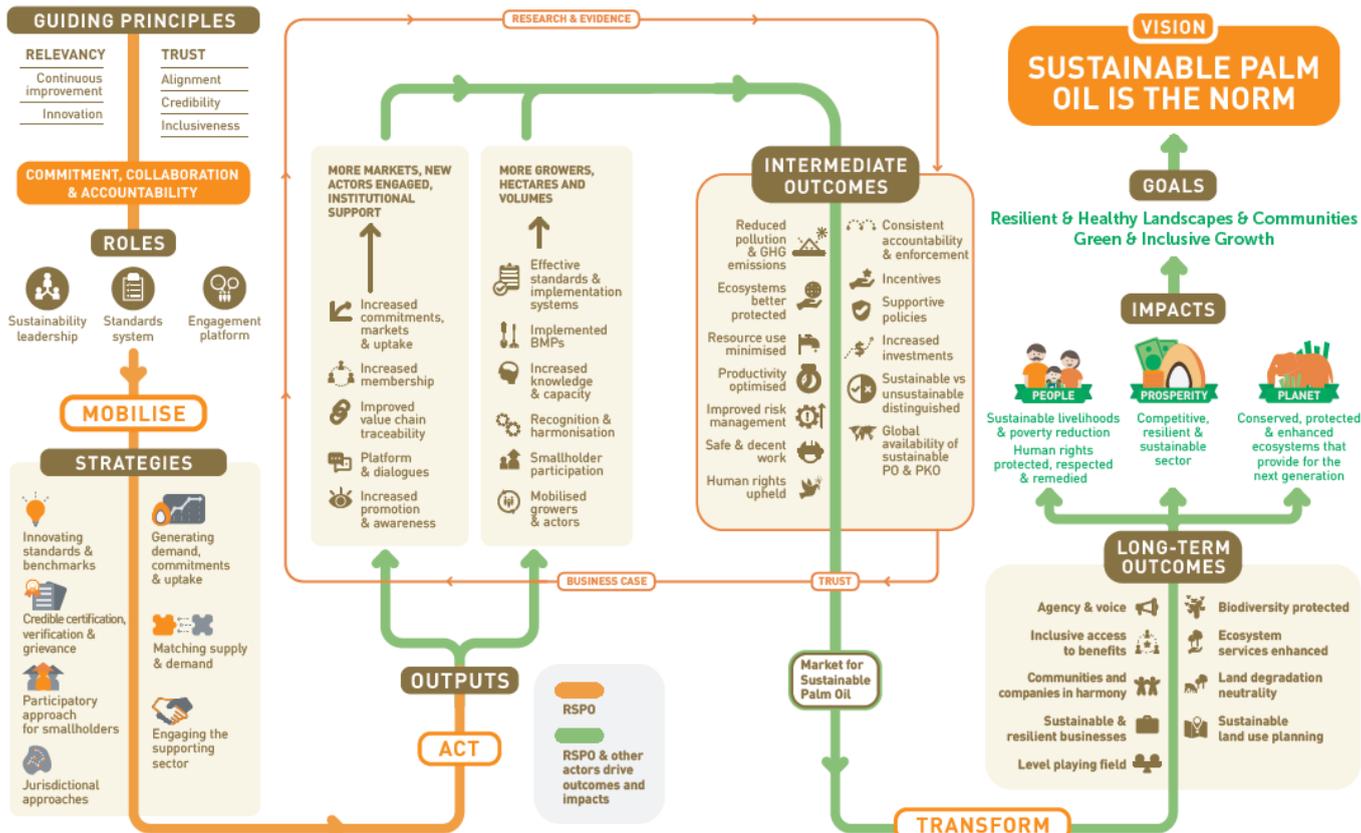
Throughout the standard, some terms carry a specific RSPO definition, which is provided in Annex 1 – Definitions section of this standard. These definitions are binding elements of Criteria and Indicators

2. RSPO VISION AND THEORY OF CHANGE



The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector. These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment. Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources. When the ToC is fully realised, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony. It also provides a framework to monitor, evaluate and report on the effects of applying the RSPO P&C. More details on the RSPO ToC are available here: <https://rspo.org/about/impacts/theory-of-change>.

THEORY OF CHANGE RSPO'S ROADMAP FOR SUSTAINABLE PALM OIL





Effective implementation and more growers' uptake of the P&C lead to the intermediate outcomes:

- Resource use minimization (soil, water, energy), input use reduction – reduced costs
- Reduced pollution (water, air, greenhouse gas (GHG))
- Improved risk management – management plans and assessments
- Ecosystems better protected
- Productivity optimized
- Land and use rights respected
- Safe and decent work for all community members

The process for change at RSPO is characterised by a progression of “**Mobilize, Act and Transform**”. This is the backbone of the RSPO ToC and underpinned by the concept of shared responsibility and accountability for results.

Commitment: All the actors commit to their contribution to transforming markets.

Collaboration: Recognising the need to work together and making that happen transformation of markets cannot happen without collaboration.

Accountability: Commitment and collaboration are to be fulfilled with a shared responsibility for impact. The expectation of partners and members is that they commit to participate and there is mutual and agreed accountability for results.

3. OUTCOME FOCUS

The core objectives of the 2018 RSPO P&C review include:

- Incorporating elements of impacts
- Making it more relevant and practical, particularly by making it metricated (measurable)
- Incorporating elements of impacts as prescribed by the ToC

It is important to keep in mind that it is simply not feasible or meaningful to propose indicator level, specific measurable outcomes because of many technical and political challenges. From research and experience with other standards these include:

- Attribution – achieving outcomes is based on a wide range of actions and context, often out of the control of the grower (weather, market forces, pests)
- Defining globally relevant outcomes
- Favour larger, more resourced growers potentially demotivating small and medium size growers
- Costs and burden for data reporting systems and management

However, outcome focused P&C can still be achieved, by showing very explicitly the links between the set of Criteria and intended outcomes. Furthermore, a requirement for reporting to RSPO has been included into the Management Principle under Criterion 3.2 for continuous improvement.

This will provide RSPO with information on the results of implementation of the P&C. This requirement refers to a small set of strategic metrics, directly related to the P&C and aligned with the ToC and RSPO organisational Key Performance Indicators (KPIs). The resulting reporting will be anonymised for analysis, marketing and impact assessment.

The selection criteria for these metrics included:

- Value added to growers
- Link to P&C requirements
- Key ToC outcomes
- Those already required for measuring, monitoring and/or reporting

4. STRUCTURE OF THE RSPO P&C

The RSPO P&C are organized into three impact areas according to the RSPO ToC.



Impact Goal PROSPERITY:
Competitive, resilient and sustainable sector

- Principle 1. **Behave ethically and transparently**
- Principle 2. **Operate legally and respect rights**
- Principle 3. **Optimise productivity, efficiency, positive impacts and resilience**



Impact Goal PEOPLE:
Sustainable livelihoods and poverty reduction

- Principle 4. **Respect community and human rights and deliver benefits**
- Principle 5. **Support smallholder inclusion**
- Principle 6. **Respect workers' rights and conditions**



Impact Goal PLANET:
Conserved, protected and enhanced ecosystems that provide for the next generation

- Principle 7. **Protect, conserve and enhance ecosystems and the environment**

Impact Area ToC	Objectives ToC	Principle of Theme
<p>PROSPERITY Impact Goal: Competitive, resilient and sustainable sector</p>	<p>A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. Effective planning and management system address economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C and supports continuous improvement toward sustainable palm oil.</p>	<p>1. Behave ethically and transparently</p> <hr/> <p>2. Operate legally and respect rights</p> <hr/> <p>3. Optimise productivity, efficiency, positive impacts and resilience</p>
<p>PEOPLE Impact Goal: Sustainable livelihoods and poverty reduction</p>	<p>Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality and in a healthy working and living environment.</p>	<p>4. Respect community and human rights and deliver benefits</p> <hr/> <p>5. Support smallholder inclusion</p> <hr/> <p>6. Respect workers' rights and conditions</p>
<p>PLANET Impact Goal: Conserved, protected and enhanced ecosystems that provide for the next generation</p>	<p>Impact Goal: Conserved, protected, and enhanced ecosystems that provide for the next generation. Ecosystems and their services are protected, restored, and resilient, including through sustainable consumption and production and sustainable management of natural resources [sustainably manage forests, combat desertification, halt and reverse and degradation, halt biodiversity loss (SDG 15)]. Climate change is addressed through continuous GHG reductions and air and water pollution are controlled</p>	<p>7. Protect, conserve and enhance ecosystems and the environment</p>

Preamble

4. STRUCTURE OF THE RSPO P&C



	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No	
PROSPERITY	1.	Information and public availability	1.1	1.1 / 1.2 / 6.10
		Communication and consultation	1.1	6.2
		Commitment to ethical conduct	1.2	1.3 / 6.10
	2.	Legal compliance	2.1	2.1 / 6.10
		Third party contractors legal	2.2	n.a.
		Third party F&B legally sourced	2.3	n.a.
	3.	Long term plan and economic viability	3.1	3.1
		Continuous Improvement & Reporting	3.2	8.1
		Standard Operating Procedures	3.3	4.1
		SEIA and Plans	3.4	5.1 / 6.1 / 7.1
		System for managing human resources	3.5	n.a.
		Occupational Health and Safety Plan	3.6	4.7 (part)
		Training	3.7	4.8
PEOPLE	4.	Human Rights	4.1	6.13
		Complaints and Grievances	4.2	6.3
	Contribution to local sustainable development	4.3	6.11 (part)	
	Land use & FPIC	4.4 & 4.5	2.3 / 7.5	
	Land Use : Compensation	4.6 & 4.7	6.4 / 7.6	
	Land Use : Conflict	4.8	2.2	
	5.	Improved SH livelihoods	5.1	6.1
		Pay and working conditions	5.2	6.11 (part)
	6.	No discrimination	6.1	6.8
		Pay and working conditions	6.2	6
Freedom of association		6.3	6.6	
No child labour		6.4	6.7	
No harassment		6.5	6.9	
No forced or trafficked labour		6.6	6.12	
Safe working environment		6.7	4.7 (part)	
Effective Integrated Pest Management		7.1	4.5	
PLANET	7.	Pesticide Use	7.2	4.6
		Waste management	7.3	5.3
		Soil health fertility	7.4	4.2 / 7.2
		Soil conservation (erosion and degradation)	7.5	4.3 & 7.4 (parts)
		Soil survey and topographic information	7.6	4.3 & 7.2
		Peat	7.7	4.3 & 7.4 (parts)
		Water quality and quantity	7.8	4.4
		Energy Use	7.9	5.4
		Pollution and GHGs	7.10	5.6 / 7.8
		Fire	7.11	5.5 / 7.7
		HCV and HCS	7.12	5.5 / 7.3

Link to Theory of Change - Intermediate outcomes

Improved Risk Management
Improved Risk Management
Improved Risk Management
Improved Risk Management
Improved Risk Management
Improved Risk Management
Improved Risk Management
Improved Risk Management, Cross cutting
Improved Risk Management, Cross cutting
Improved Risk Management
Improved Risk Management
Improved Risk Management, Safe and Decent work
Improved Risk Management, Safe and Decent work
Human rights upheld
Human rights upheld
Human rights upheld
Human rights upheld
Inclusive access, communities
Inclusive access, 5H
Inclusive access, 5H
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Human rights upheld, safe and decent work
Safe and decent work
Resource use, pollution, productivity
Resource use minimised, pollution
Resource use minimised, pollution
Productivity optimised, Ecosystems
Reduced pollution
Ecosystem protected, Resource use minimised, Reduced pollution
Pollution, ecosystems
Resource use, pollution, ecosystems
Resource use minimised, pollution
Reduced pollution
Reduced pollution
Ecosystems protected



PROSPERITY: COMPETITIVE, RESILIENT AND SUSTAINABLE SECTOR



Objectives and outcomes

A sustainable, competitive and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. An effective planning and management system addresses economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil.

Principle 1

Behave ethically and transparently

Principle 2

Operate legally and respect rights

Principle 3

Optimise productivity, efficiency, positive impacts and resilience

Principle 1

BEHAVE ETHICALLY AND TRANSPARENTLY

Drive ethical business behaviour, build trust and transparency with stakeholders to ensure strong and healthy relationships.

Criteria	Indicators	ToC Outcomes
<p>1.1 The unit of certification provides adequate information to relevant stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages and forms to allow for effective participation in decision making.</p> 	<p>1.1.1 (C) Management documents that are specified in the RSPO P&C are made publicly available.</p> <p>1.1.2 Information is provided in appropriate languages and accessible to relevant stakeholders.</p> <p>1.1.3 (C) Records of requests for information and responses are maintained.</p> <p>1.1.4 (C) Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official.</p> <p>1.1.5 There is a current list of contact and details of stakeholders and their nominated representatives.</p>	<p>Improved risk management</p>
<p>1.2 The unit of certification commits to ethical conduct in all business operations and transactions.</p> 	<p>1.2.1 A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts.</p> <p>1.2.2 A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.</p>	<p>Improved risk management</p>

Principle 2

OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation in any jurisdiction.

Criteria	Indicators	ToC Outcomes
2.1 There is compliance with all applicable local, national, and ratified international laws and regulations. 	2.1.1 (C) The unit of certification complies with applicable legal requirements. 2.1.2 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. 2.1.3 Legal or authorised boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorised boundaries.	Improved risk management
2.2 All contractors providing operational services and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements. 	2.2.1 A list of contracted parties is maintained. 2.2.2 All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party. 2.2.3 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.	Improved risk management; Human rights upheld; Safe and decent work

Criteria	Indicators	ToC Outcomes
<p>2.3 All FFB supplies from outside the unit of certification are from legal sources.</p> 	<p>2.3.1 (C) For all directly sourced FFB, the mill requires:</p> <ul style="list-style-type: none"> • Information on geolocation of FFB origins • 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>2.3.2 For all indirectly sourced FFB, the unit of certification obtains from the collection centers, agents or other intermediaries, the evidence as listed in Indicator 2.3.1.</p> <p>PROCEDURAL NOTE: For Implementation Procedure for 2.3.2 refer to Annex 4.</p>	<p>Improved risk management</p>

Principle 3

OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicators	ToC Outcomes
3.1 There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability. 	3.1.1 (C) A business or management plan (minimum three years) is documented that includes, where applicable, a jointly developed business case for Scheme Smallholders. 3.1.2 An annual replanting program projected for a minimum of five years with yearly review, is available. 3.1.3 The unit of certification holds management reviews at planned intervals appropriate to the scale and nature of the activities undertaken.	Improved risk management; Productivity optimized
3.2 The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations. 	3.2.1 (C) The action plan for continuous improvement is implemented, based on consideration of the main social and environmental impacts and opportunities of the unit of certification. 3.2.2 As part of the monitoring and continuous improvement process, annual reports are submitted to the RSPO Secretariat using the RSPO metrics template.	Improved risk management

Criteria	Indicators	ToC Outcomes
<p>3.3 Operating procedures are appropriately documented, consistently implemented and monitored.</p> 	<p>3.3.1 (C) Standard Operating Procedures (SOPs) for the unit of certification are in place.</p> <p>3.3.2 A mechanism to check consistent implementation of procedures is in place.</p> <p>3.3.3 Records of monitoring and any actions taken are maintained and available.</p>	<p>Improved risk management</p>
<p>3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations.</p> 	<p>3.4.1 (C) 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> <p>3.4.2 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> <p>3.4.3 (C) The social and environmental management and monitoring plan is implemented, reviewed and updated regularly in a participatory way.</p>	<p>Improved risk management; Human rights upheld</p>

Criteria	Indicators	ToC Outcomes
3.5 A system for managing human resources is in place.	3.5.1 Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives. 3.5.2 Employment procedures are implemented, and records are maintained.	Improved risk management; Safe and decent work
3.6 An occupational health and safety (H&S) plan is documented, effectively communicated and implemented. 	3.6.1 (C) All operations are risk assessed to identify H&S issues. Mitigation plans and procedures are documented and implemented. 3.6.2 (C) The effectiveness of the H&S plan to address health and safety risks to people is monitored.	Improved risk management; Safe and decent work
3.7 All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained. 	3.7.1 (C) A documented programme that provides training is in place, which is accessible to all staff, workers, Scheme Smallholders and outgrowers, taking into account gender-specific needs, and which covers applicable aspects of the RSPO P&C, in a form they understand, and which includes assessments of training. 3.7.2 Records of training are maintained, where appropriate on an individual basis. 3.7.3 Appropriate training is provided for personnel carrying out the tasks critical to the effective implementation of the Supply Chain Certification Standard (SCCS). Training is specific and relevant to the task(s) performed.	Improved risk management; Safe and decent work

SUPPLY CHAIN REQUIREMENTS FOR MILLS



Disclaimer Text: The following section is taken verbatim from the RSPO Supply Chain certifications Standard approved by the BoG on February 1st, 2020.

The following section stipulates the requirements for mills which are identified as complying with the Identity Preserved (IP) Module and Mass Balance (MB) Module.

Independent mills, who are only required to get supply chain certification, will then have to refer to this section for the mill specific requirements.

As per RSPO SCCS, all requirements are major indicators (i.e equivalent of critical indicators in P&C 2018).

SUPPLY CHAIN REQUIREMENTS FOR MILLS

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills	<p>3.8.1 Identity Preserved Module</p> <p>A mill is deemed to be Identity Preserved (IP) if the FFB processed by the mill are sourced from plantations/estates that are certified against the RSPO Principles and Criteria (RSPO P&C), or against the Group Certification scheme.</p> <p>Certification for CPO mills is necessary to verify the volumes and sources of certified FFB entering the mill, the implementation of any processing controls (for example, if physical separation is used), and volume sales of RSPO certified products. If a mill processes certified and uncertified FFB without physically separating them, then only Mass Balance Module is applicable.</p>	Improved risk management
	<p>3.8.2 Mass Balance Module</p> <p>A mill is deemed to be Mass Balance (MB) if the mill process FFB from both RSPO certified and uncertified plantations/estates. A mill may be taking delivery of FFB from uncertified growers, in addition to those from its own and 3rd party certified supply base. In that scenario, the mill can claim only the volume of oil palm products produced from processing of the certified FFB as MB.</p>	Improved risk management
	<p>3.8.3 The estimated tonnage of CPO and PK products that could potentially be produced by the certified mill shall be recorded by the certification body (CB) in the public summary of the P&C certification report. This figure represents the total volume of certified oil palm product (CPO and PK) that the certified mill is allowed to deliver in a year.</p>	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	The actual tonnage produced shall then be recorded in each subsequent annual surveillance report.	
	3.8.4 The mill shall also meet all registration and reporting requirements for the appropriate supply chain through the RSPO IT platform.	Improved risk management
	<p>3.8.5 Documented procedures</p> <p>The mill shall have written procedures and/or work instructions or equivalent to ensure the implementation of all elements of the applicable supply chain model specified. This shall include at minimum the following:</p> <ul style="list-style-type: none"> a) Complete and up to date procedures covering the implementation of all elements of the supply chain model requirements. b) Complete and up to date records and reports that demonstrate compliance with the supply chain model requirements (including training records). c) Identification of the role of the person having overall responsibility for and authority over the implementation of these requirements and compliance with all applicable requirements. This person shall be able to demonstrate awareness of the mill's procedures for the implementation of this standard. d) The mill shall have documented procedures for receiving and processing certified and non-certified FFBs including ensuring no contamination in the IP mill. 	Improved risk management
	3.8.6 Internal Audit	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> i) The mill shall have a written procedure to conduct an annual internal audit to determine whether the mill; <ul style="list-style-type: none"> (a) conforms to the requirements in the RSPO Supply Chain requirements for mills and the RSPO Rules on Market Communications and Claims. (b) effectively implements and maintains the standard requirements within its organisation. ii) Any non-conformities found as part of the internal audit shall be issued and required corrective action. The outcomes of the internal audits and all actions taken to correct non- conformities shall be subject to management review at least annually. The mill shall maintain the internal audit records and reports. 	
	<p>3.8.7 Purchasing and Goods in</p> <ul style="list-style-type: none"> i) The mill shall verify and document the tonnage and sources of certified and the tonnage of non-certified FFBS received. ii) The mill shall inform the CB immediately if there is a projected overproduction of certified volume. iii) The mill shall have a mechanism in place for handling of non-conforming FFB and/or documents 	Improved risk management
	<p>3.8.8 Sales and Goods Out</p> <p>The supplying mill shall ensure that the following minimum information for RSPO certified products is made available in document form. The information shall be complete and can be presented either on a single document or across a range of documents issued for RSPO certified oil palm products (for example, delivery notes, shipping documents and specification documentation):</p>	Improved risk management

Criteria		Indicators	ToC Outcomes
3.8	Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> a) The name and address of the buyer; b) The name and address of the seller; c) The loading or shipment / delivery date; d) The date on which the documents were issued; e) RSPO certificate number; f) A description of the product, including the applicable supply chain model (Identity Preserved or Mass Balance or the approved abbreviations); g) The quantity of the products delivered; h) Any related transport documentation; i) A unique identification number. 	
		<p>3.8.9 Outsourcing Activities</p> <ul style="list-style-type: none"> (i) The mill shall not outsource its milling activities. In cases where the mill outsources activities to independent third parties (e.g. subcontractors for storage, transport or other outsourced activities), the mill holding the certificate shall ensure that the independent third party complies with relevant requirements of this RSPO Supply Chain Certification. (ii) The mill shall ensure the following: <ul style="list-style-type: none"> a) The mill has legal ownership of all input material to be included in outsourced processes b) The mill has an agreement or contract covering the outsourced process with each contractor through a signed and enforceable agreement with the contractor. The onus is on the mill to ensure that certification body (CB) has access to the outsourcing contractor or operation if an audit is deemed necessary. 	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8	<p data-bbox="225 194 440 273">Supply Chain Requirements for Mills (Continued)</p> <p data-bbox="564 155 1166 230">c) The mill has a documented control system with explicit procedures for the outsourced process which is communicated to the relevant contractor.</p> <p data-bbox="564 250 1166 381">(d) The mill shall furthermore ensure (e.g. through contractual arrangements) that independent third parties engaged provide relevant access for duly accredited CBs to their respective operations, systems, and all information, when this is announced in advance.</p>	
	3.8.10 The mill shall record the names and contact details of all contractors used for the physical handling of RSPO certified oil palm products.	Improved risk management
	3.8.11 The mill shall inform its CB in advance prior to conduct of its next audit of the names and contact details of any new contractor used for the physical handling of RSPO certified oil palm products.	Improved risk management
	<p data-bbox="491 717 699 736">3.8.12 Record keeping</p> <p data-bbox="528 757 1166 832">i) The mill shall maintain accurate, complete, up-to-date and accessible records and reports covering all aspects of this RSPO Supply Chain Certification Standard requirements.</p> <p data-bbox="528 852 1166 955">ii) Retention times for all records and reports shall be a minimum of two (2) years and shall comply with relevant legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock.</p> <p data-bbox="528 975 1166 1049">iii) For Identity Preserved Module, the mill shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis.</p>	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<p>iv) For Mass Balance Module, the mill:</p> <ul style="list-style-type: none"> a) shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis and / or three-monthly basis. b) All volumes of certified CPO and PK that are delivered are deducted from the material accounting system according to conversion ratios stated by RSPO. c) The mill can only deliver Mass Balance sales from a positive stock. Positive stock can include product ordered for delivery within three (3) months. However, a mill is allowed to sell short (i.e. product can be sold before it is in stock.) 	
	<p>3.8.13 Extraction Rate</p> <p>The oil extraction rate(OER) and the kernel extraction rate(KER) shall be applied to provide a reliable estimate of the amount of certified CPO and PK from the associated inputs. Mill shall determine and set their own extraction rates based upon past experience, documented and applied it consistently.</p>	Improved risk management
	<p>3.8.14 Extraction rates shall be updated periodically to ensure accuracy against actual performance or industry average if appropriate.</p>	Improved risk management
	<p>3.8.15 Processing</p> <p>For Identity Preserved Module, the mill shall assure and verify through documented procedures and record keeping that the RSPO certified oil palm product is kept separated from non-certified oil palm products, including during transport and storage to strive for 100% separation.</p>	Improved risk management

Criteria		Indicators	ToC Outcomes
3.8	Supply Chain Requirements for Mills (Continued)	<p>3.8.16 Registration of Transactions</p> <ul style="list-style-type: none"> i) Shipping Announcement in the RSPO IT platform shall be carried out by the mills when RSPO certified products are sold as certified to refineries, crushers, and traders not more than three months after dispatch with the dispatch date being the Bill of Lading or the dispatch documentation date. ii) Remove: RSPO certified volumes sold under different scheme or as conventional, or in case of underproduction, loss or damage shall be removed in the RSPO IT platform. 	Improved risk management
		<p>3.8.17 Claims</p> <p>The mill shall only make claims regarding the production of RSPO certified oil that are in compliance with the RSPO Rules on Market Communications and Claims.</p>	Improved risk management

PEOPLE: SUSTAINABLE LIVELIHOODS AND POVERTY REDUCTION



Objectives and outcomes

Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfil their potential in work and community with dignity and equality, and in a healthy working and living environment

Principle 4

Respect community and human rights and deliver benefits

Principle 5

Support smallholder inclusion

Principle 6

Respect workers' rights and conditions

Principle 4

RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Criteria	Indicators	ToC Outcomes
<p>4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders.</p> 	<p>4.1.1 (C) 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> <p>4.1.2 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>	<p>Human rights upheld</p>
<p>4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties.</p> 	<p>4.21 (C) 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> <p>4.22 Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.</p> <p>4.23 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>	<p>Human rights upheld</p>

4.2	<p>There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties. (Continued)</p> 	4.2.4 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.	Human rights upheld
4.3	<p>The unit of certification contributes to local sustainable development as agreed by local communities.</p> 	4.3.1 Contributions to community development that are based on the results of consultation with local communities are demonstrated.	Human rights upheld
4.4	<p>Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their Free, Prior and Informed Consent.</p> 	4.4.1 (C) 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.	Human rights upheld

Criteria	Indicators	ToC Outcomes
<p>4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC. (Continued)</p> <p></p>	<p>4.44 All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements.</p> <p>4.45 (C) 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> <p>4.46 There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties.</p>	<p>Human rights upheld</p>
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.</p> <p></p>	<p>4.51 (C) Documents showing identification and assessment of demonstrable legal, customary and user rights are available.</p> <p>4.52 (C) 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>	<p>Human rights upheld</p>

Criteria	Indicators	ToC Outcomes
4.5	<p data-bbox="188 143 437 566"> No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions. (Continued) </p> 	Human rights upheld
	<p data-bbox="456 143 1171 353"> 4.5.3 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> <p data-bbox="456 389 1171 508"> 4.5.4 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> <p data-bbox="456 544 1171 687"> 4.5.5 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> <p data-bbox="456 723 1171 810"> 4.5.6 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>	

Criteria	Indicators	ToC Outcomes
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions. (Continued)</p> 	<p>4.57 New lands will not be acquired for plantations and mills after 15 November 2018 as a result of recent (2005 or later) expropriations in the national interest without consent (eminent domain), except in cases of smallholders benefitting from agrarian reform or anti-drug programs.</p> <p>4.58 (C) New lands are not acquired in areas inhabited by communities in voluntary isolation.</p>	<p>Human rights upheld</p>
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p> 	<p>4.61 (C) A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place.</p> <p>4.62 (C) 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> <p>4.63 Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings.</p>	<p>Human rights upheld</p>

Criteria	Indicators	ToC Outcomes
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions. (Continued)</p> 	<p>4.6.4. 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>	<p>Human rights upheld</p>
<p>4.7 Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements.</p>	<p>4.7.1 (C) A mutually agreed procedure for identifying people entitled to compensation is in place.</p> <p>4.7.2 (C) A mutually agreed procedure for calculating and distributing fair compensation (monetary or otherwise) is in place and documented and made available to affected parties.</p> <p>4.7.3 Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.</p>	<p>Human rights upheld</p>

Criteria	Indicators	ToC Outcomes
<p>4.8 The right to use the land is demonstrated and is not legitimately contested by local people who can demonstrate that they have legal, customary, or user rights.</p> 	<p>4.8.1 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> <p>4.8.2 (C) 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> <p>4.8.3 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> <p>4.8.4 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>	<p>Human rights upheld</p>

Principle 5

SUPPORT SMALLHOLDER INCLUSION

Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent partnerships.

Criteria	Indicators	ToC Outcomes
<p>5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses.</p> 	<p>5.1.1 Current and previous period prices paid for FFB are publicly available and accessible by smallholders.</p> <p>5.1.2 (C) Evidence is available that the unit of certification regularly explains the FFB pricing to smallholders.</p> <p>5.1.3 (C) Fair pricing, including premium pricing, when applicable, is agreed with smallholders in the supply base and documented.</p> <p>5.1.4 (C) Evidence is available that all parties, including women and independent representative organizations assisting smallholders where requested, are involved in decision-making processes and understand the contracts. These include those involving finance, loans/credits, and repayments through FFB price reductions for replanting and/or other support mechanisms where applicable.</p> <p>5.1.5 Contracts are fair, legal and transparent and have an agreed timeframe.</p> <p>5.1.6 (C) Agreed payments are made in a timely manner and receipts specifying price, weight, deductions and amount paid are given.</p>	<p>Inclusive access to benefits</p>

Criteria	Indicators	ToC Outcomes
5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses. (Continued) 	5.1.7 Weighing equipment is verified by an independent third party on a regular basis (this can be government). 5.1.8 The unit of certification supports Independent Smallholders with certification, where applicable, ensuring mutual agreements between the unit of certification and the smallholders on who runs the internal control system (ICS), who holds the certificates, and who holds and sells the certified material. 5.1.9 (C) The unit of certification has a grievance mechanism for smallholders and all grievances raised are dealt with in a timely manner.	Inclusive access to benefits
5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains. 	5.2.1 The unit of certification consults with interested smallholders (irrespective of type) including women or other partners in their supply base to assess their needs for support to improve their livelihoods and their interest in RSPO certification. 5.2.2 The unit of certification develops and implements livelihood improvement programs, including at least capacity building to enhance productivity, quality, organisational and managerial competencies, and specific elements of RSPO certification (including the RSPO Standard for Independent Smallholder). PROCEDURAL NOTE: On 2019 the RSPO endorsed a new standard for independent smallholders, for more information consult RSPO website and the RSPO Independent Smallholder Standard.	Inclusive access to benefits

Criteria	Indicators	ToC Outcomes
5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains. (Continued) 	5.2.3 Where applicable, the unit of certification provides support to smallholders to promote legality of FFB production. 5.2.4 (C) Evidence exists that the unit of certification trains Scheme Smallholders on pesticide handling. 5.2.5 The unit of certification regularly reviews and publicly reports on the progress of the smallholder support program.	Inclusive access to benefits

Principle 6

RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
<p>6.1 Any form of discrimination is prohibited.</p> 	<p>6.1.1 (C) 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> <p>6.1.2. (C) Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' non-payment of recruitment fees.</p> <p>6.1.3 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> <p>6.1.4 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>	<p>Human rights upheld; Safe and decent work</p>

Criteria	Indicators	ToC Outcomes
6.1	<p>Any form of discrimination is prohibited. (Continued)</p> 	<p>Human rights upheld; Safe and decent work</p>
6.2	<p>Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).</p> 	

Criteria

Indicators

ToC Outcomes

6.2

Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).
(Continued)



6.2.4 **(C)** 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.

6.2.5 The unit of certification makes efforts to improve workers' access to adequate, sufficient and affordable food.

6.2.6 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.

PROCEDURAL NOTE: The RSPO Labour Task Force will prepare guidance on the DLW implementation, including details on how to calculate a DLW, expected for 2019. The RSPO Secretariat will endeavour to carry out DLW country benchmarks for palm oil producing countries in which RSPO members operate and for which no Global Living Wage Coalition (GLWC) benchmarks exist.

Once these benchmarks are available, this procedural note is no longer applicable. UoC shall have an implementation plan towards the payment of a DLW with specific targets, and a phased implementation process including:

- Updated assessment on prevailing wages and in-kind benefits

**Human rights upheld;
Safe and decent work**

Criteria

Indicators

ToC Outcomes

6.2

Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW).
(Continued)

- There is annual progress on the implementation of living wages
- Where a minimum wage, based on equivalent of baskets of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment
- The UoC may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before eventual scale up of the living wage implementation.

6.2.7 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.

**Human rights upheld;
Safe and decent work**

Criteria	Indicators	ToC Outcomes
<p>6.3 The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.</p> <p></p>	<p>6.3.1 (C) A published statement recognizing 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> <p>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> <p>6.3.3 Management does not interfere with the formation or operation of registered unions/ labour organizations or associations, or other freely elected representatives for all workers including migrant and contract workers.</p>	<p>Human rights upheld; Safe and decent work</p>
<p>6.4 Children are not employed or exploited.</p> <p></p>	<p>6.4.1 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> <p>6.4.2 (C) 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>	<p>Human rights upheld; Safe and decent work</p>

Criteria	Indicators	ToC Outcomes
6.4	<p>Children are not employed or exploited. (Continued)</p> <p></p>	<p>Human rights upheld; Safe and decent work</p>
6.5	<p>There is no harassment or abuse in the workplace, and reproductive rights are protected.</p> <p></p>	

Criteria	Indicators	ToC Outcomes
<p>6.6 No forms of forced or trafficked labour are used.</p> 	<p>6.6.1 (C) All work is voluntary and the following are prohibited:</p> <ul style="list-style-type: none"> • 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>6.6.2 (C) Where temporary or migrant workers are employed, a specific labour policy and procedures are established and implemented.</p>	<p>Human rights upheld; Safe and decent work</p>
<p>6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health.</p> 	<p>6.7.1 (C) 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> <p>6.7.2 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>	<p>Safe and decent work</p>

Criteria	Indicators	ToC Outcomes
<p>6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health. (Continued)</p> 	<p>6.7.3 (C) 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> <p>6.7.4 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> <p>6.7.5 Occupational injuries are recorded using Lost Time Accident (LTA) metrics.</p>	<p>Safe and decent work</p>

PLANET: CONSERVED, PROTECTED AND ENHANCED ECOSYSTEMS THAT PROVIDE FOR THE NEXT GENERATION



Objectives and outcomes

Ecosystems and their services are protected, restored and resilient, supported by sustainable consumption and production, and sustainable management of natural resources (in line with SDG 15 – sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss). Climate change is addressed through continuous GHG reductions; air and water pollution are controlled. There is greater resilience in our food and fibre production. The water and air are cleaner, and carbon is drawn out of the air to regenerate soils for current and future generations. Inputs decrease while yields are maintained, or even improved

Principle 7

Protect, conserve and enhance ecosystems and the environment

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Protect the environment, conserve biodiversity and ensure sustainable management of natural resources.

Criteria	Indicators	ToC Outcomes
7.1 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques. 	7.1.1 (C) IPM plans are implemented and monitored to ensure effective pest control. 7.1.2 Species referenced in the Global Invasive Species Database and CABI.org are not to be used in managed areas, unless plans to prevent and monitor their spread are implemented. 7.1.3 There is no use of fire for pest control unless in exceptional circumstances, i.e. where no other effective methods exist, and with prior approval of government authorities.	Pollution reduced; Resource use minimised; Productivity optimised
7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. 	7.2.1 (C) Justification of all pesticides used is demonstrated. Selective products and application methods that are specific to the target pest, weed or disease are prioritised. 7.2.2 (C) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) are provided. 7.2.3 (C) Any use of pesticides is minimised as part of a plan, eliminated where possible, in accordance with IPM plans.	Reduced pollution; Resource use minimised

Criteria	Indicators	ToC Outcomes
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)</p> 	<p>7.2.4 There is no prophylactic use of pesticides, unless in exceptional circumstances, as identified in national best practice guidelines.</p> <p>7.2.5 Pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, unless in exceptional circumstances, as validated by a due diligence process, or when authorized by government authorities for pest outbreaks.</p> <p>The due diligence refers to:</p> <ol style="list-style-type: none"> a) Judgment of the threat and verify why this is a major threat b) Why there is no other alternative which can be used c) Which process was applied to verify why there is no other less hazardous alternative d) What is the process to limit the negative impacts of the application e) Estimation of the timescale of the application and steps taken to limit application to the specific outbreak. 	<p>Reduced pollution; Resource use minimised</p>

Criteria	Indicators	ToC Outcomes
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)</p> 	<p>7.2.6 (C) Pesticides are only handled, used or applied by persons who have completed the necessary training and are always applied in accordance with the product label. All precautions attached to the products are properly observed, applied, and understood by workers (see Criterion 3.6). Personnel applying pesticides must show evidence of regular updates on the knowledge about the activity they carry out.</p> <p>7.2.7 (C) Storage of all pesticides is in accordance with recognized best practices.</p> <p>7.2.8 All pesticide containers are properly disposed of and/or handled responsibly if used for other purposes.</p> <p>7.2.9 (C) Aerial spraying of pesticides is prohibited, unless in exceptional circumstances where no other viable alternatives are available. This requires prior government authority approval. All relevant information is provided to affected local communities at least 48 hours prior to application of aerial spraying.</p> <p>7.2.10 (C) Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, is demonstrated.</p> <p>7.2.11 (C) No work with pesticides is undertaken by persons under the age of 18, pregnant or breastfeeding women or other people that have medical restrictions and they are offered alternative equivalent work.</p>	<p>Reduced pollution; Resource use minimised</p>

Criteria	Indicators	ToC Outcomes
7.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner. 	7.3.1 A waste management plan which includes reduction, recycling, reusing, and disposal based on toxicity and hazardous characteristics, is documented and implemented. 7.3.2 Proper disposal of waste material, according to procedures that are fully understood by workers and managers, is demonstrated. 7.3.3 The unit of certification does not use open fire for waste disposal.	Reduced pollution; Resource use minimized
7.4 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield. 	7.4.1 Good agricultural practices, as contained in SOPs, are followed to manage soil fertility to optimize yield and minimize environmental impacts. 7.4.2 Periodic tissue and soil sampling is carried out to monitor and manage changes in soil fertility and plant health. 7.4.3 A nutrient recycling strategy is in place, which includes the recycling of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), palm residues and optimal use of inorganic fertilizers. 7.4.4 Records of fertilizer inputs are maintained.	Reduced pollution; Resource use minimised; Productivity optimized

Criteria	Indicators	ToC Outcomes
7.5 Practices minimize and control erosion and degradation of soils. 	7.5.1 (C) Maps identifying marginal and fragile soils, including steep terrain, are available. 7.5.2 There is no extensive replanting of oil palm on steep terrain. 7.5.3 There is no new planting of oil palm on steep terrain.	Ecosystems protected; Reduced pollution; Productivity optimised
7.6 Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations. 	7.6.1 (C) To demonstrate the long-term suitability of land for oil palm cultivation, soil maps or soil surveys identifying marginal and fragile soils, including steep terrain, are taken into account in plans and operations. 7.6.2 Extensive planting on marginal and fragile soils, is avoided, or, if necessary, done in accordance with the soil management plan for best practices. 7.6.3 Soil surveys and topographic information guide the planning of drainage and irrigation systems, roads and other infrastructure.	Ecosystems protected; Resource use minimised; Reduced pollution
7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. 	7.7.1 (C) There is no new planting on peat regardless of depth after 15 November 2018 in existing and new development areas. 7.7.2 Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat. PROCEDURAL NOTE: Maps and other documentation of peat soils are provided, prepared and shared in line with RSPO Peatland Working Group (PLWG) audit guidance (see Procedural Note for 7.7.5 below).	Ecosystems protected; Reduced pollution; Productivity optimised

Criteria	Indicators	ToC Outcomes
<p>7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. (Continued)</p> 	<p>7.7.3 (C) Subsidence of peat is monitored, documented and minimized.</p> <p>7.7.4 (C) A documented water and ground cover management program is in place.</p> <p>7.7.5 (C) For plantations planted on peat, drainability assessments are conducted following the RSPO Drainability Assessment Procedure, or other RSPO recognized methods, at least five years prior to replanting. The assessment result is used to set the timeframe for future replanting, as well as for phasing out of oil palm cultivation at least 40 years, or two cycles, whichever is greater, before reaching the natural gravity drainability limit for peat. When oil palm is phased out, it is replaced with crops suitable for a higher water table (paludiculture) or rehabilitated with natural vegetation.</p> <p>PROCEDURAL NOTE: Full details of the RSPO Drainability Assessment Guidelines and related concepts and detailed actions are in the manual currently being fine-tuned/tested by PLWG. A final version should be approved by PLWG in January 2019 and will include additional guidance on the steps to be followed after the decision not to replant as well as implications for other stakeholders, smallholders, local communities and the unit of certification. It is recommended that a further twelve-month methodology trial period is proposed for all related management units (i.e. those with plantations on peat) to utilize the methodology and provide feedback to the PLWG to enable further refinement of procedure as appropriate before January 2020. Units of certification have the option to defer replanting till after the availability of the revised guidelines. Additional guidance on alternative crops and rehabilitation of natural vegetation will be provided by PLWG.</p>	<p>Ecosystems protected; Reduced pollution; Productivity optimized</p>

Criteria	Indicators	ToC Outcomes
7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly. (Continued) 	<p>PROCEDURAL NOTE: PLWG and the Smallholder Interim Group (SHIG) will collaboratively develop guidance for Independent Smallholders [cross links to SHIG and GHG issues].</p> <p>7.7.6 (C) All existing plantings on peat are managed according to the '<i>RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat</i>', version 2 (2018) and associated audit guidance.</p> <p>7.7.7 (C) All areas of unplanted and set-aside peatlands in the managed area (regardless of depth) are protected as "peatland conservation areas"; new drainage, road building and power lines by the unit of certification on peat soils is prohibited; peatlands are managed in accordance with the '<i>RSPO BMPs for Management and Rehabilitation of Natural Vegetation Associated with Oil Palm Cultivation on Peat</i>', version 2 (2018) and associated audit guidance.</p>	Ecosystems protected; Reduced pollution; Productivity optimized
7.8 Practices maintain the quality and availability of surface and groundwater. 	<p>7.8.1 A water management plan is in place and implemented to promote more efficient use and continued availability of water sources and to avoid negative impacts on other users in the catchment. The plan addresses the following:</p> <ul style="list-style-type: none"> a) The unit of certification does not restrict access to clean water or contribute to pollution of water used by communities b) Workers have adequate access to clean water. 	Ecosystems protected; Reduced pollution; Resource use minimized

Criteria	Indicators	ToC Outcomes
7.8	<p>Practices maintain the quality and availability of surface and groundwater. (Continued)</p> <p></p>	<p>Ecosystems protected; Reduced pollution; Resource use minimized</p>
7.9	<p>Efficiency of fossil fuel use and the use of renewable energy is optimised.</p> <p></p>	<p>Ecosystems protected; Reduced pollution; Resource use minimized</p>
7.10	<p>Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emissions.</p> <p></p>	<p>Reduced pollution</p>

Criteria	Indicators	ToC Outcomes
7.11 Fire is not used for preparing land and is prevented in the managed area. 	7.11.1 (C) Land for new planting or replanting is not prepared by burning. 7.11.2 The unit of certification establishes fire prevention and control measures for the areas directly managed by the unit of certification. 7.11.3 The unit of certification engages with adjacent stakeholders on fire prevention and control measures.	Ecosystems protected; Reduced pollution

PROCEDURAL NOTE for 7.12

The 2018 RSPO P&C include new requirements to ensure the effective contribution of RSPO to halting deforestation. This will be achieved by incorporating the High Carbon Stock Approach (HCSA) Toolkit in the revised standard.

The RSPO ToC also commits RSPO to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems.

High Forest Cover Countries (HFCCs) urgently require economic opportunities that enable communities to choose their own development path, while providing socio-economic benefits and safeguards.

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 HFCCs, and within those, in High Forest Cover Landscapes (HFCLs).

The development of these procedures will be guided by a No Deforestation Joint Steering Group (NDJSG) of RSPO and HCSA members. In HFCCs, RSPO will work through national and local participatory processes with governments, communities and other stakeholders to develop these procedures. A timeframe for these activities is stipulated in the Terms of Reference for the NDJSG and publicly available.

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or 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> 	<p>7.12.1 (C) 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.</p> <p>A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document.</p> <p>7.12.2 (C) HCVs, HCS forests and other conservation areas are identified as follows:</p> <ul style="list-style-type: none"> a) For existing plantations with an HCV assessment conducted by an RSPO-approved assessor and no new land clearing after 15 November 2018, the current HCV assessment of those plantations remains valid 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>PROCEDURAL NOTE for 7.12.2: For details of transitional measures, refer to Annex 5: RSPO transition from HCV assessments to HCV-HCSA assessments.</p>	<p>Ecosystems protected</p>

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or 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. (Continued)</p> 	<p>7.12.3 (C) In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases and development by indigenous peoples and local communities with legal or customary rights, taking into consideration regional and national multi-stakeholder processes. Until this procedure is developed and endorsed, 7.12.2 applies.</p> <p>PROCEDURAL NOTE for 7.12.3: There should be demonstrable benefits to the local community; clear recognition of legal and customary lands based on participatory land use planning; development should be proportional to the needs of the local community; with a balance between conservation and development. This procedure will also cover planting on previous or abandoned agricultural land / plantations. All other P&C requirements apply, including FPIC and HCV requirements.</p> <p>7.12.4 (C) Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements. The integrated management plan is reviewed at least once every five years. The integrated management plan is developed in consultation with relevant stakeholders and includes the directly managed area and any relevant wider landscape level considerations (where these are identified).</p>	<p>Ecosystems protected</p>

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or 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. (Continued)</p> 	<p>7.12.5 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> <p>7.12.6 All rare, threatened or endangered (RTE) species are protected, whether or not they are identified in an HCV assessment. A program to regularly educate the workforce about the status of RTE species is in place. Appropriate disciplinary measures are taken and documented in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect, trade, possess or kill these species.</p> <p>7.12.7 The status of HCVs, HCS forests after 15 November 2018, other natural ecosystems, peatland conservation areas and RTE species is monitored. Outcomes of this monitoring are fed back into the management plan.</p> <p>7.12.8 (C) Where there has been land clearing without prior HCV assessment since November 2005, or without prior HCV-HCSA assessment since</p> <p>7.12.9 15 November 2018, the Remediation and Compensation Procedure (RaCP) applies.</p>	<p>Ecosystems protected</p>

ANNEX 1: DEFINITIONS

Term	Definition	Source
By-product	Secondary product of technical and economic interest both for the mill and for the agronomic management of oil palm plantations. Among them we can mention: (a) the empty clumps or bunches, result of the fruiting of the sterilized palm bunches, (b) the fiber resulting from the pressing of the fruit, (c) the coarse obtained from the breaking of the nut, (d) the ashes produced by the burning of fiber and cues in the boilers and (e) the bottom muds removed from the anaerobic lagoon of the water treatment system.	Ramírez Contreras <i>et al.</i> , 2011.
Carbon neutrality	Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO ₂ e) emissions released with an equivalent amount sequestered or offset. (The term “climate neutral” reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)	P&C Review 2018.
Child	The term child applies to all persons under the age of 18.	ILO Minimum Age Convention, 1973 (No. 138). Worst Forms of Child Labour Convention, 1999 (No. 182).
Child labour	Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The term applies to: <ul style="list-style-type: none"> All children under 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182) All children aged under 12 taking part in economic activity, and All 12 to 14-year-olds engaged in more than light work. <p>The ILO defines light work as work that is not likely to be harmful to children’s</p>	ILO Minimum Age Convention, 1973 (No. 138).

	<p>health or development and not likely to be detrimental to their attendance at school or vocational training.</p> <p>Those under 18 years old should not engage in hazardous work that might jeopardize their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, there should be restrictions on hours of work and overtime; working at dangerous heights; with dangerous machinery, equipment and tools; transport of heavy loads; exposure to hazardous substances or processes; and difficult conditions such as night work at night.</p>	
Contract substitution	The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.	ILO Report to the Committee examining alleged non-compliance by Qatar of Forced Labour.
Contract worker	Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.	ILO Non- Standard Forms of Employment .
Core work	<p>The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organization.</p> <p>All agricultural and milling activities are considered core work, e.g. planting, harvesting, fertilizing, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.</p>	P&C Review 2018.
Debt bondage	The status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined.	UN GA Human Rights Council: Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, July 2016.

Decent living wage	The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.	Adapted from GLWC.
Deforestation	Loss of natural forest as a result of: i) conversion to agriculture or other non-forest land use; ii) conversion to a plantation forest; or iii) severe and sustained degradation.	Draft Accountability Framework Initiative (AFI) (July 2018). Refer to latest AFI definition.
Due diligence	A risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	Draft AFI (July 2018). Always refer to latest AFI definition.
Ejido	This concept has two connotations, 1) It is considered as the nucleus of the population with its own legal personality; 2) Refers to lands subject to a special regime of social property in land tenure; The ejido is constitutionally recognized and its patrimony is specially protected.	Agrarian Attorney's Office, 2008. Glossary of agrarian-legal concepts.
Eminent domain and expropriation	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	P&C Review 2018.
Extensive replanting on steep terrain	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 ha within the re-planting area.	P&C 2013, Annex 2, NI Guidance.
Facilitation payment	Bribes paid to facilitate routine government action ^[1] . A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty ^[2] .	^[1] UK Bribery Act 2010 Guidance ^[2] UK Serious Fraud Office Bribery Act Guidance

Family farm	A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 ha in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programs; when children are part of the family and when they are not exposed to hazardous working conditions.	P&C 2013
Food security	Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilization and stability.	FAO World Food Summit, 1996. See FAO Policy Brief Issue 2, June 2006 for further detail.
Forced labour	<p>All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily.</p> <p>This definition consists of three elements:</p> <ol style="list-style-type: none"> 1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy. 2. Menace of any penalty refers to a wide range of penalties used to compel someone to work. 3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted. 	<p>ILO Forced Labour Definition.</p> <p>ILO, Forced Labour Convention, 1930 (No. 29).</p> <p>ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (P029).</p> <p>ILO, Abolition of Forced Labour Convention, 1957 (No. 105).</p> <p>ILO, Forced Labour Recommendation 2014 (No.203).</p>

Fragile soil	<p>A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for 'marginal soil').</p>	P&C Review 2018.
Gender equality	<p>Gender equality refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys. Equality does not mean that women and men will be equal, but that the rights, responsibilities and opportunities of women and men will not depend on whether they were born men or women. Gender equality implies taking into account the interests, needs and priorities of women and men, recognizing the diversity of different groups of women and men. Gender equality is not a problem for women, but must concern and fully involve both men and women. Equality between women and men is considered both a human rights issue as a precondition and an indicator of sustainable development centered on people.</p> <p>According to the basic manual of gender equity of the National Institute of Anthropology and History, promoted by the Ministry of Culture of the Mexican State, it is stated that "gender equality is a constitutional principle that stipulates that men and women are equal before the law, which means that all people, without any distinction, have the same rights and duties vis-à-vis the State and society as a whole", while gender equity is defined as "a broader concept, [which] refers to the need to end the inequalities of treatment and opportunities between women and men".</p> <p>In this sense, taking into account that the National Interpretation seeks to generate conditions to promote fair treatment, seeking practices that eliminate existing forms of discrimination against women, and in the same way seek protection in situations that may violate their rights and welfare capacities, it is considered pertinent to use the word equity, seeking to close the historical gaps of discrimination and vulnerability to which they have been exposed.</p>	<p>UN Women, OSAGI Gender Mainstreaming - Concepts and definitions. National Institute of Anthropology and History, Ministry of Culture, Basic Manual of Gender Equity.</p>

Greenhouse gas	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO₂ (CO₂e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulphur hexafluoride (SF₃).</p>	Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre.
Hazardous waste	<p>Waste that have any of the characteristics of corrosivity, reactivity, explosiveness, toxicity, flammability, or that contain infectious agents that confer them danger, as well as containers, packaging and soils that have been contaminated when transferred to another site, according to the General Law for the Prevention and Integral Management of Waste.</p>	Article 5, fr. XXXII of the General Law for the Prevention and Integral Management of Waste.
Hazardous work	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.” (https://www.ilo.org/safework/areasofwork/hazardous-work/lang-en/index.htm).</p> <p>Hazardous work is also defined as “any work which is likely to jeopardize children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18.” (https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm).</p>	Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182).

According to the Federal Labour Law, dangerous or unhealthy work are those that involve:

Article 176 of the Federal Labour Law.

I. Exposure to:

- a) Noise, vibrations, ionizing and non-ionizing infrared or ultraviolet radiation, elevated or depleted thermal conditions or abnormal environmental pressures.
- b) Chemical agents polluting the work environment.
- c) Hazardous waste, biological agents or infectious contagious diseases.
- d) Dangerous fauna or noxious flora.

II. Work:

- a) Industrial night hours or work after 10 pm.
- b) Rescue, salvage and brigades against casualties.
- c) In height or confined spaces.
- d) In which critical equipment and processes are operated where hazardous chemical substances are handled that can cause major accidents.
- e) Welding and cutting.
- f) In extreme weather conditions in open fields, which expose them to dehydration, heat stroke, hypothermia or freezing.
- g) On roads with a large volume of vehicular traffic (primary roads).
- h) Agricultural, forestry, sawing,, hunting and fishing.

High Carbon Stock forest

Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit.

HCSA
website www.highcarbonstock.org

High Forest Cover Country (HFCC)	Countries defined as having >60% forest cover (based on recent, trusted REDD+ and national data); <1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known frontier area for oil palm where major areas have been allocated for development.	RSPO No Deforestation consultancy: FCC Proforest, 2018.
High Forest Cover Landscape	Landscapes having >80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”	HCSA Toolkit (v2).
High Conservation Value (HCV) areas	<p>The areas necessary to maintain or enhance one or more HCVs:</p> <p>HCV 1 – Species diversity; Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species, that are significant at global, regional or national levels.</p> <p>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL); Large landscape-level ecosystems, ecosystem mosaics and IFL that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p> <p>HCV 3 – Ecosystems and habitats; RTE ecosystems, habitats or refugia.</p> <p>HCV 4 – Ecosystem services; Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p> <p>HCV 5 – Community needs; Sites and resources fundamental for satisfying the</p>	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017.

basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.

HCV 6 – Cultural values; Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.

Human Rights Defenders (HRD)

Individuals, groups and associations who promote and protect universally recognized human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.

[Any person, group or institution that, individually or collectively, promotes and seeks the protection and realization of human rights and fundamental guarantees.](#)

[The human rights defenders are the persons who act individually or as members of a group, organization or social movement, as well as moral persons, groups, organizations or social movements whose purpose is the promotion or defense of human rights.](#)

RSPO policy on the protection of HRD, whistleblowers, complainants and community spokespersons (endorsed by BoG on 24 Sept. 2018).

[Adapted from the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally recognized Human Rights and Fundamental Freedoms \(1999, Preamble and Article 1\).](#)

[Article 2 of the Law for the protection of human rights defenders and journalists, 2012.](#)

Incompatible waste	Waste that, when in contact or when mixed with water or other materials or waste, react producing heat, pressure, fire, or harmful particles, gases or vapors.	Article 5, fr. XXXI of the General Law for the Prevention and Integral Management of Waste.
Independent smallholder	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.	Smallholder Interim Group (SHIG).
Indigenous people	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognizes that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	UNDESA, Division for Inclusive Social Development, indigenous Peoples.
In good faith	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.	ILO Q&As on business and collective bargaining.
Integrated Pest Management (IPM)	IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risk to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control.	<p>P&C 2013.</p> <p>FAO 2013 http://www.fao.org/agriculture/CCrops/thematic-sitemap/Theme/pest/pm/enorg/agriculture/crops/</p>

It is the selection and use of efficient physical, mechanical, biological, cultural and chemical techniques for the control of pests, and that at the same time ensure safety by minimizing the harmful effects to the environment.

Official Journal of the Federation (DOF) October 3, 2012. Agreement SO / IV-12/10.01, S, by means of which the Technical Committee of the National Council for Standardization and Certification of Labour Competences approves the Competency Standards EC0307, EC0302, EC0303, EC0304, EC0305, EC0309, EC0313 and EC0265.

Intimidation and harassment

Intimidation and harassment include loss of income due to/resulting in organisational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardize the community's honour and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.

P&C Review 2018.

Invasive alien species

A species or population that is not native, that is outside its scope of natural distribution, that is capable of surviving, reproducing and establishing itself in natural habitats and ecosystems and that threatens native biological diversity, economy or public health.

Article 3, fr. XVIII of the General Law on Wildlife.

ISO standards

Standards developed by the International Organization for Standardization.

P&C 2013 ISO:
www.iso.org

Land clearing	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 <u>not</u> considered new land clearing.	P&C Review 2018.
Landscape	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	IUCN https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf
Landscape level	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	HCV-HCSA Assessment Manual 2017.
Livelihood	<p>A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.</p> <p>A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.</p> <p>The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.</p>	P&C 2013.

	(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from: http://www.fao.org/docrep/X0051T/X0051t05.htm).	
Managed area	The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set-asides.	P&C Review 2018.
Management documents	Management documents are documented information and evidence to interact with the RSPO P&C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.	ISO 9001 QMS – https://advisera.com
Marginal soil	A soil that is unlikely to produce acceptable economic returns for the proposed crop at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for ‘fragile soil’.)	P&C Review 2018.
Migrant worker	A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.	P&C 2013.
Monitoring	Process through which information is gathered, observed, studied and used to subsequently track a particular program.	Mexican National Interpretation Working Group.
Natural ecosystems	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs, and prairies.	P&C Review 2018.
New planting	Planned or proposed planting on land not previously cultivated with oil palm.	NPP 2015.
Non-hazardous work	See definition for hazardous work.	
Operations	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its certified supply base.	P&C 2013.

Other conservation areas	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of certification.	P&C Review 2018.
Outgrowers	Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.	P&C 2013.
Peat	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.	PLWG2 July 2018 Derived from FAO and USDA definition for histosols (organic soils) (FAO 1998, 2006/7; USDA 2014).
Pesticide	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorized into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.	P&C 2013.
	For the National Interpretation, Pesticide influence will be understood as any substance or mixture of substances intended to control any pest, including vectors of human and animal diseases, as well as unwanted species that cause harm or that interfere with agricultural and forestry production, for example, those that cause harm during the storage or transportation of food or other material goods, as well as those that interfere with the welfare of humans and animals.	NOM-045-SSA1-1993.
Plan	A time-bound and detailed scheme, program, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.	P&C 2013.
Plantation	The land on which oil palm is grown. (See also definition for 'managed area'.)	P&C Review 2018.
Prophylactic	A treatment or course of action applied as a preventive measure.	P&C 2013.

Rare, threatened or endangered (RTE) species	Species as defined by the High Conservation Value Resource Network (HCVRN).	HCVRN Common Guidance for the Identification of HCVs.
Recruitment fees	Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e. recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	Dhaka Principles and ILO 181.
Restore	Returning degraded or converted areas within a plantation to a semi-natural state.	P&C 2013.
Rights	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <ol style="list-style-type: none"> 1. Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical user rather than formal legal title to land and resources issued by the State. That is, the rights acquired by indigenous peoples over time, recognized by the members of the communities. 2. Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations. 3. User rights: Rights for the use, exploitation and benefits of land and resources that can be defined by local custom, agreements between parties, or prescribed by other entities holding access rights. 4. Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognized by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities . 	<p>P&C 2013.</p> <p>UN Refugees & Migrants, Global Compact for Safe, Orderly and Regular Migration, 2018.</p> <p>World Bank Operational Policy 4.10.</p> <p>From FSC Principles & Criteria.</p>

Risk assessment	<p>A systematic process of identifying and evaluating the potential risks that may be involved in a projected activity or undertaking.</p> <p>It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.</p>	Adapted from ILO, A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments, 2014.
Scheme Smallholder	<p>Farmers, landowners or their delegates that <u>do not</u> have the:</p> <ul style="list-style-type: none"> • Enforceable decision-making power on the operation of the land and production practices; and/or • Freedom to choose how they utilize their lands, type of crops to plant, and how they manage them (whether and how they organize, manage and finance the land). <p>(See also smallholder and Independent Smallholder).</p>	SHIG.
Significant pollutant	Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertilizer, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.	P&C Review 2018.
Site	A single functional unit of an organization or a combination of units situated at one locality, which is geographically distinct from other units.	RSPO 2017 SCCS Standard.
Smallholder	Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 ha in size.	P&C 2013.
	<p>Scheme Smallholder: Farmers, landowners or their delegates that <u>do not</u> have the:</p>	SHIG.

- Enforceable decision-making power on the operation of the land and production practices; and/or
- Freedom to choose how they utilize their lands, type of crops to plant, and how they manage them (whether and how they organize, manage and finance the land).

Independent Smallholder:

All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers.

SHIG.

Social and Environmental Impact Assessment (SEIA)

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 minimize and mitigate potential negative impacts.

P&C Review 2018.

Stakeholders

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

P&C 2013.

To define the map of stakeholders or interested parties, it is necessary to consider all people that might be affected by, or be perceived as affected by a decision or activity (ISO 9001: 15):

-Those with whom growers and processors have a legal, operational or fiscal responsibility (for example, contractors, suppliers of products and / or services, clients, etc.).

-People who have influence to impede or boost the activity of growers or processors, such as shareholders, social and environmental non-governmental organizations, as well as government entities at the municipal, state or federal level.

-Present people in the areas where the growers or processors interact, since

Mexican National Interpretation Working Group.

they can be affected by their activity and, in turn, influence the running of the activity (for example, community leaders, ejido commissioners, representatives of ethnic groups, vulnerable groups such as women, children or elderly people, etc.).

-Workers of plantations and / or mills and trade union leaders.

-Academic entities, religious groups, representatives of emergency systems (for example, health centers, police, fire department, civil protection), cultural representatives, among others, can also be considered.

Stakeholders must be identified (where are they?), characterized (who they are and what they represent?) and qualified (degree of importance to growers or processors). Afterwards, a relationship strategy must be created and maintained through dialogue, participation or communication in the short, medium and long term, which allows the construction of improvement actions.

Steep terrain	Areas above 25 degrees or based on a National Interpretation (NI) process.	P&C 2013 Annex 2 NI Guidance.
Sustainable development	Sustainable development, or sustainability, is the satisfaction of the needs of the present generation without compromising the ability of future generations to meet their own needs. It implies economically viable, environmentally appropriate and socially beneficial operations. Currently, the Sustainable Development Goals seek the adoption of measures to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.	Our Common Future, World Commission on Environment and Development (Brundtland Commission), 1987. 2030 Agenda for Sustainable Development.
Sustainable rural Development	It is the integral improvement of the social welfare of the population and of the economic activities in the territory outside the urban areas, assuring the permanent conservation of the natural resources, the biodiversity and the environmental services of said territory.	Article 3, fr. XIV, Law on Sustainable rural Development.
Trafficked labour	Trafficked labour is a form of exploitation that results from the recruitment, transport, transfer, harbouring, and receipt of individuals to perform labour or services through the use of threat or use of force or other	The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.

	forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	
Transmigrant	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.	P&C 2013.
Undue influence	The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.	P&C 2013.
	For the National Interpretation, undue influence will be understood as coercion, defined as the pressure exerted on someone to force their will or behavior. In this sense, coercion is to use physical, moral, economic or psychological force on someone in order to change their will or behavior regarding a previously defined position.	Mexican National Interpretation Working Group.
Unit of certification	There are two types of certification units, one as a group of independent producers and the other through the mill and its supply base.	RSPO Certification Systems 2017.
	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.	
Urban solid waste	Waste generated in households, resulting from the elimination of the materials used in their domestic activities, the products they consume and their packaging or containers; the waste that comes from any other activity within establishments or on public spaces that generate waste with household characteristics, and those resulting from the cleaning of roads and public places, provided they are not considered by the General Law for Prevention and Integral Management of Waste as other types of waste.	Article 5, fr. XXXIII General Law for the Prevention and Integral Management of Waste.
Voluntary isolation	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with	Inter-American Commission on Human Rights, Indigenous Peoples in

	persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples' territories.	Voluntary Isolation and Initial Contact in the Americas, 2013.
Vulnerable groups	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	P&C Review 2018.
Waste	Material or product whose owner or holder disposes of and which is in a solid or semi-solid state, or is a liquid or gas contained in containers or deposits, and which may be susceptible to be valued or requires to be subjected to treatment or final disposal in accordance with the provisions in the General Law for the Prevention and Integral Management of Waste and other legal systems deriving from it.	Article 5, fr. XXIX of the General Law for the Prevention and Integral Management of Waste.
Waste of special management	Waste generated in production processes, which do not meet the characteristics to be considered as hazardous or as urban solid waste, or that are produced by large generators of urban solid waste.	Article 5, fr. XXX of the General Law for the Prevention and Integral Management of Waste.
Water security	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	UN Water, Water Security Infographic.
Whistleblower	Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee- employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 September, 2018).

Work-related accident	Any organic injury or functional disturbance, immediate or subsequent, death or disappearance derived from a criminal act, suddenly occurred in exercise of work or for work reasons, whatever the place and time in which it is presented. Accidents that occur when the worker moves directly from his/her home to the place of work or from the place of work from his/her home, are included.	Article 474 of the Federal Labour Law
Work-related illness	Any pathological state derived from the continued action of a cause that has its origin or motive in the work or in the environment in which the worker is forced to render his services.	Article 475 of the Federal Labour Law
Work relation	Whatever the act that gives origin to it, it is the provision of a personal work subordinated to a person, through the payment of a salary.	Article 20 of the Federal Labour Law
Worker	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organization.	P&C Review 2018.
Workforce	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.	P&C 2013.
Young person	Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”	ILO Minimum Age Convention, 1973 (No. 138), Article 3. ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16.

ANNEX 2: GUIDANCE

Principle 1: Behave ethically and transparently

Criterion	Guidance
1.1	<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>It is important that the provided information is not only translated, but that it is written in a language that people understand to be disseminated. The information defined as adequate, must be correct and verifiable, to avoid misinterpretation.</p> <p>Management documents comprise the results of FPIC processes, SEIAs, Human Rights Policies including a policy on protection of HRDs/whistleblowers, social programs avoiding or mitigating negative social impact, social programs advancing livelihoods, figures of gender distribution within all workers categorized by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programs for Independent Smallholders, education and health in the communities.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p>

Criterion

Guidance

1.1 (Continued)

Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private

For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.

The following documents should be available at the unit of certification (but not necessarily limited to) upon request:

- Land titles/user **rights or documents proving the legal land ownership** (Criterion 4.4)
- Occupational health and safety plans (Criterion 3.6)
- Plans and impact assessments relating to environmental and social impacts (Criterion 3.4)
- HCV & HCS documentation (Criterion 7.12)
- Pollution prevention and reduction plans (Criterion 7.10)
- Details of complaints and grievances (Criterion 4.2)
- Negotiation procedures (Criterion 4.6)
- Continuous improvement plans (Criterion 3.2)
- Public summary of certification assessment report
- Human Rights Policy (Criterion 4.1)

According to a definition present on RSPO website, negotiation procedure is understood as "the process by which interested parties resolve conflicts, agree on lines of conduct, seek individual or collective benefits, and obtain results that serve their mutual interests. It is generally considered as an alternative mean for the resolution of conflicts or situations involving action". The procedures previously mentioned are descriptive but not exhaustive. The certification unit may search conflict resolution mechanisms to develop their own negotiation procedure, examples of this procedures can be found on RSPO website.

Criterion	Guidance
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1.1
(Continued)

Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. The unit of certification should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.

1.2

All levels of the operations will include contractors (e.g. those involved in security).

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 The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.

The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.

Commitment to company ethical policies is incorporated in all service contracts.

There are due diligence procedures in place for the selection and contracting of recruitment agencies and labour intermediaries or suppliers.

Unethical conduct includes charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labour intermediaries or suppliers.

Criterion

Guidance

1.2
(Continued)

Ethical conduct is applicable to all management units of the certification unit, including collection centers managed by the certification unit itself

The associated / system / under contract producers will be defined as part of the supply base, that is, when the mill controls the management of the producer's operations in the planted area of the individual producer and can make them apply decisions on the production practices and the crops to be planted, the mill must include its suppliers within its own certification. In these cases, there are operating purchase and sale contracts, and there may or may not be a legal company constituted between the producers and the mill. Examples of associated, system, or under contract producers are those that have contracts for the operation purchase and sale of FFB, where the producer must follow the procedures dictated by the mill and has no power to decide on the management, procedures and supplies of the plantation.

On the contrary, independent producers may or may not be considered as part of the certified supply base, that is, in any case where the FFB supplier remains the decision-making authority over the plantation and performs the greatest part of the work, it should be considered as an independent producer and the mill is not obligated to include the producer within its own certification. For these cases, there may or may not be an FFB purchase-sale contract (for commercial purposes). Examples of independent producers are:

1. Producers that have FFB purchase-sale contracts with the mill but that maintain the freedom of operation in their farms.
 2. Producers that have FFB purchase-sale contracts and receive the technical assistance service to the producer by the mill, but the producer maintains the freedom of operation in their farms.
- Producers that do not have FFB purchase-sale contracts.

Principle 2: Operate legally and respect rights

Criterion	Guidance
2.1	<p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO Core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Monitoring systems are important to know and track the modifications to the Law. The unit of certification could subscribe to those in order to obtain periodic updates. Similarly, the management programs of each of the Natural Protected Areas (ANP, for its acronym in Spanish) approved by decree, as well as municipal and state laws should be considered.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>Contradictions and inconsistencies should be identified, and solutions suggested. Evidence should be incorporated as part of implementation of Criterion 2.3.</p> <p>See Indicator 4.4.1 for requirements on legal ownership or lease and authorized use of customary lands. For Indicator 2.1.2:</p> <p>A documented system for ensuring legal compliance' can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operation</p>

Criterion

Guidance

2.2

Contracted parties include:

- Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour
- Short-term contracts; renewable contract
- Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterized by a limited duration or a pre-specified event to end the contract
- Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialized economies, particularly in jobs associated with the “on-demand” or ‘gig economy”. (https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang-en/index.htm).

Workers or service providers should have contracts, regardless whether they have signed a temporary contract with another grower. while it does not contrive national legislation

2.3

For consideration of FFB legality, NIs should also consider commonly accepted local practices and customs that are generally accepted to be on a par with legal standing or accepted by authorities (e.g. native courts).

For 2.3.1. See [guidance in Criterion 4.6 on documents to demonstrate land tenure or use rights](#).

Principle 3: Optimise productivity, efficiency, positive impacts and resilience

Criterion	Guidance
3.1	<p>Whilst it is recognized that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning.</p> <p>For plantations on peat, a longer time frame for the projection of the annual replanting program is needed per Criterion 7.7.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements. This Criterion is not applicable to Independent Smallholders.</p> <p>The business or management plan should contain:</p> <ol style="list-style-type: none">1. Attention to quality of planting materials2. Crop projection = Fresh Fruit Bunches (FFB) yield trends3. Mill extraction rates = Oil Extraction Rate (OER) trends4. Cost of production = cost per tonne of Crude Palm Oil (CPO) trends5. Forecast prices6. Financial indicators <p>Suggested calculation: Trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programs).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.</p>

Criterion

Guidance

3.1 (Continued)

Where the specific financial details are not known, an estimate of these amounts, or structures for defining those estimates will be made clear within the contract.

Management reviews (Indicator 3.1.3) should include:

1. Results of internal audits
2. Customer feedback
3. Process performance and product conformity
4. Status of preventive and corrective actions
5. Follow-up actions from management reviews
6. Changes that could affect the management system
7. Recommendations for improvement

3.2

For the action plan for continuous improvement, indicators may include but not be limited to:

1. Optimizing the yield of the supply base.
2. Reduction in use of pesticides (Criterion 7.2)
3. Environmental impacts (Criteria 3.4, 7.6 and 7.7)
4. Waste reduction (Criterion 7.3)
5. Pollution and greenhouse gas (GHG) emissions (Criterion 7.10)
6. Impacts on communities, workers and smallholders (Principle 6)
7. Integrated management of HCV-HCS, peatland and other conservation areas (Criteria 7.7 and 7.12)

Where applicable, review should include Scheme Smallholders.

The unit of certification should have a system to improve practices in line with new information and techniques, an a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement

Criterion

Guidance

3.3

Mechanisms to check implementation could include documentation of management systems and internal control procedures (see Criterion 2.1).

SOP and documentation for mills should include relevant supply chain requirements. [The RSPO Supply Chain Certification Standard indicates documented procedures \(5.3\) on section 5 regarding the general chain of custody requirements for the supply chain, as indicated in the following section. See document on the following link: \[https://www.rspo.org/library/lib_files/preview/184\]\(https://www.rspo.org/library/lib_files/preview/184\) \(see SCCS section under Principle 3\).](#)

The unit of certification, while working with third party suppliers of FFB on traceability and legality, should use the opportunity to distribute suitable information on BMPs

3.4

See definition of Social and Environmental Impact Assessment in Annex 1. Definitions.

For RSPO, according to Criterion 7.12, new plantations will not cause deforestation or replace any area required to maintain or improve High Conservation Values.

In Mexico, the article 28 of the General Law of Ecological Equilibrium and Environmental Protection (LGEEPA, for its acronym in Spanish), creates the environmental impact assessment as the procedure through which conditions are subject to to the execution of works and activities that may cause ecological imbalance or exceed the limits and conditions established in the applicable provisions to protect the environment and preserve and restore ecosystems, in order to avoid or minimize their negative effects on the environment. The same article indicates several activities or works that require prior authorization in terms of environmental impact, among which it mentions:

VIII. Changes in land use in forest areas, as well as in jungles and arid zones.

XI. Works and activities in protected natural areas of the Federation's competence.

XIII. Works or activities that correspond to matters of federal competence, which may cause severe and irreparable ecological imbalances, damage to public health or ecosystems, or exceed the limits and conditions established in the legal provisions related to the preservation of ecological balance and protection of the environment.

Criterion

Guidance

3.4
(Continued)

Likewise, LGEEPA's rules or secondary regulation in terms of environmental impact, specify in article 5, fr. V that agricultural activities of any kind require an environmental impact study (MIA, for its acronym in Spanish) when these imply the change of land use, with the exception of those that have as a purpose family self-consumption and those that involve the use of techniques and methodologies of organic agriculture. This same Regulation, in Article 12, regulates the content that the MIA must have.

According to RSPO the terms of reference of the SEIA should be defined. Ideally, the SEIA should be carried out by accredited independent experts, in order to ensure an objective process. The assessment (SEIA) should include, but is not limited to:

1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertilizer use, mill operations, roads, drainage and irrigation systems and other infrastructure.
2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these.
3. Assessment of the potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems.
4. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources.
5. Baseline soil surveys and topographic information, including the identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding.
6. Analysis of the type of land to be used (forest, degraded forest, peatlands, cleared land, etc.)
7. Assessment of land ownership and user rights.
8. Assessment of current land use patterns.
9. Assessment of impacts on people's amenity.
10. Assess impacts on employment, employment opportunities or from changes of employment terms.
11. A cost-benefit analysis on social aspects.

Criterion

Guidance

3.4
(Continued)

12. Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents.
13. Assessment of salient risk of human rights violations
14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities.
15. Assessment of activities which may impact air quality or generate significant GHG emissions.

Only independent assessor will be used to carry out SEIA regardless of size even if the company has its own internal assessor that is considered as competent environmental personnel endorsed by the authority. For smallholder schemes, the manager has the responsibility to undertake an impact assessment and to plan and operate in accordance with the results.

Additional information on SEIA can be found in various external sources such as HCSA Toolkit Module 3 and the International Finance Corporation (IFC)'s *Guide to Biodiversity for Private Sector: The Social and Environmental Impact Process*.

The review of the monitoring and management plan should be done (once every two years) internally or externally.

Management documents may comprise social programs avoiding or mitigating adverse social impact including human rights, social programs advancing community livelihoods and gender equality, partnership programs for Independent Smallholders, education and health in the communities.

The federal or state guidelines issued by the competent environmental authority may be used as a reference for the preparation of the environmental impact assessment. For example, the Federal Guide for activities that require change of land use in forest lands (removal of forest vegetation) and the State Guide is applicable, for activities such as the construction of roads.

Affected stakeholders are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.

Criterion	Guidance
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3.6 Refer to National Law/Regulation or ILO Convention 155 for those countries without national Occupational Safety and Health Law/Regulation at a minimum

3.7 **Training content:** Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimize exposure to workers and their families; and international and national instruments or regulations that protect workers' health.

The training program should include productivity and best management practice and be appropriate to the scale of the organization. The program should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.

In agronomic crop management training, instructors must possess the required knowledge.

Training participants: Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.

The unit of certification should demonstrate training activities for Scheme Smallholders who provide FFB on a contracted basis.

Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of the unit of certification that purchase fruit from them, by smallholders' organizations, or through collaboration with other institutions and organizations.

For individual scheme smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing.

[It is recommended that the training program includes: objectives, goals, training schedule, evaluation and registration of the implementation of the program. The training program should be reviewed and updated](#)

Criterion

Guidance

3.7
(Continued)

Training content: Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimize exposure to workers and their families; and international and national instruments or regulations that protect workers' health.

The training program should include productivity and best management practice and be appropriate to the scale of the organization. The program should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.

Assessors for agronomic crop management training, must possess the required knowledge, and experience

Training participants: Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.

The unit of certification should demonstrate training activities for Scheme Smallholders who provide FFB on a contracted basis.

Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of the unit of certification that purchase fruit from them, by smallholders' organizations, or through collaboration with other institutions and organizations.

For individual scheme smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing.

It is recommended that the training program includes objectives, goals, training schedule, evaluation and registration of the implementation of the program. The training program should be reviewed and updated periodically to ensure that improvements have been included. It is advisable to conduct a training need study periodically.

Criterion

Guidance

3.7
(Continued)

The training topics that should be included in the program are not limited to the following:

- Health and environmental risks due to exposure of pesticides.
- Recognition of acute symptoms and prolonged effect of pesticides.
- Recognition of acute and long-term symptoms associated with the exposure of these products.
- Methods to minimize the risk to workers and family members.
- Productivity and best management practices.

There are several tools that help verify that the training was done, examples of good practices for this are the following:

- DC3 Registries of knowledge of skills.
 - Assistance lists and photographs.
- Evaluations.
-

Principle 4: Respect community and human rights and deliver benefits

Criterion

Guidance

4.1

All levels of operations will include contractors (e.g. those involved in security). The UN Guiding Principles on Business and Human Rights notes that: *“The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.”*

The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See *“The corporate responsibility to respect human rights”* in *the UN Guiding Principles on Business and Human Rights*).

The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts.

The resulting guide will identify the relevant issues on human rights to all RSPO members.

Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the *RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons*.

The human rights policy should recognize all the legal precepts included in the international and regional human rights treaties ratified by Mexico, as well as those contained in the Mexican Political Constitution and the laws that emanate from it. In its interpretation, the *pro homine* principle should always be applied, in order to guarantee the individual the broadest protection of their rights

Criterion	Guidance
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4.2

Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties. [Those mechanisms should be viable, accessible and culturally appropriate, and resolve disputes in a timely manner.](#)

Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), without discrimination based on sexual orientation, with gender representation and, where relevant, migrant worker representation. Grievances may be internal (employees) or external.

For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.

Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.

Refer to helpful texts for guidance, such as the UN Human Rights Commission (HRC) endorsed '*Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework*', 2011.

[The resolution to a grievance or claim should not publish or disseminate confidential information, in accordance with the Mexican legal framework regarding the protection of personal data \(see Criterion 1.1\).](#)

[The implementation of complaints and grievance mechanisms within the certification units will in no way restrict the right of access to justice through administrative and judicial mechanisms existing in the Mexican legal framework for the resolution of disputes.](#)

4.3

Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.

Criterion

Guidance

4.3
(Continued)

The unit of certification may also seek partnerships from non-governmental organisations (NGOs) and civil society organisations (CSOs) to identify key environmental and/or social issues that are prevalent in the community and develop and implement solutions to address these issues as part of their contributions to sustainable development.

Some examples of contributions to local sustainable development ([see definitions of sustainable development and sustainable rural development on Anexe 1](#)) could be, but are not limited to:

- a) Poverty reduction
- b) Access to health and wellbeing
- c) Access to quality education
- d) Access to clean water and sanitation
- e) Conservation or restoration of natural resources
- f) Gender equality programs
- g) Support/enhance/secure food and water security

Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognized as conflicting with Criterion 6.1

4.4

[For the National Interpretation, land tenure will be understood as the legal accreditation of the property or possession of the land, from which there is the right to use, exploitation and benefits. On the other hand, land use is defined as the productive destination that the managed area will have.](#)

All indicators will apply to current operations, but there are exceptions for long- established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 4.4.2 and 4.4.3.

[For 4.4.3, the term appropriate scale refers to the community in the landscape where it is located](#)

Criterion

Guidance

4.4

Where there are legal or customary rights over land, the unit of certification should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criterion 4.5, 4.6 and 4.7. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).

This Criterion allows for negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.

Relevant legal arrangements may include negotiated benefit-sharing agreements, joint venture agreements, legal representation on management boards, restrictions on prior land use, co-management arrangements, smallholder contracts, rental and leasehold arrangements, royalty payments, and the implications of land acquisition and permits for community land tenure, use and access right.

4.5

The unit of certification can, through compliance with RSPO criteria demonstrate its commitment to support the UN Sustainable Development Goals (especially SDGs 2, 6 and 15).

In addition to contributing to the achievement of the SDGs, the certification unit can align the objectives of its operations with national development goals, as indicated in the National Development Plan and the planning and programmatic instruments derived from it.

The unit of certification should support the implementation of existing national strategies with regard to food and water security, and not contradict them by any of its business activities. In a non-restrictive manner, strategies, plans and maps on food and water security and natural disasters, may be consulted in the planning and programmatic instruments of the federal and subnational (state and municipal) governments, as well as in other relevant national and international information instruments

Criterion

Guidance

4.5
(Continued)

The unit of certification should recognise national and/or international natural disaster risk assessments, strategies and maps in the management plan/strategy for the managed areas. The unit of certification should inform suppliers and communities in the concerned region about natural risks and provide support in case of strong adverse natural and human made disasters.

This activity should be integrated with the SEIA required by Criterion 3.4.

Within the FPIC process, measures to balance potential negative impacts on food and water security for local communities should be discussed and agreed between the unit of certification and the local communities. These measures and their proposed implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.

In cases where the availability, access, quality and stability of food and water is negatively affected by the planned operations, mitigation and relief measures should be agreed.

Where applicable, in communities resettled in accordance with FPIC, the unit of certification should monitor the food and water security situation through a screening process and, for example, through continuous dialogue, to ensure local food and water security.

Efforts should be made to consider population dynamics. The set of measures is to be reviewed regularly (proposed biannually) to reflect on changes in needs and capacities and the resources available.

The unit of certification should not restrict access to markets for local communities through its operations.

The unit of certification should assess water catchments in order to identify key water risks or shared challenges (see HCV 4). The unit of certification should regularly monitor their operations' impacts on water availability and quality.

Criterion	Guidance
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4.5
(Continued)

Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites.

Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 4.4). Relevant stakeholders include those affected by or concerned with the new plantings.

Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.

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)

4.6

Where there is a conflict on the condition of land use as per land title, the unit of certification should show evidence that necessary action has been taken to resolve the conflict with relevant parties.

A mechanism should be in place to resolve any conflict (Criteria 4.2 and 4.6).

Where operations overlap with other rights holders, the unit of certification should resolve the issue with the appropriate authorities, consistent with Criteria 4.2 and 4.6.

In addition to documents indicated in the Mexican legal framework regarding land tenure, for purposes of the National Interpretation, a document issued by the authorities of the agrarian land (*ejido*) and sanctioned by the general assembly of land holders (*ejidatarios*) and the competent authorities will also be valid to prove the legal possession of the land, seeking that this document allows the traceability of FFB suppliers and the recognition of land boundaries. On the other hand, the certificate of possession for national lands will also be considered as a document to prove the legal possession of the land, and *Precairious act* document could be use to prove land use in case there is no conflict, and only while the legal possession of land is beeing checked.

Criterion

Guidance

4.8

The unit of certification should have a mechanism or guide for the resolution of conflicts in a self-assertive manner, appealing first of all to direct dialogue or any other variant considered in the alternative means of dispute resolution. Once the procedure previously indicated has been exhausted, the unit of certification will have complete freedom to exercise the legal actions granted by the law. The resolution issued by the competent authority will be considered, for the purposes of this National Interpretation, as full proof of the legal recognition of their rights

Principle 5: Support smallholder inclusion

Criterion	Guidance
5.1	<p>A timely payment shall be understood as one that does not jeopardize the livelihood of the grower and his/her family, in compliance with the commercial conditions agreed between the mill and the grower. The obligation to make public, transparent and accessible must be guaranteed.</p> <p>Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:</p> <ol style="list-style-type: none">1. Cost incurred by smallholders where applicable (e.g. Fertilizer, seeds, pesticides, transport of FFB, land use permit, land ownership fees, land preparation, labour costs and other costs related to FFB production);2. Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions. <p>Source: <i>2012 FAO Guiding Principles Responsible Contract Farming</i></p> <p>This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.</p> <p>Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) must also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should have access to the grievance procedure under Criterion 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p>

Criterion

Guidance

5.2

RSPO will develop guidance on smallholder support (a separate RSPO Smallholder Standard is currently under development as of the printing of this standard).

The consultation may include collection centers (gathering points) or other parties like representative organizations, where applicable. In particular for Scheme Smallholders, support programs are based on long term relations.

When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken into account and are explained to and understood by the smallholders:

- Expected continued supply of FFB to the mill
- Readiness of smallholders to implement the improvement programs
- Specific elements on RSPO certification may include:
- Socialization on RSPO
- H&S training
- FPIC
- HCV

The delivery of the support services can include but is not limited to cooperatives, agents, collection centers and representative organizations.

The RSPO NI for Mexico, identifies two types of mills in their national context: (i) social or cooperative and (ii) private. The programs that are viable to support services will be appropriate to the type of mill, recognizing their capabilities and particular characteristics, as well as their economic management as to apply for a specific type of support services and/or programs.

Principle 6: Respect workers' rights and conditions

Criterion	Guidance
6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p> <p>When there is a working relation under the terms of the Federal Labour Law (see definition of work relation), the requirements of social security and labour rights indicated in such Law must be complied</p>

Criterion

Guidance

6.2

The remuneration and working conditions should be presented to the worker in understandable languages and forms. For the National Interpretation, it will be understood that criteria 6.2.4 and 6.2.5 will be applicable in cases where workers live within the plantations, in accordance with the articles 143 and 283 of the Federal Labour Law.

Elements in the calculation of a decent standard of living should include food, water, housing, education, healthcare, transport, clothing and other essential needs, including provision for unexpected effects, in accordance with the GLWC methodology.

The list of essential needs (that will be considered for the non-food, non-housing element), and the costs/values associated with these elements, will be provided by the RSPO.

Where a GLWC living wage standard, or one that fulfills the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, this should be used as benchmark.

Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered.

For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC-developed benchmark for the country is in place (see procedural note in Indicator 6.2.6).

A written policy, committing to payment of a living wage should be in place.

The implementation plan should have specific targets, and a phased-implementation process should be in place, including the following:

Criterion

Guidance

6.2

(Continued)

- An assessment is conducted to determine prevailing wages and in-kind benefits already being provided to workers
- There is annual progress on the implementation of living wages
- Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment
- The unit of certification may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before an eventual scale-up of the living wage implementation

Without disrupting the wage distribution, employers can provide more or better in-kind benefits to increase the living standards of their workers, as long as it is agreed upon by the trade union/worker representatives.

RSPO has adopted the Global Living Wage Coalition (GLWC) method to determine the decent living wage (DLW) in units certified by the RSPO, which states that “The remuneration received for a standard work week for a worker in a particular place is sufficient to allow a decent standard of living for the worker and his family.” For more information, consult the Fact Sheet on Decent Salary available on the RSPO website. In the case of Mexico, the provisions of article 90 of the federal labour law, the definition of which is set out in Annex 1 of the IN definitions, must be followed.

6.3

[In labour matters, the Federal Labour Law identifies legal association figures in Mexico, the trade unions, through collective agreements; the federations, through law-contracts, and the confederations.](#)

The right of staff and workers, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with the unit of certification should be respected, in accordance with Conventions 87 and 98 of the ILO.

Collective bargaining is encouraged to include terms and conditions relevant to workers’ rights, but also to the workers and families’ rights to access health care, education, nutritious food, safety/protection equipment, energy, and could include a clear mechanism of grievances and remedy.

Criterion

Guidance

6.3

(Continued)

Foreign workers should be encouraged to join unions. Where the right to freedom of association and collective bargaining are restricted under law, the unit of certification publishes a statement that facilitates parallel means of independent and free association and bargaining for all such personnel. [According to the Federal Labour Law, foreign workers can participate in unions, but they cannot be part of their directives.](#)

6.4

Service contracts and supplier agreements refer to those that the unit of certification enters into and has influence over; rather than for agreements that cover services of infrastructure set up, such as telephone or electricity.

The unit of certification should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per ILO Convention 138 ([see definition of hazardous work at Annex 1](#)).

Work in family farms, when the farm is contracted to or provides business to another entity, is prohibited. Farm work is only accepted when it is for the family's own consumption.

Child labour is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in child labour and to suffer its consequences.

Age verification documents include a government recognized photographic identification document, where available.

Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.

[Consult information on work of minors and emancipation in Annex 3b. Legal national framework.](#)

Criterion

Guidance

6.4

(Continued)

6.5

There should be a clear policy developed in consultation with staff and workers, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.

These policies should include education for women, [men](#) and awareness of the workforce. There should be programs provided for particular issues faced by women, such as violence and sexual harassment in the workplace. This committee, which should include representatives from all areas of work, will consider matters such as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding

For 6.5.3: The Gender Committee can support the assessment.

Adequate space and paid breaks should be provided to enable mothers with infants 24 months or younger to breastfeed or express and store breast milk with privacy

[According to the Federal Labour Law, appropriate conditions for breastfeeding must be ensured for mothers with babies up to six months of age. Since the mother is in need to have an adequate space for breastfeeding. The unit of certification can use as a guide the Practical guide for breastfeeding in the workplace” developed by UNICEF and the Mexican Institute of Social Security \(IMSS\), which indicates that a breastfeeding room should be a dignified and hygienic space, conditioned so that breastfeeding women can extract their milk during the working day and ensure its proper conservation for the rest of that day. This can have the following characteristics:](#)

Criterion

Guidance

6.5

(Continued)

- To have good lighting and ventilation;
- To have and adequate electricity plug and comfortable furniture;
- To be accessible, with clear and adequate signage and access control;
- To provide facilities for her to wash her hands and the utensils for extraction;
- To be a clean space with daily cleaning;
- To have a refrigerator for the storage of extracted milk.

The policy to prevent sexual or other forms of harassment and violence must comply with the national legal framework applicable in the matter. Regardless of the implementation of a grievance mechanism for cases of sexual harassment or other forms of harassment or violence, the victim's right to access justice through applicable legal actions will not be restricted, based on the provisions of the Federal Labour Law, the General Law on the Access of Women to a Life Free of Violence and the Federal Criminal Code.

Likewise, the unit of certification can use as a guide the "Protocol of labour violence, harassment and sexual harassment, directed at companies in the Mexican Republic", developed by the Ministry of Labour and Social Welfare (STPS, for its acronym in Spanish) for the protection of the integrity and health of the personnel that works in the private initiative, in order to generate a policy of zero tolerance and respond to these situations in cases that arise within companies.

6.6

Migrant workers should be legalized, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardize a DLW.

Discounts on workers wages are prohibited, except in the cases and with the requirements indicated in the article 110 of the Federal Labour Law, the article 96 of the Law of Income Tax and the article 38 of the Law of the Mexican Institute of Social Security.

Workers may voluntarily want to have their passports or identity documents held by the management for safekeeping purposes. In such cases, the documents should be returned to the workers upon request. There should be evidence of

Criterion

Guidance

6.6

(Continued)

due diligence in applying this to all sub-contract workers and suppliers.

National guidance should be used on contract substitution

Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement. This is in accordance with ILO conventions: Forced Labour Convention, 1930 (No. 29) ; [Protocol of 2014 to the Forced Labour Convention, 1930 \(P029\)](#) ; Abolition of Forced Labour Convention, 1957 (No. 105) ; [Forced Labour Recommendation, 2014 \(No. 203\)](#)

The specific labour policy should include:

- Statement of the non-discriminatory practices
- No contract substitution
- Post-arrival orientation program to focus especially on language, safety, labour laws, cultural practices etc.
- Decent housing to be provided in accordance with national law or in their absence ILO Recommendation 115
- Fees related to recruitment and hiring of migrant workers

Debt bondage is an illegal figure in Mexican context, as it is contrary to Article 2 of the Mexican Political Constitution, which prohibits slavery in the country, as well as to the human rights recognized in international and regional treaties ratified by Mexico.

In Mexico, there are rural and agricultural practices that are based on the uses and customs of local communities, through which communities exercise several forms of community or family work, carried out in a voluntary cooperation modality, which includes reciprocity or the distribution of benefits.

One of these cases is the *mano vuelta*, also known as *gozona*, which consists of an agreement of mutual aid between

several families or neighbours from the establishment of a crop. By means of this practice, an exchange of work based on reciprocity is carried out, for example, when all the smallholders come together to carry out, jointly, agricultural activities in each one of the plots belonging to all those smallholders. These activities, of intermittent occurrence, tend to be on the maintenance of the plantations and do not consist of a central work within it. In this regard, the people who provide this support are not part of the labour force and their work does not consist of a work relationship, in accordance

Criterion	Guidance
<p>6.6 (Continued)</p>	<p>with the Federal Labour Law (see definition of work relationship).</p> <p>The identification of this practice is based on the recognition of customary and historical agricultural practices of local communities that seek to promote community solidarity, so they are regulated by each community or group, and although they are not legally regulated due to their voluntary nature, they do not contravene the provisions of the applicable laws in labour matters. For the National Interpretation, there should be a written agreement that demonstrates the voluntary nature of the support and proves the neighborhood characteristic of the person granting it.</p> <p>On the other hand, there is a legal figure through which wives, daughters and other female relatives of land holders of the <i>ejido</i> (<i>ejidatarios</i>) or of agricultural workers who live in an agrarian nucleus, can organize themselves as an Agricultural Industrial Unit for Women (UAIM, for its acronym in Spanish). Its objective is the establishment of agricultural farms and rural industries that encourage the incorporation of peasant women into the productive processes and the development of activities related to and complementary to those of the <i>ejido</i>. The production unit is managed jointly by all women, and their work consists of activities of mutual assistance, exploitation of resources, marketing or any activity that promotes the generation of own-income and the economic and social development of women within the agrarian nucleus. Its establishment should be carried out in accordance with the provisions of the Agrarian Law.</p> <p>Finally, there are “school plots” in order that children and young people participate in the research, teaching and dissemination of agricultural practices that allow a more efficient use of the human and material resources available to the <i>ejido</i>. Its establishment should also be carried out in accordance with the provisions of the Agrarian Law.</p>
<p>6.7</p>	<p>For 6.7.4 and 6.7.5, “work-related incidents” are defined as accidents and illnesses according to the Federal Labour Law (see definitions of work-related accidents and work-related illnesses).</p>

Principle 7: Protect, conserve and enhance ecosystems and the environment

Criterion	Guidance
7.1	<p>The unit of certification should apply recognized IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimize the use of chemicals. Native species should be used in biological control where possible. To prevent new pests or diseases outbreaks it is advisable to consider prevention plans for the IPM. Some methods for IPM can be consulted in the Best agro-industrial practices of oil palm cultivation manual (Cenipalma, 2016), which specifies cultural, manual, mechanical and chemical methods for weed control.</p> <p>The National Service for Agri-Food Health, Safety and Quality (SENASICA, in Spanish) has published integrated pest management manuals that can be used as guidelines: Technical manual No. 14 on red palm mite, (SENASICA,2014) and the Technical manual No. 51 on but rot (SENASICA 2016).</p> <p>In specific cases for the control of pests and diseases by fire, as per regulations, there should be evidence of prior approval of the controlled burning as specified by the relevant authorities in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines or regulations in other regions.</p> <p>For Indicator 7.1.3, the unit of certification must comply with the National Forestry Commission (CONAFOR, in Spanish) guidelines for fire management, and the technical specifications established in NOM-015-SEMARNAT/SAGARPA-2007 for the use of fire in forest and agricultural lands.</p> <p>For more information regarding the use of fire, in the state of Chiapas, consult the Law for Sustainable Forest Development; for the state of Veracruz, consult the Law for Fire Use in Agricultural Lands; in the state of Campeche, consult the Law for Agricultural Burning, and in the state of Tabasco, consult the Law for the Prevention and Fighting of Agricultural Fires.</p> <p>It is possible to consult the guide section to consult guides and procedures that provide information for the management of exotic species throughout the value chain. The National Biodiversity Strategy, its Action Plan, the National Strategy on Invasive Species and the Mexican Strategy for Plant Conservation & The Agreement establishing</p>

Criterion

Guidance

7.1
(Continued)

the list of invasive exotic species for Mexico DOF 07-12-2016 [can be used as reference](#).

An early detection and rapid response mechanism should be established in the managed and surrounding areas to detect the presence and uncontrolled dispersion of invasive alien species (species used as coverts) or new individuals of African palm and to control them, before these can affect areas with HCV.

When possible, the following good practices should be used:

- Establish mixed crops with native vegetation to improve landscape heterogeneity and connectivity; This way, the risk of pest appearance may decrease, the permanence of native fauna is guaranteed, and it contributes to their mobility, favoring the biodiversity conservation.
- Develop of agroforestry and agrosilvopastoral systems.

7.2

The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the 'Research Project on Integrated Weed Management Strategies for Oil Palm', CABI, April 2011. It is advisable to use native legumes as cover crops.

Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders.

The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied.

Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency use of pesticides that are categorized as World Health Organization Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides should be applied, the context and location of the application,

Criterion

Guidance

7.2
(Continued)

the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides.

The due diligence should refer to:

- a) Judgment of the threat and verification of why this is a major threat
- b) Why there is no other alternative which can be used
- c) Which process was applied to verify that there is no other less hazardous alternative
- d) What the process is to limit the negative impacts of the applications
- e) Estimation of the timescale of the application and which steps are taken to limit the application to a singularity.

Recognized best practice includes: storage of all pesticides as prescribed in the 'FAO International Code of Conduct on the distribution and use of pesticides' and its guidelines and supplemented by relevant industry guidelines in support of the International Code (see Annex 3).

Consult the list of prohibited or restricted pesticides according to Mexican legal framework in the Official Journal of the Federation. The pesticides enlisted in the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention and the Montreal Protocol should be added to the list of banned pesticides. It is possible to use RAS list or the one that replaces it and that is more updated as guide. When restricted pesticides listed in international conventions are not included in Mexican legislation, the strictest criteria should be applied.

For the correct use of pesticides, use the Good Practices Guidelines for Terrestrial Application of Pesticides of the FAO.

It is recommended the use of CICOPLAFEST pesticide catalog for good practices to avoid environmental pollution by pesticides, protection of bees and other pollinators. For Indicators 7.2.6, 7.2.7, 7.2.10 use the Official Mexican Standard NOM-003-STPS-1999, Agricultural Activities-Use of phytosanitary supplies or pesticides and vegetable nutrition inputs or fertilizers - Safety and hygiene conditions.

Those interested in aerial application of pesticides (Indicator 7.2.9), must obtain a certificate of compliance with the Official Mexican Standard NOM-052-FITO-1995 that establishes the phytosanitary requirements and

Criterion

Guidance

7.2
(Continued)

specifications

to present the notice of initiation of operation by persons engaged in aerial application of agricultural pesticides.

7.3

The waste management and disposal plan should include measures for:

- Improving the efficiency of resource utilisation and recycling potential **byproducts** as nutrients or converting them into value-added products (e.g. through animal feeding programs).
- Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), in such a way that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to.

The unit of certification is encouraged to improve the waste management in surrounding neighborhoods.

Where there are no options for non-toxic and non-hazardous domestic waste collection by local government services, landfills may be required as a solution for disposal.

The list of hazardous waste should be consulted in NOM-52-SEMARNAT-2005.

In accordance with the Chapter II of the General Law for the Prevention and Integral Management of Wast, growers and mills must create and execute a management plan according with their generator classification type. In the case of waste of special management and urban solid waste, they must comply with state laws for waste management. To this matter it is possible to consult the Safety Program (Clean Field) of the state plant health committee and the list of suppliers accredited by SEMARNAT.

Mills should consult the Regulation of the National Water Law, which establishes the obligations for mills that discharges wastewater to the national watercourses / waterbodies

Criterion

Guidance

Some examples of marginal soils are sandy soils, low in organic matter, acid and alkaline sulfates. As an example of fragile soils, RSPO proposes peatland, mangrove and other wetland areas (P&C 2013). An example of fragile soils in Mexico are the Leptosols.

In addition to other available manuals on amendments the following recommendations can be implemented: For acid soils, there are chemical amendments such as limes, unprocessed or partially transformed phosphoric rocks, and minerals carrying essential elements physically processed, but not chemically. In addition, it is recommended to apply the amendments when adapting the soil for sowing and, according to the soil analysis, apply amendments every three or four years and so on during the useful life of the oil palm crop. To correct soil's basis unbalance, apply amendments such as sulfur (S) elementary, gypsum ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$) and, sometimes, sulfuric acid (H_2SO_4) in doses that depend on the amount of carbonate of calcium (CaCO_3) in the soil (Cenipalma, 2016).

Soil conservation measures (for example construction of terraces, platforms, cover crops, etc.) should be applied for lands between 9 and 25 degrees of inclination.

The soil erosion map and possible implications for the storage of organic carbon in the soil (1: 50,000) developed by COLPOS, SADER, SEMARNAT and CONAFOR, can be used as a source of information for the identification of eroded or erosion prone areas, also is possible to consult other state soil maps.

7.6

These activities can be linked to the SEIA (see Criterion 3.4) but need not be done by independent experts.

Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil

7.6
(Continued)

types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development

Soils requiring appropriate practices must be identified (see Criteria 7.6 and 7.7). This information should be used

Criterion

Guidance

to plan planting programs, etc.

Measures should be planned to minimize erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.

Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).

Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.

The procedures described in NOM 021-SEMARNAT-2000 that establishes the technical specifications of sampling and analysis of fertility, salinity and soil classification, could be considered for the development of specific manuals for palm oil plantations. The optimal variables that must be considered in the planning studies include soil type, geographical location, temperature, rainfall, water availability, planting material, light hours, etc. This information is available on INIFAP's Technology package for palm oil.

See guidelines of Criterion 7.5

Information should be collected on soil suitability by the unit of certification if planning to purchase FFB from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in conjunction with relevant government/ public institutions and other organizations (including NGOs) provide information in order to assist Independent Smallholders to grow oil palm sustainably.

7.7

The unit of certification is encouraged to map the peatlands within the supply base to enable monitoring and promotion of BMPs.

For Indicator 7.7.3: For existing plantings on peat, the water table should be maintained at an average of 50 cm (between 40 cm and 60 cm) below ground surface unless required to be higher by national regulations, measured

Criterion	Guidance
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with groundwater piezometer readings, or an average of 60 cm (between 50 cm and 70 cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures (e.g. weirs, sandbags, etc.) in fields, and watergates at the discharge points of main drains.

For Indicator 7.7.3: Monitoring of subsidence should be undertaken in all drained peat areas in the plantation including areas adjacent to the plantation where water tables may be impacted by drainage associated with the plantation.

The scale of the National Institute of Statistic and Geography (INEGI, in Spanish) on histosols maps is not adequate to define the appropriate areas with this type of soil. Considering this, the evaluation should be done at the plantation level, preferably using the Global Wetlands cartography or other existing orthographies.

7.8

The water management plan should include:

- Consideration of relevant stakeholders, their water use, and water resource availability.
- Taking account of the efficiency of use and renewability of sources.
- Ensuring that the use and management of water by the unit of certification does not result in adverse impacts on other users within the catchment area, including local communities and customary water users.
- Aiming to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes.
- Avoiding contamination of surface and ground water through runoff of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME.

Refer to the 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).

7.8
(Continued)

Where national regulations do not specify mill effluent requirements or discharge quality, these should be defined at NI level.

The plantations and mills must have national water concession titles and comply with the obligations established in each title. In the case of mills, these must have a discharge permit.

To prevent contamination of aquifers, consult NOM-003-CONAGUA-1996 Requirements during the construction of water extraction wells.

The limits established in NOM-001-SEMARNAT-1996 must be complied according to the wastewater discharge site.

All permanent watercourses, wetlands and waterbodies should maintain the existing natural vegetation that maintains ecological functionality. In case it does not exist, it should be restored it with native species that ensure the ecological function.

In addition to what is set in the legal framework of Art. 3, section XLVII of the National Waters Law, that defines the riverbank or federal zone of the causes or bodies of water, and Art. 4 of its Regulation that establishes the procedure to delimit the riparian zone, the plantations must have the width mentioned in the following table

<u>River width</u> (m)	<u>Reserve width</u> (m)
<u>1-5</u>	<u>5</u>
<u>5-10</u>	<u>10</u>
<u>10-20</u>	<u>20</u>
<u>20-40</u>	<u>40</u>
<u>40-50</u>	<u>50</u>
<u>>50-100</u>	<u>100</u>

Source: RSPO P&C 2013.

Note: For the delimitation of the reserve area it is possible to consult CONAGUA’s information sources

It is advisable to use the Best Practices Guides for the management and rehabilitation of riparian zones of RSPO (Manual on Best Management Practices for the Management and Rehabilitation of Riparian Reserves).

7.8
(Continued)

Criterion	Guidance
7.9	<p>Renewable energy use per tonne of CPO or palm product in the mill must be monitored and reported.</p> <p>Direct fossil fuel use per tonne of CPO or FFB should be monitored.</p> <p>Energy efficiency must be taken into account in the construction or upgrading of all operations. The unit of certification should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of its operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.</p> <p>The feasibility of collecting and using biogas should be studied where relevant.</p>
7.10	<p>The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.</p> <p>Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g. optimal fertilizer use, energy efficient transportation, good water management, restoration of peatlands and conservation areas). Reference can be made to the RSPO Compilation of BMPs to Reduce Total Emissions from Palm Oil Production. This Criterion covers plantations, mill operations, roads and other infrastructure including access and perimeter canals and roads.</p>
7.11	<p>Extension/training programs for smallholders may be necessary. CONAFOR's guidelines for fire management and the specifications set on NOM-015-SEMARNAT/SAGARPA- 2007 Technical specifications of methods of fire use in forest lands and in agricultural land, must be strictly complied. For more information regarding the use of fire, in the state of Chiapas, consult the Law for Sustainable Forest Development; for the state of Veracruz consult the Law for Fire Use in Agricultural Lands; for Campeche State consult the Law for Agricultural Burning and for Tabasco</p>

Criterion

Guidance

[State, consult the Law for the Prevention and Fighting of Agricultural Fires](#)

7.12

For Indicator 7.12.2

HCV assessments conducted as part of integrated HCV-HCS assessments, should follow the HCVRN procedures, using

HCVRN ALS approved assessors for HCV assessments for new plantings, in line with the current version of the Common Guidance on HCV Identification provided by the HCVRN or national HCV toolkits.

NIs of the globally-applicable HCV definitions may be used to assist with implementation of the HCVA. The globally-applicable HCV definitions provided in the Common Guidance take precedence in any cases where a conflict is perceived with a NI.

Where landscape level HCV and/or HCS maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land use plans.

Further guidance for implementation of 'wider landscape-level considerations' and other natural ecosystems will be developed by the BHCV WG. This will include reference to Key Biodiversity Areas (KBAs), which are identified under a Global Standard (IUCN 2016) and should be identified through an HCV assessment.

For Indicator 7.12.4

Refer to relevant guidance documents on RSPO and HCVRN websites.

The integrated management plan should be developed in collaboration with other stakeholders active in that landscape before and during the project implementation. It should be adaptive to changes in HCVs. Evidence of attempted collaboration efforts should be documented and available. Such collaborative plans and areas should include but are not limited to:

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection
- Minimizing hydrological impacts to the landscape related to or arising from drainage systems and

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(Continued)

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access roads or canals linked to the plantation

- Ensuring that any legal requirements relating to the protection of species or habitats are met
- Avoiding damage to and deterioration of HCV habitats, for example by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created
- Protecting and managing other conservation areas including watercourses and wetlands, peatlands, riparian zones, and steep slopes
- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and encroachment
- Developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).

For Indicator 7.12.5

Decisions will be made in consultation with the affected communities.

Areas required by affected communities to meet their basic needs, taking into account potential positive and negative

changes in livelihoods resulting from proposed operations, should be identified in consultation with the communities and incorporated into HCV and HCS assessments and management plans.

The unit of certification should consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures; in other cases, co-management options may be considered.

Where communities are asked to relinquish rights so that HCVs can be protected or enhanced by the companies or state agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their FPIC.

For Indicator 7.12.7 Refer to HCVRN Common Guidance for HCV Management and Monitoring document.

[For the division and regulation of natural reserves use consult](#) the Protected Natural Areas Decrees, their management programs, the territorial ecological planning programs and the community territorial regulations and the Procedure for the development of new plantations of RSPO and, in case of already established plantations will be

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taken into account the LUCA and the Remediation and compensation procedures of the RSPO,

For Indicator 7.12.1 on land use change, consult the provisions in the General Law of Sustainable Forest Development and its regulation.

For Indicator 7.12.6, some appropriate sources of information on threatened, protected species and other categories may be:

- Mexican Official Standard 059-SEMARNAT-2010.
- List of priority species for the conservation of biodiversity in Mexico regulated by the General Law of Wildlife.
- The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).
- Red list of threatened species of the International Union for the Conservation of Nature (IUCN).
- Thematic cartography of INEGI and CONABIO.

Materials for the identification of legally protected areas, include but are not limited to the following maps:

Map title: Protected natural areas

Use: To delimit areas that are legally protected for the conservation of ecosystems

Description: Zones where The Nation exercises its sovereignty and jurisdiction. They are created by presidential decree and the activities carried out in them are established in accordance with the General Law of Ecological Equilibrium and

Environmental Protection, its Regulation, their Management programs and Ecological territorial ordering programs. These areas have a special protection, conservation, restoration and development regime, according to the categories established in the Law. For this case, all federal, state, municipal and private reserves were included.

Source: CONANP, (2017) Mexican Federal Protected Natural Areas, May 2017, 1st Edition, Mexico City.

Map title: Ramsar sites

Use: To identify international protected wetlands.

Description: They refer to wetlands considered of international importance due to their biological richness and to their ability to provide refuge for seasonal migratory waterbirds, decreed by the RAMSAR convention.

Source: CONANP, (2016). Mexican Ramsar Sites, 2016, 1st edition, Mexico City.

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Map title: Mangroves

Use: To identify mangroves areas while promoting protection of wetlands.

Description: Mangroves are ecosystems of great diversity and ecological importance that provide a wide variety of environmental services. They are considered areas of feeding, shelter and growth of juvenile crustaceans and fry, act as natural flood control systems and as barriers against hurricanes and saline intrusion, control erosion and protect the coasts, improve water quality by functioning as biological filter, contribute to the maintenance of natural processes such as responses to changes in sea level, maintain sedimentation processes, shelter wild flora and fauna, possess a high aesthetic, recreational and research value.

Source: CONABIO, 2013.

Map title: Management Units

Use: To identify promoted areas for the protection and use of genetic resources.

Description: Environmental management units (UMAs, in Spanish) serve to manage products and by-products of wildlife that can be incorporated into a legal market and certified on the basis of an authorized management plan. UMAs are units where wildlife is protected and conserved through wildlife and flora management plans for the purpose of breeding stock production, ecotourism, germplasm source, environmental education, sport hunting, conservation, among others. UMAs are regulated by the General Law of Wildlife and are the only places where hunting and extraction of specimens is allowed.

Source: SEMARNAT, (2015), Environmental Management Units, 2014, 1st Edition. Morelia.

Map title: Perennial runoffs and bodies of water

Use: To identify the needed areas to maintain hydrological processes

Description: To guarantee the maintenance of ecological processes and the availability and quality of water, a buffer of 100m was applied to all permanent rivers and 200m to water bodies.

Source: Source: INEGI. Hydrographic Network, INEGI. 2nd Edition. Scale: 1:50,000.

It is also possible to use the following sources for information:

- State PNA maps prepared by SEMAHN www.semahn.chiapas.gob.mx
- For the identification of forest areas, it is possible to consult the SEMAHN forest protection map for resilience to climate change, which can be found on the same website

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Other sources of information that delimit areas of ecological importance can be consulted in the following

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materials

Information: [Priority regions for Biodiversity Conservation](#)

Use: Use To identify of areas with important ecosystems.

Description: To define these regions, criteria were used on the presence of threatened species and their conservation. Likewise, regionalizations already established were taken into account, such as those of SINAP (Protected natural areas system, In Spanish), SEMARNAT ecological regionalization and the National Water hydrological regionalization.

Source: (CONABI,O 2004) CONABIO (2004). Priority terrestrial regions. Scale 1:1000000. Mexico.

Information: [Conservation areas network](#)

Use: To identify sites of importance for biodiversity.

Description: The Conservation areas of the Zoque, Olmecan and Mayan Jungle network, identifies areas with high biodiversity value and less threats inside and outside protected natural areas. Analysis made by civil society, academic institutions and the state and federal governments of Mexico, Belize and Guatemala identified areas with high biodiversity value and less threats inside and outside protected natural areas.

Source: Plan Ecorregional de las Selvas Maya, Zoque y Olmeca (2004)

Information: [Mesoamerican biological corridor](#)

Use: To identify strategic areas to maintain ecosystem connectivity

Description: Areas where the National Commission for Knowledge and Use of Biodiversity (CONABIO), through the area of the Mesoamerican Biological Corridor, promotes actions to maintain connectivity and sustainable development.

Information: [Influences zones in Protected Natural Areas](#)

Use: To identify influence zones and strengthen the function of the ANP .

Description: Permitted and non-permitted activities within a protected area are established and regulated by its management plan; however, these instruments recognize the need to delimit and include in their annual operational plans, actions in the influence area. For this reason the analysis included a buffer of 5 km to the ANP, considering the impacts studies of oil palm in ANP.

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(Continued)

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Information: Polygons of the Emissions Reduction Initiative

Use: To identify the areas where it is possible to carry out sustainable productive projects and maintain CO2 stocks.

Description: Areas included in the Emissions Reduction Initiative for Mexico, where the government will take actions to reduce greenhouse gas emissions from deforestation and forest degradation, in addition to promoting sustainable productive activities.

Source: Emissions Reduction Initiative, Forest Carbon Partnership Facility (FCPF) Carbon Fund. Mexico, (CONAFOR, 2016).

Information: Important sites for biodiversity conservation

Use: To recognize the most important areas for wildlife.

Description: This analysis was carried out with the objective of identifying the natural spaces with the greatest biological diversity, in particular, those better conserved habitats that house species at greater risk of extinction and adjacent to the ANPs; seeking to strengthen ANPs and provide resilience to global change.

Source: CONANP (2016).

Information: Important areas for bird conservation

Use: To identify important areas for bird conservation.

Description: The database was developed to define a network of sites that stand out for their importance in long-term maintenance of bird populations naturally.

Source: CONABIO (1999), Mexican Section of the International Council for the Preservation of Birds, CIPAMEX, CONABIO (1999).

Information: Priority sites for the conservation of Mexican primates

Use: To identify important areas for primate conservation

Description: The analysis includes the 3 species of primates from Mexico (*Alouatta pigra*, *Alouatta palliata mexicana*, *Ateles geoffroyi vellerosus* and *A. geoffroyi yucatanensis*). The objective of this analysis was to guide more effectively the actions for their protection included in the Program of Action for the Conservation of Species. Potential distribution models were generated to identify the priority sites.

Source: CONABIO - AMP, A.C. - CONANP, (2012).

Information: Epicontinental aquatic priority sites for the conservation of nature

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Use: To locate areas of high value of continental aquatic biodiversity

Description: Epicontinental waters in Mexico include a rich variety of ecosystems that support an enormous diversity of native species of flora and fauna, many of them endemic and that represent resources that need to be preserved due to their current and potential economic importance, for their ecological functions and the value that nature represents for itself.

Source: CONABIO-CONANP, (2010).

Information: Important hydrological regions

Use: To identify hydrological important sites for biodiversity

Description: This map had the objective of developing a frame of reference to contribute to the conservation and sustained management of oceanic, coastal and epicontinental waters, considering sites of greatest biodiversity and current and potential use in Mexico.

Source: Arriaga, L., V. Aguilar y J. Alcocer. (2002), Continental waters and biological diversity in Mexico, CONABIO.

Information: Priority marine regions

Use: To identify important lake sites for biodiversity

Description: 70 coastal and oceanic areas are identified, considered a priority due to their high biodiversity and resources use diversity. It is a framework of reference to contribute to the conservation and sustainable management of oceanic environments that consider the most biodiverse sites and those of current or potential use in the country.

Source: CONABIO (1998)

Information: Strategic areas for connectivity of the southeast of the Lacandona jungle, Chiapas, Mexico

Use: To identify strategic areas to maintain the connectivity of southeast Lacandona jungle

Description: The map shows 21 strategic areas to maintain landscape connectivity in favor of terrestrial mammal populations in the municipalities of Marqués de Comillas and Benemérito de las Américas, in Chiapas, Mexico as part of the project 'Monitoring of mastofauna in biological corridors of Chiapas, supported by the CGCRB General Coordination of Corridors and Biological Resources of CONABIO.

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About landscapes: Landscapes are classified based on their properties and fundamental attributes in a hierarchical system and nested among themselves. The upper landscape units are defined by relief types, meaning, large units that can be distinguished locally (eg mountains, hills, piedmont ramps, valleys and plains) and lower units are defined by genesis and morphology of the superior units and are classified based on slope and land use.

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Landscapes are the result of years of evolution and interaction of its structural components: rocks-relief-soil (whose rate of change over time is low or very low) and its dynamism with the bioclimatic-land use factors (of greater dynamism) at several time scales.

As previously mentioned, landscapes must be classified in a hierarchical manner, therefore, when carrying out HCV studies, the upper landscape unit must be identified and delimited (to know and characterize the landscape to which the area of

interest belongs), identifying also the lower landscape unit (to elaborate a diagnosis of the processes that develop between biodiversity and anthropogenic activities, under the context that are conditions that have been adapted over time).

Therefore, any action that is planned and developed in a landscape unit, must be incorporated and integrated in an intercalated manner with present land uses in the landscape unit

ANNEX 3: KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Ethical Business Conduct	1.1 1.2 2	United Nations Convention against Corruption (2000)			Art 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent corruption.
	1.2 2.1 2.2	Private Employment Agencies Convention 1997 (No 181)				Covers protection for workers who are employed through third party and/or private employment agencies.
Respect for Human Rights	4.1 4.2		Declaration on the Rights of Human Rights Defenders			Contains human rights standards enshrined in other international instruments that are legally binding for the protection of human rights, including HRDs.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Respect for Human Rights	4 5 6			United Nations Guiding Principles on Business and Human Rights (2011)	Principles 11-24	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organization size, sector of operation or ownership.
	4 5 6	<p>Core International Human Rights Treaties:</p> <ul style="list-style-type: none"> - International Covenant on Civil and Political Rights (ICCPR) (1996) - International Covenant on Economic, Social and Cultural Rights (ICESCR) (1996) - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1963) 			All core human rights treaties	Respect for human rights regardless of age, nationality, gender, race, ethnicity, religion, ability, marital status, sexual orientation and gender identity, political opinion or affiliation, etc.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Respect for Human Rights	4 5 6	<ul style="list-style-type: none"> - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984) - Convention on the Rights of the Child (CRC) (1989) - International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) (1990) - Convention for the Protection of All Persons from Enforced Disappearance (CPED) (2006) - Convention on the Rights of Persons with Disabilities (CRPD) (2006) - Convention on the Elimination of All Forms of Discrimination against Women (1979) - American Convention on Human Rights (1969) - Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights (1988) 				

		<ul style="list-style-type: none"> - Interamerican Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (2001) - Interamerican Convention on the Prevention, Punishment and Eradication of Violence against Women (1994) 				
Just Land Acquisition	4	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	4		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.
	4	UN Convention on Biological Diversity (1992)			Art 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Public Participation of Affective Communities	4.5 4.5			Rio Declaration on Environment and Development (1992) and Agenda 21	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle 10 combines public participation with public access to information and access to remedial procedures. According to Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both Agenda 21 and the Rio Declaration emphasize the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Fair Representation and Participation of Indigenous and Tribal People	4.2 4.4 4.5 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Art 6-9	Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their offences according to customary law (compatible with international laws).
	4.4-4.8		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.
	4.4 4.5 4.7		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 10, 11(2), 19, 28(1), 29(2) and 32(2)	Right to FPIC to any project affecting their lands as expressed through their own representative institutions.
	4.4 4.5 4.7	Convention on the Eliminations of All Forms of Racial Discrimination (1963) International Covenant on Economic, Social and Cultural Rights (1996) Inter American Human Rights System			UN CERD Committee, UN Committee on Social Culture and Economic Rights, Inter American Commission on Human Rights	FPIC for decisions that may affect indigenous people. (This standard has been widely accepted as 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN, WWF).

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
No Forced Labour	2.2	ILO Convention 29 (1930) Forced Labour			Art 5	No concession to companies shall involve any form of forced or compulsory labour. Provides the measures which should be taken for the avoidance of forced or compulsory labour.
	6.6		Protocol of 2014 to the Forced Labour Convention 1930		Art 1, 2,4	
	6.6	ILO Convention 105 (1957) Abolition of Forced Labour			Art 1	Not make use of any form of forced or compulsory labour.
Protection of Children	6.4	ILO Convention 138 (1973) Minimum Age			Arts 1-9	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labour			Arts 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)			Art 1-2	Applicable to children under the age of 14 outside the hours of attendance in school.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.4	Convention on the Rights of the Child (CRC), 1989			Art 32	Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.
Freedom of Association and Collective Bargaining	6.3	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organize			Art 2-11	Freedom to join organizations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organize.
	6.3	ILO Convention 98 (1949) Right to Organize and Collective Bargaining			Art 1-4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements.
	6.3	ILO Convention 141 (1975) Rural Workers' Organizations			Art 2-3	Right of tenants, sharecroppers and smallholders to organize; freedom from association; free from interference and coercion.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.3	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 8 (1)	The right of everyone to form trade unions and join the trade union of their choice, subject only to the rules of the organization concerned, for the promotion and protection of their economic and social interests. No restrictions may be placed on the exercise of this right, other than those prescribed by law and which are necessary in a democratic society in the interests of national security, or public order, or for the protection of the rights and freedoms of others.
	6.3	Collective Bargaining Convention, 1981 (No 154)			Art 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Non-discrimination and Equal Remuneration	6.1	ILO Convention 100 (1951) Equal Remuneration			Art 1-3	Equal remuneration for men and women for work of equal value.
	6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)			Art 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	6.1		UN Declaration on the Rights of Indigenous Peoples (2007)		Art 2, 8(e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.
	6.1	ILO Convention 156 (1981) Workers with Family Responsibility			Art 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)			Art 1,2,4-12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties.
	6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)			Art 1-4	This convention concerns vocational rehabilitation to enable a disabled person to secure, retain, and advance in suitable employment, and thereby to further such person's integration or reintegration into society.
	6.1	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 7	<p>Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.</p> <p>Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;</p>

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Elimination of Harassment and Abuse in the Workplace	6.5	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)			General Recommendation 35	of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.
Just Employment for Migrants	2.2 6.6					Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	6.6	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)			Art 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)			Art 11; 21; 25; 26	Prevention of slavery; forced and compulsory labour; on confiscation of identity documents; conditions of work and contractual terms; and freedom of association and right to join trade unions.
Protection of Plantation Workers	6.1	ILO Convention 97 (1949) Migration for Employment			Art 5-91	Protection of members of families of recruited workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organize and collective bargaining; proper labour inspection; decent housing and medical care.
	6.2	ILO Convention No 11 Rights of Association (Agriculture) 1921			Art 1	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6	ILO Convention on Plantation (1958) (No. 110)			Art 1,2,5,7,8, 11,12-15	This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations.
Working Time for Workers	6.2	ILO Convention No 101 Holidays with Pay (Agriculture) 1952			Art 1,3,5,7-9	Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer.
	6.2	ILO Convention No 47 Forty Hour Week			Art 1	Requires that a member adopts a 40 hour week in a manner that the standard of living is not reduced as a consequence.
Protection of Women's Rights to Work	6.1	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art 11	Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.1	Maternity Protection Convention 2000 (No. 183)			Art 9	Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work.
	6.5 6.7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art 11 (f)	The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
	6.5	Maternity Protection Convention 2000 (No. 183)			Art 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
Protection of Tenants and Sharecroppers	4.2			ILO Recommendation 132 (1968) Tenants and Sharecroppers	Art 4-8	Fair rents; adequate payment for crops; provisions for well-being; organization; fair contracts; procedures for the settlement of disputes.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Protection of Smallholders	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)			Art 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards
Health and Safety	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture			Art 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.
	3.6 6.7	ILO Convention on Occupational Cancer 1974 (No 139)			Art 1-5	Members shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No. 38)			Art 1-6, 13, 17, 20,23	Maintenance of a scheme for invalidity Insurance for workers.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	6.1 6.2	Convention on Maternity Protection 2000 (No. 183)			Art 2-4	Maternity Protection and benefits
Control or Eliminate the use of Dangerous Chemicals and Pesticides	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)			Arts 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenze).
	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)			Art 1, 5, and 6	Curb the trade of banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
			UN Declaration on the Rights of Indigenous Peoples (2007)		Art 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and Vibration) 1977			Art 1-3	Provides for measures which should be taken for the prevention and control of, and protection against, occupational hazards in the working environment due to air pollution, noise and vibration.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		ILO Convention No 170 on Chemical Convention 1990			Art 2(c), and Part IV	Provides for measures to prevent or reduce the incidences of chemically induced illness and injuries at work; and identifies the roles and responsibilities of employers in the context of identification, transfer of chemicals, exposures, operational control, disposal and information dissemination and training.
Right to Food	6.2	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art 11	Right to adequate standard of living, including right to food.
Environmental Protection	3.4	UN Convention on Biological Diversity (1992)			Art 14	Environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures.
Conservation of Biodiversity		UN Convention on Biological Diversity (1992)			Art 1 – 18	Conservation of biological diversity and the sustainable use of its components.
GHG Emissions	7.10	United Nations Framework Convention on Climate Change (1992)			Art 1-4	Aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference, including in agricultural sector.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
		Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)			Art 2(1)	Emissions reductions in order to promote sustainable development, through energy efficiency and the promotion of sustainable agricultural modalities.
		Paris Agreement (2015)			Art 2, 4	Strengthen the global response to the threat of climate change, in the context of sustainable development. Achieve global emissions of greenhouse gases reach their maximum point as soon as possible.
Rare, threatened or endangered species	7.12	Convention on the Conservation of Migratory Species of Wild Animals (1983)			Art 1-6	It recognizes the importance of the conservation of migratory species and of the measures to be agreed for this purpose. The same recognition extends to the appropriate and necessary measures for the conservation of such species and their habitat. It recognizes the need to adopt measures to prevent a migratory species from becoming a threatened species.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
High Carbon Stocks	7.12	United Nations Framework Convention on Climate Change (1992)			Art 4(d)	To promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases, including biomass, forests and other terrestrial and coastal ecosystems.
		Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)			Art 2(1)	Emissions reductions in order to promote sustainable development, through the protection and improvement of sinks and deposits of greenhouse gases.
		Paris Agreement (2015)			Art 5	To adopt measures to conserve and increase sinks and deposits of greenhouse gases, including forests. To adopt measures to reduce emissions due to deforestation and forest degradation, and the role of conservation, sustainable forest management and the enhancement of forest carbon stocks, for the comprehensive and sustainable management of forests, reaffirming at the same time, the importance of encouraging, when appropriate, the non-carbon benefits derived from these approaches.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
High Conservation Values	7.7 7.12	Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971)			Art 1-4	Conservation, management and rational use of migratory populations of waterfowl and wetlands of international importance. Promote the conservation of wetlands through planning and the creation of natural reserves.
	7.12	UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)				To identify, protect, conserve, restore and transmit to future generations the cultural and natural heritage. To guarantee effective protection and conservation and revalue cultural and natural heritage as actively as possible.

ANNEX 3B: KEY NATIONAL LAWS AND REGULATIONS APPLICABLE TO THE PRODUCTION OF PALM OIL IN MEXICO

The legal matrix with the binding legal requirements for the production of sustainable palm oil in Mexico is presented below. State and municipal Legislation is not included in this Annex, so it should be consulted in parallel. *We do not omit to point out that the breach of the legislation entails various consequences that could be administrative, civil and even criminal.*

Principle 1: Behave ethically and transparently

Criterion 1.1		
Indicators	Legal framework	Legal Linking
1.1.1	<p><u>Federal Law on Protection of Personal Data Held by Private Parties</u></p> <p>Article 6. Those responsible for the processing of personal data must observe the principles of legality, consent, information, quality, purpose, loyalty, proportionality and responsibility, provided for in the Law.</p> <p>Article 7. Personal data must be collected and processed in a lawful manner in accordance with the provisions established by this Law and other applicable regulations.</p> <p>Obtaining personal data should not be done through deceptive or fraudulent means.</p> <p>In all processing of personal data, it is presumed that there is a reasonable expectation of privacy, understood as the trust deposited by any person in another, that the personal data provided between them will be treated in accordance with what the parties agreed in the established terms by this Law.</p> <p>Article 8. All processing of personal data will be subject to the consent of its owner, except for the exceptions provided by this Law.</p> <p>The consent will be expressed when the will is expressed verbally, in writing, by electronic, optical means or by any other technology, or by unequivocal signs.</p> <p>It will be understood that the owner tacitly consents to the processing of their data, when the privacy notice has been made available to them, does not express their opposition.</p> <p>The financial or patrimonial data will require the express consent of its owner, except for the exceptions referred to in articles 10 and 37 of this Law.</p> <p>The consent may be revoked at any time without being attributed retroactive effects. To revoke the consent, the person responsible must, in the privacy notice, establish the mechanisms and procedures for doing so.</p>	<p>Those responsible for managing the documents that are to be made available to the public, must ensure the protection of personal data that is provided by individuals, so that they do not fall into the hands of third parties and can give them a bad use.</p> <p>The owner of the data must grant their consent for the processing of their data.</p>

Article 9. In the case of sensitive personal data, the person in charge must obtain the express and written consent of the holder for their treatment, through their autograph signature, electronic signature, or any authentication mechanism established for that purpose.

Databases containing sensitive personal data may not be created, without justifying their creation for legitimate, concrete purposes and in accordance with the explicit activities or purposes pursued by the regulated subject.(...)

Article 14. The person responsible shall ensure compliance with the principles of personal data protection established by this Law, and must take the necessary measures for its application. The foregoing shall apply even if these data were processed by a third party at the request of the person responsible. The person in charge must take the necessary and sufficient measures to ensure that the privacy notice disclosed to the owner, is respected at all times by him or by third parties with whom he has any legal relationship.

Article 15. The person in charge will have the obligation to inform the owners of the data, the information that is collected from them and for what purposes, through the privacy notice.

Regulation of the Federal Law on Protection of Personal Data Held by Private Parties

Article 3. This Regulation shall apply to the processing of personal data that work on physical or electronic media, which make it possible to access personal data according to certain criteria, regardless of the form or modality of its creation, type of support, processing, storage and organization.

The provisions of this Regulation shall not apply when disproportionate deadlines or activities are required to access personal data.

In terms of article 3, section V of the Law, personal data may be expressed in numerical, alphabetical, graphic, photographic, acoustic or any other form, concerning an identified natural person or identifiable natural person.

Article 4. This Regulation shall be mandatory for any treatment when:

- I. Be carried out in an establishment of the person in charge located in Mexican territory;
- II. Be made by a person in charge regardless of their location, in the name of a person established in Mexican territory;
- III. The person responsible is not established in Mexican territory but Mexican law is applicable, derived from the conclusion of a contract or in terms of international law, and
- IV. The person responsible is not established in Mexican territory and uses means located in said territory, unless such means are used only for transit purposes that do not involve treatment. For the purposes of this section, the person responsible shall provide the necessary means for the effective fulfillment of the obligations imposed by the Law, its Regulations and other applicable provisions, derived from the processing of personal data. To this end, it may designate a representative or implement the mechanism it deems pertinent, provided that through it it is guaranteed that the person in charge will be able to comply effectively, in Mexican territory, with the obligations that the applicable regulations impose on those entities physical or legal that process personal data in Mexico.

When the person in charge is not located in Mexican territory, but the person in charge is, the provisions related to the security measures contained in Chapter III of this Regulation shall apply to the latter.

In the case of natural persons, the establishment will be understood as the place where the main seat of their business is located or the one they use for the performance of their activities or their house.

In the case of legal entities, the establishment will be understood as the place where the main business administration is located; if they are legal entities resident abroad, the place where the main administration of the business is located in Mexican territory, or failing that they designate, or any stable facility that allows the effective or real exercise of an activity.

Article 5. The provisions of this Regulation shall not apply to the following information:

- I. The relative to legal entities;
- II. Anyone who refers to natural persons as merchants and professionals, and
- III. That of natural persons that provide their services for any legal entity or natural person with business activities and / or provision of services, consisting solely of their first and last names, the functions or positions performed, as well as some of the following labor data: physical address , email address, telephone number and fax number; provided that this information is processed for the purpose of representing the employer or contractor.

1.1.2	<u>Linguistic Rights of Indigenous People General Law</u> Article 9.- It is the right of every Mexican to communicate in the language of which they are speaking, without restrictions in the public or private sphere, orally or in writing, in all their social, economic, political, cultural, religious and any other activities .	Although the Law does not require the certification unit to share the information referred to in this principle, it does point out that there should be no restrictions in the private sphere of indigenous communities communicating in their language in their economic and social activities .
1.1.3	N/A	N/A
1.1.4.	N/A	N/A
1.1.5	N/A	N/A
Criterion 1.2.		
Indicators	Legal framework	Legal Linking
1.2.1	N/A	N/A
1.2.2	N/A	N/A

Principle 2. Operate legally and respect rights

Criterion 2.1.		
Indicators	Legal framework	Legal Linking
52.1		
2.2		
2.3	<p><u>Civil Federal Code</u></p> <p>Article 841. Every owner has the right to demarcate his property and to make or demand the enclosure of the same.</p> <p>Article 842. Every owner has the right and, the obligation, to close or encircle its property, in whole or in part, in the way that he consider convenient or it will be provided by laws or regulations, without prejudice to the easements reported by the property.</p> <p><u>Agrarian Law</u></p> <p>Article 14.-The ejidatarios has the right of use and enjoyment on their plots and the rights that the internal regulations of each ejido grant them over the other ejido lands and the others that legally correspond to them.</p> <p>Article 23.- [...] The following matters shall be the exclusive competence of the assembly: [...]</p> <p>VII. Signaling and delimitation of the necessary areas for human settlement, legal estate and plots with specific destination [...]</p> <p>X. Delimitation, allocation and destination of common use lands as well as their exploitation regime;</p> <p>XI.Division of the ejido or its merger with other ejidos;</p> <p>Article 56. The assembly of each ejido, with the formalities provided for that purpose in articles 24 to 28 and 31 of this law, may determine the fate of the lands that are not formally divided, carry out the division of these, recognize the economic or de facto division or the regularization of the possession of the possessors or those who lack the certificates. Consequently, the assembly may allocate them to human settlement, to the common use or to divide them in favor of ejidatarios [...]</p> <p>In any case, the National Agrarian Registry will issue the technical norms that the assembly must follow when it carrying out the delimitation of the lands within the ejido and will provide help that will be requested. The Registry shall certify the internal map of the ejido, and based on it, issue the subdivision certificates or the certificates of common rights, or both, according to the case, in favor of each and every one of the individuals that are part of the ejido, pursuant to the instructions of the assembly, through the commissioner or by the designated representative. These certificates will be registered at the National Agrarian Registry</p>	

2.3

(continuation)

Article 62. Since the allocation of plots, the rights to use and usufruct on them, will correspond to the benefited ejidatarios, in the terms of this law.

When the allocation has been made to a group of ejidatarios, it will be presumed, unless proven otherwise, that they enjoy the rights in equal parts, and will be exercised according to the agreed between them, or, failing that, as has been provided by the internal regulations or the resolution of the assembly and, additionally, in accordance with the rules of co-ownership provided by the Civil Code for the Federal District in Common Matters and for the entire Republic in Federal Matters.

Article 76. The ejidatarios has the exploitation, use and usufruct right to its plots.

Article 78. The rights of ejidatarios on their plots will be accredited with their corresponding, which will hold the basic identification data of the plot. Certificates will be issued in accordance with the provisions of article 56 of this law. The resolution of the agrarian court will serve as the certificate for the purposes of this law.

Article 152.- It must be registered in the National Agrarian Registry: [...]

II. The certificates or titles that protect rights over land, common use lands and plots of ejidatarios or comuneros; [...]

IV. The maps and delimitation of the lands referred to in the article 56 of this law.

Criterion 2.2		
Indicators	Legal framework	Legal Linking
2.2.1	N/A	
2.2.2	N/A	
2.2.3	N/A	
Criterion 2.3		
Indicators	Legal framework	Legal Linking
2.3.1	N/A	
2.3.2	N/A	

Principle 3. Optimize productivity, efficiency, positive impacts and resilience

Criterion 3.1		
Indicators	Legal framework	Legal Linking
3.1.1	N/A	
3.1.2	N/A	
3.1.3	N/A	
Criterion 3.2.		
Indicators	Legal framework	Legal Linking
3.2.1	N/A	
3.2.2	N/A	
3.2.3	N/A	
Criterion 3.3		
Indicators	Legal framework	Legal Linking
3.3.1	N/A	
3.3.2	N/A	
3.3.3	N/A	
Criterion 3.4		
Indicators	Legal framework	Legal Linking
3.4.1	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 28. The Environmental Impact Assessment is the procedure through which the Ministry establishes the conditions to which the performance of works and activities that may cause ecological imbalance or exceed the limits and conditions established in the applicable provisions to protect the environment and preserve and restore ecosystems in order to avoid or minimize their negative effects on the environment. For this, in the cases determined by the Regulation that is issued for that purpose, those who intend to carry out any of the following works or activities, will require prior authorization in the matter of environmental impact of the Ministry:</p> <p>I. Hydraulic works, general communication routes, oil pipelines, gas pipelines, carboeducts and polyducts; (...)</p> <p>IV. Facilities for treatment, confinement or disposal of hazardous waste, as well as radioactive waste; (...)</p> <p>VII. Land use changes in forest areas, as well as in jungle and arid areas; (...)</p> <p>X. Works and activities in wetlands, mangroves, lagoons, rivers, lakes and estuaries connected to the sea, as well as in its coastlines or federal areas;</p> <p>XI Works and activities in natural areas protected by the Federation;</p> <p>XII. Fishing, aquaculture or agricultural activities that may endanger the preservation of one or more species or cause damage to ecosystems [...].</p>	<p>To obtain an Environmental Impact Authorization, necessary for the development of a specific project (in the case at hand: plantations, refineries, extractors, etc.), an Environmental Impact Statement must be submitted to the Ministry of Environment and Natural Resources, which will be submitted by an evaluation procedure that will be duly documented and will be public.</p> <p>It is worth mentioning that the Social Impact Assessment is not mandatory in Mexican legislation for projects of this type, however to comply with the RSPO criteria it must be carried out.</p>

3.4.1
(continuation)

Article 30. To obtain the authorization referred to in article 28 of this Law, the interested parties must submit to the Ministry, an Environmental Impact Manifestation, which must contain, at least, a description of the possible effects on the ecosystem (s) that could be affected by the work or activity concerned, considering all the elements that integrate these ecosystems, as well as the preventive, mitigation and other measures necessary to avoid and minimize the negative effects on the environment. [...]

Article 35. Once the environmental impact statement has been submitted, the Ministry will initiate the evaluation procedure, for which it will review that the application complies with the formalities provided for in this Law, its Regulations and the applicable Mexican Official Standards, and will integrate the respective file into a term not exceeding ten days. [...]

Ecological Balance and Environmental Protection Regulation General Law

Article 5o. Those who intend to carry out any of the following works or activities, will require prior environmental impact authorization from the Ministry:

A) HIDRAULICS:

- I. Storage, bypass and avenue control dams with a capacity of more than 1 million cubic meters, jagüeyes and other works for the capture of rainwater, canals and pumping tanks, with the exception of those located outside fragile ecosystems, Natural Protected Areas and regions considered a priority for their biodiversity and do not imply the flooding or removal of tree vegetation or human settlements, the affectation of the habitat of species included in some protection category, the shortage of water to surrounding communities, or limitation to the free transit of natural, local or migratory populations;
- II. Hydro-agricultural or temporary technical units larger than 100 hectares;
- III. Construction projects for docks, canals, breakwaters, embankments, docks, dams, breakwaters, seawalls, dikes, docks and national retaining walls, with the exception of water dams for drinking water, self-consumption and local irrigation that does not exceed 100 hectares;
- IV. Projects for the construction of piers, canals, breakwaters, embankments, docks, dams, seawalls, dikes, docks and national retaining walls, with the exception of water dam with fine watering troughs for cattle, self-consumption and local irrigation that does not exceed 100 hectares;
- V. Driving works for the national water supply that exceed 10 kilometers in length, that have an expense of more than fifteen liters per second and whose driving diameter exceeds 15 centimeters;
- VI. Multiple water supply systems with driving diameters of more than 25 centimeters and a length greater than 100 kilometers;
- VII. Facilities for the treatment of wastewater that discharge liquids or sludge in water bodies that are national goods, except those in which the following characteristics:
 - a) Discharge liquids up to a maximum of 100 liters per second, including discharge works in the federal zone;
 - b) In their treatment do not carry out activities considered highly risky, and
 - c) No other section of article 28 of the Law is applicable.
- VIII. Deposit or filling with materials to gain land to the sea or other bodies of national water;
- IX. Drainage and desiccation of national water bodies;
- X. Modification or tubing of permanent streams of national waters;
- XI. Dredging works of bodies of national water;
- XII. Desalination Facilities;
- XIII. Opening of firing areas in national water bodies to dispose of dredging product or any other material, and Opening of lagoon intercom mouths [...]

3.4.1
(continuation)

M) FACILITIES FOR TREATMENT, CONFINATION OR DISPOSAL OF HAZARDOUS WASTE, AS WELL AS RADIOACTIVE WASTE:

- I. Construction and operation of plants for confinement and disposal centers for hazardous waste,
- II. Construction and operation of plants for the treatment, reuse, recycling or disposal of hazardous waste, with the exception of those in which the disposal of such waste is carried out within the generator facilities, in which the wastewater from the separation process are destined to the generator treatment plant and in which the sludges resulting from the treatment are arranged in accordance with the applicable legal norms, and
- III. Construction and operation of plants and facilities for the treatment or disposal of infectious biological waste with the exception of those in which the disposal is carried out in hospitals, clinics, laboratories or mobile equipment, through disinfection or sterilization methods and without emissions to the atmosphere and wastewater that exceed the limits established in the respective legal provisions (...)

Ñ) FOREST PLANTING:

- I. Forestry plantations for commercial purposes on land whose surface is greater than 20 hectares, those of exotic species to a given ecosystem and those whose objective is the production of cellulose with the exception of afforestation for commercial purposes with native species of the ecosystem of concerned in preferably forest lands, and
- II. Reforestation or installation of nurseries with exotic species, hybrids or transgenic varieties.

O) CHANGES OF USE OF THE FOREST AREA SOIL, AS WELL AS IN JUNGLE AND ARID AREAS:

- I. Change of land use for agricultural, aquaculture, real estate development, urban infrastructure, general communication routes or for the establishment of commercial, industrial or service facilities on land with forest vegetation with the exception of the construction of single-family dwelling and the establishment of commercial facilities or services on land less than 1000 square meters, when its construction does not involve the demolition of trees on an area greater than 500 square meters, or the elimination or fragmentation of the habitat of specimens of flora or fauna subject to a special protection regime in accordance with official Mexican standards and other applicable legal instruments;
- II. Change of land use of forest areas to any other use with the exception of family self-consumption agricultural activities, which are carried out on farms with slopes of less than five percent when they do not involve the aggregation or clearing of more than twenty per percent of the total area and there is no overflow 2 hectares in temperate zones and 5 in arid zones, and
- III. Other changes in land use, in land or areas with forest land use, with the exception of the modification of agricultural or livestock soils in forestry, agroforestry or silvopastoral lands through the use of native species. (...)

Q) REAL ESTATE DEVELOPMENTS PROJECTS THAT AFFECT COASTAL ECOSYSTEMS

Construction and operation of hotels, condominiums, villas, residential and urban developments, restaurants, commercial and services in general facilities, marinas, docks, breakwaters, golf courses, tourist or urban infrastructure, general communication routes, restoration or recovery works of beaches or artificial reefs, which affect coastal ecosystems, with the exception of:

- a) Those whose purpose is protection, beautification and ornamentation through the use of native species;
- b) Recreational activities when they do not require any type of civil works and
- c) Construction of single-family homes for communities settled in coastal ecosystems.

R) WORKS AND ACTIVITIES IN WETLANDS, MANGROVES, LAGOONS, RIVERS, LAKES AND ESTEROS CONNECTED WITH THE SEA, AS WELL AS IN THEIR LITORALS OR FEDERAL AREAS:

- I. Any type of civil works with the exception of the construction of single-family homes for the communities settled in these

ecosystems, and

II. Any activity that has commercial purposes or objectives with the exception of fishing activities that are not provided in section XII of article 28 of this Law and which in accordance with the General Law of Sustainable Fisheries and Aquaculture and its regulations, do not they require the presentation of an environmental impact statement, as well as those of navigation, self-consumption or subsistence of the communities settled in these ecosystems. (...)

S) AGRICULTURAL ACTIVITIES THAT MAY DANGER THE PRESERVATION OF ONE OR MORE SPECIES OR CAUSE DAMAGE TO ECOSYSTEMS:

Any kind of agricultural activities when they imply the change of land use of forest areas, with the exception of:

- a) Those whose purpose is family self-consumption, and
- b) Those that imply the use of the techniques and methodologies of organic agriculture.

Article 9o. Promoters must present to the Ministry an Environmental Impact Statement in the corresponding modality, so that it can carry out the evaluation of the project which authorization is requested.

Information that contains the Environmental Impact Statement must refer relevant environmental circumstances related to the execution of the project.

Ministry will provide the promoters with guides to facilitate the presentation and delivery of the environmental impact statement according to the type of work or activity that is intended to be carried out. The Ministry will publish these guides in the Federation Official Gazette and in the Ecological Gazette.

Article 38. Files for the evaluation of environmental impact assessment once integrated into the terms of article 20 of this regulation, will be available to anyone for consultation. [...]

3.4.2 N/A

3.4.3 N/A

Criterion 3.5		
Indicators	Legal framework	Legal Linking
3.5.1	N/A	
3.5.2	N/A	

Criterion 3.6		
Indicators	Legal framework	Legal Linking
3.6.1	N/A	
3.6.2	N/A	

Criterion 3.7		
Indicators	Legal framework	Legal Linking
3.7.1	<p><u>Federal Labor Law</u></p> <p>Article 132. Are obligations of the employers: [...]</p> <p>XII. To provide training to its workers, in the terms of Chapter III Bis of this Title. [...]</p> <p>Article 153-A. Employers have the obligation to provide all its workers, and those have to receive, the training in their work which allows them to raise their standard of living, their labor competence and their productivity, according to the plans and programs formulated in common agreement, with the employer and the union or the majority of its workers. [...]</p> <p>Article 153-C. Training has as its object:</p> <ul style="list-style-type: none">I. To update and to improve the knowledge and skills of workers and to provide them the information so that they can apply in their activities the new technologies that employers must implement to increase productivity in the companies;II. To inform to the workers the risks and dangers which they are exposed during the performance of their work, as well as the provisions contained in the regulations and the Official Mexican Standards on safety, health and environment work that are applicable to prevent occupational hazards;III. To increase productivity; andIV. In general, to improve the level of education, labor competence and skills of workers. <p>Note: The procedure for registering the training plan with the STPS must be carried out.</p>	<p>The employer has the obligation to provide, and the worker to receive, training in their work to develop in their job in accordance with the plans and programs formulated for the proper performance of their duties.</p>
3.7.2	<p><u>Federal Labor Law</u></p> <p>Article 153-T. The workers who have been approved the training exams in the terms of this Chapter, will have the right to the instructional entity issue them the respective certificate, which, authenticated by the Joint Commission of Training of the Company will be inform to the Labor and Social Welfare Ministry, through the corresponding National Committee or in the absence thereof, through the labor authorities,</p>	<p>In case of training by authorized external third parties, certifications must be delivered which must be registered in the Labor and Social Welfare Ministry for the workers who satisfactorily complete the training and training processes.</p>

3.7.2
(continuation)

so that the Ministry itself registers them and take them into account when formulate the list of trained workers who corresponding, in terms of section IV of article 539. Artículo 153-V.- La constancia de competencias o de habilidades laborales es el documento con el cual el trabajador acreditará haber llevado y aprobado un curso de capacitación.

The companies are obliged to send to the Labor and Social Welfare Ministry to their registration and control, the lists of the certificates that have been issued to their workers.

The records in question will have full effects for promotion purposes, within the company where the training has been provided.

It must have the record and to deliver certifications when you are an external trainers approved by STPS.

3.7.3 N/A

Principle 4. Respect community and human rights and deliver benefits

Criterion 4.1		
Indicators	Legal framework	Legal Linking
4.1.1	<p><u>United Mexican States Political Constitution</u></p> <p>Article 1. In the United Mexican States, all persons shall enjoy the human rights recognized in this Constitution and the international treaties which the Mexican State is Part, as well as the guarantees for their protection, which its exercise may not be suspended, except in cases and under the conditions that this Constitution establishes.</p> <p><u>Protection of Human Rights Defenders and Journalists Law</u></p> <p>Article 2. Human Rights Defender: Physical person who act individually or as members of a group, organization or social movement, as well as legal entities, groups, organizations or social movements whose purpose is the promotion or defense of human rights.</p> <p><u>Federal Labor Law</u></p> <p>Article 2o. The labor standards tend to achieve a balance between the factors of production and social justice, as well as to promote worthy or decent work in all labor relationship.</p> <p>Decent or decent work is understood as which where the human dignity of the worker is fully respected; there is no discrimination based on ethnic or national origin, gender, age, disability, social status, health conditions, religion, immigration status, opinions, sexual preferences or marital status. It have access to social security and to receive a salary; continuous training is received to increase productivity with shared benefits, and there are optimal health and safety conditions to prevent occupational hazards.</p> <p>Decent or decent work also includes unrestricted respect for the collective rights of workers such as freedom of association, autonomy, strike right and collective hire.</p> <p>It is protected the substantive equality of woman and man workers is protected against the employer.</p> <p>The substantive equality is achieved by eliminating discrimination against women that undermines or nullifies the recognition, enjoyment or exercise of their human rights and fundamental freedoms in the workplace. It implies access to the same opportunities considering biological, social and cultural differences of women and men.</p> <p>International Human Rights Treaties ratified by Mexico:https://www.gob.mx/cms/uploads/attachment/file/281967/Marco Normativo en materia de Derechos Humanos.pdf</p>	<p>The fulfillment of the workers’ Human Rights must be guaranteed.</p> <p>The employer must ensure that in the workplace the human and social rights of all workers are respected and that there is no any kind of discrimination or for any reason.</p>

4.1.2 Labor Federal Law
(continuation)

Article 133. It is prohibited to employers or their representatives:

- XII. To harassment and / or sexual harassment against any person in the workplace;
- XIII To allow or to tolerate acts of harassment and / or sexual harassment in the workplace;

Private Security Federal Law

Article 32. Are obligations of the service providers: [...]

X. To avoid at all times applying, tolerating or allowing acts of torture, ill-treatment, cruel, inhuman or degrading acts, even when it is a higher order or special circumstances that are argued such as threats to public safety;

Article 33. Are obligations of private security operational personnel: [...]

VI. To conduct himself at all times with professionalism, honesty and respect to the rights of people, avoiding abuse, arbitrariness and violence, besides being governed by the principles of action and duties provided for members of public security bodies in the General Law that establishes the basis of coordination of National Public Security System.

It is not possible for any reason to allow harassment and sexual harassment practices in the company and this must be included in the company's policies.

Third parties with security functions in the workplace must ensure compliance with human rights, avoiding abuse, arbitrariness and violence.

Criterion 4.2.		
Indicators	Legal framework	Legal Linking
4.2.1	N/A	
4.2.2	N/A	
4.2.3	N/A	
4.2.4	N/A	
Criterion 4.3		
Indicators	Legal framework	Legal Linking
4.3.1	N/A	
Criterion 4.4		
Indicators	Legal framework	Legal Linking

4.4.1

Agrarian Law

Article 16. The quality of ejidatario it is proved:

- I. With the agricultural rights certificate issued by the competent authority;
- II With the subdivision or common rights certificate; or
- III. With the judgment or resolution of the Agrarian Court.

Article 17.- The ejidatario has the power to designate who should succeed him in his rights on the plot and in the others inherent to his status as ejidatario, for which it will be sufficient that the ejidatario formulates a succession list in which the names of the persons and the preference order are stated, according to which the allocation of rights at his death must be made. To do this, you can designate the spouse, the concubine or concubinary, one of your children, one of the ascendants or any other person.

The succession list must be deposited in the National Agrarian Registry or formalized before a notary public.

The ejidatario has the power to designate who should succeed him in his rights on the plot and in the others inherent to his status as ejidatario, for which it will be sufficient that the ejidatario formulates a succession list in which the names of the persons and the preference order are, according to which the allocation of rights at his death must be made. To do this, you can designate the spouse, the concubine or concubinary, one of your children, one of the ascendants or any other person.

La lista de sucesión deberá ser depositada en el Registro Agrario Nacional o formalizada ante fedatario público.

Article 18. When the ejidatario has not made the designation of successors or when none of those indicated in the list of heirs may inherit due to material or legal impossibility, the agrarian rights shall be transmitted according to the following preference order:

- I. The spouse;
- II. The concubine or concubinary;
- III. One of the ejidatario's children;
- IV. One of his ascendants; and
- V. Any other person who depend economically on him.

It must have the documents which proving possession or ownership of the land; in agrarian matters you'll find support in the National Agrarian Registry which is public.

Property owners must have their ownership accredited to the Public Property Registry.

4.4.1
(continuation)

In cases referred to in sections III, IV and V, if two or more persons with the right to inherit result after the death of the ejidatario, the heirs will enjoy three months since the death of the ejidatario to decide who, among them, will retain ejidales rights. In case they did not agree, the Agrarian Court will provide the sale of ejido rights in public auction [...]

Article 45. The ejido lands can be the subject of any association or exploitation contract agreed by the nucleus of the ejido population, or by the ejido owners, according to the territory of common use or subdivided lands, respectively. Contracts that involve the use of ejido lands by third parties will have a duration according to the corresponding productive project, not exceeding thirty years, extendable.

Article 78. The ejidatarios' rights on their plots will be accredited with their corresponding agricultural rights certificates or subdivision land certificates, which will hold the basic identification data of the plot. Land certificates will be issued in accordance with the provisions of article 56 of this law.

Where appropriate, the corresponding resolution of the agrarian court will act as a certificate for the purposes of this law.

In its case, the resolution of the Agrarian Court will serve as the certificate for the purposes of this law.

Article 79. The ejidatario can take advantage of his plot directly or grant other ejidatarios or third parties its use or usufruct, by means of sharecropping, mediation, association, leasing or any other legal act not prohibited by law, without the necessity of authorization of the assembly or any authority. Likewise, it may contribute its usufruct rights to the formation of both commercial and civil societies.

Article 151. The National Agrarian Registry will be public and anyone can obtain information about their records and registrations and obtain at their expense the copies they request.

Article 152.- It must be registered in the National Agrarian Registry:

- I. The certificates or titles that protect rights over land, common use lands and plots of ejidatarios or comuneros;
- II. The titles of the communities, and where appropriate, the titles that recognize them as traditional communities;
- III. The maps and delimitation of the lands referred to in the article 56 of this law; and
- IV. The maps and documents related to the cadastre and rural census [...]

Civil Federal Law

Article 1282. Inheritance is defended by the will of the testator or by law. The first is called testamentary, and the second legitimate.

Article 1283. Testator can dispose of all or part of his assets. The part he does not dispose will be governed by the precepts of legitimate succession

4.4.1
(continuation)

Article 3042. At the Properties Public Registry, the following will be registered:

- I. The titles by which is created, declares, recognizes, acquires, transmits, modifies, limits, serious or extinguishes the domain, original possession and other real property rights
- II. Family assets constitution.
- III. Leases of real estate for a period of more than six years and those in which there are advances of income for more than three years; and
- IV. Other titles that law expressly orders to be registered.

4.4.2 N/A

4.4.3 N/A

4.4.4 N/A

4.4.5 N/A

4.4.6 N/A

Criterion 4.5

Indicators	Legal framework	Legal Linking
4.5.1	N/A	
4.5.2	N/A	
4.5.3	N/A	
4.5.4	N/A	
4.5.5	N/A	
4.5.6	N/A	
4.5.7	N/A	
4.5.8	N/A	

Criterion 4.6

Indicators	Legal framework	Legal Linking
4.6.1	N/A	
4.6.2	N/A	
4.6.3	N/A	
4.6.4	N/A	

Criterion 4.7

Indicators	Legal framework	Legal Linking
4.7.1	N/A	
4.7.2	N/A	
4.7.3	N/A	

Criterion 4.8

Indicators	Legal framework	Legal Linking
4.8.1	N/A	
4.8.2	N/A	
4.8.3	N/A	
4.8.4	N/A	

Principle 5. Support smallholder inclusion

Criterion 5.1		
Indicators	Legal framework	Legal Linking
5.1.1	N/A	
5.1.2	N/A	
5.1.3	<p><u>Federal Economic Competition Law</u></p> <p>Article 53. Are considered as an absolute monopolistic practices, consisting of contracts, agreements, arrangements or combinations between competing Economic Agents, whose object or effect is any of the following:</p> <p>I. To set, to raise, to arrange or to manipulate the sale or purchase price, of goods or services which are offered or demanded on markets;</p> <p>Article 54. Relative monopolistic practices are considered to be those consistent on any act, contract, agreement, procedure or combination that:</p> <p>I. Fit into any of the cases referred to in article 56 of this Law;</p> <p>Article 56.- The cases referred to in section I of article 54 of this Law, consist of any of the following:</p> <p>II. Imposition of the price or other conditions that a distributor or supplier must observe when he provides, market or distribute goods or services.</p>	Established prices must comply with the requirements of economic competition and thus avoid monopoly.
5.1.4	N/A	
5.1.5	N/A	
5.1.6	<p><u>Comercial Code</u></p> <p>Article 380. Buyer must pay the price of the merchandise that has been sold to him in the terms and agreed terms. To an absence of an agreement, it must pay it in cash. Delaying in payment of the price will constitute the obligation to pay revenues at the legal rate on the amount owed.</p>	Payments must be covered as was established on sale, respecting the deadlines indicated.
5.1.7	N/A	
5.1.8	N/A	
5.1.9	N/A	
Criterion 5.2		
Indicators	Legal framework	Legal Linking
5.2.1	N/A	
5.2.2	N/A	
5.2.3	N/A	

Principle 6. Respect workers' rights and conditions

Criterion 6.1		
Indicators	Legal framework	Legal Linking
6.1.1	<p><u>United Mexican States Political Constitution</u></p> <p>Article 1. [...] Any discrimination based on ethnic or national origin, gender, age, disabilities, social status, health conditions, religion, opinions, sexual preferences, marital status or any other which violates dignity human and has an object to nullify or impair the rights and freedoms of people, is prohibited.</p> <p><u>Federal Law to Prevent and to Eradicate Discrimination</u></p> <p>Article 4. Any discriminatory practice whose purpose or effect is to prevent or annul the recognition or exercise of rights and the real equality of opportunities in terms of constitutional article 1, second paragraph, section III of this Law, is prohibited.</p> <p>Article 9. Based on the provisions of the first constitutional article and the second paragraph of the article 1, section III of this Law, is determined as discrimination, among others: [...]</p> <p>I. To prohibit the free choice of employment or restrict opportunities for access, permanence and promotion on it; [...]</p> <p><u>Federal Labor Law</u></p> <p>Article 3. [...] It cannot be established conditions which imply discrimination among workers based on ethnic or national origin, gender, age, disability, social status, health conditions, religion, immigration status, opinions, sexual orientations, marital status or any other who threatens human dignity.</p> <p>Article 133. It is prohibited to employers or their representatives:</p> <p>I. Refusing to accept workers because of its ethnic or national origin, gender, age, disability, social status, health conditions, religion, opinions, sexual preferences, marital status or any other criteria that may give rise to a discriminatory act;</p> <p>Article 164. Women enjoy same rights and have same obligations as men.</p> <p>Article 182. Working conditions of trusted workers will be proportionate to the nature and importance of their services and may not be less than those that apply for similar jobs within the company or establishment.</p>	<p>Discrimination actions in the workplace should be avoided at all cost.</p>
6.1.2	N/A	
6.1.3	<p><u>Federal Law to Prevent and to Eradicate Discrimination</u></p> <p>Article 5. Will not be considered as discriminatory the affirmative actions which have as an effect promoting the real equality of opportunities of individuals or groups. Neither will be judged as discriminatory the distinction based on reasonable, proportional and objective criteria whose purpose is not the impairment of rights.</p> <p>Article 9. Based on the provisions of the first constitutional article and the second paragraph article 1, section III of this Law, it is determined as discrimination, among others: [...]</p>	<p>Worker will be assigned the work which he will perform based on their skills and abilities.</p> <p>No jobs will be assigned for favoritism and the integrity of the workers must always be taken care of.</p>

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- III. To prohibit free choice of employment or restrict opportunities for access, permanence and promotion on it;
 - IV. To establish differences on remuneration, benefits and working conditions for equal work;
 - V. To limit access and permanence to training and vocational training programs;
 - VI. To deny or limit information on sexual and reproductive rights or to avoid free exercise of the determination of the number and spacing of sons and daughters;
 - VII. To deny or to condition social security or to prevent participation in decisions about their medical or therapeutic treatment within their means; [...]
 - XIII. To apply any type of use or custom that threatens equality, dignity and human integrity;
 - XX. To prevent social security access and its benefits or to establish limitations for contractor medical insurance except in cases provided by law;
 - XXII Ter. Denial of reasonable accommodation that guarantees, on equal terms, the enjoyment or exercise of the rights of disabilities persons;
 - XXIII. To exploit or to give abusive or degrading treatment;
 - XXVIII. To perform or to promote physical, sexual or psychological; patrimonial or economic violence due to age, gender, disability, physical appearance, way of dressing, speaking, gesturing or publicly assuming their sexual preference, or for any other discriminatory reason;

Federal Labor Law

Article 3. [...]Distinctions, exclusions or preferences that are based on the particular qualifications required by a particular work will not be considered discriminatory.

Article 27. If the service or services which should be provided had not been determined, the worker will be obliged to perform a job that is compatible with his strengths, aptitudes, status or condition and that is of the same gender as those that form the object of the company or establishment.

Article 154. Employers will be obliged to prefer, in equal circumstances, Mexican workers over those who are not, those who have served them satisfactorily for longer, those who having no other source of economic income are in charge of a family, those who have finished their compulsory basic education, those trained regarding those who are not, those who have greater aptitude and knowledge to do a job and those who are unionized in relation to those who are not.

If there is a collective agreement and this contains an admission clause, the preference for occupying vacancies or newer created positions, will be governed by what is provided for the collective agreement and the union statute. [...]

6.1.4	<p><u>Federal Labor Law</u></p> <p>Article 133. It is prohibited to employers or their representatives: [...]</p> <p>XIV. To require the presentation of non-pregnancy medical certificates for admission, permanence or promotion in employment; [...]</p>	<p>The fact that women are pregnant should not be an impediment to be hired or to work within a workplace.</p> <p>In the event that the worker is pregnant, the employer must assign her tasks in which her physical integrity is taken care of and which do not put her health or that of the baby at risk.</p>
6.1.5	N/A	
6.1.6	<p><u>Federal Labor Law</u></p> <p>Article 86. To equal work, performed in position, working day and efficiency conditions, also equal, must correspond equal salary.</p> <p><u>Federal Law to Prevent and to Eradicate Discrimination</u></p> <p>Article 9. Based on the provisions of the first constitutional article and article 1, second paragraph, section III of this Law, are considered as discrimination, among others: [...]</p> <p>IV. To establish differences in remuneration, benefits and working conditions for equal work;</p> <p><u>Access of Women to a Life Free of Violence General Law</u></p> <p>Article 11. It constitutes labor violence: the illegal refusal to hire the victim or to respect his permanence or general working conditions; the disqualification of the work done, threats, intimidation, humiliation, behaviors referred to in the Federal Labor Law, exploitation, the impediment to women to carry out the period of breastfeeding provided for in the law and all types of discrimination by gender condition.</p>	<p>Salary that is paid and the benefits that are given to the workers must be equal in the case in which the same activities are performed.</p> <p>A differentiated salary by the same work implies an gender discrimination fact which in accordance to the Access of Women to a Life Free of Violence General Law, it is labor violence.</p>

Criterion 6.2.

Indicators	Legal framework	Legal Linking
6.2.1	<p><u>Federal Labor Law</u></p> <p>Article 24 Working conditions must be recorded in writing when there are no applicable collective agreements. At least two copies will be at least made, whereof each party will have one.</p> <p>Article 25. The document stating the working conditions must contain:</p> <ol style="list-style-type: none"> I. Name, nationality, age, sex, marital status, Unique Population Registry Code, Federal Taxpayers Registry and address of the worker and employer; II. If the employment relationship is for a specific work or time, by season, for initial training or for an undetermined time and, where appropriate, if it is subject to a trial period; III. The service or services to be provided, which will be determined as accurately as possible; IV. The place or places where work should be provided; V. Working day duration; VI. Form and amount of the salary; VII. The day and place of salary payment; 	<p>Employer must comply the contract formalities which contain the general working conditions.</p>

6.2.1 (continuation)	<p>VIII. The indication that the worker will be trained in the terms of the plans and programs established or those will be established in the company, in accordance with the provisions of this Law;</p> <p>IX. Other working conditions, such as resting days, holidays and others that are agreed upon by the worker and the employer.</p> <p>X. The designation of beneficiaries referred to in article 501 of this law, for the payment of wages and benefits earned and not collected upon the death of workers or those generated by their death or disappearance arising from a criminal act</p> <p>Article 282. Working conditions shall be in writing, respecting the provisions of article 25 and other related provisions of this Law.</p>	Employers must issue every 15 days, when the worker requests, a written record of the number of days worked and the salary received.
6.2.2	<p><u>Federal Labor Law</u></p> <p>Article 132. Are obligations of the employers: [...]</p> <p>VII. To issue every fifteen days, at the request of the workers, a written record of the number of days worked and the salary received;</p> <p>Article 101 [...] In all cases, the worker must have access to detailed information on the concepts and deductions of payment. Payment receipts must be delivered to the worker in print or by any other means, without prejudging that the employer must deliver it in printed document when the worker has required.</p>	
6.2.3	<p><u>Federal Labor Law</u></p> <p>Article 136. Every agricultural, industrial, mining or any other type of work company is obliged to provide workers with comfortable and hygienic rooms. To comply with this obligation, companies must contribute to the National Housing Fund the five percent of the salary of the workers by their service. [...]</p> <p>Article 143. For the purposes of this Chapter, the salary referred to in article 136 is integrated with payments made in cash by daily fee, and bonuses, perceptions, meals, room, bonuses, commissions, benefits in kind and any other amount or benefit that the worker receive for his services. The following concepts will not be taken into account given its nature:</p> <ul style="list-style-type: none"> a) Work instruments, such as tools, clothe and other similar; b) Savings, when are integrated by a deposit of equal weekly or monthly amount by the worker and the company; and the amounts awarded by the employer for social or union purposes; c) Contributions to the National Housing Fund Institute for Workers and the participation in the profits of companies; d) The food and the room when they are not provided free to the worker, as well as the pantries; e) Prizes for attendance; f) Payments for overtime except when this type of services are agreed in a fixed time form; g) The fees to the Mexican Social Security Institute in charge of the worker which covers the companies, 	<p>It will be the obligation of the employers of the plantations, refineries or extractors to provide comfortable and hygienic rooms for their workers.</p> <p>The employers of plantations, refineries or extractors must integrate as part of the salary of their workers, in addition to the consideration in money, working tools, food, housing and social security contributions.</p>

6.2.4

Federal Labor Law

Article 136. Every agricultural, industrial, mining or any other type of work company is obliged to provide workers with comfortable and hygienic rooms. To comply with this obligation, companies must contribute to the National Housing Fund the five percent of the salary of the workers by their service. [...]

Article 151. When rooms are leased to workers, the rent may not exceed half a percent per month of the cadastral value of the farm and the following rules shall be observed:

I. Companies are obliged to keep them in habitable conditions and to make the necessary and convenient repairs in a timely manner;

:Article 283. Employers have the following special obligations:

I. To provide workers with adequate and hygienic rooms free of charge, proportional to the number of family members or economic dependents that accompany them and, where appropriate, an individual or collective property, for the raising of poultry;

II. To maintain the rooms in good condition, making necessary and convenient repairs;

III. To provide their workers with drinking water and sanitary services during the work day;

IV. Keep medicines and healing material, as well as the necessary antidotes, in the workplace, in order to provide first aid to the workers, their families or financial dependents who accompany them, as well as to train personnel to provide them;

V. To provide to its workers and their families to accompany them medical assistance or transfer them to the nearest place where there are medical services. They will also have the obligations referred to in article 504, section II.

Companies must provide to its workers with free adequate and hygienic rooms, proportional to the number of its family members who accompany them. This rooms must cover the needs for a decent life.

In the event that the rooms are leased to workers, the rent may not exceed a half percent per month of the cadastral value of the farm.

Companies must ask to the National Housing Fund for five percent of the wages of the workers at their service should they want to provide comfortable rooms.

Companies must contribute to the National Housing Fund the five percent of the wages of the workers at their service if they do not want to provide them with comfortable rooms.

6.2.5

N/A

6.2.6

Federal Labor Law

Article 35. Labor relationships may be for a specific work or time, season or indefinite time and, where appropriate, may be subject to testing or initial training. In the absence of express stipulations, the relationship will be for an indeterminate period.

Article 39-F. Undetermined working relationships will be continuous as a general rule, but may be agreed for discontinuous work when the required services are for fixed and periodic work of a discontinuous nature, in cases of seasonal activities or that do not require the provision of services throughout week, month or year.

Workers who provide services under this modality have same rights and obligations as workers for an indeterminate period in proportion to the time worked in each period.

Article 82. Salary is the compensation that the employer must pay to the worker for his work.

Article 83. The salary can be set per unit of time, per unit of work, per commission, at a fixed (rised) price or in any other way.

In case of salary per unit of time, that nature will be specifically established. The worker and the employer may agree on the amount, always when it is a remunerative salary, as well as the payment for each hour of service provision when the legal maximum day is not exceeded and labor and safety rights are respected social that correspond to the square in question. The income that workers receive for this modality will in no case be less than which corresponding to a daily workday.

When salary is set per unit of work, in addition to specifying the nature of the work, it will be noticed that the quantity and quality of the material, the state of the tools that the employer provide to execute the work, and the time for which he will make them available to the worker, without being able to demand any amount due to the natural wear suffered by the tool as a result of the work.

A salary that is sufficient and can cover all their needs, must be paid to workers.

6.2.6 (continuation) Article 84. Salary is integrated with payments made in cash by daily fee, bonuses, perceptions, room, premiums, commissions, benefits in kind and any other amount or benefit that is delivered to the worker for his work.

Article 85. Salary must be remunerative and never less than the minimum established in accordance with the provisions of this Law. To determine the amount of the salary, the quantity and quality of work shall be taken into consideration.

In the salary per unit of work, the remuneration paid will be such that for a normal work, in an eight-hour day, the minimum salary amount will result, at least.

6.2.7 Federal Labor Law

Article 35. Labor relationships may be for a specific work or time, season or indefinite time and, where appropriate, may be subject to testing or initial training. In the absence of express stipulations, the relationship will be for an indeterminate period.

The temporality of the worker's employment relationship must be determined.

Criterion 6.3		
Indicators	Legal framework	Legal Linking
6.3.1	<p><u>Federal Labor Law</u></p> <p>Article 183. Workers of confidence cannot be part of the unions of the other workers, nor will they be taken into account in the recounts that are made to determine the majority in the cases of strike, nor can they be representatives of the workers in the organizations that are integrated in accordance with the provisions of this Law.</p> <p>Article 354. Law recognizes the freedom of coalition of workers and employers.</p> <p>Article 355. Coalition is the temporary agreement of a group of workers or employers to defend their common interests.</p> <p>Article 356. Union is the association of workers or employers, constituted for the study, improvement and defense of their respective interests.</p> <p>Article 357. Workers and employers have the right to establish unions, without prior authorization; they have the right to establish organizations that they deem appropriate, as well as to join them, with the sole condition of observing their statutes.</p> <p>Workers 'and employers' organizations must enjoy adequate protection against any act of interference with each other, whether carried out directly or through their representatives in their constitution, operation or administration.</p> <p>Actions or measures aimed at promoting the constitution of workers 'organizations dominated by a pattern or an organization of employers, or supporting workers' organizations in any way to place them under their control are considered acts of interference. The benefits agreed in collective bargaining will not be considered acts of interference.</p> <p>Any undue injection will be sanctioned in the terms established by the Law.</p> <p>Article 358. (...) I. No one can be forced to be part of a union, federation or confederation. Any stipulation that in any way detracts from this provision shall be deemed not to be applied.</p> <p>Article 359. Unions have the right to draft their statutes and regulations, freely elect their representatives, to organize their administration and activities and to formulate their action program.</p> <p>Article 372. Foreign workers may not be part of the union directive.</p> <p>Article 381. Unions can form federations and confederations, which will be governed by the provisions of this chapter, as long as applicable.</p> <p>Article 387. The employer who employs workers who are members of a union shall have the obligation to enter into a collective</p>	<p>Workers have the right to form and belong to unions in defense of their respective interests without this generate repercussions to the employer.</p>

agreement with the union upon request; To comply with the principles of representativeness in trade union organizations and certainty in the signing, registration and deposit of collective labor contracts, the applicant union must previously have the Certificate of Representation issued by the Federal Center for Conciliation and Labor Registration , referred to in article 390 Bis.

If the employer refuses to sign the contract, the workers may exercise the right to strike set forth in article 450; the Certificate of Representation proves that the union has the representation of the workers, so it must be accompanied to the strike site as a requirement in terms of article 920 of this Law.

The Certificate of Representation referred to in Article 390 Bis will be valid for six months from the date it is issued. In the event that the strike union starts the strike in the workplace, the validity of said record will be extended until such conflict is concluded, so during its term, no other application will be processed, nor will it be admitted to another or other unions as part of the procedure.

6.3.2 N/A

6.3.3 Federal Labor Law

Article 2.- [...] Decent work also includes unrestricted respect for the collective rights of workers, such as freedom of association, autonomy, the right to strike and collective bargaining.

Article 133. It is prohibited to employers or their representatives: [...]

IV. Obliging workers by coercion or by any other means, to join or withdraw from the union or group to which they belong, or to vote for a specific candidacy;

V. To Intervene in any way in the internal regime of the union, prevent its formation or the development of trade union activity, through implicit or explicit reprisals against workers;

Article 357.- Workers and employers have the right to establish unions, without prior authorization.

Any undue interference will be sanctioned in the terms established by the Law.

Article 358. No one can be forced to be part of a union or not to be part of it.

Employers will not interfere in the decisions that workers make about the union to which they want to belong.

Criterion 6.4

Indicators	Legal framework	Legal Linking
6.4.1	<p><u>Political Constitution of the United Mexican States</u></p> <p>Article 123. Everyone has the right to decent and socially useful work; for this purpose, the creation of jobs and the social organization of work shall be promoted, in accordance with the law.</p> <p>The Union Congress, without contravening the following bases must issue laws on labor, which shall govern:</p> <p>A. Among workers, day laborers, domestic employees, artisans and in a general way, all employment contracts: [...]</p> <p>III. The use of the work of children under fifteen years is prohibited. Those over this age and under sixteen will have a maximum of six hours. [...]</p> <p><u>Federal Labor Law</u></p> <p>Article 22.-Those over fifteen may freely provide their services with the limitations established in this Law.</p> <p>Those over fifteen and under sixteen need authorization from their parents or guardians and in their absence, from the union to which they belong, from the Conciliation and Arbitration Board, from the Labor Inspector or from the Political Authority.</p> <p>Child workers must receive the payment of their salaries and exercise, where appropriate, the corresponding actions.</p> <p>Article 22 Bis.- The work of children under fifteen years is prohibited; The work of persons over this age and under eighteen years who have not completed their compulsory basic education may not be used, except in the cases approved by the corresponding labor authority in which in their opinion there is compatibility between studies and work.</p> <p>Article 23.- When the labor authorities detect a child under fifteen working outside the family circle, he will order that he immediately cease his work. The employer who incurs in this conduct will be punished with the penalty established in article 995 Bis of this Law. [...]</p>	<p>In Mexico the minimum age to work is 15 years, provision provided for in both the Constitution and the Federal Labor Law.</p> <p>If a minor works, he must be monitored and protected by both federal and local labor authorities.</p>

6.4.1 (continuation) Article 173. The work of minors is subject to special supervision and protection of both federal and local labor authorities. The Labor and Social Welfare Ministry, in coordination with the labor authorities in the federal entities, will develop programs to identify and eradicate child labor.

Article 174. Those over fifteen and under eighteen must obtain a medical certificate attesting to their aptitude for work and undergo medical examinations that are periodically ordered by the corresponding labor authorities. Without these requirements, no employer can use their services.

Article 175. The use of the work of children under eighteen years is prohibited:

I. In non-industrial establishments after ten o'clock at night; (...)

IV. In dangerous or unhealthy work that, due to the nature of the work, due to the physical, chemical or biological conditions of the environment in which it is provided, or due to the composition of the raw material used, are capable of acting on life, development and the physical and mental health of minors, in terms of the provisions of article 176 of this Law.

Article 180. Employers who have at their service workers under eighteen years are required to:

I. Require that medical certificates proving that they are fit for work be displayed;

II. Carry and have at the disposal of the competent authority, records and supporting documentation, indicating the name and surname, the date of birth or the age of children under eighteen employed by them, work class, schedule, salary and others general working conditions; Likewise, said records must include the corresponding information of those who receive guidance, training or professional training in their companies.

III. Distribute the work so that they have the necessary time to complete their school programs;

IV. Provide them with training in the terms of this Law; and,

VI. Provide the labor authorities with the reports they request.

6.4.2 Federal Labor Law

Article 180. Employers who have at their service workers under eighteen years are required to:

I. Require that medical certificates proving that they are fit for work be displayed;

II. Carry and have at the disposal of the competent authority, records and supporting documentation, indicating the name and surname, the date of birth or the age of children under eighteen employed by them, work class, schedule, salary and others general working conditions; Likewise, said records must include the corresponding information of those who receive guidance, training or professional training in their companies.

III. Distribute the work so that they have the necessary time to complete their school programs;

IV. Provide them with training in the terms of this Law; and,

VI. Provide the labor authorities with the reports they request.

Employers must have evidence that those workers under 18 are identified and their general working conditions are optimal.

6.4.2
(continuation)

Federal Civil Code

Article 641. The marriage of a minor under eighteen years produces emancipation by law. Even if the marriage is dissolved, the emancipated spouse, whichever is less, will not fall into parental authority.

An emancipated minor through marriage may, in accordance with the Mexican legal framework, be considered an adult for labor purposes. In this regard, it is important to point out that the marriage of minors is a prohibited practice at the federal level, more regulated at the state level, so that the applicable state legal frameworks applicable to the marriage of minors should be considered.

6.4.3

Federal Labor Law

Article 23. The work of children under eighteen years within the family circle is prohibited in any type of activity that is dangerous for their health, safety or morality, or that affects the exercise of their rights and, with it, its integral development.

Article 175. The use of children work under eighteen years is prohibited:(...)

IV. In dangerous or unhealthy work that, due to the nature of the work, due to the physical, chemical or biological conditions of the environment in which it is provided, or due to the composition of the raw material used, are capable of acting on life, development and the physical and mental health of minors, in terms of the provisions of article 176 of this Law.

Article 176.- For the purposes of article 175, in addition to the provisions of the applicable Laws, regulations and norms, those involving:

I. Exposure to:

1. Noise, vibrations, ionizing and non-ionizing infrared or ultraviolet radiation, high or low thermal conditions or abnormal environmental pressures.
2. Chemical agents polluting the work environment.
3. Hazardous waste, biological agents or infectious diseases.
4. Dangerous fauna or harmful flora.

II. Work:

1. Industrial nights or work after twenty-two hours.
2. Rescue, rescue and brigades against accidents.
3. In height or confined spaces.
 1. In which critical equipment and processes are operated where dangerous chemical substances that can cause major accidents are handled.

Workers under 18 years may not carry out dangerous or unhealthy activities so as not to affect their health, safety or morality, or the exercise of their rights.

6.4.3. 5. Welding and cutting.
 (continuation) 6. In extreme weather conditions in the open field, exposing them to dehydration, heat stroke, hypothermia or freezing.
 (...)
 8. Agricultural, forestry, sawing, forestry, hunting and fishing.
 (...)15. With a high degree of difficulty; in time constraint; that demand high responsibility, or that require sustained concentration and attention.
 16. Relating to the operation, review, maintenance and testing of pressure vessels, cryogenic vessels and steam generators or boilers.
 (...)
 III. Moderate and heavy physical effort; loads greater than seven kilograms; forced postures, or with repetitive movements for prolonged periods, that alter their musculoskeletal system.
 IV. Handling, transportation, storage or disposal of hazardous chemicals.
 V. Management, operation and maintenance of machinery, equipment or mechanical, electrical, pneumatic or motorized tools, which may cause amputations, fractures or serious injuries.
 VI. Driving motorized vehicles, including mechanical and electrical maintenance.
 VII. Use of sharp hand tools.
 Article 423. The regulation [interior work regulation] shall contain:
 [...]
 VII. Unhealthy and dangerous work that children should not perform and the protection that pregnant workers should have;

6.4.4 N/A

Criterion 6.5

Indicators	Legal framework	Legal Linking
6.5.1	<p><u>Federal Labor Law</u></p> <p>Article 47. The following are causes for termination of the employment relationship, without responsibility for the employer: [...]</p> <p>II. To incur the worker, during his work, in lack of probity or honesty, in acts of violence, threats, insults or bad treatments against the employer, his relatives or the managerial or administrative personnel of the company or establishment, or against clients and providers of the employer, unless there is provocation or acting in self-defense; [...]</p> <p>VIII. The worker commits immoral acts or harassment and / or sexual harassment against any person in the establishment or workplace;</p> <p>[...]</p>	<p>Sexual harassment must be avoided at all costs without discriminating whether they are employers or workers, and goes even further by imposing monetary penalties to sanction such behaviors, there are criminal penalties for this type of behavior.</p>

6.5.1
(continuation)

Article 51. The following are causes for termination of the employment relationship, without responsibility for the worker:

[...]

II. Incurring the employer, their relatives or any of their representatives, within the service, in the absence of probity or honesty, acts of violence, threats, insults, harassment and / or sexual harassment, bad treatments or other similar, against the worker, spouse, parents, children or siblings;

[...]

Article 133. It is prohibited to employers or their representatives:

[...]

XII. To perform acts of harassment and / or sexual harassment against any person in the workplace;

XIII. To allow or to tolerate acts of harassment and / or sexual harassment in the workplace; [...]

Article 994.- A fine will be imposed, for the equivalent of:

[...]

VI. From 250 to 5000 times the general minimum wage, to the employer who commits any discriminatory act or conduct in the workplace; to those who perform acts of sexual harassment or that tolerate or permit acts of sexual harassment or harassment against their workers; and

[...]

Access of Women to a Life Free of Violence General Law

Article 10.- Labor and Teaching Violence: It is exercised by people who have a labor, teaching or similar relationship with the victim, regardless of the hierarchical relationship, consisting of an act or an omission in abuse of power that damages self-esteem, health, integrity, freedom and security of the victim, and prevents its development and threatens equality.

It can consist of a single harmful event or a series of events whose sum causes the damage. It also includes harassment or sexual harassment.

Article 11.- It constitutes labor violence: the illegal refusal to hire the Victim or to respect its permanence or general working conditions; the disqualification of work done, threats, intimidation, humiliation, exploitation and all types of discrimination based on gender.

[...]

Article 13.- Sexual harassment is the exercise of power, in a relationship of real subordination of the victim to the aggressor in the workplace and / or school. It is expressed in verbal behaviors, physical or both, related to the sexuality of lascivious connotation.

Sexual harassment is a form of violence in which, although there is no subordination, there is an abusive exercise of power that leads to a state of helplessness and risk to the victim, regardless of whether it is carried out in one or more events.

6.5.2

Political Constitution of the United Mexican States

Article 4o.- Men and women are equal before the law. This will protect the organization and development of the family.

Everyone has the right to decide freely, responsibly and in an informed manner about the number and spacing of their children.

[...]

Article 123.- Everyone has the right to decent and socially useful work; for this purpose, the creation of jobs and the social organization of work shall be promoted, in accordance with the law.

The Union Congress, without contravening the following bases must issue laws on labor, which shall govern:

A. Among workers, day laborers, domestic employees, artisans and in a general way, all employment contracts: [...]

[...]

V. Women during pregnancy will not perform work that requires considerable effort and poses a danger for their health in relation to pregnancy; they will necessarily have a rest of six weeks prior to the date set for approximately the delivery and six weeks after the same, and must receive their full salary and keep their employment and the rights they have acquired for the employment relationship. In the period of breastfeeding they will have two extraordinary breaks per day, half an hour each to feed their children;

[...]

Federal Law to prevent and eradicate discrimination

Article 9.- Based on the provisions of the first constitutional article and article 1, second paragraph, section III of this Law, they are considered as discrimination, among others:

[...]

VI. Deny or limit information on sexual and reproductive rights or prevent the free exercise of the determination of the number and spacing of sons and daughters;

Federal Labor Law

Article 132.- The obligations of the employers are:

[...]

The rights of pregnant women in the performance of their work must be guaranteed, forcing employers to provide adequate conditions for their workers so that they can fully enjoy this right.

6.5.2
(continuation)

XXVII.- Provide pregnant women with the protection established by regulations.

XXVII Bis. Grant paternity leave of five working days with pay, to working men, for the birth of their children and in the same way in the case of the adoption of an infant; and

[...]

Article 133. It is prohibited to employers or their representatives:

[...]

XIV. To require the presentation of non-pregnancy medical certificates for admission, permanence or promotion in employment; Y

XV. To fire a worker or coerce her directly or indirectly so that she resigns because she is pregnant, because of a change in marital status or because she has the care of minor children.

[...]

Article 166. When the health of the woman, or that of the unborn, is endangered, whether during pregnancy or breastfeeding and without suffering damage to her salary, benefits and rights, her work cannot be used in unhealthy or dangerous work, industrial night work, in commercial or service establishments after ten at night, as well as overtime.

Article 167. For the purposes of this title, dangerous or unhealthy tasks are those that, due to the nature of the work, the physical, chemical and biological conditions of the environment in which it is provided, or the composition of the raw material that is used, are able to act on the life and physical and mental health of the woman in a state of gestation, or the unborn.

The regulations issued will determine the work that is included in the previous definition. [...]

Article 170. Working mothers will have the following rights:

I. During the period of pregnancy, they will not carry out work that requires considerable efforts and poses a danger to their health in relation to pregnancy, such as lifting, throwing or pushing large weights, causing trepidation, standing for a long time or act or may alter their psychic and nervous state;

[...]

6.5.3

Political Constitution of the United Mexican States

Article 123. Everyone has the right to decent and socially useful work; for this purpose, the creation of jobs and the social organization of work shall be promoted, in accordance with the law.

The Union Congress, without contravening the following bases must issue laws on labor, which shall govern:

A. Among workers, day laborers, domestic employees, artisans and in a general way, all employment contracts: [...]

V. Women during pregnancy will not perform work that requires considerable effort and poses a danger for their health in relation to pregnancy; they will necessarily have a rest of six weeks prior to the date set for approximately the

Women should be allowed a period of time as well as a place for them to breastfeed or store breast milk.

6.5.3. delivery and six weeks after the same, and must receive their full salary and keep their employment and the rights they have
(continuation) acquired for the employment relationship. In the period of breastfeeding they will have two extraordinary breaks per day, half an hour each to feed their children;

[...]

Federal Labor Law

Article 132. The obligations of the employers are:

[...]

XXVII. To provide pregnant women with the protection established by regulations.

XXVII Bis. To grant paternity leave of five working days with pay, to working men, for the birth of their children and in the same way in the case of the adoption of an infant; and

[...]

Article 133. It is prohibited to employers or their representatives:

[...]

XIV To require the presentation of non-pregnancy medical certificates for admission, permanence or promotion in employment; and

XV. To fire a worker or coerce her directly or indirectly so that she resigns because she is pregnant, because of a change in marital status or because she has the care of minor children.

[...]

Article 166. When the health of the woman, or that of the unborn, is endangered, whether during pregnancy or breastfeeding and without suffering damage to her salary, benefits and rights, her work cannot be used in unhealthy or dangerous work, industrial night work, in commercial or service establishments after ten at night, as well as overtime.

Article 167. For the purposes of this title, dangerous or unhealthy tasks are those that, due to the nature of the work, the physical, chemical and biological conditions of the environment in which it is provided, or the composition of the raw material that is used, are able to act on the life and physical and mental health of the woman in a state of gestation, or the unborn.

Regulations issued will determine the work that is included in the previous definition.

[...]

Article 170. Working mothers will have the following rights:

I. During the period of pregnancy, they will not carry out work that requires considerable efforts and poses a danger to their health in relation to pregnancy, such as lifting, throwing or pushing large weights, causing trepidation, standing for a long time or act or may alter their psychic and nervous state;

[...]

IV. In the period of breastfeeding for up to a maximum of six months, they will have two extraordinary breaks per day, half an hour each, to feed their children, in a suitable and hygienic place designated by the company, or, when this is not possible, prior agreement with the employer, their work day will be reduced by one hour during the indicated period;

6.5.4 N/A

Criterion 6.6

Indicators	Legal framework	Legal Linking
6.6.1	<p><u>Political Constitution of the United Mexican States</u></p> <p>Article 1o.- In the United Mexican States, all persons shall enjoy the human rights recognized in this Constitution and in the international treaties to which the Mexican State is a party, as well as the guarantees for their protection, the exercise of which may not be restricted or be suspended, except in cases and under the conditions established by this Constitution.</p> <p>[...]</p> <p>Slavery is prohibited in the United Mexican States. Slaves from abroad who enter the national territory will achieve, by this single fact, their freedom and the protection of the laws.</p> <p>[...]</p> <p><u>Federal Labor Law</u></p> <p>Article 2o.- Labor standards tend to achieve a balance between the factors of production and social justice, as well as promoting decent work in all labor relations.</p> <p>Decent work is understood as one in which the human dignity of the worker is fully respected; there is no discrimination based on ethnic or national origin, gender, age, disability, social status, health conditions, religion, immigration status, opinions, sexual preferences or marital status; worker have access to social security and receive a salary; continuous training is received to increase productivity with shared benefits, and there are optimal health and safety conditions to prevent occupational hazards.</p> <p>Decent work also includes unrestricted respect for the collective rights of workers, such as freedom of association, autonomy, the right to strike and collective bargaining.</p> <p>The substantive or de facto equality of workers against the employer is protected.</p> <p>Substantive equality is achieved by eliminating discrimination against women that undermines or nullifies the recognition, enjoyment or exercise of their human rights and fundamental freedoms in the workplace. It implies access to the same opportunities, considering the biological, social and cultural differences of women and men.</p> <p>Article 3o.- Work is a social right and duty. It is not an article of commerce.</p> <p>Article 110.- Discounts on workers' salaries are prohibited except in the cases and with the following requirements:</p> <p>I. Payment of debts contracted with the employer for advances of wages, payments made in excess to the worker, errors, losses, breakdowns or acquisition of items produced by the company or establishment. The amount required in no case</p>	<p>There should be no form of slavery, translated into trafficking or forced labor, is allowed.</p> <p>Likewise, decent work that guarantees the fulfillment of human rights must be guaranteed.</p> <p>Salary should not be reduced or limited by the discretion of the employer.</p>

6.6.1
(continuation)

may be greater than the amount of one month's wages and the discount will be as agreed by the worker and the employer, without being able to be greater than thirty percent of the minimum wage surplus;

II. Payment of the income referred to in article 151 that may not exceed fifteen percent of the salary.

III. Payment to cover loans from the National Housing Fund for Workers for the acquisition, construction, repair, expansion or improvement of residential houses or the payment of liabilities acquired for these items. Likewise, those workers who have been granted a credit for the acquisition of homes located in housing complexes financed by the National Housing Fund for Workers Institute will be deducted 1% of the salary referred to in article 143 of This Law, which will be used to cover the expenses incurred for the administration, operation and maintenance of the housing complex in question. These discounts must have been freely accepted by the worker.

IV. Payment of fees for the constitution and promotion of cooperative societies and savings banks, provided that workers expressly and freely express their conformity and are not greater than thirty percent of the minimum wage surplus;

V. Payment of alimony in favor of food creditors, decreed by the competent authority. In the event that the worker ceases to provide his services in the workplace, the employer must inform the competent jurisdictional authority and the food creditors of such circumstance, within five working days following the date of termination of the employment relationship;

Payment of ordinary union dues provided for in the bylaws of the unions. VII. Payment of credits to cover credits guaranteed by the Institute referred to in article 103 Bis of this Law, intended for the purchase of consumer goods, or the payment of services. These discounts must have been freely accepted by the worker and may not exceed twenty percent of the salary. The worker may express in writing his willingness not to apply the union quota, in which case the employer may not deduct it;

Article 111. Debts contracted by the workers with their employers will in no case accrue interest.

Article 112- Workers' salaries may not be garnished, except in the case of alimony decreed by the competent authority for the benefit of the persons indicated in article 110, section V.

Article 133. It is prohibited to employers or their representatives:

(...)

IV. To demand or accept money from workers as a bonus because they are admitted at work or for any other reason that refers to its conditions;

Agrarian Law

Article 63.- The lands destined to the human settlement integrate the necessary area for the development of the community life of the communal land tenure, which is composed of the lands in which the urbanization zone and its legal estate are located. The same protection will be given to the school plot, the women's industrial agricultural unit, the productive unit for the integral development of youth and the other areas reserved for settlement.

6.6.1
(continuation)

Article 70.- In each communal land tenure, the assembly may decide on the demarcation of the surfaces that are considered necessary for the establishment of the school plot, which will be used for research, teaching and dissemination of agricultural practices that allow a more efficient use of the human and material resources available to the communal land tenure. The internal rules of the communal land tenure will regulate the use of the school plot.

Article 71.- The assembly may also reserve a surface in the extension that it determines, preferably located in the best lands adjacent to the urbanization area, which will be destined to the establishment of the women's industrial agricultural unit, which must be used by women over sixteen years.

This unit may integrate facilities specifically aimed at the service and protection of rural women, its purpose will be the realization and coordination of productive activities, mutual assistance, use of resources, marketing or any other activity that promotes the economic and social development of Women within the agrarian nucleus.

Article 108.- The communal land tenure may constitute unions, whose purpose will include the coordination of productive activities, mutual assistance, commercialization or others not prohibited by law.

[...]

To constitute a union of communal land tenure, the resolution of the assembly of each of the participating nuclei, the election of their delegates and the determination of their powers will be required. The charter containing the statutes of the union must be granted before a notary public and registered in the National Agrarian Registry, from which the union will have legal personality.

[...]

Women belonging to an agricultural nucleus, regardless of their character, may be organized as the Women's Industrial Agricultural Unit and these in turn in unions, complying with the requirements set forth in this title. The corporate name will be followed by the words Industrial Women's Agricultural Unit or its abbreviation, UAIM.

The inclusion of the UAIM and the school plot recognizes the existence of legal figures for community volunteer work and mutual assistance, especially for women, children and youth in the communal land tenure.

6.6.2

Federal Labor Law

Article 70.- In any company or establishment, the employer must employ ninety percent of Mexican workers, at least. In the categories of technicians and professionals, workers must be Mexican, unless they are not in a particular specialty, in which case the employer may temporarily employ foreign workers, in a proportion not exceeding ten percent of those of the specialty. The employer and foreign workers will have a joint obligation to train Mexican workers in the specialty in question. The doctors at the service of the companies must be Mexican.

(...)

Article 154. Employers will be obliged to prefer, in equal circumstances, Mexican workers over those who are not, to those who have served them satisfactorily for a longer time, to those who having no other source of economic income are in charge a family, to those who have completed their compulsory basic education, to those trained with respect to those who are not, to those who have greater aptitude and knowledge to perform a job and to those unionized with respect to those who are not.

(...)

Equal treatment will be given to foreign and temporary workers, always respecting their working and workplace conditions, monitoring the fulfillment of human rights.

6.6.2 (continuation) Article 156.- If there is no collective agreement or does not contain the one entered into the admission clause, the provisions contained in the first paragraph of article 154 shall apply to workers who routinely, without having the status of plant workers, provide services in a company or establishment, supplying temporary or temporary vacancies and those who perform extraordinary work or for specific work, which do not constitute a normal or permanent activity of the company.
 (...) Article 372. Foreign workers may not be part of the union directive

Criterion 6.7		
Indicators	Legal framework	Legal Linking
6.7.1	N/A	
6.7.2	<p><u>Federal Labor Law</u></p> <p>Article 132.- Are obligations of the employers: (...)</p> <p>XVII. Comply with the Mexican regulations and official norms regarding safety, health and the work environment, as well as having at all times the necessary medicines and healing materials to provide timely and effective first aid;</p> <p>Article 423. The regulation [internal labor regulation] shall contain: [...] VI. Rules to prevent occupational hazards and instructions to provide first aid; [...]</p> <p>Article 504.- The employers have the following special obligations:</p> <ol style="list-style-type: none"> I. Maintain the necessary medicines and healing material for first aid in the workplace and train personnel to provide them; II. When you have more than one hundred workers at their service, establish a nursing room, equipped with the necessary medicines and healing material for emergency medical and surgical care. It will be attended by competent personnel, under the direction of a surgeon. If, in the judgment of the latter, due medical and surgical care cannot be provided, the worker will be transferred to the population or hospital where he can be treated for healing; III. When they have at their service more than three hundred workers, install a hospital, with the necessary medical and auxiliary personnel; IV. Upon agreement with the workers, employers may enter into contracts with sanatoriums or hospitals located in the place where the establishment is located or at a distance that allows the rapid and comfortable transfer of workers, so that they provide the services referred to in the two previous fractions; V. Give written or electronic notice to the Ministry of Labor and Social Welfare, the Labor Inspector and the Court, within 72 hours, of accidents that occur, providing the following data and elements: <ol style="list-style-type: none"> 1. Name and address of the company; 2. Name and address of the worker; as well as their position or category and the amount of their salary; 3. Place and time of the accident, with succinct expression of the facts; 4. Name and address of the people who witnessed the accident; and, 5. Place where the injured person is given or given medical attention. 	<p>The employer must comply with the Mexican regulations and official norms regarding safety, health and the work environment.</p> <p>The Internal Work Regulations will provide the procedure for the proper provision of first aid in cases of emergency or accident</p>

The Ministry of Labor and Social Welfare and the Mexican Institute of Social Security must exchange information permanently regarding work accident notices submitted by employers, as well as other statistical data that are necessary for the exercise of their respective legal powers; and

VI. As soon as there is knowledge of the death of a worker due to occupational hazards, give written notice to the authorities mentioned in the previous section, providing, in addition to the data and elements indicated by said fraction, the name and address of the persons who could be entitled to the corresponding compensation.

6.7.3

Federal Labor Law

Article 475 Bis.- The employer is responsible for safety and hygiene and the prevention of occupational hazards, in accordance with the provisions of this Law, its regulations and the applicable Mexican official standards.

It is the obligation of the workers to observe the preventive health and safety measures established by Mexican official regulations and standards issued by the competent authorities, as well as those indicated by the standards for the prevention of occupational hazards.

Federal Occupational Health and Safety Regulation

Article 7. The obligations of the employers are:

[...]

X. Provide workers with Personal Protective Equipment, in accordance with the Risks to which they are exposed;

It is the obligation of the employers to provide adequate development and Training to their workers for the performance of their duties.

6.7.4

Federal Labor Law

Article 504.- The employers have the following special obligations:

I. Keep in the workplace the medicines and healing material necessary for first aid and train personnel to provide them;

II. When they have more than one hundred workers at their service, establish a nursing room, equipped with the necessary medicines and healing material for emergency medical and surgical care. It will be attended by competent personnel, under the

It will be the obligation of the employers to provide adequate medical care to their workers.

6.7.4 direction of a surgeon. If, in the judgment of the latter, due medical and surgical care cannot be provided, the worker will be transferred to the population or hospital where he can attend to his cure;

(continuation)

III. When they have at their service more than three hundred workers, install a hospital, with the necessary medical and auxiliary personnel;

IV. Upon agreement with the workers, employers may enter into contracts with sanatoriums or hospitals located in the place where the establishment is located or at a distance that allows the rapid and comfortable transfer of workers, so that they provide the services referred to in the two previous fractions;

[...]

Social Security Law

Article 12. The following are subjects of assurance of the mandatory regime:

- I. Persons who, in accordance with articles 20 and 21 of the Federal Labor Law, provide permanently or eventually, to physical or legal entities or economic units without legal personality, a paid, personal and subordinate service, Whatever the act that gives rise to it and whatever the legal personality or economic nature of the employer, even if the latter, by virtue of some special law, is exempt from paying taxes;
- II. The partners of cooperative societies

[...]

Federal Labor Law

Article 483.- Compensation for occupational hazards that produce disabilities will be paid directly to the worker. In cases of mental disability, proven before the Board, compensation shall be paid to the person or persons, of those indicated in article 501, in whose care it remains; in cases of death of the worker, the provisions of article 115 shall be observed.

Article 484.- To determine the compensation referred to in this Title, the daily salary that the worker receives when the risk occurs and the subsequent increases corresponding to the employment he performed, will be taken as a basis until the degree of disability is determined, the date on which the death occurs or the one he perceived at the time of his separation from the company.

Article 485.- The amount taken as the basis for the payment of compensation may not be less than the minimum wage.

Social Security Law

Article 55. Occupational hazards may produce:

- I. Temporary disability;
- II. Permanent partial disability;
- III. Total permanent disability, and
- IV. Death.

Temporary disability, partial permanent disability and total permanent disability shall be understood as the relative article 5 of the Federal Labor Law.

If the worker suffers an accident at work, he must be treated and in case his physical and / or mental integrity is put at risk, the employer must allow the necessary time for him to recover and work without difficulties.

Principle 7. Protect, conserve and enhance ecosystems and the environment

Criterion 7.1		
Indicators	Legal framework	Legal Linking
7.1.1	<p><u>Federal Plant Health Law</u></p> <p>Article 19.- Phytosanitary measures are intended to prevent, confine, exclude, combat or eradicate pests that affect plants, their products or by-products, when they may represent a phytosanitary risk.</p> <p>Article 22.- The mobilization within the national territory of the merchandise referred to in the following article, It will be subject to the issuance of the phytosanitary certificate when they come from and move to:</p> <ol style="list-style-type: none"> I. From areas under phytosanitary control towards free or low prevalence areas; II. Between two or more areas under phytosanitary control, passing through free zones, under protection or of low prevalence; and from areas of low prevalence or under protection, towards free zones; Y III. Between two or more free or low prevalence areas, passing through areas under phytosanitary control. <p>Article 23.- The importation of the following is subject to control by issuing the phytosanitary certificate goods when they are likely to be carriers of pests:</p> <ol style="list-style-type: none"> I. Vegetables, their products or by-products, pathogenic agents and any type of supplies, materials and equipment that may represent a phytosanitary risk; II. Transport vehicles or packaging and containers in which the goods mentioned in the previous section are mobilized or contained or when they imply a risk of dissemination of pests that affect plants, their products or by-products [...] <p>Article 24.- Whoever imports any of the goods listed in the previous article, will check at the point of phytosanitary inspection of entry the compliance with the official Mexican standard and other applicable legal provisions in phytosanitary matter provided for the specific situation applicable to the object of importation.</p>	
7.1.2	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 46.- In natural protected areas the foundation of new population centers may not be authorized. The introduction of invasive alien species in natural protected areas is prohibited [...]</p> <p><u>Wildlife General Law</u></p> <p>Article 27. The handling of specimens and exotic populations may only be carried out under conditions of confinement that guarantee the safety of civil society and dignified and respectful treatment of the specimens, in accordance with a management plan that must be previously approved by the Ministry, that must contain the provisions of article 78 Bis, to avoid the negative effects that exotic specimens and populations could have for the conservation of native specimens and populations of wildlife and their habitat.</p> <p>People who own specimens referred to in the previous paragraph, as a pet or companion animal, must have the express authorization of the Ministry.</p>	

Those specimens of species that due to their nature, due to inadequate management or event that puts the civilian population at risk, must be relocated by the Ministry.

Article 27 Bis.- The release or introduction to the habitats and natural ecosystems of invasive alien species shall not be permitted. Ministry shall determine the lists of invasive alien species within official Mexican standards and / or ministerial agreements. The respective lists will be reviewed and updated every 3 years or earlier if sufficient information is presented for the inclusion of any species or population. The lists and their updates will indicate the genus, the species and, where appropriate, the subspecies and will be published in the Official Gazette of the Federation and in the Ecological Gazette. Likewise, Ministry will issue the official Mexican regulations and / or ministerial agreements related to the prevention of the entry of invasive alien species, as well as the management, control and eradication of those already established in the country or in cases of fortuitous introduction, accidental or illegal.

7.1.3 N/A

Criterion 7.2.		
Indicators	Legal framework	Legal Linking
7.2.1	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 134.- For the prevention and control of soil contamination, the following criteria shall be considered:</p> <p>[...] IV. The use of pesticides, fertilizers and toxic substances must be compatible with the balance of ecosystems and consider their effects on human health in order to prevent the damage that they could cause [...]</p>	<p>The use of a pesticide, fertilizer or other toxic substance must be compatible with the ecosystems balance</p>
7.2.2.		
7.2.3	N/A	
7.2.4		
7.2.5	<p><u>General Health Law</u></p> <p>Article 198. Only the following establishments will require sanitary authorization: [...]</p> <p>III. The application of pesticides;</p> <p>[...]</p> <p>Article 204.- Medicines and other health supplies, narcotic drugs, psychotropic substances and products containing them, as well as pesticides, plant nutrients and toxic or dangerous substances, for sale or supply must have sanitary authorization, in the terms of this Law and other applicable provisions.</p>	<p>It is required that the pesticides used in plantations are approved by the Health Ministry, so that they are not a risk to the health of the people who apply them.</p>
7.2.6		
7.2.7	<p><u>Regulation of the Prevention and Integral Management of Waste General Law</u></p> <p>Article 82.- The hazardous waste storage areas of small and large generators, as well as service providers must comply with the following conditions, in addition to those established by the official Mexican standards for any particular type of waste:</p>	

I. Basic conditions for storage areas:

- a) Be separated from the production, services, offices and storage areas of raw materials or finished products;
 - b) Be located in areas where risks from possible emissions, leaks, fires, explosions and floods are reduced;
- [...]

7.2.8	<p><u>Regulation of the Prevention and Integral Management of Waste General Law</u></p> <p>Article 87.- Containers that have been in contact with hazardous materials or wastes may be reused to contain the same type of hazardous materials or wastes or other compatible with those originally packaged, as long as said containers do not allow the release of the materials or hazardous waste contained in them</p>	Pesticide containers under no circumstances may be reused and should be disposed of in accordance with the applicable provisions.
	<p><u>Regulation of Sanitary Control of Products and Services</u></p> <p>Article 214. Packages for food, non-alcoholic beverages, alcoholic or perfume and beauty products, which have contained medicines, cleaning products, pesticides, plant nutrients or toxic or dangerous substances may not be reused.</p>	
7.2.9	<p><u>Regulation of the Federal Plant Health Law</u></p> <p>Article 122.- The application of pesticides in field, as well as by air, will require the written recommendation of the Phytosanitary Professional Authorized by SENASICA.</p>	The application of pesticides by air must be authorized, with justification, by the corresponding phytosanitary authorities.
7.2.10		
7.2.11	<p><u>Federal Labor Law</u></p> <p>Article 23.- The work of children under eighteen within the family circle is prohibited in any type of activity that is dangerous for their health, safety or morality, or that affects the exercise of their rights and, with it, its integral development. [...]</p> <p>Article 133. It is prohibited to employers or their representatives: [...]</p> <p>XV. To dismiss a worker or coerce her directly or indirectly to resign for being pregnant, for changing marital status or for taking care of minor children, and [...]</p> <p>Article 170.- Working mothers will have the following rights:</p> <p>I. During the period of pregnancy, they may not carry out work that requires considerable efforts and poses a danger to their health in relation to pregnancy, such as lifting, throwing or pushing large weights, causing trepidation, standing for a long time or act or may alter their psychic and nervous state; [...]</p> <p>Article 175. The use of the work of children under eighteen years is prohibited: [...]</p> <p>IV. In dangerous or unhealthy labors that, due to the nature of the work, due to the physical, chemical or biological conditions of the environment in which it is provided, or due to the composition of the raw material used, are capable of acting on life, development and the physical and mental health of minors, in terms of the provisions of article 176 of this Law.</p> <p>Article 176.- For the purposes of Article 175, in addition to the provisions of the applicable Laws, regulations and standards, it will be considered, as dangerous or unhealthy labors, those that involve:</p>	It is forbidden for pregnant or lactating women and those under 18 to handle pesticides, as hazardous waste, for the performance of their work.

- 7.2.11 (continuation)
- I. Exposure to:
1. Noise, vibrations, ionizing and non-ionizing infrared or ultraviolet radiation, high or low thermal conditions or abnormal environmental pressures.
 2. Chemical agents polluting the work environment.
 3. Hazardous waste, biological agents or infectious diseases.
 4. Dangerous fauna or harmful flora.
- II. Labors:
1. In night industries or work after twenty-two hours.
 2. Rescue and brigades against accidents.
 3. In height or confined spaces.
 4. In which critical equipment and processes are operated where hazardous chemicals are handled that may cause major accidents.
 5. Welding and cutting.
 6. In extreme weather conditions in the open field, exposing them to dehydration, heat stroke, hypothermia or freezing. (...)
 8. Agricultural, forestry, sawing, forestry, hunting and fishing. (...)
 15. With a high degree of difficulty; in time constraint; that demand high responsibility, or that require sustained concentration and attention.
 16. Relating to the operation, review, maintenance and testing of pressure vessels, cryogenic vessels and steam generators or boilers. (...)
- III. Moderate and heavy physical effort; loads greater than seven kilograms; forced postures, or with repetitive movements for prolonged periods, that alter their musculoskeletal system.
- IV. Handling, transportation, storage or disposal of hazardous chemicals. V. Management, operation and maintenance of machinery, equipment or mechanical, electrical, pneumatic or motorized tools, which may cause amputations, fractures or serious injuries. VI. Driving motorized vehicles, including mechanical and electrical maintenance. VII. Use of sharp hand tools.

Federal Occupational Health and Safety Regulation

Article 58.- It is forbidden to assign women in a state of gestation to carry out the following works:

[...]

IV. Which expose them to Work Environment Pollutants that may affect their health or that of the product of conception;

V. Where toxic, carcinogenic, teratogenic or mutagenic substances are handled, transported, stored or processed;

VI. In those exposed to hazardous waste, biological agents or infectious diseases;

[...]

Article 60.- The work of women who are breastfeeding should not be used in labors with exposure to Hazardous Chemical Substances capable of acting on the life and health of the infant or interrupting said process.

Criterion 7.3		
Indicators	Legal framework	Legal Linking
7.3.1	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 150.- Hazardous materials and wastes shall be handled in accordance with this Law, its Regulations and the official Mexican regulations issued by Ministry, with the prior opinion of Commerce and Industrial Development;</p>	<p>Generators must have documented waste management plans and register them with the competent authorities according to the category of waste in question.</p>

Health; Energy; Communications and Transportation; Marine and Government Ministries. The regulation of the management of these materials and waste will include, as appropriate, their use, collection, storage, transport, reuse, recycling, treatment and final disposal. The Regulations and the Mexican official standards referred to in the preceding paragraph shall contain the criteria and listings that identify and classify hazardous materials and wastes by their degree of danger, considering their characteristics and volumes; in addition, they will have to differentiate those of high and low danger. It is the responsibility of Ministry to regulate and control hazardous materials and waste.

Prevention and Integral Management of Waste General Law

Article 33.- The companies or establishments responsible for the management plans shall submit, for registration to the Ministry, those relating to hazardous waste; and for the purpose of its knowledge to the state authorities special handling waste, and to the municipal ones for the same effect the urban solid waste, in accordance with the provisions of this Law and as determined by its Regulations and other regulations that derive from it.

In the event that the management plans propose forms of management contrary to this Law and the applicable regulations, the management plan should not be applied.

[...]

Article 45.- The hazardous waste generators must identify, classify and manage their waste in accordance with the provisions contained in this Law and its Regulations, as well as in the Mexican official regulations issued in this regard by the Ministry.

In any case, the generators must leave free of hazardous waste and contamination that may pose a risk to health and the environment, the facilities in which they have been generated, when they are closed or cease to perform in them the activities generating such waste.

For Chiapas, Campeche and Veracruz, consult the current state legislation on waste. In the case of Tabasco, review the state environmental law.

7.3.2

Ecological Balance and Environmental Protection General Law

Article 121.- Sewage containing contaminants, without prior treatment and the permission or authorization of the federal authority, or of the local authority in cases may not be discharged or infiltrated in any body or stream of water or in the ground or subsoil. of discharges in waters of local jurisdiction or to the drainage and sewerage systems of population centers.

Article 122.- Wastewater from urban public uses and industrial or agricultural uses that are discharged into the drainage and sewage systems of the populations or in the river basins, riverbeds, vessels and other deposits or streams of water, as well such as those that by any means infiltrate the subsoil, and in general, those that spill on the ground, must meet the necessary conditions to prevent;

- I. Pollution of receiving bodies;
- II. Interferences in water purification processes; and
- III. Disorders, impediments or alterations in the correct uses, or in the proper functioning of the systems, and in the hydraulic capacity in the basins, channels, vessels, aquifers and other deposits of national property, as well as the sewerage systems.

7.3.2
(continuation)

Article 123.- All discharges in collector networks, rivers, aquifers, basins, riverbeds, vessels, marine waters and other deposits or streams of water and spills of wastewater in the soil or its infiltration into land, must meet the Mexican official standards that for that purpose are issued, and where appropriate, the particular conditions of discharge determined by the Ministry or local authorities. It will be up to the person who generates these discharges, to carry out the required previous treatment.

Article 135.- The criteria for preventing and controlling soil contamination must be considered in the following cases:

- I. The planning and regulation of urban development;
- I. The granting of all kinds of authorizations for the manufacture, import, use and in general the realization of activities related to pesticides, fertilizers and toxic substances.

Article 136.- Waste that accumulates or can accumulate and is deposited or infused into the soil must meet the necessary conditions to prevent or avoid:

- I. Soil contamination;
- II. Harmful alterations in the biological process of soils;
- III.- Alterations in the soil that impair its use or exploitation, and
- IV.- Health risks and problems.

Regulation of the Prevention and Integral Management of Waste General Law

Article 26.- The incorporation into a management plan registered with the Ministry shall be accredited with the following documents:

- I. Certified copy of the legal instrument that contains the agreement of wills between the obligated subject and the subject that wishes to join said management plan, or
- II. Written by means of which the obligated subject, by himself or through the legal representative who has the power to do so, expressly accepts the incorporation of the interested party into the management plan.

In the document referred to in section II of this article, the registration number of the management plan must be specified.

Article 142.- In no case may the importation of waste be authorized for spillage, deposit, confinement, storage, incineration or any treatment for its destruction or final disposal in the national territory or in areas where the nation exercises its sovereignty and jurisdiction. Authorizations for the transit through the national territory of non-hazardous waste destined for another Nation may only be granted when there is prior consent of the latter.

Article 143.- Pesticides, fertilizers and other hazardous materials shall be subject to the official Mexican regulations issued within the scope of their respective competences, the Ministry and the Agriculture, Livestock, Rural Development, Fisheries and Food; Health and Economy Ministries. The Regulation of this Law will establish the regulation, which within the same coordination framework should be observed in activities related to said materials, including the final disposal of their waste, empty packaging and packaging, measures to avoid adverse effects on ecosystems and procedures for the granting of the corresponding authorizations

7.3.3 N/A

Criterion 7.4

Indicators	Legal framework	Legal Linking
7.4.1	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 134.- For the prevention and control of soil contamination, the following criteria shall be considered: [...] The use of pesticides, fertilizers and toxic substances must be compatible with the balance of ecosystems and consider their effects on the human health in order to prevent the damage they may cause; In soils contaminated by the presence of hazardous materials or wastes, the necessary actions must be carried out to recover or restore their conditions, so that they can be used in any type of activity foreseen by the urban development or ecological management program that is applicable.</p> <p>Article 135.- The criteria to prevent and control soil pollution are considered, in the following cases: [...] The generation, management and final disposal of solid, industrial and hazardous waste, as well as in the authorizations and permits that for this purpose be granted; The granting of all kinds of authorizations for the manufacture, import, use and in general the realization of activities related to pesticides, fertilizers and toxic substances.</p> <p>Article 136.- Waste that accumulates or can accumulate and is deposited or infused into the soil must meet the necessary conditions to prevent or avoid:</p> <p>I. Soil contamination;</p> <p>II. Harmful alterations in the biological process of soils;</p> <p>III.- Alterations in the soil that impair its use or exploitation, and</p> <p>IV.- Health risks and problems.</p> <p>Article 143.- Pesticides, fertilizers and other hazardous materials shall be subject to the official Mexican regulations issued within the scope of their respective competences, the Ministry and the Agriculture, Livestock, Rural Development, Fisheries and Food; Health and Economy Ministries. The Regulation of this Law will establish the regulation, which within the same coordination framework should be observed in activities related to said materials, including the final disposal of their waste, empty packaging and packaging, measures to avoid adverse effects on ecosystems and procedures for the granting of the corresponding authorizations</p>	

7.4.2 N/A

7.4.3 N/A

7.4.4 N/A

Criterion 7.5

Indicators	Legal framework	Legal Linking
7.5.1	N/A	
7.5.2	N/A	
7.5.3	N/A	

Indicators	Legal framework	Legal Linking
7.6.1	<p data-bbox="376 181 965 204"><u>Ecological Balance and Environmental Protection General Law</u></p> <p data-bbox="376 228 1323 250">Article 98. The following criteria shall be considered for the preservation and sustainable use of soil:</p> <ul style="list-style-type: none"> <li data-bbox="376 274 1350 296">I. Land-use must be compatible with its natural vocation and must not alter the balance of ecosystems; <li data-bbox="376 320 1357 343">II. The use of soils must be done in a way that maintains their physical integrity and productive capacity; <li data-bbox="376 367 1525 418">III. The productive uses of the soil must avoid practices that favor erosion, degradation or modification of the topographic characteristics, with adverse ecological effects; <li data-bbox="376 442 1525 515">IV. In the actions of preservation and sustainable use of the soil, the necessary measures to prevent or reduce its erosion, deterioration of the physical, chemical or biological properties of the soil and the lasting loss of natural vegetation should be considered; <li data-bbox="376 539 1435 590">V. In the areas affected by degradation or desertification phenomena, the necessary regeneration, recovery and rehabilitation actions must be carried out in order to restore them, and <li data-bbox="376 614 1451 665">VI. The realization of public or private works that by themselves may cause severe soil deterioration, must include equivalent actions of regeneration, recovery and restoration of their natural vocation. [...] <p data-bbox="376 730 1391 753">Article 99.- The ecological criteria for the preservation and sustainable use of the soil shall be considered in:</p> <ul style="list-style-type: none"> <li data-bbox="376 777 1518 850">I. Support for agricultural activities granted by the Federal Government, directly or indirectly, be of a credit, technical or investment nature, to promote the progressive incorporation of crops compatible with the preservation of the ecological balance and restoration of ecosystems; <li data-bbox="376 874 1189 896">II. The foundation of population centers and the establishment of human settlements; <li data-bbox="376 920 1525 971">III.- The establishment of uses, reserves and destinations, in urban development plans, as well as in the improvement and conservation actions of population centers; <li data-bbox="376 995 1055 1018">IV. The determination of uses, reserves and destinations in forest lands; <li data-bbox="376 1042 853 1064">V.- The establishment of forest areas and reserves; <li data-bbox="376 1088 1227 1110">VI.- The determination or modification of the limits established in the grazing coefficients; <li data-bbox="376 1134 1509 1185">VII.- The provisions, technical guidelines and programs for the protection and restoration of soils in agricultural, forestry and hydraulic activities; <li data-bbox="376 1209 869 1232">VIII. The establishment of soil conservation districts; <li data-bbox="376 1256 860 1278">IX. Forest management of the national river basins; <li data-bbox="376 1302 1218 1324">X. The granting and modification, suspension or revocation of forest exploitation permits; <li data-bbox="376 1348 1458 1399">XI The activities of extraction of subsoil materials; the exploration, exploitation, benefit and exploitation of mineral substances; the excavations and all those actions that alter the cover and forest soils, and <li data-bbox="376 1423 1178 1445">XII.- The formulation of the ecological management programs referred to in this Law. 	

Article 135. The criteria for preventing and controlling soil contamination must be considered in the following cases:

- I. Planning and regulation of urban development;
- II. Operation of the systems for cleaning and final disposal of municipal waste in sanitary landfills;
- III. Generation, management and final disposal of solid, industrial and hazardous waste, as well as the authorizations and permits granted for this purpose.
- IV. Granting of all kinds of authorizations for the manufacture, import, use and in general the realization of activities related to pesticides, fertilizers and toxic substances.

Article 136. Waste that accumulates or can accumulate and is deposited or infused into the soil must meet the necessary conditions to prevent or avoid:

- I. Soil contamination;
- II. Harmful alterations in the biological process of soils;
- III.- Alterations in the soil that impair its use or exploitation, and
- IV.- Health risks and problems.

7.6.2 Ecological Balance and Environmental Protection General Law

Article 101. In jungle areas, the Federal Government shall attend as a priority, in accordance with the applicable provisions :

- I.- The preservation and sustainable use of jungle ecosystems, where agricultural activities are carried out;
- II.- The progressive change of the slash and burn practice to others that do not imply deterioration of the ecosystems, or of those that do not allow their natural regeneration or that alter the processes of ecological succession;
- III.- The fulfillment, in the extraction of non-renewable resources, of the criteria established in this Law, as well as of the official Mexican norms that are issued for this purpose;
- IV.- The introduction of crops compatible with ecosystems that favor their restoration when they have suffered deterioration;
- V.- The ecological regulation of human settlements;
- VI.- The prevention of erosion phenomena, deterioration of the physical, chemical or biological properties of the soil and the lasting loss of natural vegetation, and
- VII.- The regeneration, recovery and rehabilitation of areas affected by degradation or desertification phenomena, in order to restore them.

Article 102.- All authorizations that affect the land-use in the jungle or arid zones, as well as the ecological balance of their ecosystems, are subject to the criteria and provisions established by this Law and others applicable.

Article 103.- Those who carry out agricultural and livestock activities must carry out the preservation, sustainable use and restoration practices necessary to avoid soil degradation and ecological imbalances and, where appropriate, achieve their rehabilitation, in accordance with the provisions of this and other applicable laws.

Article 104. Ministry shall promote before the Agriculture, Livestock, Rural Development, Fisheries and Food Ministry and the other agencies and competent entities, the introduction and generalization of land protection and restoration practices in agricultural activities, as well as the carrying out environmental impact studies that must be carried out prior to the granting of authorizations to make changes in land use, when there are elements that allow for the serious deterioration of the affected soils and the ecological balance of the area.

7.6.3 N/A

Criterion 7.7		
Indicators	Legal framework	Legal Linking
7.7.1	<p><u>National Water Law</u></p> <p>Article 86 BIS 1.- For the preservation of wetlands that are affected by national water flow regimes, "the Commission" shall act through the Basin Organizations, or by itself, in the cases provided for in Section IX of Article 9 of this Law, which are reserved for the direct action of "the Commission". For such purposes, it will have the following powers:</p> <p>I. Delimit and keep the inventory of wetlands in national goods or those flooded by national waters;</p> <p>II. To promote in the terms of this Law and its regulations, national water reserves or ecological reserve in accordance with the law of the matter, for the preservation of wetlands;</p> <p>III. Propose the Official Mexican Standards to preserve, protect and, where appropriate, restore wetlands, national waters that provide them, and the aquatic and hydrological ecosystems that are part of them;</p> <p>IV. Promote and, where appropriate, carry out the necessary actions and measures to rehabilitate or restore wetlands, as well as to establish a natural environment or perimeter of protection of the wetland, in order to preserve their hydrological conditions and the ecosystem, and</p> <p>V. Grant permits to dry plots in wetlands in the case of national waters and goods under their responsibility, for protection purposes or to prevent damage to public health, when they do not fall under another agency. For the exercise of the powers referred to in this Article, "the Commission" and the Basin Organizations shall coordinate with the other authorities that must intervene or participate in the scope of their competence.</p>	
7.7.2	N/A	
7.7.3	N/A	
7.7.4	N/A	
7.7.5	N/A	
7.7.6	N/A	
7.7.7	N/A	
Criterion 7.8		
Indicators	Legal framework	Legal Linking
7.8.1	N/A	

7.8.2

Wildlife General Law

Article 60 Ter.- The removal, filling, transplantation, pruning, or any work or activity that affects the integrity of the mangrove hydrological flow is prohibited; of its ecosystem and its area of influence; of its natural productivity; of the natural carrying capacity of the ecosystem for tourism projects; of the nesting, reproduction, shelter, feeding and fry areas; or of the interactions between the mangrove, the rivers, the dune, the adjacent maritime zone and the corals, or that causes changes in the characteristics and ecological services.

Works or activities that are intended to protect, restore, investigate or conserve mangrove areas will be exempted from the prohibition referred to in the preceding paragraph.

It is forbidden to affect the hydrological flow of mangroves, its ecosystem and its area of influence causing changes in ecological characteristics and services; except when it is intended to protect, restore, investigate or conserve mangrove areas.

7.8.3

Ecological Balance and Environmental Protection General Law

Article 117.- For the prevention and control of water pollution, the following criteria shall be considered: [...]

III. The use of water in productive activities capable of producing its contamination, entails the responsibility of the treatment of discharges, to reintegrate it in suitable conditions for its use in other activities and to maintain the balance of ecosystems;

[...]

Article 120.- To avoid water pollution, they are subject to federal or local regulation:

- II. Discharges of industrial origin;
- III. Discharges of municipal origin and their uncontrolled mixing with other discharges;
- IV. Discharges derived from agricultural activities;
- V. Discharges of waste, substances or waste generated in non-renewable resource extraction activities;
- VI. The application of pesticides, fertilizers and toxic substances;
- VII. Infiltrations that affect the aquifer; and
- VIII. The dumping of solid waste, hazardous materials and sludge from wastewater treatment, in bodies and streams.

Article 121.- Sewage containing contaminants, without prior treatment and the permission or authorization of the federal authority, or of the local authority in cases may not be discharged or infiltrated in any body or stream of water or in the ground or subsoil. of discharges in waters of local jurisdiction or to the drainage and sewerage systems of population centers.

Article 122.- Wastewater from urban public uses and industrial or agricultural uses that are discharged into the drainage and sewage systems of the populations or in the river basins, riverbeds, vessels and other deposits or streams of water, as well such as those that by any means infiltrate the subsoil, and in general, those that spill on the ground, must meet the necessary conditions to prevent;

- I. Pollution of receiving bodies;
- II. Interferences in water purification processes; and
- III. Disorders, impediments or alterations in the correct uses, or in the proper functioning of the systems, and in the hydraulic capacity in the basins, channels, vessels, aquifers and other deposits of national property, as well as the sewerage systems.

Article 123.- All discharges in collector networks, rivers, aquifers, basins, riverbeds, vessels, marine waters and other deposits or streams of water and spills of wastewater in the soil or its infiltration into land, must meet the Mexican official standards that for that purpose are issued, and where appropriate, the particular conditions of discharge determined by the Ministry or local authorities. It will be up to the person who generates these discharges, to carry out the required pretreatment.

Production activities (plantations, refineries, etc.) that generate wastewater discharges are required to be properly treated.

Production activities (plantations, refineries, etc.) that generate wastewater discharges into groundwater are required to be treated properly.

When the discharge is carried out in drainage and sewerage systems, which are municipalities responsibility, they must meet all the essential characteristics of an adequate treatment.

For the proper treatment of wastewater, the technical provisions dictated by the applicable Mexican Official Standards must be complied with.

The National Water Commission will be in charge of establishing the (diverse) parameters that the wastewater must meet prior to discharge.

Authorizations for wastewater discharges in federal jurisdiction receiving bodies will be in charge of the National Water Commission, while those that are carried out in the drainage and sewerage systems will be under the supervision of the municipalities.

7.8.3

(continuation) National Water Law

Article 87. "Water Authority" shall determine the parameters that must be met by the discharges, the capacity for assimilation and dilution of the national water bodies and the loads of pollutants that they may receive, as well as the quality goals and deadlines. to achieve them, through the issuance of Declarations of Classification of the National Water Bodies, which will be published in the Official Gazette of the Federation, as well as their modifications, for their observance. The declarations will contain:

- I. The delimitation of the classified water body;
- II. The parameters that the discharges must meet according to the body of water classified according to the periods provided in the regulations of this Law;
- III. The body's ability to classify water to dilute and assimilate contaminants, and
- IV. The maximum discharge limits of the pollutants analyzed, basis for setting the particular discharge conditions.

Article 88 BIS. Individuals or corporations that carry out wastewater discharges to the receiving bodies referred to in this Law shall:

- I. Have the wastewater discharge permit mentioned in the previous Article;
- II. Treat the wastewater prior to its discharge to the receiving bodies, when necessary to comply with the provisions of the corresponding discharge permit and in the Official Mexican Standards;
- III. Cover, where appropriate, federal law for the use or use of national property as receiving bodies for wastewater discharges;
- IV. Install and maintain in good condition, the measuring devices and the accesses for the sampling necessary in the determination of the concentrations of the parameters provided in the discharge permits;
- V. Make known to "the Water Authority" the pollutants present in the wastewater that they generate due to the industrial process or the service they are operating, and that were not considered in the particular conditions of discharge set;
- VI. Inform "the Water Authority" of any changes in its processes, when this causes changes in the characteristics or volumes of wastewater contained in the corresponding discharge permit;
- VII. Operate and maintain by itself or by third parties the works and facilities necessary for the management and, where appropriate, the treatment of wastewater, as well as to ensure the quality control of said waters before they are discharged to receiving bodies;
- VIII. Keep at least five years the record of the monitoring information they carry out;
- IX. Comply with the conditions of the corresponding discharge permit and, where appropriate, keep the works and facilities of the treatment system in satisfactory operating conditions;
- X. Comply with the Official Mexican Standards and, where appropriate, with the particular discharge conditions that have been set, for the prevention and control of widespread or dispersed contamination resulting from the handling and application of substances that may contaminate water quality. nationals and receiving bodies;
- XI Allow the personnel of "the Water Authority" or "the Attorney General's Office", in accordance with their powers, to carry out:
 - a. The inspection and verification of the works used for wastewater discharges and their treatment, where appropriate;
 - b. Reading and verifying the operation of meters or other measuring devices;
 - c. The installation, repair or replacement of measuring devices or other measuring devices that allow to know the volume of the discharges, and
 - d. The exercise of its powers of inspection, verification and verification of compliance with the provisions of this Law and its Regulations, as well as the discharge permits granted;
- XII. Submit, in accordance with their discharge permit, the reports of the volume of wastewater discharged, as well as the monitoring of the quality of their discharges, based on determinations made by an accredited laboratory in accordance with the Federal Law on Metrology and Standardization and approved by "the Water Authority";
- XIII Provide the "attorney's office", within the scope of their respective competencies, the documentation requested;

XIV To cover within 30 days of the installation, composure or replacement of measuring devices or devices that the Water Authority had carried out, the amount corresponding to the cost thereof, which will have the character of a tax credit, and XV. The others that indicate the applicable laws and regulations.

When deemed necessary, "the Water Authority" will apply in the first instance the maximum limits established by the particular conditions of discharge instead of the Official Mexican Standard, for which it will promptly notify the person responsible for the discharge.

Article 91 BIS. Individuals or legal entities that discharge wastewater to the drainage or sewerage networks must comply with the Official Mexican Standards and, where appropriate, with the particular discharge conditions issued by the state or municipality.

[...]

7.8.4 N/A

Criterion 7.9		
Indicators	Legal framework	Legal Linking
7.9.1	<p><u>Climate Change General Law</u></p> <p>Article 33.- The objectives of public policies for mitigation are:</p> <ul style="list-style-type: none"> I. Promote environmental protection, sustainable development and the right to a healthy environment through emission mitigation; II. Reduce national emissions, through policies and programs, that promote the transition to a sustainable, competitive and low-carbon economy, including market instruments, incentives and other alternatives that improve the cost-effectiveness of the specific mitigation measures, lowering their economic costs and promoting competitiveness, technology transfer and the promotion of technological development; III. Gradually promote the replacement of the use and consumption of fossil fuels by renewable sources of energy, as well as the generation of electricity through the use of renewable sources of energy; IV. Promote energy efficiency practices, the development and use of renewable energy sources and the transfer and development of low carbon technologies, particularly in movable and immovable property of dependencies and entities of the centralized and parastatal federal public administration, of the federal entities and of the municipalities; V. Promote, as a priority, mitigation technologies whose greenhouse gas emissions and compounds are low in carbon throughout their life cycle; VI. Promote the alignment and congruence of the programs, budgets, policies and actions of the three government orders to curb and reverse deforestation and degradation of forest ecosystems; VII. Measure, report and verify emissions; [...] <p>Article 109.- The three government orders must promote the joint participation of the society in the planning, execution and monitoring of the National Climate Change Policy.</p>	<p>The Transition Strategy to Promote the Use of Cleaner Technologies and Fuels will establish the measures and policies for the use of renewable energies, replacing fossil fuels.</p>

7.9.1 Energy Transition Law

(continuation)

Article 5.- The Strategy will establish policies and measures to promote the energy use of renewable resources and for the replacement of fossil fuels in final consumption.

Article 27.- The Strategy constitutes the guiding instrument of the national policy in the medium and long term in terms of obligations of Clean Energies, Sustainable use of energy and energy productivity improvement where appropriate, of economically viable reduction of polluting emissions of the Electric Industry, whose main objectives are:

- I. Establish the goals and the Roadmap for the implementation of these goals;
- II. Promote the reduction of pollutant emissions caused by the Electricity Industry, and
- III. Reduce, under economic viability criteria, the country's dependence on fossil fuels as a primary source of energy.

The Strategy will establish the policies and actions that must be executed through the Program and the annual programs derived from it to meet its objectives.

Criterion 7.10

Indicators	Legal framework	Legal Linking
7.10.1	<p><u>Ecological Balance and the Protection of the Environment in the Matter of Prevention and Control of Pollution of the Atmosphere General Law Regulation</u></p> <p>Article 17.- Those responsible for fixed sources of federal jurisdiction, for which odors, gases or solid or liquid particles are emitted into the atmosphere, are obligated to:</p> <ul style="list-style-type: none"> I.- Use equipment and systems that control emissions into the atmosphere, so that they do not exceed the maximum permissible levels established in the corresponding ecological technical standards; II.- Integrate an inventory of its pollutant emissions into the atmosphere, in the format determined by the Ministry; III.- Install platforms and sampling ports; IV.- Measure its pollutant emissions into the atmosphere, record the results in the format determined by the Ministry and submit the records to it, when requested; V.- Carry out the perimeter monitoring of its pollutant emissions into the atmosphere, when the source in question is located in urban or suburban areas, when it borders natural protected areas, and when due to its operating characteristics or its raw materials, products and by-products, can cause serious deterioration to ecosystems, in the opinion of the Ministry; VI.- Keep an operation and maintenance log of its process and control equipment; VII.- Give advance notice to the Ministry of the start of operation of its processes, in the case of scheduled shutdowns, and immediately in the event that these are circumstantial, if they may cause contamination; VIII.- Give immediate notice to the Ministry in the event of a failure of the control team, so that it determines what is conducive, if the failure may cause contamination; Y IX.- The others established by the Law and the Regulations. 	<p>Individuals who make emissions to the atmosphere in the development of their productive activities (refiners, extractors) will be required to make an analysis of them and report them to the Environment and Natural Resources Ministry in the terms established by it.</p>

7.10.2

Ecological Balance and the Protection of the Environment in the Matter of Prevention and Control of Pollution of the Atmosphere General Law Regulation

Article 17.- Those responsible for fixed sources of federal jurisdiction, for which odors, gases or solid or liquid particles are emitted into the atmosphere, are obligated to:

- I.- Use equipment and systems that control emissions into the atmosphere, so that they do not exceed the maximum permissible levels established in the corresponding ecological technical standards;
- II.- Integrate an inventory of its pollutant emissions into the atmosphere, in the format determined by the Ministry;
- III.- Install platforms and sampling ports;
- IV.- Measure its pollutant emissions into the atmosphere, record the results in the format determined by the Ministry and submit the records to it, when requested;
- V.- Carry out the perimeter monitoring of its pollutant emissions into the atmosphere, when the source in question is located in urban or suburban areas, when it borders natural protected areas, and when due to its operating characteristics or its raw materials, products and by-products, can cause serious deterioration to ecosystems, in the opinion of the Ministry;
- VI.- Keep an operation and maintenance log of its process and control equipment;
- VII.- Give advance notice to the S Ministry of the start of operation of its processes, in the case of scheduled shutdowns, and immediately in the event that these are circumstantial, if they may cause contamination;
- VIII.- Give immediate notice to the Ministry in the event of a failure of the control team, so that it determines what is conducive, if the failure may cause contamination; and
- IX.- The others established by the Law and the Regulations.

Individuals who make emissions to the atmosphere in the development of their productive activities (refiners, extractors) will be required to make an analysis of them and report them to the Environment and Natural Resources Ministry in the terms established by it.

7.10.3

Climate Change General Law

Article 33.- The objectives of public policies for mitigation are:

- I. Promote environmental protection, sustainable development and the right to a healthy environment through emission mitigation;
- II. Reduce national emissions, through policies and programs, that promote the transition to a sustainable, competitive and low-carbon economy, including market instruments, incentives and other alternatives that improve the cost-effectiveness of the specific mitigation measures, lowering their economic costs and promoting competitiveness, technology transfer and the promotion of technological development;
- III. Gradually promote the replacement of the use and consumption of fossil fuels by renewable sources of energy, as well as the generation of electricity through the use of renewable sources of energy;

The measurement of polluting emissions will be carried out in accordance with sampling and quantification procedures in accordance with the corresponding ecological technical standards.

Individuals who make emissions to the atmosphere in the development of their productive activities (refiners, extractors) will be

7.10.3
(continuation)

- IV. Promote energy efficiency practices, the development and use of renewable energy sources and the transfer and development of low carbon technologies, particularly in movable and immovable property of dependencies and entities of the centralized and parastatal federal public administration, of the federal entities and of the municipalities;
- V. Promote, as a priority, mitigation technologies whose greenhouse gas emissions and compounds are low in carbon throughout their life cycle;
- VI. Promote the alignment and congruence of the programs, budgets, policies and actions of the three government orders to curb and reverse deforestation and degradation of forest ecosystems;
- VII. Measure, report and verify emissions; [...]

forced to make an analysis of them and report them to the Ministry of Environment and Natural Resources in the terms established by it.

Article 87.- Ministry shall integrate the Registry of emissions generated by fixed and mobile sources of emissions that are identified as subject to reporting. The regulatory provisions of this Law will identify the sources that must be reported in the Registry by sector, subsector and activity, and will also establish the following elements for the integration of the Registry:

- I. The greenhouse gases or compounds that must be reported for the integration of the Registry;
- II. The thresholds from which establishments subject to federal competition report must submit the report of their direct and indirect emissions;
- III. The methodologies for the calculation of direct and indirect emissions that must be reported;
- IV. The monitoring, reporting and verification system to guarantee the integrity, consistency, transparency and accuracy of the reports, and
- V. The link, where appropriate, with other federal or state emission records. [...]

Article 88. The natural and legal persons responsible for the sources subject to reporting are obliged to provide the necessary information, data and documents on their direct and indirect emissions for the integration of the Registry.

Article 109.- The three government orders must promote the joint participation of the society in the planning, execution and monitoring of the National Climate Change Policy.

Regulation of the Regarding the National Emissions Registry Climate Change General Law

Note.- Emission limits must be established.

Article 3.- For the purposes of article 87, the second paragraph of the Law identifies as sectors and sub-sectors in which the Establishments Subject to Report are grouped, the following: [...]

n. Subsector food and beverage industry:

[...]

Article 4. The activities that will be considered as Establishments subject to report grouped within the sectors and subsectors indicated in the previous article, are the following: Subsector food and beverage industry, Grinding of grains and seeds and obtaining oils and fats; [...]

Article 5.- For the purposes of article 87, second paragraph, section I of the Law, Greenhouse Gases or Compounds subject to reporting under the terms of this Regulation, are:

- I. Carbon dioxide;
 - II. Methane;
 - III. Nitrous oxide;
 - IV. Black carbon or soot;
 - V. Chlorofluorocarbons;
 - VI. Hydrochlorofluorocarbons
- [...]

7.10.3
(continuation)

- VIII. Perfluorocarbons;
- IX. Sulfur hexafluoride;
- X. Nitrogen Trifluoride;
- XI. Halogenated ethers;
- XII. Halocarbons;
- XIII. Mixtures of the above, and
- XIV. The Greenhouse Gases and Compounds that the Intergovernmental Panel determines as such and that the Ministry discloses as subject to report by means of an Agreement published in the Official Gazette of the Federation.

Ministry, by means of an Agreement published in the Official Gazette of the Federation, will determine the specific Greenhouse Gases or Compounds that are grouped in the items indicated in sections I to XII of this article, as well as the mixtures thereof that will be subject to report, indicating in all cases the corresponding chemical formula or any other technical information that facilitates its identification.

Article 6. For the purposes of article 87, second paragraph, section II of the Law, the threshold from which the Establishments Subject to Report, identified in accordance with articles 3 and 4 of this Regulation, must present the information of its Direct or Indirect Emissions, will be the result of the annual sum of said Emissions, provided that such result is equal to or greater than 25,000 tons of Carbon Dioxide Equivalent.

Ecological Balance and the Protection of the Environment in the Matter of Prevention and Control of Pollution of the Atmosphere General Law Regulation

Article 16.- The emissions of odors, gases, as well as solid and liquid particles into the atmosphere that are generated by fixed sources, shall not exceed the maximum permissible levels of emission and immission, by pollutants and by sources of pollution established in the ecological technical standards issued for this purpose by the Ministry in coordination with the Health Ministry, based on the determination of the maximum permissible concentration values for human beings of pollutants in the environment that that Ministry determines.

Likewise, and taking into account the diversity of technologies presented by the sources, different values may be established in the ecological technical standard when determining the maximum permissible levels of emission or immission, for the same pollutant or for the same source, depending on whether:

- I.- Existing sources;
- II.- New sources, and
- III.- Sources located in critical areas.

The Ministry, in coordination with the Health Ministry and prior corresponding studies, will determine in the respective ecological technical standard, the areas that should be considered critical. Article 25.- The measurements of pollutant emissions into the atmosphere shall be carried out in accordance with the sampling and quantification procedures established in the corresponding ecological technical standards. To assess the total emission of air pollutants from a multiple source, individual emissions from existing chimneys must be added.

Criterion 7.11		
Indicators	Legal framework	Legal Linking

It will not be allowed to burn forest land for its use as agricultural land.

7.11.1 (continuation) II.- The progressive change of the slash and burn practice to others that do not imply deterioration of the ecosystems, or of those that do not allow their natural regeneration or that alter the processes of ecological succession; [...]

Climate Change General Law

Article 34.- To reduce the emissions, dependencies and entities of the federal public administration, the Federative Entities and the Municipalities, within the scope of their competence, will promote the design and elaboration of mitigation policies and actions associated to the corresponding sectors, considering the following provisions: [...]

III. Emission reduction and carbon capture in the agriculture, forest and other land use sector and preservation of ecosystems and biodiversity: [...]

f) Strengthen the fight against forest fires and promote and encourage the gradual reduction of sugarcane burning and slash and burn practices. [...]

Sustainable Forest Development General Law

Article 99.- Ministry, with the participation of the Commission, will coordinate with the Agriculture, Livestock, Rural Development, Fisheries and Food Se Ministry, the land use policy to stabilize its agricultural use, including the slash and burn system, developing permanent practices and preventing agricultural production from growing at the expense of forest land.

The Agriculture, Livestock, Rural Development, Fisheries and Food Ministry will not grant financial support or incentives for agricultural activities on land whose land-use change has not been authorized by the Ministry for such activities.

Article 155.- The following are violations of the provisions of this Law: (...)

IX. Carry out fires in agricultural lands in a negligent way that propitiates the propagation of the fire to neighboring forest lands and in temporarily forest lands;

7.11.2 N/A

7.11.3 Sustainable Forest Development General Law

No fires should be carried out on the property.

Article 155. Following are violations of the provisions of this Law: (...)

IX. To carry out fires in agricultural lands in a negligent way that propitiates the propagation of the fire to neighboring forest lands and in temporarily forest lands;

Criterion 7.12

Indicators	Legal framework	Legal Linking
7.12.1	<p><u>Ecological Balance and Environmental Protection General Law</u></p> <p>Article 28.- The environmental impact assessment is the procedure through which the Ministry establishes the conditions to which works and activities that may cause ecological imbalance or exceed the limits and conditions established in the applicable provisions to protect the environment will be subjected for environment and preserve and restore ecosystems, in order to avoid or minimize their negative effects on the environment. For this, in the cases in which it determines the Regulation that is issued for that purpose, those who intend to carry out any of the following works or activities, will require prior authorization in the matter of environmental impact of the Ministry: (...)</p>	Plantations and industry must have land-use change authorized by SEMARNAT before the start of their activities

7.12.1
(continuation)

VII.- Land-use changes of forest areas, as well as in forests and arid areas; (...)

Article 44.- The owners, holders or other rights holders over lands, waters and forests within protected natural areas must be subject to the modalities which in accordance with this Law, are established by the constitutive decrees of such areas, as well as to the other provisions contained in the management program and in the corresponding ecological management programs.

Article 46.- It is prohibited to introduce invasive alien species in protected natural areas.

Article 98.- The following criteria shall be considered for the preservation and sustainable use of the soil:

- I. Land-use must be compatible with its natural vocation and must not alter the balance of ecosystems;
- II. The use of soils must be done in a way that maintains their physical integrity and productive capacity;
- III. The productive uses of the soil must avoid practices that favor erosion, degradation or modification of the topographic characteristics, with adverse ecological effects;
- IV. In the actions of preservation and sustainable use of the soil, the necessary measures to prevent or reduce its erosion, deterioration of the physical, chemical or biological properties of the soil and the lasting loss of natural vegetation should be considered;
- V. In the areas affected by degradation or desertification phenomena, the necessary regeneration, recovery and rehabilitation actions must be carried out in order to restore them, and

VI.- The realization of public or private works that by themselves may cause severe soil deterioration, must include equivalent actions of regeneration, recovery and restoration of their natural vocation. [...]

Article 102.- All authorizations that affect land-use in the jungle or arid zones, as well as the ecological balance of their ecosystems, are subject to the criteria and provisions established by this Law and others applicable.

Regulation of the Environmental Impact Assessment of Ecological Balance and Environmental Protection General Law

Article 5o.- Those who intend to carry out any of the following works or activities, will require prior authorization from the Ministry on environmental impact:

O) LAND-USE CHANGES OF FOREST AREAS, AS WELL AS IN JUNGLE AND ARID AREAS:

- I. Land-use change for agricultural, aquaculture, real estate development, urban infrastructure, general communication routes activities or for the establishment of commercial, industrial or service facilities on land with forest vegetation, with the exception of the construction of single-family dwelling and the establishment of commercial facilities or services on plots that have less than 1000 square meters, when its construction does not involve the demolition of trees on an area greater than 500 square meters, or the elimination or fragmentation of the habitat of specimens of flora or fauna subject to a special protection regime in accordance with official Mexican standards and other applicable legal instruments;

7.12.1
(continuation)

II. Land-use change of forest areas to any other use, with the exception of agricultural activities of family self-consumption, which are carried out on farms with slopes below five percent, when they do not involve aggregation or dismantling of more than twenty percent of the total area and this does not exceed 2 hectares in temperate zones and 5 in arid zones, and

III. Other land-use changes, in terrains or areas with forest land use, with the exception of the modification of agricultural or livestock soils in forestry, agroforestry or silvopastoral lands, through the use of native species. (...)

V) AGRICULTURAL ACTIVITIES THAT MAY ENDANGER THE PRESERVATION OF ONE OR MORE SPECIES OR CAUSE DAMAGE TO ECOSYSTEMS: Agricultural activities of any kind when these involve the land-use change of forest areas, with the exception of:

- a) Those whose purpose is family self-consumption, and
- b) Those that imply the use of the techniques and methodologies of organic agriculture.

Article 93. Ministry shall authorize the land-use change in forest lands by exception, with the prior technical opinion of the members of the State Forest Council in question and based on the justifying technical studies whose content will be established in the Regulations, which demonstrate that the biodiversity of the ecosystems that will be affected is maintained, and that soil erosion, deterioration of water quality or decrease in their uptake are mitigated in areas affected by the removal of forest vegetation.

7.12.2	N/A
7.12.3	N/A
7.12.4	N/A
7.12.5	N/A

Article 79. Following criteria shall be considered for the preservation and sustainable use of wild flora and fauna:

- I.- The preservation and conservation of biodiversity and natural habitat of the species of flora and fauna in the national territory and in areas where the nation exercises its sovereignty and jurisdiction;
- II.- The continuity of the evolutionary processes of the species of flora and fauna and other biological resources, allocating representative areas of the country's ecological systems to preservation and research actions;
- III.- The preservation of endemic species, threatened, endangered or subject to special protection;
- IV.- The fight against illegal traffic or appropriation of species;
- V.- The promotion and creation of biological stations for the rehabilitation and repopulation of wildlife species;
- VI.- The participation of social organizations, public or private, and others interested in the preservation of biodiversity;
- VII.- The promotion and development of wild fauna and flora investigation, and of genetic materials, in order to know their scientific, environmental, economic and strategic value for the Nation;
- VIII.- The promotion of dignified and respectful treatment of animal species, with the purpose of avoiding cruelty against them;
- IX.- The development of alternative productive activities for rural communities, and
- X.- Traditional biological knowledge and participation of communities, as well as indigenous peoples in the development of biodiversity programs in the areas in which they live. [...]

Article 83.- Use of natural resources in areas that are the habitat of species of wild flora or fauna, especially endemic, threatened or endangered species, must be done in a way that does not alter the conditions necessary for subsistence, development and evolution of these species.

Ministry shall promote and support the management of wild flora and fauna, based on traditional biological knowledge, technical, scientific and economic information, with the purpose of making sustainable use of the species.

7.12.6 Wildlife General Law

(continuation)

Article 58.- Among the species and populations at risk, those identified as:

a) In danger of extinction, those whose areas of distribution or size of their populations in the national territory have decreased dramatically putting their biological viability at risk throughout their natural habitat, due to factors such as the destruction or drastic modification of the habitat, non sustainable exploitation, diseases or predation, among others.

b) Threatened, those that could be in danger of disappearing in the short or medium term, if the factors that negatively affect their viability continue, causing deterioration or modification of their habitat or directly reducing the size of their populations.

c) Subject to special protection, those that could be threatened by factors that negatively affect their viability, so that the need to promote their recovery and conservation or the recovery and conservation of populations of associated species is determined.

7.12.7 N/A

7.12.8 N/A

Official Mexican Standards applicable to the RSPO Principles and Criteria

Name	Description
<u>NOM-001-SEMARNAT-1996</u>	That establishes the maximum permissible limits of pollutants in wastewater discharges in national waters and goods
<u>NOM-002-SEMARNAT-1996</u>	That establishes the maximum permissible limits of contaminants in wastewater discharges to urban or municipal sewerage systems
<u>NOM-021-SEMARNAT-2000</u>	That establishes the specifications of fertility, salinity and soil classification. Studies, sampling and analysis
<u>NOM-022-SEMARNAT-1993</u>	That establishes the specifications for the preservation, conservation, sustainable use and restoration of coastal wetlands in mangrove areas.
<u>NOM-043-SEMARNAT-1993</u>	That establishes the maximum permissible levels of emission to the atmosphere of solid particles from fixed sources
<u>NOM-059-SEMARNAT-2010</u>	Environmental protection-Species native to Mexico of wild flora and fauna-Risk categories and specifications for inclusion, exclusion or change-List of species at risk
<u>NOM-060-SEMARNAT-1994</u>	That establishes the specifications to mitigate the adverse effects caused in the soils and bodies of water by the forest use
<u>NOM-061-SEMARNAT-1994</u>	Establishes the specifications to mitigate the adverse effects caused to wildlife by forest use
<u>NOM-062-SEMARNAT-1994</u>	Establishes the specifications to mitigate the adverse effects on biodiversity that are caused by the change of land use from forest to agricultural lands
<u>NOM-083-SEMARNAT-2003</u>	Environmental protection specifications for the selection of the site, design, construction, operation, monitoring, closure and complementary works of a final disposal site for urban solid waste and special handling
<u>NOM-085-SEMARNAT-2011</u>	Atmospheric pollution - Maximum permissible emission levels of indirect heating combustion equipment and its measurement
<u>NOM-161-SEMARNAT-2011</u>	That establishes the criteria to classify the Special Management Residues and determine which are subject to the Management Plan; the list of them, the procedure for inclusion or exclusion to said list; as well as the elements and procedures for the formulation of the management plans
<u>NOM-165-SEMARNAT-2013</u>	That establishes the list of substances subject to report for the registration of emissions and transfer of pollutants
<u>NOM-001-STPS-2008</u>	Buildings, premises, facilities and areas in work centers-Safety conditions
<u>NOM-002-STPS-2010</u>	Safety conditions-Prevention and protection against fires in work centers
<u>NOM-003-STPS-1999</u>	Agricultural activities-Use of phytosanitary supplies or pesticides and vegetable nutrition inputs or fertilizers-Safety and hygiene conditions
<u>NOM-004-STPS-1999</u>	Protection systems and safety devices in machinery and equipment used in work centers

<u>NOM-005-STPS-1998</u>	Related to the conditions of safety and hygiene in the work centers for the handling, transport and storage of dangerous chemical substances
<u>NOM-006-STPS-2014</u>	Handling and storage of materials-Safety and health conditions at work
<u>NOM-007-STPS-2000</u>	Agricultural activities-Facilities, machinery, equipment and tools-Safety conditions.
<u>NOM-008-STPS-2013</u>	Activities of logging forest use and in storage and transformation centers in their primary activity-Safety and health conditions in the workplace
<u>NOM-009-STPS-2011</u>	Safety conditions for work at height
<u>NOM-010-STPS-2014</u>	Chemical agents polluting the work environment-Recognition, evaluation and control
<u>NOM-011-STPS-2001</u>	Safety and hygiene conditions in work centers where noise is generated
<u>NOM-017-STPS-2008</u>	Personal protective equipment-Selection, use and management in work centers
<u>NOM-018-STPS-2015</u>	Harmonized system for the identification and communication of hazards and risks by hazardous chemical substances in work centers
<u>NOM-019-STPS-2011</u>	Constitution, integration, organization and operation of health and safety commissions
<u>NOM-026-STPS-2008</u>	Colors and signs of safety and hygiene, and identification of risks by fluids driven in pipes
<u>NOM-030-STPS-2009</u>	Preventive safety and health services at work-Functions and activities
<u>NOM-035-STPS-2018</u>	Psychosocial risk factors at work-Identification, analysis and prevention
<u>NOM-052-FITO-1995</u>	That establishes the specifications to present the notice of commencement of operation by individuals or corporations that are dedicated to the aerial application of agricultural pesticides
<u>NOM-015-SEMARNAT/SAGARPA-2007</u>	That establishes the technical specifications of methods of fire use in forest lands and agricultural land
<u>NOM-003-CNA-1996</u>	Requirements during the construction of water extraction wells to prevent contamination of aquifers

ANNEX 4: IMPLEMENTATION PROCEDURE FOR INDICATOR 2.3.2

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.

Note: RSPO standard for independent small producers was approved on November 2019 and has to be used as a reference when applicable.

ANNEX 5: TRANSITION FROM HCV TO HCV–HCS ASSESSMENT

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognizes that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. This Annex shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

NO NEW LAND CLEARING SCENARIOS:

- Existing certified plantations, with valid HCV assessment approved before 15 November 2018
 - o Going for recertification → HCV assessment is acceptable
 - o Replanting → HCV assessment is acceptable
- Existing plantations, not yet certified at 15 November 2018, going for initial certification
 - o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required
 - o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable
 - Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009¹, will be accepted.
 - o 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
 - o Replanting → ALS approved HCV is acceptable

¹ The date for first published list of RSPO-approved HCV assessors.



ANNEX 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

NEW LAND CLEARING SCENARIOS:

- In new plantations and in existing uncertified units, land clearing after 15 November 2018
 - o Without existing HCV assessment
 - New combined HCV-HCS required
 - o HCV assessment conducted, but not yet submitted to ALS before 15 November 2018
 - New combined HCV-HCS required
 - o 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
 - o NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018
 - ALS Approved HCV assessment is acceptable

- In existing certified plantations (certified before 15 November 2018), with land clearing after 15 November 2018 → New combined HCV-HCS required
 - o 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



The RSPO is an international non-profit organisation formed in 2004 with the objective to promote the growth and use of sustainable oil palm products through credible global standards and engagement of stakeholders

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Mexican National Interpretation of RSPO Principles and Criteria



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